

FIRST DAY – JANUARY 6, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 6, 1999

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Sixth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 6, 1999, and was called to order by President Robak.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Baker, Thomas C.	Hilgert, John A.	Raikes, Ronald E.
Beutler, Chris	Hudkins, Carol	Redfield, Pamela A.
Bohlke, Ardyce L.	Janssen, Ray	Robak, Jennie
Bourne, Patrick J.	Jensen, Jim	Schellpeper, Stan
Brashear, Kermit A.	Jones, Jim	Schimek, DiAnna R.
Bromm, Curt	Kiel, Shelley	Schmitt, Jerry
Brown, Pam	Kremer, Robert M.	Schrock, Edward J.
Bruning, Jon C.	Kristensen, Douglas A.	Smith, Adrian
Byars, Dennis	Landis, David M.	Stuhr, Elaine
Chambers, Ernie	Lynch, Daniel C.	Suttle, Deb
Connealy, Matthew J.	Matzke, Gerald E.	Thompson, Nancy P.
Coordsen, George	Pedersen, Dwite A.	Tyson, Gene
Crosby, LaVon	Pederson, Donald W.	Vrtiska, Floyd P.
Cudaback, Jim D.	Peterson, Chris	Wehrbein, Roger R.
Dierks, Merton L.	Preister, Donald G.	Wickersham, Bob
Engel, Leo Patrick	Price, Marian	
Hartnett, D. Paul	Quandahl, Mark	

MOTION - Temporary Clerk and Sergeant at Arms

Mr. Coordsen moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Ms. Lynne Haas as temporary Sergeant at Arms.

The motion prevailed.

RESIGNATION

November 13, 1998

Governor Ben Nelson
State Capitol
Lincoln, NE 68509

Dear Governor Nelson:

Please accept my resignation from the Nebraska Legislature, effective 8:00 am, 16 November 1998.

It has been an honor serving the 12th District and the State of Nebraska the past sixteen years as a State Senator. It has been a pleasure working with your administration and my fellow Senators during my tenure.

Sincerely,
(Signed) Chris Abboud
District 12

MESSAGE FROM THE GOVERNOR

November 16, 1998

Madam President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Kristensen, and Senators:

On this date I have appointed Pam Redfield to fill the vacancy in the 12th Legislative District created by the resignation of Senator Chris Abboud. The appointment will take effect immediately.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E. Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do hereby appoint PAM REDFIELD as a member of the Nebraska Unicameral Legislature, District 12.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on November 16, 1998, and continue until January 6, 1999, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

(Signed) Scott Moore
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

November 16, 1998

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Pam Redfield, as a Member of the Legislature from the Twelfth District for the unexpired term of Chris Abboud, resigned.

(Signed) Sincerely,
Scott Moore
Secretary of State

Enclosures

CERTIFICATE

State of Nebraska

United States of America)
) ss.
State of Nebraska)

Department of State

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that Pam Redfield has been appointed as a Member of the Nebraska

Unicameral Legislature from the Twelfth District for the unexpired term of Chris Abboud, resigned. The term beginning November 16, 1998, shall continue until January 6, 1999, or such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor E. Benjamin Nelson under the authority granted by the Constitution and by Section 32-566 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Sixteenth day of November in the year of our Lord, one thousand nine hundred and ninety-eight.

(SEAL)

Scott Moore, Secretary of State

OFFICIAL OATH

[illegible]

"I, Pam Redfield, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of Legislature, District 12 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."

(Signed) Pamela A. Redfield

Subscribed in my presence and sworn to before me this 30th day of November, 1998.

(Signed) Scott Moore
Secretary of State

(SEAL)

*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature.

RESIGNATION

December 28, 1998

Honorable E. Benjamin Nelson
Governor, State of Nebraska
State Capitol
Lincoln, Nebraska 68509-4848

Dear Governor Nelson,

I would like to inform you that I am resigning my seat in the Nebraska Unicameral representing the 31st Legislative District, effective Friday, January 1, 1999.

It has been an honor to serve the people of this great state in the legislature for the last six years. I would like to thank my family and friends in District 31 who gave me the opportunity to serve as their State Senator and my colleagues in the legislature who helped me with the challenge.

Sincerely,
(Signed) Kate Witek
State Senator, District 31

cc: Scott Moore, Secretary of State
Doug Kristensen, Speaker of the Legislature
Patrick O'Donnell, Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

December 29, 1998

Madam President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Kristensen, and Senators:

On this date, I have appointed Mark Quandahl to fill the vacancy in the 31st Legislative District created by the resignation of Senator Kate Witek. The appointment will take effect immediately.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E.

Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do hereby appoint Mark Quandahl as a member of the Nebraska Unicameral Legislature, District 31.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on January 5, 1999, and continue until January 3, 2001, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

(Signed) Scott Moore
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1999

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Mark Quandahl, as a Member of the Legislature from the Thirty-First District for the unexpired term of Kate Witek, resigned.

Sincerely,
(Signed) Scott Moore
Secretary of State

Enclosures

CERTIFICATE

State of Nebraska

United States of America)	
) ss.	Department of State
State of Nebraska)	

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that Mark Quandahl has been appointed as a Member of the Nebraska Unicameral Legislature from the Thirty-First District for the unexpired term

Mr. Schellpeper moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the

Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 1998.

The motion prevailed.

Mr. Schellpeper moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Messrs. Landis, Beutler, Hartnett, Lynch, and Coordsen.

The motion prevailed.

REPORT OF COMMITTEE ON CREDENTIALS

State of Nebraska

United States of America,)	
) ss.	Department of State
State of Nebraska)	

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the Ninety-Sixth Legislature, First Session, 1999.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the Ninety-Sixth Legislature, First Session, 1999.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Sixth day of January in the year of our Lord, one thousand nine hundred and ninety-nine.

(SEAL)

Scott Moore, Secretary of State

DISTRICT/NAME

ELECTED

1	Floyd P. Vrtiska	November 5, 1996
2	Roger R. Wehrbein	November 3, 1998
3	Jon C. Bruning	November 5, 1996
4	Kermit Brashear	November 3, 1998
5	Don Preister	November 5, 1996
6	Pam Brown	November 3, 1998
7	John Hilgert	November 5, 1996

8	Patrick J. Bourne	November 3, 1998
9	Shelley Kiel	November 5, 1996
10	Deborah S. Suttle	November 3, 1998
11	Ernie Chambers	November 5, 1996
12	Pam Redfield	November 3, 1998
13	Dan Lynch	November 5, 1996
14	Nancy Thompson	November 3, 1998
15	Ray Janssen	November 5, 1996
16	Matt Connealy	November 3, 1998
17	L. Patrick Engel	November 5, 1996
18	Stan Schellpeper	November 3, 1998
19	Gene Tyson	November 5, 1996
20	Jim Jensen	November 3, 1998
21	Carol L. Hudkins	November 5, 1996
22	Jennie Robak	November 3, 1998
23	Curt Bromm	November 5, 1996
24	Elaine Stuhr	November 3, 1998
25	Ronald E. Raikes	November 3, 1998
26	Marian L. Price	November 3, 1998
27	DiAnna R. Schimek	November 5, 1996
28	Chris Beutler	November 3, 1998
29	LaVon Crosby	November 5, 1996
30	Dennis M. Byars	November 3, 1998
31	Mark Quandahl	Appointed January 5, 1999
32	George Coordsen	November 3, 1998
33	Ardyce Bohlke	November 5, 1996
34	Bob Kremer	November 3, 1998
35	Chris Peterson	November 5, 1996
36	Jim D. Cudaback	November 3, 1998
37	Doug Kristensen	November 5, 1996
38	Ed Schrock	November 3, 1998
39	Dwite Pedersen	November 5, 1996
40	Merton L. Dierks	November 3, 1998
41	Jerry Schmitt	November 5, 1996
42	Don Pederson	November 3, 1998
43	James E. Jones	November 5, 1996
44	Thomas C. Baker	November 3, 1998
45	D. Paul Hartnett	November 5, 1996
46	David M. Landis	November 3, 1998
47	Gerald E. Matzke	November 5, 1996
48	Adrian Smith	November 3, 1998
49	Bob Wickersham	November 5, 1996

MOTION - Credentials Committee Report

Mr. Landis moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.

MOTION - Election of Officers

Mr. Coordsen moved that the following officers, recommended by the Executive Board, be elected to serve for the Ninety-Sixth Legislature:

Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Patrick J. O'Donnell
Richard K. Brown
Lynne Haas
Harland Johnson

The motion prevailed.

MOTION - Election of Speaker

Mr. Vrtiska moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Mr. Kristensen placed his name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Kristensen.

The motion prevailed.

Mr. Kristensen was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Ms. Schimek moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Messrs. Connealy, Cudaback, D. Pederson, Schmitt and Mrs. Kiel to serve on said Committee.

OFFICERS' OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

We, and each of us, do solemnly swear (or affirm) that we will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of our respective offices to the best of our ability.

Speaker
Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Douglas A. Kristensen
Patrick J. O'Donnell
Richard K. Brown
Lynne Haas
Harland Johnson

The Committee escorted the Chief Justice from the Chamber.

MOTION - Chairperson of Committee on Committees

Mr. Hilgert moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Mrs. Crosby placed her name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mrs. Crosby.

The motion prevailed.

Mrs. Crosby was duly elected Chairperson of the Committee on Committees.

MOTION - Committee on Committees Members

Mrs. Stuhr moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Mr. Landis, Mrs. Bohlke, Mrs. C. Peterson, and Mr. Beutler were nominated from District 1.

Mr. Preister, Mr. Lynch, Mr. Dw. Pedersen, and Mr. Brashear were nominated from District 2.

Mr. Coordsen, Mr. Schellpeper, Mr. Kristensen, and Mr. Dierks were nominated from District 3.

Mrs. Crosby moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

Mr. Wehrbein moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Coordsen placed his name in nomination.

Mrs. C. Peterson moved the nominations be closed and a unanimous vote be cast for Mr. Coordsen.

The motion prevailed.

Mr. Coordsen was duly elected Chairperson of the Executive Board of the Legislative Council.

MOTION - Vice Chairperson of Executive Board

Mr. Dierks moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Preister placed his name in nomination.

Mr. Engel placed his name in nomination.

Mr. Cudaback placed his name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Mmes. Robak, Bohlke, and Ms. Price as tellers.

Mr. Preister	16
Mr. Engel	16
Mr. Cudaback	<u>16</u>
	48

The Chair announced that a second ballot would be cast between Mr. Preister, Mr. Engel, and Mr. Cudaback.

The Chair appointed Mmes. Robak, Bohlke, and Ms. Price as tellers.

Mr. Preister	16
Mr. Engel	16
Mr. Cudaback	<u>17</u>
	49

The Chair ruled Mr. Cudaback will be nominated as one finalist and that a third ballot would be cast between Mr. Preister and Mr. Engel to determine which of those two will run against Mr. Cudaback as the other finalist.

The Chair appointed Mmes. Robak, Bohlke, and Ms. Price as tellers.

Mr. Preister	24
Mr. Engel	<u>23</u>
	47

The Chair announced that a fourth ballot would be cast between Mr. Preister and Mr. Cudaback.

The Chair appointed Mmes. Robak, Bohlke, and Ms. Price as tellers.

Mr. Preister	22
Mr. Cudaback	<u>27</u>
	49

Mr. Cudaback was duly elected Vice Chairperson of the Executive Board of the Legislative Council.

MOTION - Executive Board Members

Mr. Hartnett moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Mr. Bromm and Mrs. Hudkins were nominated from District 1.

Mr. Chambers and Mr. Lynch were nominated from District 2.

Mr. Engel and Mr. Jones were nominated from District 3.

Mr. Coordsen moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Standing Committee Chairpersons

Mrs. Bohlke moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 7(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Mr. Dierks placed his name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Dierks.

The motion prevailed.

Mr. Dierks was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Mr. Wehrbein placed his name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Wehrbein.

The motion prevailed.

Mr. Wehrbein was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Mr. Bromm nominated Mr. Landis.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Landis.

The motion prevailed.

Mr. Landis was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Mr. Vrtiska placed his name in nomination.

Mr. Hilgert placed his name in nomination.

Mrs. C. Peterson placed her name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Mrs. Brown, Ms. Schimek, and Mr. Raikes as tellers.

Mr. Vrtiska	19
Mr. Hilgert	17
Mrs. C. Peterson	<u>13</u>
	49

The Chair announced a second ballot would be cast between Mr. Vrtiska and Mr. Hilgert.

The Chair appointed Mrs. Brown, Ms. Schimek, and Mr. Raikes as tellers.

Mr. Vrtiska	29
Mr. Hilgert	<u>20</u>
	49

Mr. Vrtiska was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Mrs. Bohlke placed her name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mrs. Bohlke.

The motion prevailed.

Mrs. Bohlke was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Mr. Schellpeper placed his name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Schellpeper.

The motion prevailed.

Mr. Schellpeper was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Mr. Janssen placed his name in nomination.

Ms. Schimek placed her name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Mmes. Suttle, Hudkins, and Mr. Wickersham as tellers.

Mr. Janssen	24
Ms. Schimek	<u>25</u>
	49

Ms. Schimek was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Mr. Jensen placed his name in nomination.

Mrs. Suttle placed her name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Mmes. Crosby, Stuhr, and Mr. Bourne as tellers.

Mr. Jensen	30
Mrs. Suttle	<u>19</u>
	49

Mr. Jensen was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Mr. Brashear placed his name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Brashear.

The motion prevailed.

Mr. Brashear was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Mr. Schrock placed his name in nomination.

Mr. Beutler placed his name in nomination.

Mr. Bruning placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Mmes. C. Peterson, Thompson, and Ms. Redfield as tellers.

Mr. Schrock	22
Mr. Beutler	16
Mr. Bruning	<u>11</u>
	49

The Chair announced that a second ballot would be cast between Mr. Schrock and Mr. Beutler.

The Chair appointed Mmes. C. Peterson, Thompson, and Ms. Redfield as tellers.

SPEAKER KRISTENSEN PRESIDING

Mr. Schrock	28
Mr. Beutler	<u>21</u>
	49

Mr. Schrock was duly elected Chairperson of the Natural Resources Committee.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

CHAIRPERSON - Nebraska Retirement Systems

Mr. Tyson placed his name in nomination.

Mrs. Stuhr placed her name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Messrs. Wehrbein, Janssen, and Matzke as tellers.

Mr. Tyson	15
Mrs. Stuhr	<u>28</u>
	43

Mrs. Stuhr was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Mr. Wickersham placed his name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Wickersham.

The motion prevailed.

Mr. Wickersham was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation

Mr. Landis nominated Mr. Bromm.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Bromm.

The motion prevailed.

Mr. Bromm was duly elected Chairperson of the Transportation Committee.

CHAIRPERSON - Urban Affairs

Mr. Hartnett placed his name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Hartnett.

The motion prevailed.

Mr. Hartnett was duly elected Chairperson of the Urban Affairs Committee.

MOTION - Special and Select Committee Chairpersons

Mr. Beutler moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Mr. Coordsen nominated Mr. Raikes.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Raikes.

The motion prevailed.

Mr. Raikes was duly elected Chairperson of the Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Mrs. Brown placed her name in nomination.

Mrs. Hudkins placed her name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Messrs. Jones, Quandahl, and Engel as tellers.

Mrs. Brown	16
Mrs. Hudkins	<u>28</u>
	44

Mrs. Hudkins was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Mr. Bruning nominated Mr. Smith.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Smith.

The motion prevailed.

Mr. Smith was duly elected Chairperson of the Enrollment and Review Committee.

MOTION - Election Returns

Mr. Preister moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 1998.

The motion prevailed.

The Chair appointed Mrs. Thompson, Messrs. Preister, and Brashear to serve on said Committee.

The Committee escorted Secretary of State, Scott Moore, to the rostrum where he delivered the following report.

REPORT FROM THE SECRETARY OF STATE

January 6, 1999

Speaker of the Legislature
Ninety-Sixth Legislature, First Session (Regular) 1999
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the

abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 3, 1998 for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 1998 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to two Initiative Measurers and seven Constitutional Amendments are on file in this office. A certification of these returns is also attached.

Inasmuch as these canvas sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,
(Signed) Scott Moore
Secretary of State

CERTIFICATE

State of Nebraska

United States of America,)	
) ss.	Department of State
State of Nebraska)	

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 3, 1998.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Sixth day of January in the year of our Lord, one thousand nine hundred and ninety-nine.

(SEAL)

Scott Moore, Secretary of State

Governor Mike Johanns
 Lieutenant Governor Dave Maurstad
 Attorney General Don Stenberg
 Secretary of State Scott Moore
 Auditor of Public Accounts Kate Witek
 State Treasurer David Heineman
 Public Service Commissioner Rod Johnson
 Public Service Commissioner Daniel G. Urwiller
 State Board of Education, Stephen A. Scherr
 State Board of Education, Terry Loschen
 State Board of Education, Kathy Wilmot
 State Board of Education, Kathryn C. Piller
 Regent University of Nebraska, Kent Schroeder
 Regent University of Nebraska, Don Blank

CERTIFICATE

State of Nebraska

United States of America)	
) ss.	Department of State
State of Nebraska)	

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of Constitutional Amendments proposed by the Legislature showing the number of votes cast for and against each at the Primary (Special) Election held on May 12, 1998 and Constitutional Amendments proposed by the Legislature and Initiatives Ordered by Petition of the People showing the number of votes cast for and against at the General Election held on November 3, 1998 is also attached.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Sixth Day of January in the year of our Lord, one thousand nine hundred and ninety-nine.

(SEAL)

Scott Moore, Secretary of State

Primary (Special) Election

No. 1

A constitutional amendment to change residency requirements for executive officers of the state.

FOR	236,717
AGAINST	67,127

No. 2

A constitutional amendment to require legislative committees to hold open meetings and to require the recording and publishing of certain votes by members of legislative committees.

FOR	253,661
AGAINST	50,739

No. 3

A constitutional amendment to eliminate an exception to the prohibition on imprisonment for debt.

FOR	141,077
AGAINST	140,372

No. 4

A constitutional amendment to eliminate an exception to the prohibition on the suspension of the writ of habeas corpus.

FOR	134,357
AGAINST	119,889

No. 5 Part A

A constitutional amendment to require initiative measures to contain only one subject.

FOR	193,543
AGAINST	76,707

No. 5 Part B

A constitutional amendment to require referendum measures to refer to only one act of the Legislature.

FOR	174,016
AGAINST	83,780

No. 6

A constitutional amendment to eliminate references to the Lieutenant Governor as the presiding officer of the Legislature.

FOR	118,495
AGAINST	145,133

No. 7 Part A

A constitutional amendment to eliminate a provision relating to the form in which session laws are published.

FOR	150,817
AGAINST	106,837

No. 7 Part B

A constitutional amendment to transfer a provision from Article XVII, entitled 'Schedule', to Article III, entitled 'Legislative Power'.

FOR	160,964
AGAINST	84,410

No. 7 Part C

A constitutional amendment to repeal the requirements that the Constitution be enrolled and deposited in the Secretary of State's office and that printed copies of the Constitution be prefixed to books containing the laws of this state.

FOR	150,652
AGAINST	101,488

General Election

No. 1

A constitutional amendment to provide that no person shall be denied the equal protection of the laws.

FOR	336,672
AGAINST	126,951

No. 2 Part A

A constitutional amendment to change a restriction on allocation of proceeds from motor vehicle taxes.

FOR	266,513
AGAINST	188,390

No. 2 Part B

A constitutional amendment to authorize legislation relating to mergers and consolidations by local governments.

FOR	240,554
AGAINST	189,077

No. 2 Part C

A constitutional amendment to provide that property of the state and its governmental subdivisions is exempt from taxation to the extent such property is used for public purposes and to authorize classification and taxation of property not used for authorized public purposes.

FOR	248,179
AGAINST	181,220

No. 2 Part D

A constitutional amendment to repeal and eliminate provisions dealing with township organization and towns.

FOR	150,394
AGAINST	255,093

No. 3 Part A

A constitutional amendment to change residence and office requirements for the Chief Justice and Judges of the Supreme Court.

FOR	222,659
AGAINST	213,458

No. 3 Part B

A constitutional amendment to provide for the retention of judges of the Supreme Court and Court of Appeals on a statewide basis.

FOR	198,656
AGAINST	222,991

Initiative ordered by the Petition of the People Number 413: Shall the Nebraska Constitution be amended to limit government spending by limiting tax revenue increases by state and local governments: Tax revenue increases would be limited to the rate of inflation, population growth, costs of temporary emergencies, and new unfunded federal mandates. Voters may elect to exceed the limit. Property tax rates or sales and income tax rates would be reduced if projected local or state tax revenues exceed the increase permitted. Taxes above the limit would be returned through reduced tax rates. After five years, the Legislature, by three fourths vote, and with the Governor's approval, may suspend the limit.

FOR	191,046
AGAINST	340,862

Initiative ordered by the Petition of the People Number 414: Shall Nebraska Statutes be amended to direct the Public Service Commission to set access charges imposed by local telephone networks based upon forward-looking economic costs without implicit subsidies; require that local exchange access be cost-based, competitively neutral, and non-discriminatory; and develop competition in the telephone access service marketplace?

FOR	223,421
AGAINST	306,052

Mrs. Thompson moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

Mr. Engel moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 7, 1999, at 1:45 p.m.

The motion prevailed.

ANNOUNCEMENT

Mrs. Crosby announced the Committee on Committees will meet at 4:00 p.m. in Room 1507.

ADJOURNMENT

At 1:31 p.m., on a motion by Mr. Byars, the Legislature adjourned until 10:00 a.m., Thursday, January 7, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY – JANUARY 7, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 7, 1999

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Father Larry Toms, Chaplain, Immaculata Convent and St. Joseph's Nursing Home, Norfolk, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Beutler, Bromm, Lynch, Dw. Pedersen, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Mrs. Hudkins moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 7, 1999.

The motion prevailed.

MESSAGES FROM THE GOVERNOR

May 18, 1998

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

Dear Madam President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Dry Bean Commission:

APPOINTEES:

F. Jon Holzfaster, Rt. 1, Box 42, Paxton, NE 69155

Nolan L. Berry, 1710-21st Street, Gering, NE 69341

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

June 26, 1998

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

Dear Madam President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Investment Council:

APPOINTEES:

W. Don Nelson, 2430 South Canterbury Lane, Lincoln, NE 68512

Carol L. Kontor, 9847 Harney Parkway South, Omaha, NE 68114

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

July 21, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Crime Victims Reparation Committee:

APPOINTEE:

Samuel Van Pelt, Rt. 1, Box 169, Hickman, NE 68372

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

July 30, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Health & Human Services Systems Partnership Council:

APPOINTEE:

Alyce Maupin, 70151 County Rd. #19, Scottsbluff, NE 69361

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:je

September 2, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Board of Emergency Medical Services:

APPOINTEES:

Richard "Rick" Sheehy, 1115 Oswego, Hastings, NE 68901
William Heine, Rt. 1, Box 121, Waco, NE 68460
Michael Westcott, 9742 Ascol Drive, Omaha, NE 68114
Dallas Schaffer, 2209 Avenue H, Scottsbluff, NE 69361

Rex Scott, 5010 Happy Hollow Lane, Lincoln, NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:je

September 17, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Ethanol Board:

APPOINTEE:

James Z. Ziebarth, R.R. 1, Box 14A, Wilcox, NE 68982, 308.478.5255

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

September 17, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Ethanol Board:

APPOINTEES:

Richard Klauz, 400 No. Monroe, Lexington, NE 68850

John Steinauer, 7321 So. 30th Street, Lincoln, NE 68516

Mr. Keith Mueller, 230 E. Joseph, Spalding, NE 68665

Florian Paskevici, 2803 So. 105th Avenue, Omaha, NE 68124

Fred Hlava, Gordon, NE 69343

The aforementioned names are respectfully submitted for your consideration.

(Signed) Sincerely,
E. Benjamin Nelson
Governor

EBN:tw

September 24, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska State Electrical Board:

APPOINTEE:
Mr. Jim Dietz, 1911-23rd Street, Auburn, NE 68505

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
E. Benjamin Nelson
Governor

EBN:je

September 24, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Natural Resources Commission:

APPOINTEE:
Mr. Ron Nelson, R.R.1, Minden, NE 68959

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
E. Benjamin Nelson
Governor

EBN:je

September 29, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Information Technology Commission:

APPOINTEES:

Eric Brown, 104 W. 8th St., Lexington, NE 68850
Dr. Douglas Christensen, P.O. Box 94987, Lincoln, NE 68509
J. Robert Kerrey, U.S. Senate, 302 Hart Senate Office, Washington, D.C. 20510
Dr. Dennis Smith, University of NE, 3835 Holdrege, Lincoln, NE 68583
Joyce Wrenn, Union Pacific Railroad, 1416 Dodge St., Omaha, NE 68179
Gary Kuck, Centurion International, 3425 N. 44th St., Lincoln, NE 68504
Mayor Greg Adams, C/O York School, 1005 Duke Drive, York, NE 68467
Hod Kosman, Platte Valley Nat'l Bank, P.O. Box 2308, Scottsbluff, NE 69361

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:je

October 30, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska State Board of Health:

APPOINTEES:

Dr. Glen York, 14020 N. 47th Street, Omaha, NE 68152
Dr. James Schiefen, P.O. Box 95, Imperial, NE 69033

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

December 23, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Information Technology Commission:

APPOINTEE:

L. Merrill Bryan, Jr., Union Pacific, 1416 Dodge Street, Room 1100,
Omaha, NE 68179

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

December 23, 1998

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Investment Council:

APPOINTEE:

Greg Stine, 2215 Stagecoach Road, Grand Island, NE 68801

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

January 5, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska State Highway Commission:

APPOINTEE:

Senator Joyce Hillman, 65 Toluca Lane, Gering, NE 69341

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:je

MESSAGE FROM THE SECRETARY OF STATE

May 21, 1998

Madam President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment on June 1, 1998, requiring legislative confirmation:

John Bergmeyer, Lincoln, Nebraska 68516, to the Nebraska Accountability and Disclosure Commission to complete an unexpired six year term ending June, 2004.

This appointment was made by me pursuant to the provisions of sections 49-14,105, 49-14,110, 49-14,112 and 49-14,114 and is respectfully submitted for your consideration.

Sincerely,
(Signed) Scott Moore

Secretary of State

CC: Tim Dempsey
Senator Bud Robinson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 98040

DATE: September 11, 1998

SUBJECT: Constitutionality of Proposed Legislation Which
Would Limit the Number of Sanitary Improvement
District Board Members on a Particular SID Board to
One Member Per Household

REQUESTED BY: Senator Jon Bruning
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You have requested our opinion "about possible legislation that would change election laws in Sanitary Improvement Districts." You state that you are "considering a possible bill to be introduced that would limit the number of SID board members to one per household." You then ask us to advise you "as to the constitutionality of this proposal."

You did not include any proposed legislation with your opinion request letter; nor did you set out any specific constitutional concerns regarding your proposal to limit the number of SID board members to one per household. Consequently, your opinion request involves a general question regarding unspecified statutory language and procedures. We have previously indicated that a general question on the constitutionality of proposed legislation will necessarily result in a general response from this office. Op. Att'y Gen. # 94012 (March 8, 1994). As a result, our response to your opinion request must be in general terms, absent some specific proposed legislation and absent some articulation of specific constitutional questions.

It seems to us that there are two areas which present potential constitutional problems with respect to your proposal. First of all, if your prohibition on SID board membership in the same household is established by a restriction on running for a SID board, then there is a potential barrier to ballot access for SID candidates. Such a barrier, in turn, raises concerns under the First Amendment to the United States Constitution.

Restrictions on ballot access potentially burden two distinct and fundamental rights: the right of individuals to associate for the advancement of political beliefs and the right of qualified voters to cast their votes effectively. *Illinois State Board of Elections v. Socialist Workers Party*, 440

U.S. 173 (1979). However, even though ballot access restrictions involve fundamental rights, not all restrictions imposed by states on candidates' eligibility for the ballot impose constitutionally suspect burdens, since there must be substantial regulation of elections if they are to be fair and honest. *Anderson v. Celebrezze*, 460 U.S. 780 (1983). Therefore, a flexible standard applies to ballot access and voting restrictions:

A court considering a challenge to a state election law must weigh "the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments the plaintiff seeks to vindicate" against "the precise interests put forward by the State as justifications for the burden imposed by its rule," taking into consideration "the extent to which those interests make it necessary to burden the plaintiff's rights."

Burdick v. Takushi, 504 U.S. 428, 434 (1992) (citations omitted).

In the present case, we assume that one possible formulation of your proposed legislation would involve a prohibition against running for a SID board seat if another member of the candidate's household already serves on the SID board. While such a prohibition would probably not involve a large number of candidates, it seems to us that it would impose a fairly severe restriction upon the rights of those potential SID candidates subject to its provisions. As a result, the State would need to offer some fairly significant interests as justifications for the burden imposed by the statute. Since we do not have a proposed statute or any legislative policy statements before us, we cannot say what interests the State would serve by such a restriction upon candidacy for a SID board. We do suggest, however, that if you propose such legislation, you should take pains to create a legislative record which clearly illustrates the reasons for and the State interests furthered by the restriction on ballot access.

It also seems to us that one way to avoid the potential First Amendment problems inherent in a restriction upon SID ballot access for multiple members of the same household would be to formulate your restriction as an eligibility requirement for assuming office on a SID board. Under such a formulation of your proposal, individuals could run for membership on a SID board without any restrictions pertaining to other household members, but would only be eligible to take office on that board if no one else from their household served on the board at the time they were to take office. Under those circumstances, the restriction upon board service from the same household would be an eligibility requirement rather than a restriction upon ballot access.

The second area where it seems to us that there are potential constitutional problems with your proposal involves the Equal Protection provisions of the state and federal constitutions. Those constitutional provisions prohibit improper disparate treatment or improper classifications of people who are otherwise similarly situated. With regard to your proposal, the classification at issue would presumably involve candidates for a SID board who have

members of their household serving on the board as distinguished from all other SID candidates.

Where a statute is challenged under the Equal Protection provisions of the state and federal constitutions, "[t]he general rule is that legislation is presumed to be valid and will be sustained if the classification drawn by the statute is rationally related to a legitimate state interest." *Robotham v. State*, 241 Neb. 379, 385, 488 N.W.2d 533, 539 (1992). There are two exceptions to this rule involving "suspect classifications" based upon race, age, national origin, etc., and classifications pertaining to fundamental rights. *Clements v. Fashing*, 457 U.S. 957 (1982); *Robotham v. State*, *supra*. To sustain the constitutional validity of classifications in those latter areas, there must be a showing of a compelling state interest. *Robotham v. State*, *supra*.

It appears to us that your proposed classification between SID candidates with members of their household on a SID board and all other SID candidates does not involve a "suspect class." In addition, candidacy for office is not a fundamental right. *Clements v. Fashing*, *supra*. Therefore, we believe that the constitutionality of your proposal would be tested by determining whether the statute setting out your restriction upon SID membership is rationally related to a legitimate state interest. In that regard, as we noted above, you have not provided us with a proposed statute or any legislative policy statements from which we can determine what interests the State would serve by a restriction upon candidacy for a SID board under the circumstances you have proposed. However, we assume that there are legitimate state interests underlying your consideration of this legislation, and once again, we suggest that you should make a concerted effort to create a legislative record which clearly illustrates the legitimate State interests furthered by your proposal.

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

05-77-14.op

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 98048

DATE: November 16, 1998

SUBJECT: Whether Neb. Rev. Stat. § 3-239 Applies to County
Airport Authorities

REQUESTED BY: Chris Peterson, Senator
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested the opinion of this office regarding the applicability of Neb. Rev. Stat. § 3-239 to county airport authorities. Neb. Rev. Stat. § 3-239 (1997) provides, in part, that certain political subdivisions must obtain the approval of the Department of Aeronautics before submitting an airport project application to the federal government, and must designate the Department of Aeronautics as an agent to accept and disburse federal funds granted for such a project. Your question is whether county airport authorities are subject to those statutory provisions.

Neb. Rev. Stat. § 3-239 describes the political subdivisions subject to its provisions as a "city, county, village, or authority in the state whether acting alone or jointly with another city, county, village, or authority, or with the state, . . ." Our review of prior statutes reveals that, at the time § 3-239 was enacted in 1947, there was no statutory definition of "authority" within the statutes pertaining to airports and no specific statutes authorizing the creation of either city or county airport authorities. The chairman's statement with regard to § 3-239 refers generally to the intent for federal funds to be channeled through a state agency rather than paid directly to governmental subdivisions. Committee Records on LB 353, 60th Sess., 1947.

In 1957 the Legislature enacted the Cities Airport Authorities Act, which authorized cities and villages to create airport authorities. Neb. Rev. Stat. §§ 3-501 through 3-514 (Cum. Supp. 1957). That Act also included amendments to Neb. Rev. Stat. §§ 3-201 and 3-239 and those statutes were then considered part of the Act. We note that the original language merely referred to "this Act" and that it appears the Revisor of Statutes later clarified this language by specifically referring to §§ 3-201, 3-239 and 3-501 to 3-514. Those statutory references now appear throughout the Act. As a result, Neb. Rev. Stat. § 3-501 (1997) now provides that "[A]s used in sections 3-201, 3-239 and 3-501 to 3-514, unless the context otherwise requires: (1) Authority shall mean an airport authority which shall be a body politic and corporate organized pursuant to § 3-502; . . ." As § 3-502 authorizes the creation of city airport authorities, the term "authority" as used in § 3-239 must then be defined as a city airport authority. While statutes authorizing the creation of county airport authorities were subsequently enacted as Article 6 of Chapter 3 in 1969, those statutes include no definitions of terms such as "authority" and § 3-239 was not amended at that time.

It is possible that the Legislature, in amending § 3-239 as part of the 1957 Cities Airport Authority Act may have overlooked the significance of the new definition of "authority" as it relates to § 3-239. However, as stated by the Nebraska Supreme Court, "[I]t is presumed that the Legislature has full knowledge and information of the subject matter of the statute, as well as the relevant facts relating to prior law and existing pertinent legislation, and has acted with respect thereto." *Sanitary and Improvement Dist. No. 222 of Douglas County v. Metropolitan Life Ins. Co.*, 201 Neb. 10, 14, 266 N.W.2d

73, 75 (1978). Therefore, when § 3-239 is read in light of the Cities Airport Authorities Act and, in particular, § 3-501(1), we must conclude that the Legislature intended the term "authority" as used in § 3-239 to refer only to city airport authorities. County airport authorities are, thus, not currently subject to the requirements of § 3-239.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Legislature
09-141-16

Opinion No. 99001

DATE: January 5, 1999

SUBJECT: Is the non-owner of a storage tank liable for filling a fertilizer or pesticide tank with chemicals that is not in compliance with Title 198 regulations or the Environmental Protection Act?

REQUESTED BY: Senator W. Owen Elmer
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Jason W. Hayes, Assistant Attorney General

You have made a request for an opinion regarding the attachment of liability upon suppliers of fertilizers and pesticides, for their delivery of chemicals into storage tanks that are not in compliance with Title 198 of the Nebraska Department of Environmental Quality rules and regulations. Specifically, your inquiry refers to whether a non-owner of a storage tank (local fertilizer or chemical retailer, trucker, etc.) would be prohibited from delivering such chemicals given possible liabilities and restrictions imposed by Title 198, or other related laws.

Title 198 contains rules and regulations pertaining to agricultural chemical containment of liquid fertilizers and pesticides. See Title 198, Nebraska Administrative Code, Chapters 1 through 14. The primary purpose of the regulation is to prevent contamination from spills and leaks of these chemicals into the soil and groundwater. The regulations require a secondary containment facility to be constructed for bulk storage of liquid fertilizers and pesticides above certain minimum aggregate amounts. The title also mandates "loadout facilities" to be built to catch any spills that may result from the delivery of liquid fertilizers and pesticides prior to the transfer into

storage tanks.

It is our normal practice to provide opinions to members of the Nebraska Legislature only with respect to questions pertaining to pending or proposed legislation. Op. Att'y Gen No. 157 (December 24, 1985). Your opinion request letter does not express any legislative purpose in connection with your liability question. However, from discussions with your staff we understand that legislation may be introduced in this area depending upon our response to your inquiry. Therefore, we will provide you with an opinion.

DISCUSSION

Enforcement of the regulations included within Title 198 apply only to the owners and operators of the storage facilities. Chapters 2 and 3 of Title 198 provide the guidelines under which a secondary containment and loadout facility, respectively, are required. These construction requirements apply only to owners and operators of such facilities and there are no secondary requirements placed upon the suppliers of agricultural chemicals mentioned within Title 198. Enforcement, provided for in Chapter 10 of the title, is commenced only upon failure of the facility owner or operator to comply with the provisions contained within Title 198. Liability for improper storage does not apply to the non-owner suppliers and distributors of these chemicals.

Another consideration, is whether tort liability applies to non-owners of these facilities. The particular tort theory would involve an action for negligence. Negligence would be established on the part of a plaintiff against the non-owner defendant, if the plaintiff could prove the following four elements: (1) a duty was owed to the plaintiff by the defendant; (2) a breach of that duty; (3) a legally cognizable causal relationship was established between the breach and the harm suffered; and (4) damages. *See Storage Tank Pollution*, 5 A.L.R.5th 11. The main emphasis of the action lies with elements (1) and (2) which involve a finding of fault on the part of the non-owner defendant. Fault would apply if the non-owner supplier had a duty to refuse delivery of agricultural chemicals to storage tanks that were noncompliant under Title 198, but did so anyway in violation of this duty.

Courts are silent as to whether such a duty is present with regard to suppliers of liquid fertilizers and pesticides. However, courts have reached a consensus as to the existence of a duty involving the non-owner suppliers of petroleum products unloading hazardous products into storage tanks. Generally, no duty rests on a person who delivers gasoline to inspect the premises on which a storage tank is located before making delivery to the place provided for the purpose. *See Gas and Oil*, 38 Am.Jur.2d 716. The Nebraska Supreme Court has stated, "... a gas company which does not install, own, or control the pipes or appliances in a customer's building is in no way responsible for the condition in which they are maintained, and consequently is not liable for injuries caused by a leak therein of which it has no knowledge. This rule is followed extensively in this country." *Clay v. Butane Gas Corporation*, 151 Neb. 876, 889-90, 39 N.W.2d 813, 820

(1949). This statement leaves open the possibility of liability if knowledge is in fact present.

In other jurisdictions, a definite duty has been established if the petroleum supplier has notice that the storage tank is defective but endeavors to fill the tank despite such warnings. The Georgia Court of Appeals found that whenever a supplier of gas has actual knowledge of a defective and dangerous condition of a customer's underground storage tanks but continues to supply gas to them, the supplier is liable for injuries caused by the gas. *See Citizens & Southern Trust Co. v. Phillips Petroleum Co.*, 385 S.E.2d 426 (Ga. App. 1989). Also finding a similar duty, the New York Supreme Court Appellate Division established that liability might ensue if an oil company had notice, actual or constructive, of the underground loss of gasoline due to a leakage, but failed to prevent such resulting injury by continuing to supply the defective tanks with gasoline. *See New York Tel. Co. v. Mobil Oil Corp.*, 473 N.Y.S.2d 172 (N.Y. App. Div. 1984).

With no previous precedence established, we are unable to conclude that the courts in Nebraska would choose to follow the duties imposed by the jurisdictions named. In the instances cited where liability did attach, the supplier had notice of possible dangerous defects in the storage facility. Although, a storage facility may not be in compliance in with Title 198, this may or may not constitute a defect or immediate dangerous condition, which would give rise to a duty placed upon the non-owner supplier to refuse delivery.

In addition, the secondary containment requirements instituted pursuant to Title 198 are very precise and exacting depending on the aggregate quantities stored by the owner of the chemicals. It would be difficult for a firsthand observer to determine if a storage facility was in compliance, unless a detailed and time consuming measurement was taken of the capacity of the secondary containment unit. Given this difficulty, a non-owner supplier could in good faith--based upon his observations--deliver chemicals for storage onsite, but later discover that the facility was not in compliance with Title 198. A supplier would not have notice of compliance unless a method was instituted to provide proof that the storage facility was in compliance. Without such notice being achieved, it would be difficult for a court to conclude that a duty had been placed upon the supplier that restricted distribution to a noncompliant storage facility.

CONCLUSION

Under Title 198 of the Nebraska Department of Environmental Quality rules and regulations for the containment of agricultural chemicals, there are no provisions which would place penalties upon a non-owner supplier who delivered chemicals to a storage facility that was not compliant. Possible tort liability actions may be instituted against the chemical supplier, which could result in liability if the chemical supplier knew or should have known that storage facility was inadequate, although there have, thus far, been no

Nebraska Supreme Court decisions on this issue.

The Legislature could provide for a different result by the implementation of legislation that placed liability upon a supplier for depositing chemicals into a noncompliant storage facility. The legislation could also contain a means of providing notice to the supplier of the storage facility's compliance under Title 198.

Sincerely,
 Don Stenberg
 Attorney General
 (Signed) Jason W. Hayes
 Assistant Attorney General

cc: Patrick J. O'Donnell
 Clerk of the Legislature
 02-13-16

REPORTS

The following reports were received by the Legislature:

Administration Services, Department of

Annual Budgetary Report
 Bonding of State Employees, Officers, and Public Officials Report
 Nebraska State Radio Communications Task Force Report

Auditor of Public Accounts

Nebraska Board of Examiners for Engineers and Architects - FY 97
 Nebraska Board of Examiners for Land Surveyors - FY 97
 Nebraska Liquor Control Commission - FY 97
 Nebraska Motor Vehicle Industry Licensing Board - FY 97
 Nebraska Board of Pardons and Board of Parole - FY 97
 Nebraska Department of Agriculture, Program 61 - Agricultural
 Laboratories - FY 97
 Nebraska Department of Agriculture, Program 63 - Bureau of
 Animal Industry - FY 97
 Nebraska Department of Revenue Motor Fuel Tax Enforcement
 and Collection Division - FY 97
 Nebraska Dry Bean Commission - FY 97
 Nebraska Single Audit Report - FY 97
 Nebraska Department of Correctional Services Program 373 Nebraska
 Center for Women
 Nebraska Military Department Program 545 Emergency Management
 Planning/Operations
 Nebraska Health and Human Services System Program 178 Bureau of
 Examining Boards
 Nebraska Public Employees' Retirement Systems - School Employees',
 Judges' and State Patrol Retirement Plans

Advisory Letter, Nebraska Health and Human Services System
 State Wards' Guardianship Accounts
 Compilation Report, Nebraska Health and Human Services
 System State Wards' Guardianship Accounts
 Summary Schedule of Prior Audit Findings and corrective Action Plan by
 State Agency
 Nebraska Health and Human Services System - Program 350 - Child
 Abuse Prevention
 State of Nebraska Governor Programs: 002 Salary - Governor, 018 Policy
 Research Office, and 021 Office of the Governor
 Nebraska Grain Sorghum Development, Utilization and Marketing Board
 Nebraska Department of Revenue - Charitable Gaming Division - Petty
 Cash Fund
 Nebraska Railway Council
 Nebraska Power Review Board
 State of Nebraska Office of the Lieutenant Governor
 State of Nebraska Legislative Council Audit
 State of Nebraska Legislative Council Review Report
 Nebraska Department of Revenue - Cigarette Tax Receipts
 Wayne State College
 Peru State College
 Nebraska Supreme Court
 Boyd County Monitoring Committee
 Nebraska Health and Human Services System - Nebraska Family Support
 Network Advisory Letter

Economic Development, Department of

Nebraska Microenterprise Development Act Report

Education, Department of

Transition Commission Final Recommendations to the Education
 Committee of the Legislature (LB 865, 1997)

Educational Lands and Funds, Board of

Biennial Report, 1996-1998

Energy Office, Nebraska

Quarterly Reports - Municipal Natural Gas Regulation Revolving
 Loan Fund

Environmental Quality, Department of

Program #518 (No activity in this program)
 Semi-annual Reports, Program #523, Small Town Grants Program
 Response to Comments and Safety Evaluation Report (Vol. I and II)
 1998 Annual Report
 Livestock Waste Management Task Force (LB1209)
 Denial of application of US Ecology, Inc. for license for commercial low-
 level radioactive waste disposal facility in Boyd County

Ethanol Board, Nebraska

Summary of Ethanol Producer Incentive Cash Fund Reports

Geographic Information Systems Steering Committee, Nebraska

Annual Report 1998

Health and Human Services System, Nebraska

Office of System Advocate Quarterly Reports

Report on results of LB 152, 1993 - State Funding to Non-State-Affiliated Family Practice Residency Programs

Study of Supportive Pharmacy Personnel

Informal status update on transfer of services in Hastings Regional Center's Alcohol Treatment Unit

Cost sharing in the Medicaid Program - 1998

Community Service Program Report for Employable General Assistance Recipients

Regulation and Licensure's denial of application of US Ecology, Inc. for license for commercial low-level radioactive waste disposal facility in Boyd County

LB 1354 Task Force Final Report on Mental Health and Substance Abuse Services and Behavioral Health Redesign (Revised)

Report of the Nebraska Commission on Human Genetic Technologies

Nebraska Credentialing Reform 2000, Part 2 of study directed by LB 183

Information Technology Commission, Nebraska

Meetings on Budget Technology Projects

Biennium Recommendations on Technology Investments (LB 924, 1998)

Biennium Progress Report of the Nebraska Information Technology Commission (LB 924, 1998)

Insurance, Department of

Annual Report for 1997 of the Interstate Insurance Receivership Compact

Investment Council, Nebraska

Nebraska Investment Council Holdings of U.S. Companies doing business in Northern Ireland - July 1, 1997 to June 30, 1998

Report on Educational Endowment Funds

Investment Finance Authority, Nebraska (NIFA)

Quarterly Reports

Notice of Issuance of 1998 Series A and B Single Family Issue

Notice of Issuance of 1998 Series G.O.-1 General Obligation Issue

Notice of Issuance of Series 1998 Bonds

1997 Annual Report

Notice of Issuance on 1998 Series C, Series D, Series E, and

Series E Single Family Issue bonds

Notice of Issuance of 1998 Series G.O.-3 General Obligation bonds

Quarterly Report - 1995 Series A and B Community Development Loan Notes

Quarterly Report - 1996 NIFA State Revolving Fund Revenue Bonds and
1998 NIFA State Revolving Fund Revenue Bonds

Quarterly Report - Single Family Housing Revenue Bonds Series 1997 B,
Single Family Housing Revenue Bonds Series 1998 C, D, E and F, and
General Obligation Bonds Series 1998 G.O.-3

Notice of proposed issuance of Single Family Housing Bonds

Notice on 1998 Series G.O.-4 General Obligation Issue

Notice on 1998 Series G and 1998 Series H Issue

Community Development Loan Notes - 1999 Multiple Series

Labor, Department of

State Labor Area Summaries

Job Training Partnership Act Annual Report

Law Enforcement and Criminal Justice, Commission on

Nebraska Juvenile Pretrial Diversion Guidelines and Resources

Annual Report for the Criminal Justice Information Systems

Legislative Program Evaluation

Final Report - Programs Designed to Increase the number of Providers
in Medically Underserved Areas of Nebraska

Liquor Control Commission

Keg Registration (LB 332, 1993)

Natural Resources Commission

Annual Report and Plan of Work for the Nebraska State Water
Planning and Review Process

Biennial Report on the Resources Development Fund

Postsecondary Education, Coordinating Commission for

Executive Summary - Peru State College and the Postsecondary
Educational Needs of Southeast Nebraska

Power Review Board, Nebraska

Biennial Report

Public Counsel/Ombudsman

Annual Report for 1997

Public Service Commission, Nebraska

Annual Report on Telecommunications

Retirement Systems, Public Employees

Annual Actuarial Valuation of the City of Lincoln Police and Fire Pension
Fund

Revenue, Department of

Certification of General Fund net receipts for FY1998-99 (Prepared jointly

by the Department of Revenue and Legislative Fiscal Analyst)
 Report of Examination of Auditor of Public Accounts
 1998 Annual Report - Nebraska Lottery
 State Funds 1997 - 1998
 1995 Nebraska Tax Burden Study
 1997 Annual Report
 1998 Tax Expenditure Report

Roads, Department of

Highway Cash and Roads Operation Cash funds for April, May, July,
 August, September, October, and November 1998
 Quarterly Reports
 Annual Report - Traffic Accident Facts
 1998 Fiscal Year-end Report to the State Tax Board
 1998 State Highway Plan and Needs Report
 Board of Public Roads Classifications and Standards Minutes for March,
 April, May, June, July, September, October, and November 1998
 meetings
 Recreation Roads One- and Five-Year Programs

Secretary of State, Office of the

Summary of Business Entity Reports of Agricultural Activity filed with the
 Secretary of State (LB 1193)

State of Nebraska

Annual Financial Report

Treasurer, State

Treasurer's Report for April, May, and June
 Biennial Report for 1997 and 1998

University of Nebraska

Annual Report
 Nebraska Research Initiative Report

University of Nebraska Medical Center

1998 Rural Health Opportunities Program Loan Report

COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Mrs. Crosby offered the following Committee on Committees report:

	Agriculture - Dierks (C)
Chambers	Robak
Cudaback	Schellpeper
Hilgert	Vrtiska
Quandahl	

Appropriations - Wehrbein (C)

Beutler	Kiel
Brown	Lynch
Crosby	Matzke
Engel	Pederson, D.

Banking, Commerce and Insurance - Landis (C)

Bourne	Kremer
Bruning	Schmitt
Byars	Tyson
Jensen	

Business and Labor - Vrtiska (C)

Chambers	Preister
Dierks	Schimek
Hilgert	Schrock

Education - Bohlke (C)

Brashear	Stuhr
Coordsen	Suttle
Price	Wickersham
Raikes	

General Affairs - Schellpeper (C)

Connealy	Redfield
Cudaback	Robak
Hartnett	Smith
Quandahl	

Government, Military and Veterans Affairs - Schimek (C)

Cudaback	Schmitt
Janssen	Smith
Kremer	Vrtiska
Quandahl	

Health and Human Services - Jensen (C)

Byars	Suttle
Dierks	Thompson
Price	Tyson

Judiciary - Brashear (C)

Baker	Hilgert
Bourne	Pedersen, Dw.
Chambers	Robak
Connealy	

Natural Resources - Schrock (C)

Bohlke
Bromm
Bruning
Hudkins

Jones
Preister
Stuhr

Nebraska Retirement Systems - Stuhr (C)

Bourne
Bruning
Crosby

Peterson, C.
Wickersham

Revenue - Wickersham (C)

Coordsen
Hartnett
Landis
Peterson, C.

Raikes
Redfield
Schellpeper

Transportation - Bromm (C)

Baker
Hudkins
Janssen
Jones

Pedersen, Dw.
Peterson, C.
Thompson

Urban Affairs - Hartnett (C)

Connealy
Preister
Redfield

Schimek
Schrock
Smith

Enrollment and Review - Smith (C)

Intergovernmental Cooperation - Raikes (C)

Kremer
Lynch
Pedersen, Dw.

Tyson
Speaker Kristensen (ex officio)
Lt. Gov. Maurstad (ex officio)

Rules - Hudkins (C)

Beutler
Bromm

Brown
Thompson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to child support; to eliminate the child support task force which was to complete its work on or before December 31, 1997; and to outright repeal section 42-382, Reissue Revised Statutes of

Nebraska.

LEGISLATIVE BILL 2. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-145.04, Reissue Revised Statutes of Nebraska; to eliminate a fee relating to workplace safety that was to be paid in 1994, 1995, and 1996; to harmonize provisions; to repeal the original section; and to outright repeal sections 48-447 to 48-449, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 3. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to labor; to amend sections 48-1305, 60-328, and 60-488, Reissue Revised Statutes of Nebraska; to delete references to the Division of Employment of the Department of Labor which was eliminated in 1984; and to repeal the original sections.

LEGISLATIVE BILL 4. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to drainage districts; to eliminate provisions relating to reports required to be submitted in 1997; and to outright repeal section 31-378, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 5. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to schools; to eliminate a duty that was to be completed by October 15, 1997; and to outright repeal section 79-1240, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 6. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to dead animals; to amend section 54-725, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1998; to transfer a section to the Nebraska Criminal Code; and to repeal the original sections.

LEGISLATIVE BILL 7. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to lobbyists; to repeal an interim filing requirement; and to outright repeal section 49-1483.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 8. Introduced by Executive Board: Coordsen, 32,

Chairperson.

A BILL FOR AN ACT relating to marriage; to amend sections 42-406 and 42-408, Reissue Revised Statutes of Nebraska; to repeal a provision governing marriages and divorces prior to April 8, 1919; to harmonize provisions; to repeal the original sections; and to outright repeal section 42-401, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 9. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to transition of employees; to eliminate an obsolete section; and to outright repeal section 43-1322, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 10. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Task Force on Electronic Access to State Government Information; to repeal provisions governing the task force which ceased to exist on December 31, 1997; and to outright repeal section 50-117, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 11. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Task Force on Unfunded Mandates; to repeal provisions governing the task force which terminated on December 31, 1996; and to outright repeal section 50-443, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 12. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to appropriations; to repeal appropriations for prior fiscal years; and to outright repeal sections 90-507 to 90-510, Reissue Revised Statutes of Nebraska, and sections 90-503 to 90-506 and 90-511 to 90-525, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 13. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to cash funds; to repeal provisions governing money in certain funds on January 1, 1997; and to outright repeal sections 68-724 and 71-2618.01, Reissue Revised Statutes of Nebraska, and section 83-129.01, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 14. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to gambling prizes; to prohibit live animals as prizes; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 15. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to livestock; to amend section 54-2406, Reissue Revised Statutes of Nebraska; to change inspection requirements; and to repeal the original section.

LEGISLATIVE BILL 16. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to speed limits; to amend section 60-682.01, Reissue Revised Statutes of Nebraska; to change fines for exceeding the speed limit on the National System of Interstate and Defense Highways; and to repeal the original section.

LEGISLATIVE BILL 17. Introduced by Coordsen, 32; Schimek, 27.

A BILL FOR AN ACT relating to medical records; to provide for copies to patients from health care providers as prescribed.

LEGISLATIVE BILL 18. Introduced by Landis, 46.

A BILL FOR AN ACT relating to wills and trusts; to amend section 30-2336, Reissue Revised Statutes of Nebraska; to adopt the Uniform Testamentary Additions to Trusts Act (1991); to provide severability; and to repeal the original section.

LEGISLATIVE BILL 19. Introduced by Landis, 46.

A BILL FOR AN ACT relating to court fees; to amend section 33-107.02, Reissue Revised Statutes of Nebraska; to change fee provisions; and to repeal the original section.

LEGISLATIVE BILL 20. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.14, Reissue Revised Statutes of Nebraska; to provide for the issuance of motorcycle license plates to any handicapped or disabled person; and to repeal the original section.

LEGISLATIVE BILL 21. Introduced by Landis, 46.

A BILL FOR AN ACT relating to attorneys; to amend section 7-113, Reissue Revised Statutes of Nebraska; to provide duties; to change provisions relating to court appointments for indigent defendants; and to repeal the original section.

LEGISLATIVE BILL 22. Introduced by Landis, 46.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-908, Reissue Revised Statutes of Nebraska; to change provisions relating to failure to appear in cases of misdemeanors or ordinance violations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 23. Introduced by Landis, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1563.01, Reissue Revised Statutes of Nebraska; to change an exemption provision; and to repeal the original section.

LEGISLATIVE BILL 24. Introduced by Landis, 46.

A BILL FOR AN ACT relating to divorce; to amend section 42-362, Reissue Revised Statutes of Nebraska; to provide for appointment of counsel; and to repeal the original section.

LEGISLATIVE BILL 25. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.14, Reissue Revised Statutes of Nebraska; to change provisions relating to license plates issued to handicapped or disabled persons; and to repeal the original section.

LEGISLATIVE BILL 26. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to schools; to state intent; to provide for reimbursement for public school meal programs; and to provide for rules and regulations.

LEGISLATIVE BILL 27. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to labor organizations; to require certain employees to pay for collective bargaining and contract enforcement as prescribed; to define terms; and to provide powers and duties.

LEGISLATIVE BILL 28. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1016, Revised Statutes Supplement, 1998; to provide for corrected state aid; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 29. Introduced by Coordsen, 32; Bromm, 23; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-304 and 60-480.01, Reissue Revised Statutes of Nebraska; to provide for the

issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies; and to repeal the original sections.

LEGISLATIVE BILL 30. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to license plates; to amend section 60-311, Reissue Revised Statutes of Nebraska; to change fees for issuance of license plates; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 31. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to law enforcement officers; to amend section 83-173, Reissue Revised Statutes of Nebraska, and section 81-1401, Revised Statutes Supplement, 1998; to redefine a term; to provide powers for the Director of Correctional Services and employees of the Department of Correctional Services; and to repeal the original sections.

LEGISLATIVE BILL 32. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to Tax Equalization and Review Commission; to amend sections 77-5004 and 81-1174, Reissue Revised Statutes of Nebraska; to provide for reimbursement of certain commissioner expenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 33. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Reissue Revised Statutes of Nebraska; to change provisions relating to references to the code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 34. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-326 and 77-2704.31, Reissue Revised Statutes of Nebraska; to correct internal references; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 35. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to occupation tax; to amend section 21-329, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 36. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-506, 49-617, 60-305.15, 77-366, 77-369, 77-376, 77-1327, 77-1330, 77-1334, 77-3906, 81-101, and 81-102, Reissue Revised Statutes of

Nebraska, and sections 77-370, 77-375, 77-417, 77-421, 77-603.01, 77-605, 77-683, 77-684, 77-803, 77-804, 77-1247, 77-1250, 77-1342, and 77-5012, Revised Statutes Supplement, 1998; to change and eliminate provisions relating to the Property Tax Administrator and property tax division of the Department of Revenue; to create a department; to rename a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-365.01, 77-371, and 77-1336, Reissue Revised Statutes of Nebraska, and sections 77-375.01, 77-425, and 77-1325, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 37. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to require notices relating to personal property taxes; to eliminate a duty relating to personal property taxes; and to outright repeal section 77-1211, Revised Statutes Supplement, 1998.

ANNOUNCEMENT

Mrs. Crosby announced the Committee on Committees elected Mr. Preister Vice Chairperson.

EASE

The Legislature was at ease from 10:20 a.m. until 10:48 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 38. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3446, Revised Statutes Supplement, 1998; to limit state appropriations as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 39. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Reissue Revised Statutes of Nebraska; to change provisions relating to theft; and to repeal the original section.

LEGISLATIVE BILL 40. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-204, Reissue Revised Statutes of Nebraska; to change penalties relating to being an accessory to felony; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-204, 28-311.01, 28-311.04, 28-504, 28-519, 28-802, 28-905, 28-1202, 28-1203, 28-1204.01, 28-1206 to 28-1208, 28-1212.03, 28-1221, 28-1343.01, 60-492, 60-6,196, 60-6,197, 69-2408, and 69-2420 to 69-2422, Reissue Revised Statutes of Nebraska, and sections 28-201, 28-320.01, 28-416, and 28-1469, Revised Statutes Supplement, 1998; to change punishments; to change penalty classification for certain offenses; to eliminate provisions relating to indeterminate sentences; to harmonize provisions; to repeal the original sections; to outright repeal section 83-1,105.01, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 42. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to county court; to amend section 24-517, Revised Statutes Supplement, 1998; to change jurisdictional provisions; and to repeal the original section.

LEGISLATIVE BILL 43. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to eliminate a duty of the Revisor of Statutes to publish practice notes; and to outright repeal section 25-543, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 44. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Revised Statutes Supplement, 1998; to provide penalties for criminal attempt; and to repeal the original section.

LEGISLATIVE BILL 45. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-504, Reissue Revised Statutes of Nebraska; to change provisions relating to preliminary hearings; and to repeal the original section.

LEGISLATIVE BILL 46. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to coroners; to amend sections 28-1820, 48-135, and 71-1341, Reissue Revised Statutes of Nebraska, and sections 71-605 and 71-1339, Revised Statutes Supplement, 1998; to require autopsies on minors as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 47. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Judicial Resources Commission; to

amend section 24-1204, Revised Statutes Supplement, 1998; to authorize use of teleconferencing; and to repeal the original section.

LEGISLATIVE BILL 48. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-301, Reissue Revised Statutes of Nebraska; to change provisions relating to real parties in interest; and to repeal the original section.

LEGISLATIVE BILL 49. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to create the offense of criminal child enticement; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 50. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to child support; to establish the Child Support Commission; and to declare an emergency.

LEGISLATIVE BILL 51. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-901, Reissue Revised Statutes of Nebraska; to change provisions relating to bail; and to repeal the original section.

LEGISLATIVE BILL 52. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2542, and 29-2543, Reissue Revised Statutes of Nebraska; to change the method of inflicting the death penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 53. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1998; to provide a sales and use tax exemption for certain governmental photocopying expenses; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 54. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2259 and 29-2261, Reissue Revised Statutes of Nebraska; to provide funding for interpreter services during presentence investigations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 55. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to authorize commencement of a new action within six months after failure of an action as prescribed.

LEGISLATIVE BILL 56. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to health care; to state intent; to require disclosure of provider health care records to patients.

LEGISLATIVE BILL 57. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.22 and 60-311.23, Reissue Revised Statutes of Nebraska; to change provisions relating to Nebraska Cornhusker Spirit Plates; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 58. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1998; to allow an income tax credit for political contributions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 59. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-15,163 and 81-15,164, Reissue Revised Statutes of Nebraska; to change provisions relating to a waste reduction and recycling fee; to harmonize provisions; to repeal the original sections; to outright repeal section 81-1566.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 60. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the board of state canvassers; to amend section 32-1037, Reissue Revised Statutes of Nebraska; to provide that the board's duty is ministerial in nature; and to repeal the original section.

LEGISLATIVE BILL 61. Introduced by Landis, 46.

A BILL FOR AN ACT relating to state government; to amend section 84-710, Reissue Revised Statutes of Nebraska; to change provisions relating to remittance of public funds to the state treasury; and to repeal the original section.

LEGISLATIVE BILL 62. Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts; to amend sections 30-3503,

30-3508, 30-3518, and 30-3519, Revised Statutes Supplement, 1998; to change provisions relating to the Nebraska Uniform Custodial Trust Act; to require compliance with the Nebraska Uniform Prudent Investor Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 63. Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts and estates; to amend section 12-1107, Reissue Revised Statutes of Nebraska; to adopt the Uniform Principal and Income Act of 1997; to repeal the Nebraska Principal and Income Act; to harmonize provisions; to provide severability; to repeal the original section; and to outright repeal sections 30-3101 to 30-3115, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 64. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-803, Reissue Revised Statutes of Nebraska; to provide for a learned treatise exception to the rule against hearsay; and to repeal the original section.

LEGISLATIVE BILL 65. Introduced by Hilgert, 7; Jensen, 20.

A BILL FOR AN ACT relating to boiler inspections; to amend section 48-726, Reissue Revised Statutes of Nebraska; to change exemption provisions; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to boiler inspections; to amend sections 48-721, 48-722, 48-726, and 48-727, Reissue Revised Statutes of Nebraska; to change provisions relating to the inspector, codes, and exemptions; and to repeal the original sections.

LEGISLATIVE BILL 67. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1536, Revised Statutes Supplement, 1998; to change provisions relating to calculation of state aid; and to repeal the original section.

LEGISLATIVE BILL 68. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-340 to 71-343, 71-347, 71-351, 71-352, 71-356, 71-362, 71-364, 71-371, 71-374, 71-375 to 71-377, 71-381, 71-382, 71-386, 71-3,106, 71-3,169, 71-3,170, 71-3,174, 71-3,177, and 71-3,179, Reissue Revised Statutes of Nebraska; to provide for regulation of nail technology practitioners, establishments, and education; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-361, Reissue

Revised Statutes of Nebraska.

LEGISLATIVE BILL 69. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to amend sections 13-1102, 20-113, 20-131, 23-2525, 23-2531, 23-2541, 48-1101 to 48-1107, 48-1107.02, 48-1108, 48-1110 to 48-1126, 79-2,123, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 20-139, 25-2602.01, and 85-9,175, Revised Statutes Supplement, 1998; to rename an act; to define a term; to change provisions relating to employment discrimination based on sexual orientation; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-1109, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 70. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to civil rights; to amend section 28-307, Reissue Revised Statutes of Nebraska; to adopt the Voluntary Physician Aid-In-Dying Act; to provide a penalty; to change provisions relating to murder, homicide, assault, and assisting suicide; and to repeal the original section.

MOTION - Escort Committees

Mr. Coordsen moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

EASE

The Legislature was at ease from 10:54 a.m. until 11:34 a.m.

MR. CUDABACK PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 71. Introduced by Chambers, 11; Thompson, 14.

A BILL FOR AN ACT relating to health records; to require health care providers and facilities to provide certain records without charge.

LEGISLATIVE BILL 72. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 25-1633 and 29-1502, Reissue Revised Statutes of Nebraska; to change provisions relating to alternate jurors; to change references to names in court proceedings; and to repeal the original sections.

LEGISLATIVE BILL 73. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 25-1633, 29-1401, and 29-1502, Reissue Revised Statutes of Nebraska; to change procedures relating to certain grand juries; to change references to names in court proceedings; and to repeal the original sections.

LEGISLATIVE BILL 74. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-672, Reissue Revised Statutes of Nebraska; to redefine traffic infraction; and to repeal the original section.

LEGISLATIVE BILL 75. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to discrimination based offenses; to amend section 28-112, Revised Statutes Supplement, 1998; to change provisions relating to the burden of proof for enhanced penalties; and to repeal the original section.

LEGISLATIVE BILL 76. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 27-609, 27-803, 28-104, 28-202, 28-303, 29-742, 29-744, 29-1822, 29-2005, 29-2006, 29-2020, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, and 55-480, Reissue Revised Statutes of Nebraska, and sections 28-105 and 28-201, Revised Statutes Supplement, 1998; to change a penalty from death to maximum of life imprisonment without possibility of parole; to change conspiracy provisions; to provide for restitution and standards for sentencing; to harmonize provisions; to eliminate capital punishment provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2519 to 29-2522, 29-2524 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 28-105.01 and 29-2523, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 77. Introduced by Engel, 17.

A BILL FOR AN ACT relating to International Fuel Tax Agreement Act; to amend section 66-1404, Reissue Revised Statutes of Nebraska; to authorize local reciprocal exemption agreements; and to repeal the original section.

LEGISLATIVE BILL 78. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to public utilities; to amend sections 14-2114, 14-2115, and 14-2117, Reissue Revised Statutes of Nebraska; to change provisions relating to allocation of costs, extension of service areas, and records open to the public; to provide duties; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 79. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to provide a penalty for the use of a computer to commit a felony or misdemeanor; and to repeal the original section.

LEGISLATIVE BILL 80. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311, Reissue Revised Statutes of Nebraska; to provide for five-year issuance of license plates; and to repeal the original section.

LEGISLATIVE BILL 81. Introduced by Landis, 46.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3227, Reissue Revised Statutes of Nebraska; to change provisions relating to investments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 82. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-921, Revised Statutes Supplement, 1998; to change provisions relating to repayment of withdrawn contributions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 83. Introduced by Wickersham, 49; Preister, 5.

A BILL FOR AN ACT relating to emergency management; to ratify the Emergency Management Assistance Compact.

LEGISLATIVE BILL 84. Introduced by Wickersham, 49; C. Peterson, 35.

A BILL FOR AN ACT relating to veterans; to authorize creation of a state veteran cemetery system; to create a fund; and to provide duties.

LEGISLATIVE BILL 85. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to government; to create the Intergovernmental Relations Commission; to state intent; to provide

membership; and to provide powers and duties.

LEGISLATIVE BILL 86. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-506, 13-511, 13-522, 23-131, 23-135, 23-910, and 23-1303, Reissue Revised Statutes of Nebraska, and section 13-508, Revised Statutes Supplement, 1998; to change and eliminate provisions relating to budget documents; to authorize development of funds transfer systems; to provide powers and duties for county officers; to harmonize provisions; to repeal the original sections; and to outright repeal section 23-250.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 87. Introduced by Wickersham, 49; Schimek, 27.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend sections 13-801, 13-803, 13-804, 13-806, 13-808 to 13-812, 13-814 to 13-816, 13-818, 13-820, 13-821, 13-824, 13-826, 13-2004, 13-2025.01, 47-603, 58-202, 58-219, 58-239, 58-503, 60-335, 73-101, and 77-2704.15, Reissue Revised Statutes of Nebraska, and sections 13-520 and 79-1028, Revised Statutes Supplement, 1998; to define and redefine terms; to authorize creation of joint public agencies; to provide powers and duties for joint public agencies and the Secretary of State; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 88. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to personal property; to amend sections 60-104, 60-106, 60-111.01, 69-2302 to 69-2304, 69-2308, 69-2311, and 76-14,109, Reissue Revised Statutes of Nebraska; to include mobile homes in the Disposition of Personal Property Landlord and Tenant Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 89. Introduced by Brown, 6; Jensen, 20.

A BILL FOR AN ACT relating to the state lottery; to amend sections 9-801 and 9-827, Reissue Revised Statutes of Nebraska; to provide requirements for advertising and promotion of the state lottery; to provide a duty for lottery game retailers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 90. Introduced by Cudaback, 36; Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1901 to 60-1906 and 60-1908 to 60-1911, Reissue Revised Statutes of Nebraska; to change provisions relating to abandoned motor vehicles; to provide for disposition of unclaimed motor vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 91. Introduced by Cudaback, 36; Schellpeper, 18.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Revised Statutes Supplement, 1998; to change provisions relating to standards; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 92. Introduced by C. Peterson, 35; Bruning, 3; Cudaback, 36; Jones, 43; Kremer, 34; Schmitt, 41; Schrock, 38.

A BILL FOR AN ACT relating to water wells; to amend sections 46-601.01, 46-602, 46-606, and 46-1224, Reissue Revised Statutes of Nebraska; to define a term; to change registration and fee provisions; and to repeal the original sections.

LEGISLATIVE BILL 93. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to schools; to provide deadlines for collective bargaining.

LEGISLATIVE BILL 94. Introduced by Engel, 17.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-801, Reissue Revised Statutes of Nebraska; to provide for reciprocal interstate law enforcement agreements; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Amusement Ride Act; to amend sections 48-1801 and 48-1802, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide duties and responsibilities for riders and operators; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 96. Introduced by Schellpeper, 18; Cudaback, 36; Vrtiska, 1.

A BILL FOR AN ACT relating to counties; to amend sections 32-517 to 32-526, 32-528, 32-529, 32-557, and 32-609, Reissue Revised Statutes of Nebraska; to provide for certain county offices to be filled on a nonpartisan basis; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 97. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Water Well Standards and Contractors' Licensing Act; to amend sections 46-1208, 46-1223, and 46-1225, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to electrical wiring, equipment installation, and continuing education; and to repeal the original sections.

LEGISLATIVE BILL 98. Introduced by Schimek, 27; Bohlke, 33; Bromm, 23; Crosby, 29; Dierks, 40; Hilgert, 7; Hudkins, 21; Jones, 43; Matzke, 47; Dw. Pedersen, 39; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to grandparent visitation; to amend sections 43-111 and 43-1802, Reissue Revised Statutes of Nebraska; to clarify visitation conditions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 99. Introduced by Schimek, 27; Dierks, 40; Janssen, 15; Matzke, 47; Preister, 5; Suttle, 10; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to insurance; to require coverage for diabetes-related equipment, supplies, medication, and education; and to provide an operative date.

LEGISLATIVE BILL 100. Introduced by D. Pederson, 42; Engel, 17; Matzke, 47; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2201 and 30-24, 125, Revised Statutes Supplement, 1998; to provide for and change provisions relating to transfer of real and personal property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 101. Introduced by Bromm, 23; Landis, 46; Preister, 5; Raikes, 25; Wickersham, 49.

A BILL FOR AN ACT relating to energy; to create the Biopower Steering Committee; to provide powers and duties; and to create a fund.

LEGISLATIVE BILL 102. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-723, Reissue Revised Statutes of Nebraska; to change appraisers' fees provisions; and to repeal the original section.

LEGISLATIVE BILL 103. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Department of Water Resources; to amend sections 46-161, 46-174, and 46-561, Reissue Revised Statutes of Nebraska; to change provisions relating to approval of boundary changes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 104. Introduced by Brown, 6; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to government; to authorize creation of home rule charter counties.

LEGISLATIVE BILL 105. Introduced by Brown, 6; Jones, 43.

A BILL FOR AN ACT relating to housing; to adopt the Nebraska Housing Agency Act; to eliminate the Housing Cooperation Law and the Nebraska Housing Authorities Law; to provide severability; and to outright repeal sections 71-1501 to 71-1512, 71-1518 to 71-1535, and 71-1537 to 71-1554, Reissue Revised Statutes of Nebraska, and section 71-1536, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 106. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-184, Reissue Revised Statutes of Nebraska; to change provisions relating to authorized visitation or work release by a committed offender; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 107. Introduced by Dw. Pedersen, 39; Quandahl, 31.

A BILL FOR AN ACT relating to credit unions; to amend sections 12-1102, 12-1107, 21-1761, 21-1770, and 21-1799, Reissue Revised Statutes of Nebraska; to change powers of credit unions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 108. Introduced by Schimek, 27; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to public records; to amend section 84-712.09, Reissue Revised Statutes of Nebraska; to provide for confidentiality as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 109. Introduced by Coordsen, 32; Baker, 44; Bohlke, 33; Bromm, 23; Cudaback, 36; Dierks, 40; Hudkins, 21; Jones, 43; Kremer, 34; Matzke, 47; Schellpeper, 18; Schmitt, 41; Stuhr, 24; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202 and 77-27,137, Revised Statutes Supplement, 1998; to exempt certain agricultural machinery and equipment from property tax; to eliminate a sales tax exemption for agricultural machinery and equipment; to change state-aid distribution; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.36 and 77-2704.37, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 110. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Reissue Revised Statutes of Nebraska; to provide requirements for issuance of permits for vehicles exceeding size and weight limitations; and to repeal the original section.

LEGISLATIVE BILL 111. Introduced by Crosby, 29; Dierks, 40; Engel, 17; Jones, 43; Redfield, 12; Smith, 48.

A BILL FOR AN ACT relating to homicide; to amend sections 28-302 and 28-305, Reissue Revised Statutes of Nebraska, and section 28-306, Revised Statutes Supplement, 1998; to define "unborn child" and redefine "person"; to provide as immaterial when death for an unborn child occurred; to provide an exception to prosecution; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 112. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to medical services; to provide for the responsibility for the payment of costs of medical services for individuals who are arrested, detained, taken into custody, or incarcerated; and to declare an emergency.

LEGISLATIVE BILL 113. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to government purchasing; to create the state purchasing card program.

EASE

The Legislature was at ease from 11:43 a.m. until 11:54 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 114. Introduced by Cudaback, 36; Vrtiska, 1.

A BILL FOR AN ACT relating to counties; to amend section 84-712.01, Reissue Revised Statutes of Nebraska; to change a provision relating to access to public records by modem; and to repeal the original section.

LEGISLATIVE BILL 115. Introduced by Vrtiska, 1; Bromm, 23; Byars, 30; Connealy, 16; Coordsen, 32; Cudaback, 36; Dierks, 40; Jones, 43; Kremer, 34; Schellpeper, 18; Schmitt, 41; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2017.01, Revised Statutes Supplement, 1998; to redefine limited-service rural hospitals; and to repeal the original section.

LEGISLATIVE BILL 116. Introduced by Schimek, 27; Bromm, 23; Dierks, 40; Preister, 5.

A BILL FOR AN ACT relating to electric utilities; to state intent; to define

terms; to provide powers and duties regarding net metering; and to provide severability.

LEGISLATIVE BILL 117. Introduced by Schimek, 27; Crosby, 29; Kiel, 9; Thompson, 14.

A BILL FOR AN ACT relating to elections; to amend section 32-625, Reissue Revised Statutes of Nebraska; to change provisions relating to vacancies on a ballot; and to repeal the original section.

LEGISLATIVE BILL 118. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to economic development; to adopt the Economic Revitalization Act.

LEGISLATIVE BILL 119. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-1006.01, Revised Statutes Supplement, 1998; to change provisions relating to personal needs allowance for certain assistance recipients; and to repeal the original section.

LEGISLATIVE BILL 120. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to divorce; to amend sections 42-364 and 43-2,113, Reissue Revised Statutes of Nebraska; to change child custody determination provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 121. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Barber Act; to amend section 71-208.04, Reissue Revised Statutes of Nebraska, and section 71-223.01, Revised Statutes Supplement, 1998; to change provisions relating to surety bonds and sanitation inspections; and to repeal the original sections.

LEGISLATIVE BILL 122. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to correctional services; to amend section 83-181, Reissue Revised Statutes of Nebraska; to define a term; to provide for copayments for health care services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 123. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1998; to provide an adjustment to income for pension and retirement pay; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 124. Introduced by Schimek, 27; Wehrbein, 2.

A BILL FOR AN ACT relating to cities of the primary class; to prohibit railroads from obstructing highways in cities of the primary class; to provide a penalty; to provide an exemption; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 125. Introduced by Suttle, 10; Bourne, 8; Chambers, 11; Kiel, 9; Redfield, 12; Tyson, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Revised Statutes Supplement, 1998; to change the sales tax rate; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 126. Introduced by Schellpeper, 18; Bromm, 23; Brown, 6; Cudaback, 36; Jones, 43; Landis, 46; Dw. Pedersen, 39; Schimek, 27; Suttle, 10; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-180.02, 53-180.04, 53-180.05, and 53-1,104, Reissue Revised Statutes of Nebraska; to change provisions relating to minors' violations; to change provisions relating to license suspension for illegal sales; to harmonize provisions; and to repeal the original sections.

EASE

The Legislature was at ease from 11:57 a.m. until 12:14 p.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 127. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208, Reissue Revised Statutes of Nebraska; to change provisions relating to race meet taxes; and to repeal the original section.

LEGISLATIVE BILL 128. Introduced by Tyson, 19; Bromm, 23.

A BILL FOR AN ACT relating to cities and villages; to amend sections 17-207 and 17-505, Reissue Revised Statutes of Nebraska; to increase the fine a city of the second class or a village may impose for the violation of an ordinance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 129. Introduced by Tyson, 19; Hilgert, 7; Schmitt, 41.

A BILL FOR AN ACT relating to abandoned vehicles; to amend section

60-1902, Reissue Revised Statutes of Nebraska; to change the dollar value required of an abandoned vehicle in order for title to vest in the local authority; and to repeal the original section.

LEGISLATIVE BILL 130. Introduced by Tyson, 19; Suttle, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-433, Reissue Revised Statutes of Nebraska, and section 28-416, Revised Statutes Supplement, 1998; to change penalty provisions relating to possession of marijuana; to provide certain fees to be charged as court costs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 131. Introduced by Tyson, 19; Hilgert, 7; Schmitt, 41.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1213, Reissue Revised Statutes of Nebraska, and section 28-1229, Revised Statutes Supplement, 1998; to change provisions relating to explosives; and to repeal the original sections.

LEGISLATIVE BILL 132. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-504, 77-3442, and 77-3443, Revised Statutes Supplement, 1998; to change levy provisions relating to city airport authorities; and to repeal the original sections.

LEGISLATIVE BILL 133. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-330.02, and 60-334, Reissue Revised Statutes of Nebraska; to provide for the classification of certain utility vehicles as farm trucks; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 134. Introduced by Dw. Pedersen, 39; Crosby, 29; Schimek, 27; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to adoption; to provide commensurate child-care leave for adoptive parents.

LEGISLATIVE BILL 135. Introduced by Schimek, 27; Hilgert, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-151 and 48-1,110, Reissue Revised Statutes of Nebraska; to define terms; to provide a presumption for certain employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 136. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to property tax; to provide for notice of delinquent real property taxes.

LEGISLATIVE BILL 137. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Supplement, 1998; to exclude job application materials from public record requirements; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Schimek, 27; Janssen, 15; Lynch, 13; Preister, 5; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to volunteerism; to state intent; to create the Nebraska Volunteer Service Commission; to provide powers and duties; to create a fund; and to declare an emergency.

LEGISLATIVE BILL 139. Introduced by Bourne, 8; Hilgert, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3504, Reissue Revised Statutes of Nebraska; to redefine household income for homestead purposes; and to repeal the original section.

LEGISLATIVE BILL 140. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Landis, 46; Raikes, 25; Schellpeper, 18.

A BILL FOR AN ACT relating to Tax Equalization and Review Commission; to amend section 77-5015, Reissue Revised Statutes of Nebraska, and sections 77-1504.01, 77-5007, 77-5016, 77-5019, and 77-5022, Revised Statutes Supplement, 1998; to change provisions for appeals to and from the commission; to authorize the use of videoconferencing at certain hearings and meetings; to provide for refunds of multiple filing fees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 141. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-514, 23-120, 23-125, 23-381, 23-501, 35-1205, 60-3004, 60-3006, 79-1225, and 79-1233, Reissue Revised Statutes of Nebraska, and sections 13-509, 30-24, 125, 77-125, 77-1514, 77-3443, and 77-3444, Revised Statutes Supplement, 1998; to change provisions relating to levy limits and fund distributions; to eliminate provisions relating to property taxation of motor vehicles; to change motor vehicle tax schedules; to change appeal provisions; to change levy limit provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 142. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3003, Reissue Revised Statutes of Nebraska; to change allocation of the motor vehicle tax; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 143. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18.

A BILL FOR AN ACT relating to motor fuel tax; to amend sections 66-503, 66-676, 66-682, 66-738, and 66-740, Reissue Revised Statutes of Nebraska; to change permit provisions, tax provisions, funding, and study requirements; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 144. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-1022, Revised Statutes Supplement, 1998; to change provisions relating to state aid payments; and to repeal the original section.

LEGISLATIVE BILL 145. Introduced by Suttle, 10; Hilgert, 7; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3501.01, Reissue Revised Statutes of Nebraska, and sections 77-3505.02, 77-3507, 77-3508, and 77-3509, Revised Statutes Supplement, 1998; to redefine terms; to change homestead exemption provisions; and to repeal the original sections.

LEGISLATIVE BILL 146. Introduced by Matzke, 47; Coordsen, 32; Jones, 43.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-331.04, Reissue Revised Statutes of Nebraska; to change provisions relating to farm and ranch special permits; and to repeal the original section.

LEGISLATIVE BILL 147. Introduced by Thompson, 14; Bourne, 8; Bromm, 23; Brown, 6; Connealy, 16; Cudaback, 36; Dierks, 40; Kristensen, 37; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Preister, 5; Price, 26; Robak, 22; Schimek, 27; Schrock, 38; Smith, 48; Suttle, 10; Wehrbein, 2.

A BILL FOR AN ACT relating to anatomical gifts; to amend sections 60-484, 60-495, 60-4,144, and 60-4,181, Reissue Revised Statutes of

Nebraska; to create the Organ and Tissue Donor Awareness and Education Fund; to provide for contributions to and use of the fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 148. Introduced by Byars, 30.

A BILL FOR AN ACT relating to public health; to state findings; to establish the Nebraska Lifespan Respite Services Program; to provide for community lifespan respite services programs; and to provide powers and duties.

LEGISLATIVE BILL 149. Introduced by Education Committee: Bohlke, 33, Chairperson; Brashear, 4; Coordsen, 32; Price, 26; Raikes, 25; Stuhr, 24; Suttle, 10; Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1005.01, 79-1007.02, 79-1008.01, 79-1010, 79-1015.01, 79-1018.01, 79-1022, 79-1026, 79-1027, 79-1028, 79-1031, 79-1031.01, 79-1083.02, 79-1083.03, and 79-1089, Revised Statutes Supplement, 1998; to provide for recalculation and recertification of state aid; to redefine terms; to change and eliminate provisions relating to allocated income tax funds, local effort rate, data reporting, and appropriations; to change dates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 150. Introduced by C. Peterson, 35; Bromm, 23; Matzke, 47; Dw. Pedersen, 39; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to telecommunications; to adopt the Telephone Consumer Slamming Prevention Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 151. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the DNA Detention of Sexual and Violent Offenders Act; to amend section 29-4107, Revised Statutes Supplement, 1998; to change provisions relating to DNA samples and fingerprints; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 152. Introduced by Thompson, 14; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Reissue Revised Statutes of Nebraska; to change provisions relating to truancy; and to repeal the original section.

LEGISLATIVE BILL 153. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to create a task force to study the patrol; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Matzke asked unanimous consent to have his name added as cointroducer to LB 96. No objections. So ordered.

VISITORS

Visitors to the Chamber were Meg Fricke and Gert Fowler from Omaha.

RECESS

At 12:21 p.m., on a motion by Ms. Price, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:49 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, and Hartnett who were excused.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

PRAYER

The prayer was offered by Father Paul Witt, St. Mary's Catholic Church, Lincoln, Nebraska.

INAUGURAL CEREMONIES

Chief Justice John Hendry administered the Oath of Office to the newly elected State officials.

Governor Mike Johanns delivered the following Inaugural Address:

GOVERNOR'S INAUGURAL ADDRESS

Mr. President, Mr. Speaker, Mr. Chief Justice, Members of the Legislature, distinguished guests, family and friends:

I am deeply honored to be here today as the thirty-eighth Governor of the State of Nebraska.

As you know, this journey began over three years ago, spanned 150,000 miles and involved hundreds of visits to communities large and small in all

93 counties of our great state.

During the last three years, I became acquainted with thousands of our citizens.

I took the opportunity to listen to them, to their concerns, to their hopes, their fears, and their dreams as they thought about the future, and what the future might hold for them and their families, their communities, their farms, their businesses, and their state.

This insight and understanding, gathered in peoples' homes, in coffee shops, at civic club appearances, at pancake feeds and church socials across our state, was a major factor in shaping my vision for our state's future and is the foundation for my priorities as your Governor.

While Nebraska is a diverse state in terms of the size of our communities, the ethnic heritage, religion, occupation and interests of our citizens,

I was struck time and time again over the past three years about the many things all Nebraskans share the core values, beliefs, and goals which bring us together, despite our differences.

It is those common values that define the context within which the priorities for my administration have been formed:

First, GREAT PRIDE IN THE HERITAGE OF OUR STATE --- Nebraskans are strong, independent, hard working people whose ancestors endured hardships to settle here, establish communities and raise their families.

Second, BELIEF IN THE VALUE OF EDUCATION --- Nebraskans care about our schools, and understand the significant role that all pieces of our educational system --- K thru 12, higher education, job training and distance learning --- play in our state's quality of life, our economic vitality and our children's future.

Third, RESPECT FOR OUR VAST NATURAL RESOURCES --- Nebraskans understand how blessed our state is in the abundant water, clean air, fertile soil and sheer physical beauty of our state.

While much of our economy is dependent on these resources, our citizens understand the balance between using them for our benefit and preserving them for future generations.

Fourth, CARE IN MANAGING OUR FINANCES --- Nebraskans are thrifty, cautious people when it comes to money, whether it be managing a family budget, a business or a farm, and they expect their government to use this same cautious approach in managing their valuable tax dollars.

Fifth, A BASIC OPTIMISM FOR THE FUTURE --- Nebraskans are positive

in their outlook for the future, but their optimism is tempered by realistic concerns over the tax burden, a threatened agricultural economy, the future of our schools, violence in our communities and serious workforce shortages.

Finally, A DESIRE FOR POLITICAL LEADERSHIP --- Nebraskans want leadership that will bring our state together to work constructively for our future around practical, common sense solutions.

Noted Nebraska author Willa Cather states in her novel "O Pioneers" that "the history of every country begins in the heart of a man or woman."

As a candidate for Governor, I have had a unique opportunity over the past three years to learn what is in the hearts and minds of so many Nebraska men and women.

I stand before you today eager to address the many issues before our state and to lead a "Nebraska United" into the 21st Century.

As I look ahead to the next millennium and reflect on the input from thousands of Nebraskans, I see four objectives for our state and for my new administration:

SMALLER GOVERNMENT
LOWER TAXES
SAFE COMMUNITIES
AND A GROWING ECONOMY

There's no surprise in these objectives.

Simply put, that's what Nebraskans want and it is our challenge and our obligation to achieve those objectives.

It starts with SMALLER GOVERNMENT.

From coffee shops to letters to the editor to the voting booth Nebraskans are sending a message:
reduce the tax burden while continuing to provide the services Nebraskans need and expect at a level of service they deserve.

As their elected leaders, we can and must live up to that challenge.

We must review, analyze, reconfigure, prioritize and downsize our state government.

Nebraska taxpayers want a state government that is lean, focused and accountable and providing that form of government is the goal of my administration.

This is not a goal which will be easily achieved or accomplished within the first year or even in several years, but it is an effort we must begin today.

And if we do our job right, controlling the size and growth of government, we can **REDUCE THE TAX BURDEN**.

While initiative 413 was soundly defeated in November, the message sent by Nebraskans repeatedly is that the tax burden in Nebraska is too high.

Whether it's the rancher in O'Neill, the elderly homeowner in Beatrice, the young family in Kearney, or the successful entrepreneur in Omaha, we must strive to lower their tax burden.

The challenge is not only for the executive and legislative branches of state government, but the challenge extends to local government which levies the property tax.

The Legislature has made strides in reducing the reliance on property tax to support local government. And many Nebraskans saw the results of those efforts on their latest property tax statement. But not every Nebraskan has a lower property tax bill.

All local elected officials must recognize and accept their responsibility to reduce the property tax burden.

However, the state's responsibility to assist in the property tax relief effort is not complete. There is more we can do to reduce the property tax burden and later this month I will bring a property tax relief package to the Legislature and ask for your approval.

But for any tax relief, short term or sustained, to be enacted, the focus returns to government spending and the size of government.

I ask the members of the Legislature, and in fact all of state government, to join with me in a genuine and sustained effort to control the growth in spending.

If we will say no to rapid spending growth we can say yes to tax relief.

This should be our goal, our priority and our pledge not only to Nebraskans today, but also to our children and grandchildren, for it is their future which we hold in our hands.

That future is bright in many respects, but it is also tied to our ability to keep our COMMUNITIES SAFE.

The highest purpose of government is to provide for the public safety.

I firmly believe this and made public safety a priority during my service as Mayor of our Capital City.

Nebraskans must feel safe in their homes, trust that their children are safe in their schools, and know that law enforcement has the tools to protect our communities from crime.

The state's side of that commitment is twofold.

First, we have an obligation to have a statewide law enforcement effort that adequately funded, manned, and equipped in order to carry out their duties and to provide the support local law enforcement agencies need in their efforts.

And second, we must ensure swift and sure justice for those individuals who choose to violate the laws of our state.

Part of the obligation to maintain safe communities is a continuing commitment to stop the manufacture and sale of drugs in Nebraska and to put a squeeze on the pipeline for the drug trade that our state has become.

This effort includes a sustained, intense effort targeting methamphetamine, a threat to our children and our families.

Reducing the size of government, cutting taxes, and maintaining safe communities are pieces of the puzzle necessary to BUILD OUR ECONOMY.

Other pieces of that puzzle are a sustained investment in education, emphasis on workforce development, accessible and affordable health care, and investment in infrastructure including transportation and technology.

As I said on the campaign trail, you don't run for Governor unless you believe in the importance of education.

And I do.

Workforce development is an ongoing challenge in a state that is a national leader in the unemployment rate.

But our state's future is in part tied to our ability to address this challenge.

And in the area of health care, the diversity of our state provides advantages and disadvantages in the ongoing effort to maintain a healthy population.

Together, we can work to exploit those advantages and turn our disadvantages into strengths.

And as to the importance of technology, transportation, and infrastructure in this state, calculated investments today will pay dividends for future generations.

I believe that these four priorities, smaller government, lower taxes, safe communities, and building our economy, reflect what is in the hearts and minds of the thousands of Nebraska citizens I listened to during my three years of campaigning for Governor.

But of course, a darker challenge has again arisen in our state, the critical situation now facing farms and ranches and the businesses that depend on agriculture across Nebraska.

The awful prices for corn, beans, wheat, and beef have been an economic nightmare to many in our state's most important industry.

And the historic lows in pork prices have been all but tragic, especially for the small and medium sized producer.

As a farm boy, including someone who raised hogs to pay my way through college, I understand the plight facing our farm economy.

It's real to me.

And you have my personal commitment that I will do all I can to lead our state through these trying times.

By next week I will have taken the time to meet with nearly every state senator, something that probably hasn't been done by an incoming governor.

But something I believe has value, because although we come from different branches of state government, we are elected by the same voters, represent the same Nebraskans, and have the best interests of those Nebraskans at heart when we advocate for policies that affect the future of our state.

I am eager to work with all 49 of you and while we may not always agree on every issue, when we disagree, it will be with civility, fairness and respect.

In this regard, I'd like to share with you some words of a former Nebraska Governor, William A. Poynter, who assumed office 100 years ago and delivered his inaugural address to the twenty-sixth session of the Nebraska Legislature on January 5th, 1899:

"We recognize that the primary power rests in the hands of the people and that this, their will, should at all times be considered supreme. Partisanship may be bitter before election, but the will of the people having been

expressed, citizenship should rise above partisanship. It is my most sincere desire that we shall cooperate for the best interests of the state."

Governor Poynter assumed office on the eve of the last century, at a time when over 4,000 Nebraska soldiers had volunteered for duty in the Spanish-American War, and the First Nebraska regiment had suffered more casualties than any volunteer unit in the war.

His inauguration followed a troubled decade for Nebraska's agricultural sector, a period marked by severe drought and crop failures.

Nevertheless, Governor Poynter and your predecessors in the Legislature approached the future a century ago with confidence, optimism for our state, and a belief that by working together, the state would progress and succeed in the century to come.

The challenges that we face today are not easily resolved.

Yet by working together, I believe we can seize these challenges, turning them into opportunities, and move our state forward into the next century.

I approach the next four years of service with tremendous enthusiasm balanced by humility and awe at the opportunity Nebraskans have given me to serve my state.

As I leave you today, let's agree to move forward, with a primary purpose of making a better tomorrow for the generations that follow.

Let's all row together!

The Governor, Chief Justice, associate justices, newly elected state officials, congressional delegation, and families were escorted from the Chamber.

ADJOURNMENT

At 2:58 p.m., on a motion by Mr. Smith, the Legislature adjourned until 10:00 a.m., Friday, January 8, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY – JANUARY 8, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 8, 1999

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

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Beutler, Schrock, Mmes. Bohlke, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 66, line 28, strike "Vrtiska, 1;".
The Journal for the second day was approved as corrected.

MOTION - Adopt Temporary Rules

Mrs. Hudkins moved that the Rules, as now in our possession, be adopted for today only, Friday, January 8, 1999.

The motion prevailed.

COMMITTEE ON COMMITTEES FINAL REPORT

Mrs. Crosby offered the following Committee on Committees report:

	Agriculture - Dierks (C)
Chambers	Schellpeper
Cudaback	Schrock
Hilgert	Vrtiska
Robak	

Appropriations - Wehrbein (C)

Beutler	Kiel
Brown	Lynch
Crosby	Matzke
Engel	Pederson, D.

Banking, Commerce and Insurance - Landis (C)

Bourne	Kremer
Bruning	Schmitt
Byars	Tyson
Jensen	

Business and Labor - Vrtiska (C)

Chambers	Preister
Dierks	Redfield
Hilgert	Schimek

Education - Bohlke (C)

Brashear	Stuhr
Coordsen	Suttle
Price	Wickersham
Raikes	

General Affairs - Schellpeper (C)

Connealy	Robak
Cudaback	Schrock
Hartnett	Smith
Quandahl	

Government, Military and Veterans Affairs - Schimek (C)

Cudaback	Schmitt
Janssen	Smith
Kremer	Vrtiska
Quandahl	

Health and Human Services - Jensen (C)

Byars	Suttle
Dierks	Thompson
Price	Tyson

Judiciary - Brashear (C)

Baker	Hilgert
Bourne	Pedersen, Dw.
Chambers	Robak
Connealy	

Natural Resources - Schrock (C)

Bohlke
Bromm
Bruning
Hudkins

Jones
Preister
Stuhr

Nebraska Retirement Systems - Stuhr (C)

Bourne
Bruning
Crosby

Peterson, C.
Wickersham

Revenue - Wickersham (C)

Coordsen
Hartnett
Landis
Peterson, C.

Raikes
Redfield
Schellpeper

Transportation - Bromm (C)

Baker
Hudkins
Janssen
Jones

Pedersen, Dw.
Peterson, C.
Thompson

Urban Affairs - Hartnett (C)

Connealy
Preister
Quandahl

Redfield
Schimek
Smith

Enrollment and Review - Smith (C)

Intergovernmental Cooperation - Raikes (C)

Kremer
Lynch
Pedersen, Dw.

Tyson
Speaker Kristensen (ex officio)
Lt. Gov. Maurstad (ex officio)

Rules - Hudkins (C)

Beutler
Bromm

Brown
Thompson

Laid over.

MESSAGE FROM THE GOVERNOR

January 7, 1999

The President, The Speaker and
Members of the Legislature
c/o Clerk of the Legislature

State Capitol
Lincoln, NE 68509

Dear Senators:

Under the authority granted me by the Constitution of Nebraska Law, I hereby notify you, the members of the 96th Legislature, that I am on this day recalling for further review the following appointments that were submitted by the Honorable Ben Nelson but not yet confirmed.

Dr. Glenn York - Nebraska State Board of Health
Dr. James Shiefen - Nebraska State Board of Health

Ron Nelson - Natural Resources Commission

Jim Dietz - Nebraska State Electrical Board

James Z. Ziebarth - Nebraska Ethanol Board (NEB)
Richard Klauz - NEB
Keith Mueller - NEB
John Steinauer - NEB
Florian Paskevic - NEB
Fred Hlava - NEB

Richard Sheehy - Nebraska Board of Emergency Medical Services (NBEMS)
William Heine - NBEMS
Dallas Schaffer - NBEMS
Rex Scott - NBEMS

Alyce Maupin - Health & Human Services Systems Partnership Council

F. Jon Holzfaster - Nebraska Dry Bean Commission
Nolan L. Berry - Nebraska Dry Bean Commission

Joyce Hillman - State Highway Commission

I recognize the need to move quickly and will, therefore, place a high priority on expeditiously returning to you those appointments from the above list in which I concur, and submitting new nominations where required.

Thank you for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

ANNOUNCEMENT

The Chair announced today is Senator Hilgert's birthday.

UNANIMOUS CONSENT - Members Excused

Mmes. Hudkins and Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

ANNOUNCEMENT

The Chair announced today is Senator Kremer's birthday.

RESOLUTIONS**LEGISLATIVE RESOLUTION ICA.** Introduced by Coordsen, 32.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 22:

III-22 "Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

If the Legislature requires that any new program or service be provided by any municipality, county, or other political subdivision or if the Legislature requires the expansion of or a change in any existing program or service, which creation, expansion, or change will result in an increased expenditure of funds by the affected political subdivision, the Legislature shall appropriate the funds necessary to cover the increase as state aid to the affected political subdivision each and every year during which the program or service is required to continue, except that any municipality, county, or other political subdivision requests the Legislature to create, expand, or change any program or service, the Legislature shall not be required to appropriate the funds necessary to fund the created, expanded, or changed program or service."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require the Legislature to appropriate funds to political subdivisions for programs or services mandated by the Legislature.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 2CA. Introduced by Landis, 46.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "~~At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years; and thereafter all members~~ All the members of the Legislature shall be elected for a ~~term~~ terms of four years, with the manner of ~~such~~ election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office; and the law providing for ~~such~~ redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their ~~term~~ terms. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.

Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ salary and expenses, ~~and employees except that members of the Legislature may participate in any employee benefit programs or plans in which other state officers are authorized to participate. Employees~~ of the Legislature shall receive no compensation other than ~~their~~ salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize members of the Legislature to participate in employee benefit programs or plans in which other state officers are authorized to participate and to eliminate obsolete language.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 3. Introduced by Brown, 6; Jensen, 20.

WHEREAS, the 1997 increase in Nebraska personal income was 3.85 percent; and

WHEREAS, the overall level of state and local taxation is 11 percent of personal income; and

WHEREAS, holding spending growth under the rate of personal income growth will result in an incremental lowering of the overall tax burden; and

WHEREAS, using Nebraska personal income growth as the target means the Legislature is responding to the state's economic situation; and

WHEREAS, setting a target early provides a clear strategic objective, especially during times of increasing revenue; and

WHEREAS, setting a target early allows the Legislature to effectively communicate to the public the spending direction of the current biennium; and

WHEREAS, the most effective spending control is the commitment of the Legislature.

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

1. That for the 1999-2001 biennium new General Fund appropriations shall not increase more than 3 percent per year over the previous fiscal year's new General Fund appropriations.

Laid over.

LEGISLATIVE RESOLUTION 4CA. Introduced by Kristensen, 37; Coordsen, 32.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. such salary and expenses as are determined by the Commission on Legislative Compensation, which is hereby created. The commission shall consist of seven members appointed by the Governor and shall meet each two years to establish such salary and expenses. The terms of the members of the commission shall be staggered and shall be fixed by the Legislature. The Legislature shall establish, by law, procedures to be followed by such commission. No serving member of the Legislature shall be on the commission. Members of the

commission shall be disqualified from being elected or appointed to the Legislature for a period of four years after the termination of their service on the commission. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her salary~~ their salaries and expenses, and employees of the Legislature shall receive no compensation other than their salary salaries or per ~~diem diems~~."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for a Commission on Legislative Compensation which, every two years, shall establish the salary and expenses for members of the Legislature.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 5CA. Introduced by Kristensen, 37; Coordsen, 32.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed ~~one thousand~~ XXX dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her salary~~ their salaries and expenses, and employees of the Legislature shall receive no compensation other than their ~~salary salaries~~ or per ~~diem diems~~."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the salary limit for members of the

Legislature.
For
Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 154. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Legislature; to amend sections 32-508 and 50-1101, Reissue Revised Statutes of Nebraska; to change the number of legislative districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 155. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend section 79-9,105, Reissue Revised Statutes of Nebraska, and sections 79-9,100, 79-9,104, and 79-9,113, Revised Statutes Supplement, 1998; to change provisions relating to the monthly formula retirement annuity, qualified domestic relations order payments, disability benefits, and school district contributions; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 156. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to lobbying; to amend section 49-1492, Reissue Revised Statutes of Nebraska; to prohibit certain lobbying activities by former state officers as prescribed; and to repeal the original section.

COMMITTEE ON COMMITTEES FINAL REPORT

Mrs. Crosby moved the approval of the Committee on Committees final report, found on pages 81, 82, and 83.

The Committee on Committees final report was approved with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

EASE

The Legislature was at ease from 10:13 a.m. until 10:45 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 157. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to holidays; to amend sections 25-2221, 62-301, and 79-724, Reissue Revised Statutes of Nebraska; to provide that Election Day is a holiday; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 158. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to charitable solicitations; to state intent; to create a task force; to provide powers and duties; and to provide a termination date.

LEGISLATIVE BILL 159. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to crime; to amend sections 28-109 and 43-279, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Supplement, 1998; to change certain penalties for gang-related offenses; to provide notification to Nebraska State Patrol of juvenile law violators; to eliminate juvenile fingerprinting; to repeal the original sections; and to outright repeal section 43-252, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 160. Introduced by Brown, 6; Brashear, 4; Bromm, 23; Coordsen, 32; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to liability; to limit governmental liability for damages relating to electronic computing devices.

LEGISLATIVE BILL 161. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1998; to change provisions relating to adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 162. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 44-359, Reissue Revised Statutes of Nebraska; to change provisions relating to awarding of attorney's fees and expenses; and to repeal the original section.

LEGISLATIVE BILL 163. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to prohibit the use of liquefied petroleum gas as a refrigerant; to provide a penalty; to provide duties for the

State Fire Marshal and peace officers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 164. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to Employment Security Law; to amend section 48-621, Reissue Revised Statutes of Nebraska; to change provisions relating to use of funds; and to repeal the original section.

LEGISLATIVE BILL 165. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-657, 48-660.01, 77-3904, 77-3905, 77-3906, 77-3907, and 77-3908, Reissue Revised Statutes of Nebraska, and sections 77-3902 and 77-3903, Revised Statutes Supplement, 1998; to provide for default liens under the Uniform State Tax Lien Registration and Enforcement Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 166. Introduced by Kiel, 9; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 81-638, Reissue Revised Statutes of Nebraska, and section 77-2602, Revised Statutes Supplement, 1998; to change provisions relating to the special privilege tax on cigarettes; to repeal the original sections; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 167. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to animals; to amend sections 54-401 and 54-402, Reissue Revised Statutes of Nebraska; to provide strict liability for bison damages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 168. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to Employment Security Law; to amend sections 48-602 and 48-604, Reissue Revised Statutes of Nebraska; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 169. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-846, Reissue Revised Statutes of Nebraska; to change provisions relating to reduction in force; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 170. Introduced by Landis, 46.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-137, Reissue Revised Statutes of Nebraska; to change provisions relating

to installment loan lending limits; and to repeal the original section.

LEGISLATIVE BILL 171. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1998; to exempt machinery, equipment, and electricity from sales and use taxation as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 172. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to grain warehouses; to amend section 88-527, Revised Statutes Supplement, 1998; to change inspection procedures; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 173. Introduced by Dierks, 40; Cudaback, 36; Hudkins, 21; Jones, 43; Schellpeper, 18; Schmitt, 41; Stuhr, 24; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to schools; to amend sections 77-3444, 79-4,111, 79-1003, and 79-1083.03, Revised Statutes Supplement, 1998; to change provisions relating to Class I school district levies and budgets; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 174. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to labor; to adopt the One Day Rest in Seven Act; and to provide a penalty.

LEGISLATIVE BILL 175. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to landlord and tenant; to amend sections 20-131.04, 69-2304, 69-2308, 76-1416, 76-1446, and 76-1483, Reissue Revised Statutes of Nebraska; to change provisions relating to disposition of personal property, security deposits, and actions for possession; and to repeal the original sections.

LEGISLATIVE BILL 176. Introduced by Hilgert, 7; Matzke, 47.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1202, 37-1213, 37-1224, 37-1225, 37-1228, 37-1231, 37-1241, 37-1248 to 37-1250, 37-1264, 37-1268, 37-1270, 37-1271, and 37-1291, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of personal watercraft; to define a term; to require boating safety courses for certain operators; to provide powers and duties; to provide and change

penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 177. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3006, Reissue Revised Statutes of Nebraska; to change provisions relating to tax exempt motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 178. Introduced by Jensen, 20; Thompson, 14.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-1,238 and 71-1,240, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Supplement, 1998; to change and eliminate provisions relating to athletic trainers; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-1,239, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 179. Introduced by Preister, 5; Bohlke, 33; Bourne, 8; Bromm, 23; Hilgert, 7; Lynch, 13; Redfield, 12; Schimek, 27; Suttle, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507 to 77-3509, Revised Statutes Supplement, 1998; to change homestead exemption provisions; and to repeal the original sections.

LEGISLATIVE BILL 180. Introduced by Preister, 5; Hilgert, 7; Lynch, 13; Suttle, 10.

A BILL FOR AN ACT relating to homesteads; to authorize a county homestead exemption program.

LEGISLATIVE BILL 181. Introduced by Preister, 5; Hilgert, 7.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1525 and 44-5019, Reissue Revised Statutes of Nebraska; to prohibit actions based upon credit history; and to repeal the original sections.

ANNOUNCEMENT

Ms. Schimek announced the Government, Military and Veterans Affairs Committee elected Mr. Janssen as Vice Chairperson.

EASE

The Legislature was at ease from 10:50 a.m. until 11:07 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 182. Introduced by Beutler, 28; Bohlke, 33; Preister, 5; Schimek, 27; Suttle, 10; Wickersham, 49.

A BILL FOR AN ACT relating to students; to adopt the Student Freedom of Expression Act.

LEGISLATIVE BILL 183. Introduced by Cudaback, 36; Baker, 44.

A BILL FOR AN ACT relating to motor fuel tax; to amend sections 66-493 to 66-493, 66-651, 66-685, 66-686, 66-698, 66-6,100, 66-712, 66-719.01, 66-727, 66-737, and 77-2704.05, Reissue Revised Statutes of Nebraska, and sections 39-2215 to 39-2216, 66-482, 66-4,141, 66-4,143, and 66-4,144, Revised Statutes Supplement, 1998; to adopt the Liquified Petroleum Gas Tax Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 184. Introduced by Baker, 44; Hilgert, 7; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-1,101, 9-217, 9-230.01, 9-239, 9-255.04, 9-321.01, 9-344, 9-404, and 9-605, Reissue Revised Statutes of Nebraska; to eliminate certain taxes on charitable gaming as prescribed; to redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal sections 9-240, 9-429, and 9-648, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 185. Introduced by Bromm, 23; Engel, 17; Jensen, 20; Jones, 43; Tyson, 19; at the request of the Governor.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-213, 25-2308, and 83-183, Reissue Revised Statutes of Nebraska, and section 83-1,116, Revised Statutes Supplement, 1998; to change provisions relating to actions brought by prisoners; to informally name the Nebraska Prison Litigation Reform Act of 1999; to eliminate a provision relating to witness fees; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; to repeal the original sections; and to outright repeal section 33-139.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 186. Introduced by Bromm, 23; Engel, 17; Jensen, 20; Jones, 43; C. Peterson, 35; Tyson, 19; at the request of the Governor.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to postconviction proceedings; to establish limits on postconviction proceedings; and to repeal the original section.

LEGISLATIVE BILL 187. Introduced by Kristensen, 37; Cudaback, 36; Hartnett, 45; Lynch, 13; Smith, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections

9-812, 9-836.01, and 81-179, Revised Statutes Supplement, 1998; to change the distribution of lottery proceeds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 188. Introduced by Thompson, 14; Bromm, 23; Dw. Pedersen, 39; C. Peterson, 35.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-905, 43-3321, 60-301, 60-462, 60-463, 60-476.02, 60-479, 60-491, 60-496, 60-497, 60-497.01, 60-497.03, 60-499, 60-4,100, 60-4,102, 60-4,103, 60-4,106, 60-4,108, 60-4,109, 60-4,117, 60-4,120.02, 60-4,125, 60-4,130.03, 60-4,141.01, 60-4,171, 60-4,185, 60-505.02, 60-557, 60-601, 60-605, 60-6,196, 60-6,197, 60-6,198, 60-6,205, 60-6,206, 60-6,211.07, and 60-6,216 to 60-6,218, Reissue Revised Statutes of Nebraska, and sections 28-306 and 83-1,127.02, Revised Statutes Supplement, 1998; to change provisions relating to revocation, suspension, impoundment, cancellation, and reinstatement of motor vehicle registration certificates, operator's licenses, and operating privileges; to define and redefine terms; to provide and change penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 189. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to child abuse; to define terms; to provide for disclosure of certain information as prescribed; and to provide for immunity as prescribed.

LEGISLATIVE BILL 190. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to create the offense of unlawful introduction of alcoholic liquor or a controlled substance within a detention facility or juvenile detention facility; to provide a penalty; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 191. Introduced by Brown, 6; Hilgert, 7; Jensen, 20; Dw. Pedersen, 39; Quandahl, 31.

A BILL FOR AN ACT relating to insurance; to amend sections 44-392 and 44-1525, Reissue Revised Statutes of Nebraska; to authorize the sale of insurance by banks, trust companies, and similar companies; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 192. Introduced by Brown, 6; Hilgert, 7; Dw. Pedersen, 39; Preister, 5; Schmitt, 41; Thompson, 14.

A BILL FOR AN ACT relating to peace officers; to adopt the Peace Officer Employer-Employee Relations Act.

LEGISLATIVE BILL 193. Introduced by C. Peterson, 35; Dierks, 40; Kremer, 34; Dw. Pedersen, 39; Schmitt, 41; Tyson, 19.

A BILL FOR AN ACT relating to the state building division; to amend section 81-1108.15, Revised Statutes Supplement, 1998; to exempt the Nebraska veterans homes from facilities administration; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 194. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Landis, 46; C. Peterson, 35; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2147, 23-3202, 60-3006, 77-1327, 77-1330, 77-1515, and 77-1734.01, Reissue Revised Statutes of Nebraska, and sections 13-509, 77-101, 77-123, 77-125, 77-202.03, 77-1233.04, 77-1233.06, 77-1301, 77-1303, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1501, 77-1503.01, 77-1504, 77-1504.01, 77-1507, and 77-1514, Revised Statutes Supplement, 1998; to change provisions relating to property taxation; to define and redefine terms; to provide duties for the Property Tax Administrator; to eliminate provisions relating to county officials, omitted property, and mortgages; to harmonize provisions; to repeal the original sections; to outright repeal sections 77-378, 77-1336, and 77-1401 to 77-1409, Reissue Revised Statutes of Nebraska, and sections 77-425 and 77-1233.05, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 195. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-254, Reissue Revised Statutes of Nebraska; to provide for enrollment approval as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 196. Introduced by Janssen, 15; Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-103, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for license sanctions for certain violations occurring on licensed premises; to authorize a civil action for damages resulting from a misrepresentation of age by a minor; to harmonize provisions; to provide for confiscation of identification as prescribed; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 6CA. Introduced by Kristensen, 37; Beutler, 28; Brown, 6; Coordsen, 32; Hudkins, 21; Thompson, 14.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF

NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 9:

III-9 "No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to; or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void. A member of the Legislature who is elected to any other state or local office prior to the end of his or her term in the Legislature shall resign from the Legislature prior to the commencement of the legislative session during which the term of the state or local office will begin."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require the resignation of members of the Legislature elected to other state or local offices.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Cudaback asked unanimous consent to have his name added as cointroducer to LB 113. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Vrtiska withdrew his name as cointroducer to LB 113.

ANNOUNCEMENTS

Mrs. Bohlke announced the Education Committee elected Mrs. Suttle as Vice Chairperson.

Mr. Wehrbein announced the Appropriations Committee will hold a meeting January 11, 1999, at 2:00 p.m., in Room 1003.

VISITORS

The Doctor of the Day was Jay Matzke from Seward.

ADJOURNMENT

At 11:11 a.m., on a motion by Mr. Matzke, the Legislature adjourned until 10:00 a.m., Monday, January 11, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY – JANUARY 11, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 11, 1999

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Father Paul Witt, St. Mary's Catholic Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Brashear who was excused; and Messrs. Beutler, Lynch, Schrock, Mmes. Bohlke, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 87, line 16, strike "Referred to the Executive Board." and insert "Laid over."

The Journal for the third day was approved as corrected.

MOTION - Adopt Temporary Rules

Mrs. Hudkins moved that the Rules, as now in our possession, be adopted for today only, Monday, January 11, 1999.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills.

LB	Committee
1	General File
2	General File
3	General File
4	General File

5	General File
6	General File
7	General File
8	General File
9	General File
10	General File
11	General File
12	General File
13	General File
14	General Affairs
15	Natural Resources
16	Transportation
17	Health and Human Services
18	Banking, Commerce and Insurance
19	Judiciary
20	Transportation
21	Judiciary
22	Judiciary
23	Judiciary
24	Judiciary
25	Transportation
26	Education
27	Business and Labor
28	Education
29	Transportation
30	Transportation
31	Judiciary
32	Revenue
33	Revenue
34	Revenue
35	Revenue
36	Revenue
37	Revenue
38	Appropriations
39	Judiciary
40	Judiciary
41	Judiciary
42	Judiciary
43	Judiciary
44	Judiciary
45	Judiciary
46	Judiciary
47	Judiciary
48	Judiciary
49	Judiciary
50	Judiciary
51	Judiciary
52	Judiciary
53	Revenue

54	Judiciary
55	Judiciary
56	Health and Human Services
57	Transportation
58	Revenue
59	Natural Resources
60	Government, Military and Veterans Affairs
61	Government, Military and Veterans Affairs
62	Banking, Commerce and Insurance
63	Banking, Commerce and Insurance
64	Judiciary
65	Business and Labor
66	Business and Labor
67	Education
68	Health and Human Services
69	Judiciary
70	Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 3 was referred to the Reference Committee.

ANNOUNCEMENTS

Mr. Bromm announced the Transportation Committee elected Mr. Jones as Vice Chairperson.

Mr. Jensen announced the Health and Human Services Committee elected Mr. Byars as Vice Chairperson.

REPORT

The following report were received by the Legislature:

Economic Development, Department of
Annual Report

ANNOUNCEMENT

Mr. Preister designates LB 179 as his priority bill.

EASE

The Legislature was at ease from 10:10 a.m. until 10:24 a.m.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 11, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Adams, John H. - Omaha; International Gamco, Inc.; Oasis Technologies, Inc.
Andersen, Robert C. - Lincoln; Nebraska Cooperative Council
Anderson, Robert L. - Lincoln; Anderson Management Services, Inc.; Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Anderson, Shannon - Lincoln; Nebraska Catholic Conference
Anderson, Tim W. - Holdrege; The Central Nebraska Public Power & Irrigation District
Arfmann, William W. - Lincoln; Nebraska Association of Public Employees, AFSCME Local 61
Ashford, John Brad - Omaha; Hal Daub, Mayor
Ashley, Dr. Thomas - Lincoln; Lincoln Benefit Life Company
Baack, Dennis G. - Lincoln; Nebraska Community College Association
Babcock, Marsha L. - Omaha; Mechanical Contractors Association of Omaha
Baehr, Darcy L. - Lincoln; Nebraska Retail Federation
Baird, Holm, McEachen, Pedersen, Hamann & Strasheim
Eynon-Kokrda, Elizabeth - Omaha; Nebraska Methodist Health System; Omaha Public Schools
Baker, Darryl - Beatrice; Norris Public Power District
Barnett, Linda - Lincoln; YMCA'S of Nebraska
Barrett, Mary K. - Omaha; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)
Beattie, George - Lincoln; Nebraska Bankers Association
Becker, Timothy A. - Omaha; Lamson, Dugan & Murray
Belcher, Barbara N. - Overland Park, KS; Merck & Company, Human Health Division
Bellum, Fred - Columbus; American Association of Retired Persons
Bleich, Walt - Lincoln; Nebraska Citizen Action Network
Boldt, G. Randy - Omaha; Blue Cross & Blue Shield of Nebraska; HMO Nebraska, Inc.
Bonaiuto, John A. - Lincoln; Nebraska Association of School Boards
Boucher Law Firm
Boucher, Richard - Lincoln; American Massage Therapy Association Nebraska Chapter
Bovee, Phyllis - Lincoln; American Association of Retired Persons
Brandt, Henry F. - Lincoln; Bailey-Lauerman & Associates Inc.
Brendkamp, Troy - Lincoln; Nebraska Cattlemen
Brown, Vincent D. - Lincoln; American Petroleum Institute
Bruning, Deonne L. - Lincoln; AT&T Corp.
Burson, Kathy - Omaha; American Cancer Society

Butler, Richard J. - Lincoln; Nebraska Mortgage Association
 Cady, Steven W. - Lincoln; Nebraska Pork Producers Association
 Carlson, Karen A. - Lincoln; U S WEST Communications
 Carpenter, Rex - Lincoln; Nebraska Rural Electric Association
 Carstenson, Eric B. - Lincoln; Nebraska Telephone Association
 Cavanaugh, James P. - Omaha; Creighton University; Explore Information
 Services; Independent Insurance Agents of Nebraska; Nebraska District
 Judges Association; Nebraska Fraternal Order of Police
 Cederberg, John E. - Lincoln; Limited Liability Company Association
 Cheloha, John A. "Jack" - Omaha; City of Omaha
 Childers, Paula J. - Hastings; Mothers Against Drunk Driving, Nebraska
 (MADD)
 Clark, Douglas R. - Omaha; UtiliCorp United
 Clayburn, Neal - Lincoln; Lincoln Education Association
 Cline, Williams, Wright, Johnson & Oldfather
 Buntain, David R. - Lincoln; Nebraska Medical Association
 Campbell, Mary M. - Lincoln; City of Lincoln; Educational Service Units;
 Lincoln Public Schools; Nebraska Beer Wholesalers Association;
 Nebraska Cable Communications Association; Nebraska Health Care
 Association; Nebraska Medical Association; Nebraska Wholesale Liquor
 Distributors Association; Regions I, II, & V; State Troopers Association
 of Nebraska, Inc.; University of Nebraska
 Pallesen Jr., Charles M. - Lincoln; Nebraska Medical Association;
 University of Nebraska
 Peterson, Alan E. - Lincoln; Central Interstate Low-Level Radioactive
 Waste Commission; Media of Nebraska, Inc.
 Renner, Shawn D. - Lincoln; Media of Nebraska, Inc.
 Counts, Barry A. - Lincoln; Sprint/Local Telecommunications Division
 Craig, John L. - Lincoln; Associated General Contractors Nebraska Chapter
 Craig, Robert B. - Lincoln; The American Legion, Dept. of Nebraska
 Crosby, Guenzel, Davis, Kessner & Kuester
 Wade, Rick G. - Lincoln; Nebraska Cooperative Council
 Cuca, Ralph "Bud" - Lincoln; Nebraska Trucking Association
 Cunningham, James R. - Lincoln; Nebraska Catholic Conference
 Cutshall & Associates
 Cutshall & Associates - Lincoln; Arapahoe Feed Mill, Inc./7-11 Pork Food,
 Inc.; Board of Trustees of Nebraska State College Systems; BryanLGH
 Health System; Community Lottery System, Inc.; Lincoln Medical
 Education Foundation; Metropolitan Utilities District of Omaha;
 Nebraska Academy of Family Physicians; Nebraska Association of Area
 Agencies on Aging; Nebraska Association of Home & Community
 Health Agencies; Nebraska Association of Resources Districts; Nebraska
 Cattlemen; Nebraska County Attorneys Association; Nebraska Dietetic
 Association; Nebraska Elk Breeders Association; Nebraska Financial
 Services Association; Nebraska Funeral Directors Association; Nebraska
 Poultry Industries, Inc.; Nebraska Public Power District; Nebraska
 Railroad Association; Nebraska Rural Community Schools Association;
 Nebraska Water Coalition; Pfizer Inc.; Ruth & Mueller Law Firm;
 Southern Nebraska Rural Public Power District; U.S. BANCORP

Cutshall, Bruce A. - Lincoln; Cutshall & Associates
Nowka, Trent P. - Lincoln; Cutshall & Associates
DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln; Nebraska Chiropractic Physicians Association; Veterans of Foreign Wars
Dibbern, Chris M. - Lincoln; Nebraska Municipal Power Pool (NMPP Energy)
Dobler, James B. - Lincoln; Farmers Mutual Insurance Co. of Nebraska
Dobras, Victor E. - St. Paul, MN; Sprint/United Telephone
Dugan, Susie - Omaha; PRIDE-Omaha, Inc.
Dulaney, Michael S. - Lincoln; Nebraska Council of Private Postsecondary Career Schools; Nebraska Council of School Administrators
Earl-Bleich, Christine J. - Lincoln; Nebraska Citizen Action Network; Nebraska Sierra Club
Edson, Dean E. - Lincoln; Nebraska Association of Resources Districts
Ellerbee, Don - Hastings; Nebraska Funeral Directors Association; Nebraska Veterinary Medical Association
Elliott, Joseph W. - Boys Town; Professional Insurance Agents of Nebraska
Engel, Michelle L. - Lincoln; AT&T Corp.
Eret, Don - Dorchester; Supporters of Nebraska Tractor Testing Laboratory
Erickson, Julie S. - Lincoln; American Communications Group, Inc.
Evans, Eric A. - Lincoln; Nebraska Advocacy Services, Inc.
Fahleson, Mark A./ Rembolt Ludtke & Berger
Fahleson, Mark A. - Lincoln; Anderson Management Services, Inc.; High Plains Corporation; Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Ferdinand, L. Rene' - Lincoln; The ARC of Nebraska
Ferrell, Beth Bazyn - Lincoln; Nebraska Association of County Officials
Festersen, Pete - Omaha; Greater Omaha Chamber of Commerce
Fischer, David B. - Omaha; Union Pacific Railroad
Flannery, John S. - Des Moines, IA; GTE
Fleming, Richard L. - Lincoln; American Association of Retired Persons
Fraizer & Fraizer
Fraizer, T. J. - Lincoln; American Insurance Association; Mutual of Omaha Insurance Companies
Frohman, Ann M. - Lincoln; Lincoln Benefit Life Company
Funk, Christine - Lincoln; Planned Parenthood of Lincoln
Gady, Richard L. - Omaha; ConAgra, Inc.
Gale, Kristine A. - Omaha; CalEnergy Company, Inc.
Gibson, Lisa - Omaha; Voices for Children
Gigstad, Carolyn D. - Lincoln; American Consulting Engineers Council of Nebraska; Nebraska Society of Professional Engineers
Gilbertson, Korby M. - Lincoln; Nebraska Wildlife Protector's Association, Inc./Operation Game; Thief (OGT); Walter H. Radcliffe of Radcliffe & Associates
Giles, Lorraine M. - Omaha; American Association of Retired Persons
Gingery, Robert O. - Lincoln; American Association of Retired Persons
Ginsburg, Joy - Kansas City, MO; American Cancer Society
Glen Derr
Marshall, Kelly J. - Omaha; Pharmcia & UpJohn Inc.

- Goc, John J. - Lincoln; Class I's United
- Golden, Jeffrey S. - Lincoln; Boys and Girls Home of Nebraska; Children and Family Coalition of NE
- Gordon, James E./DeMars, Gordon, Olson & Shively
Gordon, James E. - Lincoln; DeHart & Darr Associates
- Gould, John S. - Valparaiso; Common Cause Nebraska
- Graham, Ronald - Blue Springs, MO; Novartis Pharmaceuticals Corporation
- Graves Jr., Eugene J. - Omaha; Metro Omaha Builders Association
- Grieser, Mary Taylor - Lincoln; Nebraska Society of Certified Public Accountants
- Griess, James R. - Lincoln; Nebraska State Education Association
- Guy, Burnell C. - Lincoln; Brain Injury Association of Nebraska Inc.
- Haar, Ken - Lincoln; Nebraska Democratic Party
- Hale, Brian R. - Lincoln; Nebraska Association of School Boards
- Hale, Susan M. - Lincoln; Family Planning Council of Nebraska; Planned Parenthood of Omaha/Council Bluffs
- Hallstrom, Robert/Brandt Horan Hallstrom Sedlacek
Hallstrom, Robert J. - Lincoln National Federation of Independent Business; Nebraska Bankers Association; Nebraska Occupational Therapy Association; Nebraska Pharmacists Association; NETWORKS, INC.
- Hansen, John K. - Lincoln; Nebraska Farmers Union
- Harding, Shultz & Downs
Harding, William A. - Lincoln League of Nebraska Municipalities
- Harris, Nance - Lincoln; Nebraska Trucking Association
- Hartley, Richard - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
- Hartley, Shirley - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
- Head, Craig J. - Lincoln; Nebraska Farm Bureau Federation
- Hedman, Gary - Grand Island; Southern Nebraska Rural Public Power District
- Herrin, Sally J. - Lincoln; Nebraska Farmers Union
- Hogrefe, Raymond H. - Lincoln; National Association Retired Federal Employees, Nebraska Federation
- Hoke, Fred A. - Lincoln; Christian Science Committee on Publication for Nebraska
- Holmquist, David W. - Lincoln; American Cancer Society
- Holmquist, Jay - Lincoln; Nebraska Rural Electric Association
- Hood, Jane Renner - Lincoln; Nebraska Humanities Council
- Horne, Virgil L. - Lincoln; Lincoln Public Schools
- Hullet, Kelvin L. - Lincoln; Lincoln Chamber of Commerce
- Hybl, Michael, G. - Lincoln; Great Plains Communications
- Jenkins, Thomas J. - Omaha; Blue Cross & Blue Shield of Nebraska
Jensen Associates, Inc.
Jensen, Ronald L. - Lincoln; Magellan Health Services, Inc.; Nebraska Association of Homes & Services for the Aging; Nebraska Association of Nurse Anesthetists; Nebraska Association of Private Resources; Nebraska Dental Hygienists' Association; Nebraska Optometric

Association; Nebraska Podiatric Medical Association; Philip Morris Management Corp. on behalf of Philip Morris Incorporated
 Jensen, S. Michael - Blair; Great Plains Communications
 Jewell, Jan - Lincoln; DeCamp Legal Services, P.C.
 Johnson, DeMaris - Lincoln; Nebraska County Attorneys Association
 Johnson, Dick - Lincoln; Associated Builders & Contractors, Inc.
 Johnson, Mary A. - Lincoln; Ruth & Mueller LLC
 Jordison, John C. - Lincoln; Nebraska Tax Research Council, Inc.
 Kamm, Richard D. - Columbus; Class VI Association of Schools
 Kay, Jason - Chicago, IL; American Association of Retired Persons
 Kay, Sara A. - Lincoln; EnTire Recycling, Inc.
 Keetle, Roger S. - Lincoln; Nebraska Association of Hospitals & Health Systems
 Kelley, Lehan & Hall, P.C.
 Kelley, Michael A. - Omaha; Cutshall & Associates; Douglas County, Nebraska; Eastern Nebraska Human Services Agency; Horsemen's Benevolent & Protective Association; Insurance Auto Auctions, Inc.; Kelley, Lehan & Hall, P.C.; Metro Area Transit; Metropolitan Utilities District of Omaha; Nebraska Criminal Defense Attorneys Association; Omaha Airport Authority; Omaha Exposition & Racing Inc.; United Retailers Liquor Association of Nebraska
 Kennedy, Barry L. - Lincoln; Nebraska Chamber of Commerce & Industry
 Kennedy, Christopher R., Ph.D. - Omaha; Nebraska Credit Union League, Inc.
 Kevil, Gregg B. - Lincoln; Nebraska State Home Builders Association
 Kissel/E&S Associates, L.L.C.
 Kissel, Gordon - Lincoln; Alegent Health; Amoco; Erickson & Sederstrom, P.C.; Lancaster County Board of Commissioners; Lincoln Electric System; Nebraska Cooperative Council; Nebraska Goodwill Industries; Nebraska Hearing Society; Nebraska Independent Telephone Association; Nebraska Investment Finance Authority; Nebraska Municipal Power Pool; Nebraska Pork Producers Association; Refractory Users Coalition; West Telemarketing
 Knapp, Patricia, A. - Lincoln; Boyd County Monitoring Committee
 Krannawitter, Brian - Lincoln; American Heart Association
 Kratz, Dean G. - Omaha; Nebraska Building Chapter, Associated General Contractors; Nebraska League of Savings Institutions
 Krivosha, Norman M. - Lincoln; Ameritas Life Insurance Corporation and its subsidiaries
 Krueger, Gayle E. - Lincoln; AIA Nebraska
 Krumland, Gary G. - Lincoln; League of Nebraska Municipalities
 Kruse, Larry D. - Blue Springs, MO; Glaxo Wellcome Inc.
 Landis, Kristin - Lincoln; Nebraska Association of Hospitals & Health Systems
 Larsen, Carlin L. - Chadron; U S WEST Communications
 LeMieux, Matthew - Lincoln; American Civil Liberties Union (ACLU Nebraska)
 Licht, Alice L. - Lincoln; Anderson Management Services, Inc.; Automotive Recycling Industry of Nebraska; Nebraska Coalition For Interior Design;

Nebraska Fertilizer & Ag-Chemical Institute, Inc.; Nebraska Hotel & Motel Association, Inc.; Nebraska State Pest Control Association
 Lineweber, Ray L. - Lincoln; United Transportation Union
 Lombardi-Erickson/American Communications Group
 American Communications Group, Inc. - Lincoln; American Heart Association; Association of Nebraska Community Action Agencies; Center for Rural Affairs; Citizens for a Healthy Nebraska; Housing Excellence Coalition; Nebraska Academy of Physician Assistants; Nebraska Association of Behavioral Health Organizations; Nebraska Association of Public Employees, AFSCME Local 61; Nebraska Board of Engineers & Architects; Nebraska Chapter of American Physical Therapy Association; Nebraska Counseling Association; Nebraska Emergency Medical Service Association; Nebraska Professional Fire Fighters Association; Nebraska Psychological Association; Nebraska Speech, Language, & Hearing Association; Papio-Missouri Natural Resources District
 Lombardi, Richard A. - Lincoln; American Communications Group, Inc.
 Ludwig, Daniel - Lincoln; EnTire Recycling, Inc.
 Lunde, Brian A. - Washington, DC; Andersen Consulting; Smith Kline Beecham
 Lutz, Mark - Lincoln; Employers Unemployment Insurance Company; Nebraska Restaurant Association
 Lutz, Richard - Lincoln; Employers Unemployment Insurance Company; Nebraska Restaurant Association
 Madcharo, Kelley - Lincoln; Nebraska Medical Association
 Marcus, Joan K. - Omaha; The ARC of Nebraska
 Marfisi, Thomas C. - Omaha; City of Omaha
 McBride, David S. - Lincoln; Nebraska Optometric Association; Nebraska State Association of Life Underwriters
 McClure, John - Columbus; Nebraska Public Power District
 McCullough, Mardy - Lincoln; Nebraska Land Title Association
 McDonald, Gordon L. - Omaha; Nebraska State AFL-CIO
 McFarland, James D. - Lincoln; Nebraska High School Press Association; Nonpartisan Family Coalition
 McGee, Joan Ann - Lincoln; American Association of Retired Persons
 McGuire, Mark D. - Lincoln; Crow Butte Resources, Inc.; Nebraska State Education Association
 McKinlay, Aleisa C. - Lincoln; Nebraska Advocacy Services, Inc.
 Meek, Randy D. - Lincoln; Brotherhood of Locomotive Engineers Nebraska State Legislative Board
 Meerkatz, Marilyn - Lincoln; Class I's United
 Menzel, Elaine - Lincoln; Nebraska Association of County Officials
 Mica-Reilly, Tara - Fairfax, VA; National Rifle Association
 Mica, Tara Reilly - Fairfax, VA; National Rifle Association Institute for Legislative Action
 Mihovk, Donald J. - Lincoln; Nebraska Chamber of Commerce & Industry
 Mikkelsen, Brian - Lincoln; Nebraska State Education Association
 Miller, Cy - Lincoln; Working Poor
 Mills, Guyla - Lincoln; Nonpartisan Family Coalition

- Mills, Jack D. - Lincoln; Nebraska Association of County Officials
Minor, Timothy H. - Long Grove, IL; CF Industries, Inc.
Monaghan, Judy A. - Omaha; Scientific Games Inc.
Moody, Randall - Lincoln; American National Bank; Nebraska Library Association; Nebraska Society of Radiologic Technologists; Nebraskans for Public Television; Planned Parenthood of Lincoln; The Nature Conservancy
Moors, H. Jack - Lincoln; Anheuser-Busch Companies; Central Platte Natural Resources District; Crow Butte Resources, Inc.; Nebraska Association of Tobacco & Candy Distributors; Nebraska Corn Growers Association; Nebraska Premium Pork; Village of Butte; 3M Traffic Materials Division
Mossman, Stephen D. - Lincoln; Private Waste Management & Recycling Association
Moylan, James H. - Omaha; Nebraska Licensed Beverage Association; R. J. Reynolds Tobacco
Mueller, William J./Ruth & Mueller LLC
Mueller, William J. - Lincoln; American Diabetes Association; American Express Travel Related Services Company, Inc.; Associated General Contractors of America, Nebraska Chapter; Associated General Contractors, Nebraska Building Chapter; ASARCO Incorporated; AT&T Corp.; Big Red Keno Ltd.; Chief Industries, Inc.; Cutshall & Associates; First Data Corporation; Harvey's Iowa Management Company, d/b/a Harveys Casino & Hotel; Heartland Community Bankers Association; Kellogg Company; Lincoln Airport Authority; Lincoln Electric System; Nebraska Association of Airport Officials; Nebraska Collectors Association, Inc.; Nebraska Dental Association; Nebraska Interactive; Nebraska Machinery Company; Nebraska Methodist Health System, Inc.; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Pork Industry Group; Nebraska Press Association; Nebraska Society of Independent Accountants; Nebraska State Bar Association; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands; Quarry Oaks Golf Club; Rural/Metro Medical Services; Scientific Games Inc.; Western Sugar Company
Mumgaard, D. Milo - Lincoln; Nebraska Appleseed Center for Law in the Public Interest
Naff, Clayton F. - Lincoln; Association of Nebraska Community Action Agencies
Neidig, Bryce P. - Lincoln; Nebraska Farm Bureau Federation
Nelson, Arlene - Grand Island; American Association of Retired Persons
Nelson, Craig L. - Lincoln; Nebraska Association of County Officials
Nelson, Paul - Butte; Boyd County Monitoring Committee
Nessetti, Matthew - Lincoln; Kristy Kromberg
Nielsen, Coleen J. - Lincoln; State Farm Insurance Companies
Norris, Cathy J. - Lincoln; Nebraska Public Power District
O'Hara & Associates, Inc.
Lindsay, John - Lincoln; O'Hara & Associates, Inc.
O'Hara & Associates, Inc. - Lincoln; Allegiance Healthcare Corporation;

ADT Automotive, Inc.; Blue Cross & Blue Shield of Nebraska; Cox Nebraska Telcom, Inc.; CFO Services, LLP; Finocchiaro Wine Co., Inc.; First National Bank of Omaha; GTECH Corporation; Hall County Livestock Improvement Association; KN Energy, Inc.; Lucent Technologies, Inc.; MCI Worldcom, Inc.; Nebraska Association of Trial Attorneys; Nebraska Chapter of the National Association of Housing & Redevelopment Officials; Nebraska County Judges Association; Nebraska Humanities Council; Nebraska Soft Drink Association; Northeast Nebraska Juvenile Services, Inc.; Northern Natural Gas Co.; Nucor Corporation; Omaha Public Power District; Peru State College Foundation; Pioneer Hi-Bred International; University of Nebraska; UtiliCorp United; West Group

O'Hara, Paul V. - Lincoln; O'Hara & Associates, Inc.

O'Neill Jr., Thomas J. - Lincoln; Association of Independent Colleges & Universities of Nebraska

Obermier, Duane - Lincoln; Nebraska State Education Association

Obst, Robert E. - Grand Island; U S WEST Communications

Orton, Lee - Lincoln; Nebraska State Irrigation Association; Nebraska Well Drillers Association

Ozanne, Colleen K. - Lincoln; State Farm Insurance Companies

Pack, Mary M. - Lincoln; Walter H. Radcliffe of Radcliffe & Associates

Parker, David R. - Lincoln; Great West Casualty Company; Joe Morten and Son, Inc.

Parks, James - Lincoln; DeCamp Legal Services, P.C.

Paulger, Mary Ann - Fremont; American Association of Retired Persons

Peetz, Natalie - Omaha; Greater Omaha Chamber of Commerce

Peppie, Lana K. - Lincoln; Nebraska Optometric Association

Peters, Paul J. - Pender; Nebraska Pork Producers Association, Inc.

Peters, William E. - Lincoln; Burlington Northern Santa Fe; Golden Rule Insurance Company

Popken, Kent T. - Lincoln; U S WEST Communications

Potter, Cara E. - Lincoln; Nebraska Retail Federation; Nebraska Retail Grocers Association

Preston, James N. - Lincoln; Nebraska Trucking Association

Prettyman, Keith A. - Lincoln; Woodmen Accident and Life Company

Pribyl, James C. - Denver, CO; MCI Worldcom, Western Public Policy Group

Ptacek, Patrick J. - Lincoln; Nebraska Grain and Feed Association

Pursley, Jeff - Lincoln; Aliant Communications Inc.

Radcliffe and Associates

Radcliffe, Walter H. - Lincoln; Aliant Communications Inc.; GTECH Corporation; IBP, Inc.; Lincoln Public Schools; Media of Nebraska, Inc.; Motion Picture Association of America; National Rifle Association; Institute for Legislative Action; Nebraska Broadcasters Association; Nebraska Cable Communications Association; Nebraska Financial Services Association; Nebraska Health Care Association; Nebraska Manufactured Housing Association, Inc.; Nebraska Optometric Association; Nebraska Pyrotechnics Association; Nebraska Realtors Association; Nebraska Rural Electric Association; Nebraska School

Food Service Association; Nebraska Securities Industry Association; Nebraska Society of Certified Public Accountants; Nebraska State Cemetery Association; Nebraska Wholesale Liquor Distributors Association; Property Owners Association; State Troopers Association of Nebraska, Inc.; University of Nebraska; UST Public Affairs Inc.; Value Options

Rasmussen Legislative Consultants, Inc.

Rasmussen, Dennis - Lincoln; Catrala Association; Friends of Rural Education; Great Plains Communications; Iowa/Nebraska Farm Equipment Association; LensCrafters; Liberty Healthcare Corporation; Midwest Automotive Wholesalers Association; National Guard Association of Nebraska; National Rifle Association; Nebraska Independent Auto Dealers Association; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska State Board of Agriculture; Nebraska State Historical Society; Norwest Bank Nebraska, N.A.; Philip Morris Management Corporation; Western Association

Remington, S. June - Lincoln; Nebraska Chapter of National Association of Social Workers; Nebraska State Association of Life Underwriters

Rempe, Jay E. - Lincoln; Nebraska Farm Bureau Federation

Rex, L. Lynn - Lincoln; League of Nebraska Municipalities

Richards, Thomas - Omaha; Omaha Public Power District

Roberts, John L. - Lincoln; Nebraska Association of Hospitals & Health Systems

Robertson, Rob J. - Lincoln; Nebraska Farm Bureau Federation

Rogert, Suzanne M. - Lincoln; Kelley, Lehan & Hall, P.C.

Ruehle, Greg - Lincoln; Nebraska Cattlemen

Ruth, Larry L./Ruth & Mueller LLC

Ruth, Larry L. - Lincoln; American Diabetes Association; American Express Travel Related Services Company, Inc.; Associated General Contractors of America, Nebraska Chapter; Associated General Contractors, Nebraska Building Chapter; ASARCO Incorporated; AT&T Corp.; Big Red Keno Ltd.; Chief Industries, Inc.; Cutshall & Associates; First Data Corporation; Heartland Community Bankers Association; Kellogg Company; Lincoln Airport Authority; Lincoln Electric System; Nebraska Association of Airport Officials; Nebraska Collectors Association, Inc.; Nebraska Dental Association; Nebraska Interactive; Nebraska Machinery Company; Nebraska Methodist Health System, Inc.; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Pork Industry Group; Nebraska Press Association; Nebraska Society of Independent Accountants; Nebraska State Bar Association; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands; Quarry Oaks Golf Club; Rural/Metro Medical Services; Scientific Games, Inc.; Western Sugar Company

Ryan, Beth - Lincoln; Nebraska Railroad Association

Sahling-Zart, Shelley R. - Lincoln; Lincoln Electric System

Sands, David - Denton; National Audubon Society
 Scanlan, Jeffrey L. - Plattsmouth; Cornhusker Casualty Company
 Scheeling, Mary Jane - Lincoln; Nebraska Nurses' Association
 Schellpeper, William L. - Lincoln; Nebraska Medical Association
 Schimek, Herbert H. - Lincoln; Nebraska State Education Association
 Schmidt, Tom - St. Paul, MN; Pfizer Inc.
 Schmit-Albin, Julie - Lincoln; Nebraska Right to Life, Inc.
 Schmit, Loran/Schmit Industries Inc.
 Schmit Industries, Inc. - Lincoln; Ag Processing, Inc.; Bell Family Farms;
 Ethanol Research & Development Associates; Nebraska Wheat Growers
 Schroeder, William - Downers Grove, IL; Alliance of American Insurers
 Schuele, Joe - Lincoln; Aliant Communications Inc.
 Schwartz/ Fraser Stryker Vaughn
 Schwartz, Julia Plucker - Omaha; Children's Healthcare Services;
 Multistate Associates Incorporated on Behalf of AirTouch;
 Communications; Western Surety Company
 Sedlacek, Ron/Brandt, Horan, Hallstrom & Sedlacek
 Sedlacek, Ronald J. - Lincoln; Nebraska Bankers Association; Nebraska
 Chamber of Commerce & Industry; Travelers Express Company, Inc.
 Seibel, Lori - Lincoln; City of Lincoln
 Sellentin, Jerry L. - Lincoln; Nebraska Council of Private Postsecondary
 Career Schools; Nebraska Council of School Administrators
 Semerad, Mark F. - Omaha; ConAgra, Inc.
 Setzepfandt, Scott - Lakeville, MN; HLR Service Corporation
 Shaw, Timothy F. - Lincoln; Nebraska Advocacy Services, Inc.
 Sholl, Arthur F. - Omaha; American Society of Mechanical Engineers
 Shonka, Elizabeth - Lincoln; Nebraska Farm Bureau Federation
 Shultz, Jack L. - Lincoln; Motorcycle Industry Council, Inc.
 Siefken, Kathy - Lincoln; Nebraska Retail Grocers Association
 Sieh, Loren - Butte; Boyd County Monitoring Committee
 Sigerson Jr., Charles W. - Omaha; Nebraska Republican Party
 Skaggs, L. Craig - Charleston, VA; DuPont
 Skochdopole, R. A. - Omaha; Association of Independent Colleges &
 Universities of Nebraska; National Association of Independent Insurers;
 Smokeless Tobacco Council, Inc.
 Smith, Dwayne G. - Columbus; Loup River Public Power District
 Snyder & Stock
 Stock, Darrell K. - Lincoln; Hudson, Jim and Debbie
 Snyder, Patricia - Lincoln; Nebraska Health Care Association
 Solem, Calvin C. - Omaha; Associated General Contractors
 Stading, Donald R. - Lincoln; Ameritas Life Insurance Corporation and its
 subsidiaries
 Stilmock, Gerald/Brandt Horan Hallstrom Sedlacek
 Stilmock, Gerald M. - Syracuse; National Federation of Independent
 Business; Nebraska Occupational Therapy Association; Nebraska
 Pharmacists Association; Nebraska State Volunteer Firefighter's
 Association
 Stone, Fred R. - Lincoln; Nebraska Petroleum Marketers & Convenience
 Store Association

Sukovaty, Jack - Lincoln; JES Environmental Services
Sullivan, J. Scott - Omaha; Nebraska Credit Union League, Inc.
Sullivan, Patrick H. - Lincoln; Independent Lumber Dealers Association
Swartz, Jack - Lincoln; Nebraska Chamber of Commerce & Industry
Swertzic, Michelle - Lincoln; Nebraska Propane Gas Association
Tewes, Timothy A. - Omaha; Norwest Bank Nebraska, N.A.
Thompson, Nancy L. - South Sioux City; Center for Rural Affairs
Thone, Charles/Erickson & Sederstrom, P.C.
Thone, Charles - Lincoln; Anderson Management Services, Inc.; AIA
Nebraska; Nebraska Municipal Power Pool (NMPP Energy); Nebraska
Society of Clinical Laboratory Science
Thormahlen, Virginia L. - Scottsbluff; American Association of Retired
Persons
Thrasher, Lowell M. - Omaha; Norwest Bank Nebraska, N.A.
Todd Jr., A. Loy - Lincoln; Nebraska New Car & Truck Dealers Association
Tooker, Norman E. - Ralston; Nebraska State Grange
Traynowill, Mark J. - Lincoln; Lancaster County School District 153
Tushar/ Fraser Stryker Vaughn
Tushar, Danene J. - Omaha; Children's Healthcare Services; Multistate
Associates Incorporated on Behalf of AirTouch; Communications
Uhe, Fred J. - Papillion; Sarpy County Board of Commissioners
Ullstrom, Galen F. - Omaha; Mutual of Omaha Insurance Companies
Urdahl, Michael B. - Blair; Great Plains Communications
Van Pelt, Carter - Lincoln; Nebraskans Against the Death Penalty
Vickers, Tom - Lincoln; Association of Private Practice Therapist; Board of
Educational Lands and Funds; Coalition of Affiliated High School
Districts; Nebraska Association of School Boards; Nebraska Community
College Association; Nebraska Nurses Association; Nebraska Propane Gas
Association; The Westside Community & Ralston Public Schools
Vodvarka, Dan - Lincoln; Nebraska Society of Certified Public Accountants
Wagner, Connie - Lincoln; Licensed Practical Nurse Association of
Nebraska; Nebraska Health Care Association
Watson, Carol S. - Lincoln; Lincoln Benefit Life Company
Watson, James S. - Omaha; United HealthCare Corporation
Wiitala, Steve - Omaha; Omaha Public Schools
Williams, David M. - Lincoln; Ameritas Life Insurance Corporation and its
subsidiaries
Wininger, Dwight - Lincoln; Nebraska Rural Telecommunication Coalition
Withem, Ron - Lincoln; University of Nebraska
Workman, William T. - Lincoln; American Association of Retired Persons
Wurtz, Thomas A. - Omaha; Metropolitan Utilities District of Omaha
Wylie, William M. - Elgin; Nebraska Insurance Information Service
Yost, Kurt T. - Lincoln; Midwest Check Cashing Inc.; Nebraska Independent
Bankers Association; The Central Nebraska Public Power & Irrigation
District
Young, Harry D. - Waverly; Norris Public Power District

BILLS ON FIRST READING

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

LEGISLATIVE BILL 197. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-720, Reissue Revised Statutes of Nebraska; to change provisions relating to the child protection case central register; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 198. Introduced by Dierks, 40; Baker, 44.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3102, 2-3105, 2-3107, and 2-3108, Reissue Revised Statutes of Nebraska; to change provisions relating to soil and plant analysis laboratories; and to repeal the original sections.

LEGISLATIVE BILL 199. Introduced by Wickersham, 49; Connealy, 16; Dierks, 40; Matzke, 47.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7613, Revised Statutes Supplement, 1998; to redefine a term relating to nursing facility conversion; and to repeal the original section.

LEGISLATIVE BILL 200. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to parole; to amend sections 83-190 and 83-1,111, Reissue Revised Statutes of Nebraska; to change provisions relating to terms of board members and to reviews; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 201. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to law enforcement training; to amend sections 81-1402 and 81-1406, Reissue Revised Statutes of Nebraska, and section 81-1414, Revised Statutes Supplement, 1998; to provide for academic certification courses conducted outside the training center; and to repeal the original sections.

LEGISLATIVE BILL 202. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to the Partnerships for Economic Development Act; to amend section 81-1294, Revised Statutes Supplement, 1998; to extend a termination date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 203. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to political subdivisions; to provide for fees generated from certain pretrial diversion programs.

LEGISLATIVE BILL 204. Introduced by Schmitt, 41; Chambers, 11.

A BILL FOR AN ACT relating to law enforcement; to prohibit ticket quota requirements.

LEGISLATIVE BILL 205. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Law Enforcement Training Center; to amend sections 81-1401, 81-1412, 81-1412.01, and 81-1412.02, Revised Statutes Supplement, 1998; to change provisions relating to handgun qualification; and to repeal the original sections.

LEGISLATIVE BILL 206. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to judges; to amend section 24-815, Reissue Revised Statutes of Nebraska; to change form of retention ballot; and to repeal the original section.

LEGISLATIVE BILL 207. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-311.03, 60-311.04, 60-311.08, and 60-311.09, Reissue Revised Statutes of Nebraska; to change provisions relating to registration and renewal fees; and to repeal the original sections.

LEGISLATIVE BILL 208. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to archaeological resources preservation; to adopt the Nebraska Archaeological Resources Preservation Act; and to provide penalties.

LEGISLATIVE BILL 209. Introduced by Schmitt, 41; Dierks, 40.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-155, Reissue Revised Statutes of Nebraska, and sections 71-101 and 71-147, Revised Statutes Supplement, 1998; to authorize certain medical care; to define terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 210. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2001, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment of the Superintendent of Law Enforcement and Public Safety; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 211. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to smoking; to amend section 71-5707, Reissue Revised Statutes of Nebraska; to prohibit smoking in the State Capitol building; and to repeal the original section.

LEGISLATIVE BILL 212. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to counties; to amend section 23-3502, Reissue Revised Statutes of Nebraska; to provide for a change in the number of members of a board of trustees of a county medical facility; and to repeal the original section.

LEGISLATIVE BILL 213. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to livestock; to amend sections 54-101 and 54-101.01, Reissue Revised Statutes of Nebraska; to change brand provisions; and to repeal the original sections.

LEGISLATIVE BILL 214. Introduced by Landis, 46.

A BILL FOR AN ACT relating to sales tax; to amend section 77-2702.07, Reissue Revised Statutes of Nebraska, and section 77-2702.13, Revised Statutes Supplement, 1998; to provide for taxation of prepaid telephone calling cards or authorization numbers; to redefine terms; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 215. Introduced by Vrtiska, 1; Hilgert, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-119, 48-120, 48-121, 48-125, 48-151, and 48-166, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation, dispute resolution, rehabilitation, and annual report; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 216. Introduced by Vrtiska, 1; Hilgert, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120, 48-120.02, 48-134.01, 48-145, 48-151, 48-156, 48-162.01, 48-163, and 48-1,114, Reissue Revised Statutes of Nebraska; to change medical and rehabilitation services, self-insurer, rule adoption, and quorum provisions; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 217. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend section 72-1268, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for investment of state funds; and to repeal the original section.

EASE

The Legislature was at ease from 10:28 a.m. until 10:56 a.m.

MR. RAIKES PRESIDING**BILLS ON FIRST READING**

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

LEGISLATIVE BILL 218. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor to Minors Responsibility Act.

LEGISLATIVE BILL 219. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to change the number of juvenile court judges in certain counties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 220. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to podiatry; to amend section 71-173, Reissue Revised Statutes of Nebraska; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 221. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1998; to provide an exemption for certain voluntary fire and rescue organizations from sale and use tax; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 222. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to provide for an administrative fee to be imposed on persons convicted of traffic offenses; to create the Traffic Law Enforcement Incentive Fund; to provide for the transfer of funds; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Suttle, 10; Connealy, 16; Crosby, 29; Kiel, 9; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14.

A BILL FOR AN ACT relating to children; to amend sections 43-272 and 43-272.01, Reissue Revised Statutes of Nebraska; to adopt the Court Appointed Special Advocate Act; to change provisions relating to guardians ad litem; to provide duties; to harmonize provisions; and to repeal the

original sections.

LEGISLATIVE BILL 224. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to contracts; to adopt the Music Licensing Fees Act; and to provide penalties.

LEGISLATIVE BILL 225. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-905, Reissue Revised Statutes of Nebraska; to change provisions relating to operating a motor vehicle to avoid arrest; to change penalty provisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 226. Introduced by Hilgert, 7; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to public health; to provide for pain management; to provide powers and duties for the Department of Health and Human Services Regulation and Licensure; and to create and provide for termination of an advisory committee.

LEGISLATIVE BILL 227. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska, and section 80-403, Revised Statutes Supplement, 1998; to change eligibility provisions for veterans relief and for waiver of tuition; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 228. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-910 and 81-8,219, Reissue Revised Statutes of Nebraska; to provide for political subdivision and state liability for certain claims; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 229. Introduced by Bromm, 23; Janssen, 15; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1430, 60-1436, and 60-1437, Reissue Revised Statutes of Nebraska; to provide for the right of first refusal; to prohibit certain acts by manufacturers and distributors; and to repeal the original sections.

LEGISLATIVE BILL 230. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Hall of Fame; to amend section 72-728, Revised Statutes Supplement, 1998; to change induction eligibility requirements; and to repeal the original section.

LEGISLATIVE BILL 231. Introduced by Beutler, 28; Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-1345 and 77-4401, Reissue Revised Statutes of Nebraska; to change provisions relating to the commercial fertilizer fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 232. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Reissue Revised Statutes of Nebraska; to exempt purchases by natural resources districts from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 233. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state government; to amend section 90-115, Reissue Revised Statutes of Nebraska; to rename the Nebraska Educational Telecommunications Building; and to repeal the original section.

LEGISLATIVE BILL 234. Introduced by Suttle, 10; Schimek, 27.

A BILL FOR AN ACT relating to voter registration; to amend sections 32-301 and 32-330, Reissue Revised Statutes of Nebraska; to provide for electronic records of registration; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 235. Introduced by Crosby, 29; Chambers, 11; Dierks, 40; Hudkins, 21; Jensen, 20; Preister, 5; Schrock, 38; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 37-1254.01, 37-1254.02, 60-4,182, and 60-6,196, Reissue Revised Statutes of Nebraska; to reduce the blood-alcohol concentration limits; and to repeal the original sections.

LEGISLATIVE BILL 236. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to energy financing contracts; to amend section 66-1062, Revised Statutes Supplement, 1998; to redefine governmental unit; and to repeal the original section.

LEGISLATIVE BILL 237. Introduced by Jensen, 20; Bruning, 3.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2138 and 14-2139, Reissue Revised Statutes of Nebraska; to change provisions relating to payments and retail sales; to authorize certain fees and taxes; to provide powers and duties; to harmonize provisions; and

to repeal the original sections.

LEGISLATIVE BILL 238. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend section 81-2603, Reissue Revised Statutes of Nebraska, and section 81-2304, Revised Statutes Supplement, 1998; to change membership on an advisory council; to authorize expense reimbursement for advisory committee members; and to repeal the original sections.

LEGISLATIVE BILL 239. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1998; to eliminate certain fund transfers; and to repeal the original section.

LEGISLATIVE BILL 240. Introduced by Bromm, 23; Coordsen, 32; Kristensen, 37; Wehrbein, 2.

A BILL FOR AN ACT relating to the Foster Care Review Act; to amend section 43-1314.01, Reissue Revised Statutes of Nebraska; to eliminate duties of the Executive Board of the Legislative Council and provisions relating to additional employees; and to repeal the original section.

LEGISLATIVE BILL 241. Introduced by Bromm, 23; Coordsen, 32; Kristensen, 37; Wehrbein, 2.

A BILL FOR AN ACT relating to public health; to amend sections 71-5206 and 71-5206.01, Reissue Revised Statutes of Nebraska; to change provisions relating to family practice residents program; and to repeal the original sections.

LEGISLATIVE BILL 242. Introduced by Bromm, 23; Coordsen, 32; Kristensen, 37; Wehrbein, 2.

A BILL FOR AN ACT relating to the Rural Health Opportunities Loan Act; to amend section 71-5675, Reissue Revised Statutes of Nebraska; to eliminate the act; to provide for repayments; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-5671 to 71-5674, 71-5676, 71-5677, and 71-5679, Reissue Revised Statutes of Nebraska, and section 71-5678, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 243. Introduced by Janssen, 15; Cudaback, 36; Hudkins, 21; Schimek, 27; Schmitt, 41; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 85-505, Revised Statutes Supplement, 1998; to change tuition reimbursement provisions; to repeal the original section; and to declare an

emergency.

EASE

The Legislature was at ease from 11:01 a.m. until 11:25 a.m.

MR. CUDABACK PRESIDING

BILLS ON FIRST READING

The following bills were read first by time by title:

LEGISLATIVE BILL 244. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-326 and 77-27,147, Reissue Revised Statutes of Nebraska; to change provisions relating to sales tax collection for floral products; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 245. Introduced by Janssen, 15; Tyson, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07 and 77-2702.17, Reissue Revised Statutes of Nebraska; to exempt certain United States Postal Service delivery charges from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 246. Introduced by Janssen, 15; Stuhr, 24; Tyson, 19.

A BILL FOR AN ACT relating to the Nebraska Investment Council; to amend sections 72-1237 and 72-1239.01, Reissue Revised Statutes of Nebraska; to change membership provisions; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 247. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to cemeteries; to amend section 12-515, Reissue Revised Statutes of Nebraska; to change provisions relating to acquisitions by condemnation; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 248. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to real estate closings; to amend section 76-2,121, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 249. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to counties; to authorize license and occupation taxes as prescribed.

LEGISLATIVE BILL 250. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to city government; to amend sections 19-405, 19-409, and 32-539, Reissue Revised Statutes of Nebraska; to change provisions relating to the nomination and election of council members in cities adopting the commission plan of city government; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 251. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to courts; to amend sections 29-2206 and 45-623, Reissue Revised Statutes of Nebraska; to change provisions relating to collection of certain debts; and to repeal the original sections.

LEGISLATIVE BILL 252. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to railroad crossings; to prohibit the obstruction of highways in cities of the first and second class and villages and certain county roads; to provide penalties; to provide an exemption; to harmonize provisions; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 253. Introduced by Wehrbein, 2; Vrtiska, 1.

A BILL FOR AN ACT relating to public improvements; to amend section 2-3256, Reissue Revised Statutes of Nebraska, and sections 81-3445, 81-3449, and 81-3453, Revised Statutes Supplement, 1998; to change dollar limitations for improvement project requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 254. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to liability; to amend sections 13-910 and 81-8,219, Reissue Revised Statutes of Nebraska; to limit political subdivision and state immunity and to provide immunity to government contractors for certain claims; and to repeal the original sections.

LEGISLATIVE BILL 255. Introduced by Stuhr, 24; Crosby, 29; Hudkins, 21; Jensen, 20; Jones, 43; Kiel, 9; C. Peterson, 35; Price, 26.

A BILL FOR AN ACT relating to tattooing and body piercing; to amend section 28-101, Revised Statutes Supplement, 1998; to define terms; to prohibit the performance of tattooing and body piercing on minors as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 256. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to civil actions; to define terms; to state findings and intent; and to provide immunity from liability for volunteers as prescribed.

LEGISLATIVE BILL 257. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to employment; to prohibit certain actions by employers based on use of lawful products; to provide for damages; and to provide exceptions as prescribed.

LEGISLATIVE BILL 258. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-214, 44-219, and 44-6001 to 44-6026, Reissue Revised Statutes of Nebraska; to change provisions relating to the Insurers Risk-Based Capital Act; to rename the act; to provide for applicability of the act to health organizations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 259. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-122, 44-787, 44-19,114 to 44-19,116, 44-2906, 44-4320, 44-5020, 44-5103, 44-5905, 44-6122, and 48-1,113, Reissue Revised Statutes of Nebraska; to change filing requirements; to change health insurance provisions; to change title insurance agent provisions; to change calculations for certain payments; to redefine a term; to change and eliminate provisions relating to examinations; to provide for use of the word mutual by reorganized stock insurers; to harmonize provisions; to repeal the original sections; and to outright repeal section 44-138, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 260. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-150, 44-2627, 44-2628, 44-3902, 44-3904, 44-3905, 44-4005.01, 44-4005.04, 44-4010, 44-4013, 44-4015, 44-4019, 44-4028, 44-4041, and 44-5504, Reissue Revised Statutes of Nebraska; to change provisions relating to licensing of agents, brokers, and agencies; to change and eliminate provisions relating to signatures and countersignatures; to harmonize provisions; to repeal the original sections; and to outright repeal section 44-4415, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 261. Introduced by Landis, 46; Beutler, 28; Brown, 6; D. Pederson, 42; Schimek, 27.

A BILL FOR AN ACT relating to telecommunications; to restrict the practices of slamming and loading telecommunication services; to provide powers and duties; and to provide administrative penalties.

LEGISLATIVE BILL 262. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-180.07 and 53-1,104, Reissue Revised Statutes of Nebraska; to change provisions relating to prosecutions for sale of liquor to a minor and to retail license suspension; and to repeal the original sections.

LEGISLATIVE BILL 263. Introduced by Dw. Pedersen, 39; Byars, 30; Crosby, 29; Dierks, 40; Engel, 17; Hilgert, 7; Jensen, 20; Jones, 43; Quandahl, 31; Smith, 48; Tyson, 19; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to prohibit school-based health clinics from offering certain services as prescribed; and to require notification as prescribed.

LEGISLATIVE BILL 264. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Motor Vehicle Safety Responsibility Act; to amend sections 60-503, 60-505.02, 60-519, 60-522, 60-523, 60-525, 60-556, and 60-558, Reissue Revised Statutes of Nebraska; to provide for the surrender of license plates for certain violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 265. Introduced by Wickersham, 49; Janssen, 15; Jones, 43; Matzke, 47; Vrtiska, 1.

A BILL FOR AN ACT relating to law enforcement; to amend sections 7-111, 13-1504, 13-1801, 15-733, 18-1703, 18-1741.03, 18-1741.04, 18-1741.07, 23-1704.01, 23-1706, 23-1707, 25-1223, 25-1238, 25-21,230, 25-2229, 25-2230, 25-2231, 28-109, 28-204, 28-906, 28-929, 28-930, 28-1008, 29-215, 29-401, 29-422, 29-424, 29-427, 32-1549, 33-117, 33-119, 33-120, 33-135.01, 39-311, 49-801, 52-1504, 53-117, 53-125, 53-134, 53-167.02, 53-167.03, 53-180.07, 53-197, 54-129, 54-155, 54-304, 60-119, 60-122, 60-125, 60-325, 60-489, 60-4,100, 60-4,118, 60-4,130, 60-4,170, 60-4,184, 60-556, 60-601, 60-667, 60-679, 60-680, 60-695, 60-696, 60-699, 60-6,103, 60-6,110, 60-6,119, 60-6,148, 60-6,151, 60-6,152, 60-6,164, 60-6,165, 60-6,166, 60-6,172, 60-6,173, 60-6,192, 60-6,231, 60-6,233, 60-6,268, 60-6,308, 60-2401.01, 64-108, 71-161.06, 71-1,147.11, 71-1333.02, 74-597, 75-130, 76-1446, 77-1725.01, 81-1402, 81-1403, 81-1404, 81-1410, 81-1411, 81-1413, 83-195, and 83-1,128, Reissue Revised Statutes of Nebraska, and sections 18-1741.01, 28-907, 28-931, 28-931.01, 28-1012, 71-1,147.46, 77-1214, and 81-1401, Revised Statutes Supplement, 1998; to create a class of peace officer to be known as constable and to provide powers and duties; to define terms; to create the position of process server and to provide powers and duties; to eliminate obsolete language relating to the transfer of municipal employees; to harmonize provisions; to repeal the original sections; and to outright repeal section 24-593, Reissue Revised Statutes of Nebraska.

EASE

The Legislature was at ease from 11:30 a.m. until 11:45 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 266. Introduced by Wickersham, 49; Chambers, 11; Engel, 17; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 32-312 and 32-912, Reissue Revised Statutes of Nebraska; to provide for partisan ballots at primary elections for unaffiliated voters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 267. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Connealy, 16; Cudaback, 36; Hartnett, 45; Robak, 22; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.01, 53-103, 53-116, 53-116.02, 53-117, 53-122, 53-129, 53-131, 53-132 to 53-134, 53-134.03, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska; to change provisions relating to issuance of liquor licenses; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 268. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-1601, Reissue Revised Statutes of Nebraska; to change provisions relating to home schools; and to repeal the original section.

LEGISLATIVE BILL 269. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,142.03, Reissue Revised Statutes of Nebraska; to change election provisions relating to local option sales tax; and to repeal the original section.

LEGISLATIVE BILL 270. Introduced by Bromm, 23; Bohlke, 33; Bruning, 3; Hudkins, 21; Jones, 43; Preister, 5; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Supplement, 1998; to change the reimbursement date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 271. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; C. Peterson, 35; Raikes, 25; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 21-1927, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 1998; to change a provision relating to rights of nonprofit corporations; to change a property tax exemption; to provide for assessment of leased public real property as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 272. Introduced by Stuhr, 24; Bohlke, 33; Connealy, 16; Hartnett, 45; Hudkins, 21; Kremer, 34; Price, 26; Raikes, 25; Redfield, 12; Suttle, 10; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to amend sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.02 to 23-1114.06, 23-2518, 23-3302, 23-3311, 23-3312, 32-570, 32-608, 32-609, 48-302, 68-621, 79-205, 79-206, 79-208, 79-401, 79-414, 79-421, 79-425 to 79-427, 79-433, 79-435, 79-439, 79-448, 79-450, 79-452 to 79-455, 79-467, 79-470, 79-478, 79-480, 79-485, 79-487, 79-490, 79-495, 79-497 to 79-499, 79-4,103, 79-524, 79-537, 79-544, 79-575, 79-577 to 79-579, 79-588, 79-598, 79-605, 79-709, 79-724, 79-804, 79-818, 79-819, 79-960, 79-1037, 79-1039, 79-1044 to 79-1048, 79-1051 to 79-1053, 79-1076, 79-1077, 79-1083, 79-1094, and 79-1605, Reissue Revised Statutes of Nebraska, and sections 71-208, 71-212, 71-501, 79-203, 79-209, 79-413, 79-418, 79-419, 79-420, 79-424, 79-431, 79-441 to 79-447, 79-451, 79-458, 79-479, 79-528, 79-569, 79-611, 79-850, 79-902, 79-1024, 79-1033, 79-1035, 79-1036, 79-1078, 79-1089, and 79-1090, Revised Statutes Supplement, 1998; to eliminate the office of county superintendent of schools; to provide for county school administrators; to provide operative dates; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-3301, 23-3303, 23-3304, 23-3306, 23-3307, 23-3308, 23-3310, 23-3313, 32-527, 79-460, 79-461, 79-464, 79-465, 79-466, 79-481, 79-483, and 79-484, Reissue Revised Statutes of Nebraska, and sections 23-3305, 79-437, 79-438, 79-438.01, 79-440, 79-462, 79-463, 79-482, and 79-10,112, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 273. Introduced by Jones, 43; Baker, 44; Connealy, 16; Coordsen, 32; Dierks, 40; Kremer, 34; Matzke, 47; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to water wells; to amend sections 46-602 and 46-1224, Reissue Revised Statutes of Nebraska; to eliminate a registration fee; to harmonize provisions; to repeal the original sections; and to outright repeal section 46-606, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 274. Introduced by Jones, 43; Baker, 44; Bourne, 8; Byars, 30; Coordsen, 32; Hudkins, 21; Kremer, 34; Landis, 46; C. Peterson, 35; Schellpeper, 18; Schmitt, 41; Stuhr, 24; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to business entities; to amend sections 21-2602 and 67-306, Reissue Revised Statutes of Nebraska, and section 67-409, Revised Statutes Supplement, 1998; to change provisions relating to lawful purposes; and to repeal the original sections.

LEGISLATIVE BILL 275. Introduced by Jones, 43.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-311.03, 60-311.04, 60-311.08, and 60-311.09, Reissue Revised Statutes of Nebraska; to change certain license plate fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 276. Introduced by Jones, 43.

A BILL FOR AN ACT relating to counties; to amend section 23-345, Reissue Revised Statutes of Nebraska; to change provisions relating to rentals of county machinery; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 277. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1002, Reissue Revised Statutes of Nebraska; to provide limits on certain future advances; to authorize certain priorities; and to repeal the original section.

LEGISLATIVE BILL 278. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,115, Revised Statutes Supplement, 1998; to revise the powers of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 279. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to elections; to amend sections 19-3051, 32-941, 32-943, 32-946, 32-950, 32-954, and 32-1029, Reissue Revised Statutes of Nebraska; to change provisions relating to absentee ballots, registration forms, and mail-in ballots; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 280. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.21, Reissue Revised Statutes of Nebraska; to exempt certain motor vehicle purchases by disabled persons from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 281. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-194.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the transportation of alcoholic liquor into the state for personal use; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 282. Introduced by Stuhr, 24; Bromm, 23; Coordsen, 32; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to liability; to amend sections 13-910 and 81-8,219, Reissue Revised Statutes of Nebraska; to change political subdivision and state immunity provisions relating to government computer systems; and to repeal the original sections.

LEGISLATIVE BILL 283. Introduced by Jones, 43.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-455, Reissue Revised Statutes of Nebraska; to eliminate the fee for limited permits to hunt deer; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 284. Introduced by Jones, 43.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1233, Reissue Revised Statutes of Nebraska; to change provisions relating to explosives; and to repeal the original section.

LEGISLATIVE BILL 285. Introduced by Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Property Tax Relief Act.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Amend Rule 8 - add new section

Beginning with the Legislative day following the reporting of the Appropriations bills to General File, there shall be attached to the daily agenda of the Legislature a General Fund Financial Status, prepared by the Legislative Fiscal Analyst under the supervision of the chair of the Appropriations Committee. The Financial Status shall include current estimates of beginning funds available, plus estimated revenue, less the Appropriations Committee recommended budget and express obligations for the biennial period under consideration, to arrive at the calculated variance from the minimum reserve for the General Fund as specified by law. The Financial Status shall also include a listing of other legislation on Select File and Final Reading, and Speaker's Major Proposals on General File that would deduct from or add to General Funds available above the minimum

reserve requirement, should the bills pass.

In addition to data for the budget period under consideration, the Financial Status shall include data for the ensuing two years following the biennial budget period. Such data shall consist of projections of available balances, annual net receipts and annual expenditures, based on the assessment of the Legislative Fiscal Analyst of the provisions of current law as it may relate to projected revenues and expenditures. Prior to attaching the first Financial Status to the agenda, the data and the assumptions for the ensuing years beyond the budget biennium and methods for arriving at estimates shall be reviewed by the Chair and the Vice Chair of the Appropriations and Revenue committees and shall be approved by a majority of the membership of each such committee. Upon mutual agreement by the Chairs of the Appropriations Committee and Revenue Committee, the projections may be reconsidered pursuant to the provisions of this section.

Amend Rule 4, Sec. 1

Section 1. Identification. A resolution shall be designated as Legislative Resolution _____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal. Individual members shall be limited to eight resolutions per session. This limitation shall not apply to resolutions proposing an amendment to the Nebraska Constitution or to resolutions proposing interim studies.

Amend Rule 4, Sec. 5

Sec. 5. Vote Required for Adoption. (a) All resolutions shall be adopted, individually or in groups as determined by the Speaker, by an affirmative vote of a majority of the members present and voting except for those specified in Section 2; Provided, upon the request by any member prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

(b) Any resolution which is congratulatory in nature or which expresses the condolences of the Legislature shall be presumed adopted if, after five calendar days, following its being listed once on the daily agenda with a notation that such resolution is eligible for adoption pursuant to this rule, no member has requested that the resolution be scheduled for debate on the Speaker's agenda.

ANNOUNCEMENTS

Mrs. Hudkins announced the Rules Committee elected Mrs. Thompson as Vice Chairperson.

Mr. Schellpeper announced the General Affairs Committee elected Mr. Cudaback as Vice Chairperson.

Mr. Dierks announced the Agriculture Committee elected Mr. Vrtiska as Vice Chairperson.

Mrs. Stuhr announced the Nebraska Retirement Systems Committee will hold an executive session, Tuesday, January 12, 1999, at 10:30 a.m., under the South Balcony.

EASE

The Legislature was at ease from 11:49 a.m. until 12:01 p.m.

MR. MATZKE PRESIDING

COMMUNICATIONS

Mrs. Brown submitted a letter indicating she would like to resign from her position on the Rules Committee and put her name in for the Intergovernmental Cooperation Committee.

Mr. Dw. Pedersen submitted a letter requesting permission to resign his position on the Intergovernmental Cooperation Committee and be placed on the Rules Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 286. Introduced by Jones, 43.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Revised Statutes Supplement, 1998; to change eminent domain provisions; and to repeal the original section.

LEGISLATIVE BILL 287. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to educational service units; to amend sections 23-1601 and 79-1225, Reissue Revised Statutes of Nebraska, and section 77-1759, Revised Statutes Supplement, 1998; to change provisions relating to allocation of tax levies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 288. Introduced by Engel, 17; Bromm, 23; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42.

A BILL FOR AN ACT relating to incarceration work camps; to amend section 83-4,143, Revised Statutes Supplement, 1998; to change provisions relating to eligibility; and to repeal the original section.

LEGISLATIVE BILL 289. Introduced by Schellpeper, 18; Cudaback, 36; Vrtiska, 1.

A BILL FOR AN ACT relating to zoning and planning; to amend section 23-114, Revised Statutes Supplement, 1998; to provide central filing for county zoning regulations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 290. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to insurance; to amend section 44-6412, Reissue Revised Statutes of Nebraska; to change provisions relating to underinsured motorist coverage; and to repeal the original section.

LEGISLATIVE BILL 291. Introduced by C. Peterson, 35; Hartnett, 45; Kremer, 34; Dw. Pedersen, 39; Schellpeper, 18; Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.03, 60-305.16, and 60-311, Reissue Revised Statutes of Nebraska; to change provisions relating to registration of fleet vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 292. Introduced by C. Peterson, 35; Dierks, 40; Hartnett, 45; Janssen, 15; Kremer, 34; Dw. Pedersen, 39; Schellpeper, 18; Schmitt, 41; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302, 60-529, and 60-534, Reissue Revised Statutes of Nebraska; to change provisions relating to proof of financial responsibility; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 293. Introduced by Matzke, 47; Baker, 44; D. Pederson, 42; Wickersham, 49.

A BILL FOR AN ACT relating to oil and gas wells; to create a fund; to provide duties for the Nebraska Oil and Gas Conservation Commission relating to inactive wells.

LEGISLATIVE BILL 294. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 1998; to change tax levy limit provisions; and to repeal the original section.

LEGISLATIVE BILL 295. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3602, Reissue Revised Statutes of Nebraska; to allow city attorneys to seek approval for pretrial diversion programs; and to repeal the original section.

LEGISLATIVE BILL 296. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to public improvements; to amend section 2-3256, Reissue Revised Statutes of Nebraska, and sections 81-3445, 81-3449, and 81-3453, Revised Statutes Supplement, 1998; to change dollar limitations for improvement project requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 297. Introduced by Schimek, 27; Crosby, 29.

A BILL FOR AN ACT relating to state capitol; to amend sections 81-1108.32, 81-1108.38, and 90-309, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Capitol Commission and the Nebraska State Capitol Environs Commission; and to repeal the original sections.

LEGISLATIVE BILL 298. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state government; to require reports of boards, commissions, and similar entities as prescribed; and to provide duties.

LEGISLATIVE BILL 299. Introduced by C. Peterson, 35; Bohlke, 33; Crosby, 29; Cudaback, 36; Engel, 17; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kremer, 34; Kiel, 9; Matzke, 47; D. Pederson, 42; Price, 26; Schellpeper, 18; Schmitt, 41; Smith, 48; Stuhr, 24; Suttle, 10; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Supplement, 1998; to change penalty provisions relating to amphetamine and methamphetamine; and to repeal the original section.

LEGISLATIVE BILL 300. Introduced by C. Peterson, 35; Dierks, 40; Hudkins, 21; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302, Revised Statutes Supplement, 1998; to eliminate the ten-day grace period; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 301. Introduced by C. Peterson, 35; Jones, 43; Kremer, 34; Raikes, 25; Stuhr, 24; Thompson, 14; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3504, Reissue Revised Statutes of Nebraska, and sections 77-3507 to 77-3509 and 77-3513, Revised Statutes Supplement, 1998; to change and eliminate a limitation relating to homestead exemption provisions; to redefine and eliminate terms; to change provisions relating to individual disability exemptions; to eliminate an applicability provision; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 77-3506.03 and 77-3530, Reissue Revised Statutes

of Nebraska, and section 77-3505.02, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 302. Introduced by C. Peterson, 35; Dierks, 40; Hudkins, 21; Suttle, 10; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to motor vehicles; to create the Nebraska Commission on Motor Vehicle Laws; to state intent; to provide duties; to provide a termination date; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 7CA. Introduced by Schmitt, 41.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article V, sections 10, 11, 20, 21, and 30, and add new sections 15 to 17 to Article V:

V-10 "The state shall be divided into district court judicial districts. Until otherwise provided by law, the boundaries of the judicial districts and the number of judges of the district courts shall remain as now fixed. The judges of the district courts shall be ~~selected~~ elected by the registered voters from the respective districts, ~~as provided in this Article V.~~"

V-11 "The Legislature may change the number of judges of the district courts and shall alter the boundaries of judicial districts after each federal decennial census. Such change in number or alterations in boundaries shall not vacate the office of any judge. Such districts shall be formed of compact territory bounded by county lines."

V-15 "Beginning in 2002, the district court judges shall be elected at the statewide general election on a nonpartisan basis. The judges from odd-numbered districts shall be elected in November 2002 and every six years thereafter, and the judges from even-numbered districts shall be elected in November 2002 and November 2004 and every six years thereafter."

V-16 "Beginning in 2002 and every six years thereafter, the county court judges shall be elected at the statewide general election on a nonpartisan basis."

V-17 "If a vacancy occurs in the office of district or county judge before the expiration of the regular term of office, the Governor shall fill the vacancy for the unexpired term."

V-20 "All officers provided for in this Article shall hold their offices until their successors ~~shall be~~ are qualified, and they shall respectively reside in the district or county from which they ~~shall be selected~~ are elected or appointed. All officers, when not otherwise provided for in this Article, shall perform such duties and receive such compensation as may be prescribed by law."

V-21 "(1) In the case of any vacancy in the Supreme Court ~~or in any district court~~ or in such other court or courts made subject to this provision by law other than the district and county courts, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him ~~or her~~ by the appropriate judicial nominating commission. If the Governor ~~shall fail~~ fails to make an appointment from the list within sixty days from the date it is presented, ~~to him~~, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases not provided for in this article, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court ~~or district court~~ or such other court or courts as provided by the Legislature ~~shall provide~~ shall have his ~~or her~~ right to remain in office subject to approval or rejection by the electorate in such manner as provided by the Legislature, ~~shall provide; PROVIDED, that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification shall be deemed to have been selected and to have once received the approval of the electorate as herein provided, and shall be required to submit his right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed, and every six years thereafter.~~ In the case of the Chief Justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of any Judge of the Supreme Court, other than the Chief Justice, and any judge of the ~~district court~~ or any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and one for each judicial district of the Supreme Court ~~and of the district court~~ and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as ~~chairman~~, the chairperson but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number to serve as members of ~~said the~~ said the commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of ~~said the~~ said the commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his ~~or her~~

nomination or for such additional period as provided by the Legislature, ~~shall provide~~. The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his or her name submitted to the Governor."

V-30 "(1) A Justice or Judge of the Supreme Court or judge of any court of this state, including judges elected or appointed to the district or county courts, may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, or (f) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent. Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the

Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge, including a judge of the district or county court, from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law, and (b) may suspend a Justice or Judge of the Supreme Court or other judge, including a judge of the district or county court, from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the commission or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication.

When the Commission on Judicial Qualifications determines that disciplinary action is warranted, whether it be a reprimand or otherwise, the Commission on Judicial Qualifications shall issue one or more short announcements confirming that a complaint has been filed; stating the subject and nature of the complaint, the disciplinary action recommended or reprimand issued, or the date of the hearing; clarifying the procedural aspects; and reciting the right of a judge to a fair hearing.

When the Commission on Judicial Qualifications determines that disciplinary action is not warranted, and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.

The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, or as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for the election of judges of the county and district courts.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Tyson asked unanimous consent to have his name added as cointroducer to LB 20. No objections. So ordered.

ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. Brown, the Legislature adjourned until 10:00 a.m., Tuesday, January 12, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY – JANUARY 12, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 12, 1999

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

PRAYER

The prayer was offered by Elder Nead, Church of Jesus Christ of Latter Day Saints.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks and Hartnett who were excused; and Mrs. Bohlke who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

Page 103, line 18, after "City of Lincoln;" insert "Educational Service Units;".

The Journal for the fourth day was approved as corrected.

MOTION - Adopt Temporary Rules

Mrs. Hudkins moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 12, 1999.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

LB	Committee
71	Health and Human Services
72	Judiciary

73	Judiciary
74	Transportation
75	Judiciary
76	Judiciary
77	Revenue
78	Urban Affairs
79	Judiciary
80	Transportation
81	Natural Resources
82	Nebraska Retirement Systems
83	Government, Military and Veterans Affairs
84	Government, Military and Veterans Affairs
85	Government, Military and Veterans Affairs
86	Revenue
87	Revenue
88	Judiciary
89	General Affairs
90	Transportation
91	General Affairs
92	Natural Resources
93	Education
94	Judiciary
95	Business and Labor
96	Government, Military and Veterans Affairs
97	Natural Resources
98	Judiciary
99	Banking, Commerce and Insurance
100	Judiciary
101	Natural Resources
102	Judiciary
103	Natural Resources
104	Government, Military and Veterans Affairs
106	Judiciary
107	Banking, Commerce and Insurance
108	Judiciary
109	Revenue
110	Transportation
111	Judiciary
112	Judiciary
113	Government, Military and Veterans Affairs
114	Transportation
115	Health and Human Services
116	Natural Resources
117	Government, Military and Veterans Affairs
118	Government, Military and Veterans Affairs
119	Health and Human Services
120	Judiciary
121	Health and Human Services

122	Judiciary
123	Revenue
124	Transportation
125	Revenue
126	General Affairs
127	General Affairs
128	Urban Affairs
129	Transportation
130	Judiciary
131	Judiciary
132	Revenue
133	Transportation
134	Judiciary
135	Business and Labor
136	Revenue
137	Government, Military and Veterans Affairs
138	Government, Military and Veterans Affairs
139	Revenue
140	Revenue
141	Revenue
142	Revenue
143	Revenue
144	Education
145	Revenue
146	Transportation
147	Appropriations
148	Health and Human Services
149	Education
150	Transportation
151	Judiciary
152	Education
153	Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS

Education

LB 26	Tuesday, January 19, 1999	1:30 p.m.
LB 144	Tuesday, January 19, 1999	1:30 p.m.
LB 149	Tuesday, January 19, 1999	1:30 p.m.
LB 152	Tuesday, January 19, 1999	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

Transportation

LB 20	Tuesday, January 19, 1999	1:30 p.m.
LB 25	Tuesday, January 19, 1999	1:30 p.m.
LB 30	Tuesday, January 19, 1999	1:30 p.m.
LB 57	Tuesday, January 19, 1999	1:30 p.m.
LB 80	Tuesday, January 19, 1999	1:30 p.m.

(Signed) Curt Bromm, Chairperson

EASE

The Legislature was at ease from 10:11 a.m. until 10:20 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 303. Introduced by Coordsen, 32; Bromm, 23; Raikes, 25.

A BILL FOR AN ACT relating to motor carrier regulations; to amend section 75-363, Revised Statutes Supplement, 1998; to clarify provisions; to provide an exemption; and to repeal the original section.

LEGISLATIVE BILL 304. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Revised Statutes Supplement, 1998; to change provisions relating to freeholders' petitions; and to repeal the original section.

LEGISLATIVE BILL 305. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real estate; to amend sections 30-2352, 30-2715, and 76-289, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Supplement, 1998; to provide for transfer-on-death deeds; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 306. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the deposit of public funds; to amend section 77-2301, Reissue Revised Statutes of Nebraska; to change provisions relating to conditions for deposit of state funds; and to repeal the original section.

LEGISLATIVE BILL 307. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to require

application for and implementation of a federal medicaid option as prescribed.

LEGISLATIVE BILL 308. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-1306, Revised Statutes Supplement, 1998; to change eligibility criteria for specialized telecommunications equipment; and to repeal the original section.

LEGISLATIVE BILL 309. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to create the offense of disarming an officer; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 310. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to willful reckless driving; to amend section 60-6,214, Reissue Revised Statutes of Nebraska; to prohibit driving in certain areas temporarily closed to traffic; and to repeal the original section.

LEGISLATIVE BILL 311. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 19-1102 to 19-1104, 23-122, 23-905, 23-1302, and 79-1034, Reissue Revised Statutes of Nebraska, and section 80-407, Revised Statutes Supplement, 1998; to change and eliminate various reporting and publication requirements for financial information; to harmonize provisions; to repeal the original sections; and to outright repeal sections 16-722, 19-1101, 23-346.01, 23-1605, and 77-1745, Reissue Revised Statutes of Nebraska, and section 23-3305, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 312. Introduced by Suttle, 10; Brown, 6; Hilgert, 7; Jensen, 20; Kiel, 9; Lynch, 13; Dw. Pedersen, 39; Preister, 5.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-820, Reissue Revised Statutes of Nebraska; to change provisions relating to the disposition of seized property; and to repeal the original section.

LEGISLATIVE BILL 313. Introduced by Redfield, 12; Preister, 5; Quandahl, 31; Smith, 48; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to public health; to amend sections 28-1425, 28-1426, 28-1429.01, and 28-1429.02, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Supplement, 1998; to change provisions relating to the sale, display, and storage of cigarettes; to provide intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 314. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to provide for funding for unexpected occurrences; to provide duties for the School Finance Review Committee; and to create a fund and provide for its distribution.

LEGISLATIVE BILL 315. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to judges; to amend section 25-2905, Reissue Revised Statutes of Nebraska; to create the Nebraska County Court Judges Association; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 316. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to medical examiners; to amend sections 12-1208, 23-1206, 23-1801, 23-1802, 28-1804 to 23-1806, 23-1808 to 23-1823, 25-1223, 25-1230, 25-1232, 25-1524, 25-1542, 25-1548, 25-2202, 29-407, 29-1401, 29-2815, 49-801, 60-6,101, 60-6,102, 71-605.04, 71-1612, 71-3405, 71-3408, 71-3409, 71-4813, and 83-1011, Reissue Revised Statutes of Nebraska, and sections 71-605 and 71-3410, Revised Statutes Supplement, 1998; to adopt the Post-Mortem Examinations Act; to eliminate the office of county coroner; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal section 23-1210, Reissue Revised Statutes of Nebraska.

EASE

The Legislature was at ease from 10:22 a.m. until 10:29 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 317. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-555, Reissue Revised Statutes of Nebraska; to change provisions relating to the crediting of interest; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 318. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2323, Reissue Revised Statutes of Nebraska; to change provisions relating to exempt property allowances; and to repeal the original section.

LEGISLATIVE BILL 319. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-506.01, Reissue Revised Statutes of Nebraska; to change provisions relating to service of process; and to repeal the original section.

LEGISLATIVE BILL 320. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-906.05, Reissue Revised Statutes of Nebraska; to provide for judicial notice as prescribed; and to repeal the original section.

LEGISLATIVE BILL 321. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to community corrections; to amend sections 83-931 to 83-933 and 83-939, Reissue Revised Statutes of Nebraska, and sections 29-2262 and 83-922, Revised Statutes Supplement, 1998; to establish the Office of Community Justice; to define terms; to provide for financial aid for local community corrections programs; to provide powers and duties; to rename the Division of Community-Centered Services; to eliminate the Community Correctional Facilities and Programs Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 47-601 to 47-618, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 322. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to elections; to amend sections 18-2521, 19-3002, 19-3005, 19-3006, and 32-908, Reissue Revised Statutes of Nebraska; to change the hours during which the polls are open; and to repeal the original sections.

LEGISLATIVE BILL 323. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Long-Term Care Insurance Act; to amend sections 44-4501 and 44-4518, Reissue Revised Statutes of Nebraska; to provide provisions relating to incontestability and nonforfeiture; to change provisions relating to rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 324. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Nebraska Health Care Trust Fund Act; to amend sections 71-7605, 71-7608, and 71-7612, Revised Statutes Supplement, 1998; to define a term; to change provisions relating to investment income; and to repeal the original sections.

LEGISLATIVE BILL 325. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1998; to provide an income tax credit for long-term care insurance premiums; and to repeal the original section.

LEGISLATIVE BILL 326. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-322, 44-516, 44-522, 44-523, 44-6105, 44-6106, 44-6108, 44-6116, and 60-304, Reissue Revised Statutes of Nebraska, and section 81-1021, Revised Statutes Supplement, 1998; to change filing provisions, cancellation requirements, demutualization procedures, and motor vehicle license plate requirements; to require a statement of allowable benefits; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 327. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to elections; to amend sections 32-810 and 32-813, Reissue Revised Statutes of Nebraska; to change the order of offices and issues on the statewide primary and general election ballots; to harmonize provisions; and to repeal the original sections.

ANNOUNCEMENTS

Mr. Wehrbein announced the Appropriations Committee elected Mr. D. Pederson as Vice Chairperson.

Mr. Schrock announced the Natural Resources Committee elected Mr. Bruning as Vice Chairperson.

Mr. Wickersham announced the Revenue Committee elected Mr. Coordsen as Vice Chairperson.

EASE

The Legislature was at ease from 10:34 a.m. until 11:09 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 328. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to animals; to amend section 54-744, Reissue Revised Statutes of Nebraska; to change provisions relating to carcass disposition; and to repeal the original section.

LEGISLATIVE BILL 329. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to school districts; to change and eliminate a duty to provide certain information; and to outright repeal section 71-6909, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 330. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-3508, Revised Statutes Supplement, 1998; to change eligibility criteria for homestead exemptions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 331. Introduced by Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-145.01 and 48-146.02, Reissue Revised Statutes of Nebraska; to prohibit certain practices relating to self-insurers; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Landis, 46; Matzke, 47.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-102, 43-104, 43-104.01, 43-104.03, 43-104.04, 43-104.05, 43-104.11, 43-104.12, 43-104.22, 43-107, and 43-109, Reissue Revised Statutes of Nebraska; to provide for certain adult child adoptions; to change provisions relating to a child born out of wedlock; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 333. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to pharmacy; to amend sections 71-2410 and 71-2415, Reissue Revised Statutes of Nebraska; to change provisions relating to the return of dispensed drugs or devices; to create a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 334. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-8,107, Reissue Revised Statutes of Nebraska; to provide for teacher planning time; and to repeal the original section.

LEGISLATIVE BILL 335. Introduced by Schrock, 38; Bruning, 3.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Reissue Revised Statutes of Nebraska; to provide for premium deer and wild turkey permits; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 336. Introduced by Schrock, 38; Bromm, 23; Bruning, 3; Cudaback, 36.

A BILL FOR AN ACT relating to property tax; to amend section 77-202, Revised Statutes Supplement, 1998; to exempt certain tangible personal property from taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 337. Introduced by Schrock, 38; Bromm, 23; Cudaback, 36; Hilgert, 7; Robak, 22; Schellpeper, 18.

A BILL FOR AN ACT relating to tractor tests; to amend sections 2-2701.01, 2-2702, 2-2703, 2-2705, and 2-2707 to 2-2709, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the testing and sale of current tractor models; to change a permit fee; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-2701, 2-2701.02, 2-2703.01, 2-2705.01, 2-2706, 2-2710, and 2-2711, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 338. Introduced by C. Peterson, 35; Bohlke, 33; Bruning, 3; Cudaback, 36; Jones, 43; Kremer, 34; Kristensen, 37; Raikes, 25; Schmitt, 41.

A BILL FOR AN ACT relating to water; to create the Water Conservation and Banking Act of 1999; to state intent; to provide powers and duties; and to declare an emergency.

LEGISLATIVE BILL 339. Introduced by Preister, 5; Kiel, 9; Thompson, 14.

A BILL FOR AN ACT relating to renewable energy resources; to state intent; to define terms; to provide requirements for utility companies; to authorize renewable energy credits; to provide powers and duties; to provide for enforcement and civil actions; and to provide severability.

LEGISLATIVE BILL 340. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1417.01 and 60-1417.02, Reissue Revised Statutes of Nebraska; to change provisions relating to buyer's information forms and registration of sellers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 341. Introduced by Wehrbein, 2; Baker, 44; Connealy, 16; Cudaback, 36; Dierks, 40; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; Schellpeper, 18; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to livestock; to provide certain restrictions in any collision action.

LEGISLATIVE BILL 342. Introduced by Brown, 6; Bromm, 23; Bruning, 3; Byars, 30; Coordsen, 32; Engel, 17; Jensen, 20; Jones, 43; Kiel, 9; Lynch, 13; Robak, 22; Schmitt, 41; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to elevators; to amend sections 48-418.02 to 48-418.04, 48-418.06, 48-418.07, 48-418.10 to 48-418.12, and 48-418.14, Reissue Revised Statutes of Nebraska; to provide an exemption from certain standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 343. Introduced by Brown, 6.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-101 and 60-2608, Reissue Revised Statutes of Nebraska; to prohibit acts relating to stolen motor vehicles and major component parts; to create a presumption; to authorize inspections; to define terms; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 344. Introduced by Kiel, 9; Bourne, 8; Bromm, 23; Bruning, 3; Hilgert, 7; Janssen, 15; C. Peterson, 35; Preister, 5; Price, 26; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to state government; to amend sections 13-1203, 39-102, 39-103, 39-202, 39-204, 39-892, 39-1101, 39-1110, 39-1302, 39-2215, 39-2602, 49-506, 60-631, 60-6,118, 60-6,120, 66-821, 74-1310, 74-1405.02, 76-1224, 81-101, 81-102, 81-701.01, 81-701.02, 81-701.04, and 81-710, Reissue Revised Statutes of Nebraska; to rename the Department of Roads; to provide a duty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 345. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-493, 60-494, 60-4,115, and 60-4,148, Reissue Revised Statutes of Nebraska; to change provisions relating to anatomical gifts and fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 346. Introduced by Byars, 30.

A BILL FOR AN ACT relating to certified public accountants; to amend sections 1-116 and 1-162.01, Reissue Revised Statutes of Nebraska; to change provisions relating to examination eligibility and firm ownership; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 347. Introduced by Byars, 30; Crosby, 29; Dierks, 40; Engel, 17; Hudkins, 21; Jones, 43; Lynch, 13; Schellpeper, 18; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for developmental disability services rate equity.

LEGISLATIVE BILL 348. Introduced by Bromm, 23; Baker, 44; Brown, 6; Bruning, 3; Cudaback, 36; Quandahl, 31; Schrock, 38.

A BILL FOR AN ACT relating to prisoners; to amend sections 28-913, 83-417, and 83-4,114, Reissue Revised Statutes of Nebraska, and sections 28-101 and 83-4,114.01, Revised Statutes Supplement, 1998; to create the offense of introduction of contraband for escape; to provide and change a penalty; to change provisions relating to inmate escapes, violations of correctional facility rules and regulations, disciplinary restrictions, and

punishment for misconduct; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 349. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to counties; to amend sections 22-112 and 22-171, Reissue Revised Statutes of Nebraska; to change the boundary line between the counties of Butler and Platte; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 350. Introduced by Brashear, 4; Bourne, 8; Bruning, 3; Hilgert, 7; Matzke, 47; D. Pederson, 42; Wickersham, 49.

A BILL FOR AN ACT relating to judges; to amend section 24-201.01, Revised Statutes Supplement, 1998; to increase salary amounts; and to repeal the original section.

LEGISLATIVE BILL 351. Introduced by Connealy, 16; Bohlke, 33; Bourne, 8; Cudaback, 36; Janssen, 15; Kiel, 9; Preister, 5; Price, 26; Schellpeper, 18; Schimek, 27; Wickersham, 49.

A BILL FOR AN ACT relating to government employees; to state intent relating to computer access; and to provide requirements for computer access.

RESOLUTIONS

LEGISLATIVE RESOLUTION 8CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people, ~~independently of the Legislature.~~ This power may be invoked by petition wherein the proposed measure shall be set forth at length.

If the petition ~~be is~~ for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition ~~be is~~ for the amendment of ~~the this~~ Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State on or before the Tuesday prior to the regular session of the Legislature in the year of the general

election in which the proposal would be submitted to the voters. The Secretary of State shall transmit the petition to the Legislature as soon as the Legislature convenes and organizes.

If the petition is for the enactment of a law, the Legislature shall consider the proposed law and may enact it without change or amendment by the end of the legislative session. If the proposed law is enacted by the Legislature, the law shall not be subject to the approval of the Governor and shall be subject to referendum petition as provided in Article III, section 3, of this Constitution.

If the Legislature does not enact the proposed law or if the petition is for the amendment of the Constitution, the Secretary of State shall submit the proposal to the voters at the general election, if the signed petitions are found to be valid and sufficient, and the Legislature may propose an alternative as provided in Article III, section 4A, of this Constitution, who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be pursuant to this section are approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject.

III-4A "The Legislature may propose laws and constitutional amendments as alternatives to measures proposed pursuant to Article III, section 2, of this Constitution. The Secretary of State shall submit the alternative at the same general election at which the initiative measure will be submitted as provided in Article III, section 2, of this Constitution.

The veto power of the Governor shall not extend to such measures. A measure submitted by the Legislature pursuant to this section shall become a law or part of this Constitution when a majority of the votes cast on the measure at the election at which the measure was submitted, and not less than thirty-five percent of the total vote cast at the election, are cast in favor of the measure. The measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of the votes. The vote shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

All measures submitted pursuant to this section shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of the measures shall be printed on the ballot.

If a measure submitted pursuant to this section conflicts with a measure submitted pursuant to Article III, section 2, of this Constitution, and both are approved by the people at the same election, the one receiving the highest number of affirmative votes shall become law."

IV-15 "Except as provided in Article III, sections 2 and 4A, of this

Constitution. every ~~Every~~ bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If ~~he~~ the Governor approves ~~he or she~~ shall sign it, and thereupon it shall become a law, but if ~~he~~ the Governor does not approve or reduces any item or items of appropriations, ~~he or she~~ shall return it with his or her objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill with the objections as a whole, or proceed to reconsider individually the item or items disapproved or reduced. If then three-fifths of the members elected agree to pass the bill with objections, it shall become a law, or if three-fifths of the members elected agree to repass any item or items disapproved or reduced, the bill with such repassage shall become a law. In all cases the vote shall be determined by yeas and nays, to be entered upon the journal. Any bill which ~~shall not be~~ is not returned by the Governor within five days (Sundays excepted) after it ~~shall have~~ has been presented to him or her, shall become a law in like manner as if he or she had signed it; unless the Legislature by their adjournment prevent its return; in which case it shall be filed, with ~~his~~ the Governor's objections, in the office of the Secretary of State within five days after such adjournment, or become a law. The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless the Legislature has reconsidered the item or items disapproved or reduced and has repassed any such item or items over the objection of the Governor by a three-fifths approval of the members elected."

XVI-1 "The Legislature may propose amendments to this Constitution. If ~~the same be~~ The amendments may be presented on the ballot as alternative measures to measures initiated by the people as provided in Article III, section 4A, of this Constitution, or may be presented independently of measures initiated by the people. If the proposed amendments are agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. ~~At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear.~~ If a majority of the electors voting on any such amendment adopt the same, it shall become a part of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five ~~per cent~~ percent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment, ~~separately~~."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for legislative consideration of measures proposed by initiative petitions, to authorize the Legislature to

offer alternative measures to measures initiated by the people, to prohibit the veto power of the Governor from extending to such measures, and to provide for the manner of submission and adoption of such measures.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 9CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 7 and 19 and add a new section 31 to Article III:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office until his or her compensation is changed in the manner provided by Article III, section 31, of this Constitution. In addition to his or her ~~salary compensation~~, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her salary~~ the compensation provided by this section and Article III, section 31, of this Constitution and expenses, ~~; and employees of the Legislature shall receive no compensation other than their salary or per diem."~~

III-19 "The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement. The ; nor shall the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office except that, when there are members elected or appointed to the Legislature or officers elected or appointed to a court, board, or commission having more

than one member and the terms of one or more members commence and end at different times, the compensation of all members of the Legislature or of such court, board, or commission may be increased or diminished at the beginning of the full term of any member thereof and except as provided in Article III, section 31, of this Constitution. Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system; shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3, of ~~the this Constitution, of Nebraska.~~

III-31 "There is hereby created the Compensation Review Commission. The members of the commission shall be appointed by the Governor with the approval of the Legislature. There shall be two members appointed from each congressional district and three members from the state at large. Members of the commission shall serve for terms of six years, except that of the members initially appointed, one from each of the congressional districts and one of the at-large members shall be appointed for terms of two years. No more than five members of the commission may belong to the same political party at any one time, and no elected official or employee of the state or any political subdivision or registered lobbyist may serve as a member. The term of an existing member shall terminate on the date a new member is appointed. A member may serve no more than two terms on the commission and shall receive no compensation for the performance of his or her duties, but may be reimbursed for actual and necessary expenses.

The Compensation Review Commission shall prepare and present to the Legislature prior to November 1, 2001, a legislative code of ethics which shall be adopted by the Legislature at the beginning of the legislative session in the year 2002 as part of its permanent rules. The code of ethics shall include procedures for implementing such code. After January 1, 2004, the Legislature may modify the code of ethics as it deems necessary or advisable to effectuate Article III, sections 10 and 16, of this Constitution.

After the Compensation Review Commission has presented a code of ethics to the Legislature and a code of ethics has been adopted as part of the Legislature's permanent rules, the commission shall review compensation for members of the Legislature and submit a report to the Governor and the Legislature recommending any adjustment to such compensation the commission deems appropriate. The Legislature may by legislative bill approve, disapprove, or reduce the recommended adjustment but may not increase the recommended adjustment. Adjustments shall not become effective until so approved by the Legislature, and when so approved shall become effective three calendar months following the end of the legislative session in which the adjustments were approved. If the Legislature maintains a code of ethics in its permanent rules, the commission shall review and submit a report recommending any adjustment to compensation every fourth year."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to create the Compensation Review Commission, to change provisions relating to compensation for members of the Legislature and their employees, and to provide for the adoption of a legislative code of ethics.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 10. Introduced by Schimek, 27; Bruning, 3; Matzke, 47; D. Pederson, 42; Beutler, 28; Coordsen, 32.

WHEREAS, members of and candidates for the United States House of Representatives are elected every two years virtually requiring continual campaigning and fundraising; and

WHEREAS, the delegates to the 1788 Constitutional Convention discussed whether the term of office for a representative should be one year or three years and compromised on a two-year term; and

WHEREAS, communications systems and travel accommodations have improved over the last two hundred years which allows quicker and easier communication with constituents and more direct contact; and

WHEREAS, the American people would be better served by having the members of the House of Representatives focus on issues and matters before the Congress rather than constantly running a campaign; and

WHEREAS, a biennial election of one-half of the members of the House of Representatives would still allow the American people to express their will every two years.

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

1. That the Legislature hereby petitions the Congress of the United States to propose to the states an amendment to Article I, section 2, of the United State Constitution that would increase the length of the terms of office for members of the House of Representatives from two years to four years with one-half of the members' terms expiring every two years.

2. That official copies of this resolution be prepared and forwarded to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States and to all members of the Nebraska delegation to the Congress of the United States, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 11CA. Introduced by Kristensen, 37;

Bohlke, 33; C. Peterson, 35; Schimek, 27.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 10 to Article XVII:

XVII-10 "(1) The use of the masculine gender in this Constitution shall be construed to include the feminine gender.

(2) As soon as practicable after the adoption of this section to the Constitution, the Secretary of State shall revise and reprint this Constitution to implement subsection (1) of this section."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender and to direct the Secretary of State to revise and reprint the Constitution to implement such construction.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 12CA. Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article III, section 15:

III-15 "Article III, section 15, of the Constitution of Nebraska is repealed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 13CA. Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following

proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 18:

III-18 "The Legislature shall not pass local or special laws in any of the following cases; that is to say:

For granting divorces:

Changing the names of persons or places:

Laying out, opening altering and working roads or highways:

Vacating roads, Town plats, streets, alleys, and public grounds:

Locating or changing County seats:

Regulating County and Township offices:

Regulating the practice of Courts of Justice:

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables:

Providing for changes of venue in civil and criminal cases:

Incorporating Cities, Towns and Villages; or changing or amending the charter of any Town, City, or Village:

Providing for the election of Officers in Townships, incorporated Towns or Cities:

Summoning or empanelling Grand or Petit Juries:

Providing for the bonding of cities, towns, precincts, school districts or other municipalities:

Providing for the management of Public Schools:

The opening and conducting of any election, or designating the place of voting:

The sale or mortgage of real estate belonging to minors, or others under disability:

The protection of game or fish:

Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed:

Changing the law of descent:

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose:

Granting to any corporation, association, or individual when a general law can be made applicable. The Legislature shall not grant any special or exclusive privileges, immunity, or franchise whatever; PROVIDED, to any corporation, association, or individual, except that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to prohibit special legislation and eliminate references to certain categories of special legislation.

For
Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 352. Introduced by Crosby, 29; Lynch, 13; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to blind persons; to amend sections 83-210.01 to 83-210.03, 83-211, 83-211.02, and 84-1604.01, Revised Statutes Supplement, 1998; to adopt the Commission for the Blind and Visually Impaired Act; to eliminate provisions relating to the Department of Health and Human Services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 83-210.04 to 83-210.07, and 83-212, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 353. Introduced by Price, 26.

A BILL FOR AN ACT relating to schools; to authorize additional contracts for nonteaching services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 354. Introduced by Price, 26.

A BILL FOR AN ACT relating to schools; to authorize contracts for head coaches as prescribed; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 14CA. Introduced by Schrock, 38; Beutler, 28; Brashear, 4; Bruning, 3; Cudaback, 36; Hilgert, 7; Kristensen, 37; Lynch, 13; D. Pederson, 42.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State,

Auditor of Public Accounts, and State Treasurer shall be chosen at the general election held in November, 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Candidates for Lieutenant Governor shall not be nominated at a primary election, but each candidate for Governor shall select a registered voter of the same political party status to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor, ~~nominated by the same party~~. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the method of nominating and electing the Lieutenant Governor.

For

Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS **Urban Affairs**

LB 128 Tuesday, January 19, 1999 1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Banking, Commerce and Insurance

LB 62 Tuesday, January 19, 1999 1:30 p.m.
LB 107 Tuesday, January 19, 1999 1:30 p.m.

(Signed) David M. Landis, Chairperson

ANNOUNCEMENTS

Mr. Landis announced the Banking, Commerce and Insurance Committee elected Mr. Tyson as Vice Chairperson.

Mr. Vrtiska announced the Business and Labor Committee elected Mr. Hilgert as Vice Chairperson.

Mrs. Stuhr announced the Nebraska Retirement Systems Committee elected Mrs. C. Peterson as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Tyson asked unanimous consent to have his name added as cointroducer to LB 255. No objections. So ordered.

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 98. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 80. No objections. So ordered.

Ms. Redfield asked unanimous consent to have her name added as cointroducer to LB 261. No objections. So ordered.

Mrs. Suttle asked unanimous consent to have her name added as cointroducer to LB 235 and LB 255. No objections. So ordered.

WITHDRAW - Cointroducer

Mrs. Stuhr withdrew her name as cointroducer to LB 246.

RESOLUTION

LEGISLATIVE RESOLUTION 15CA. Introduced by Stuhr, 24; Coordsen, 32; Janssen, 15; Jensen, 20; Jones, 43; Schmitt, 41; Smith, 48; Tyson, 19; Vrtiska, 1.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 "~~Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held ~~annually, commencing for no more than seventy-five legislative days and no more than fifty legislative days on an alternating basis. Seventy-five-day sessions shall commence at 10 a.m. on the fifth Tuesday after the general election in each even-numbered year, and~~

fifty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. The terms of the members of the Legislature shall commence on the first day of the regular seventy-five-day session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date. No more than three legislative days shall be held in December during a regular session for the purpose of organization unless more days are authorized by a vote of four-fifths of all members of the Legislature. The duration of regular sessions held shall not exceed ~~ninety~~ seventy-five or fifty legislative days, respectively, in odd-numbered years unless extended by a vote of four-fifths of all members ~~elected to~~ of the Legislature; ~~and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular seventy-five-day session ~~held in an odd-numbered year~~ may be considered at the next regular fifty-day session; as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum. The ~~the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~shall and~~ choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act acting~~ as Governor. No member shall be expelled except by a vote of two-thirds of all members ~~elected to~~ of the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persist in such disorderly or contemptuous behavior."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to reduce the length of regular sessions of the Legislature, to change the date on which certain sessions will commence, to change the date on which the terms of members will commence, and to change the date on which the terms of certain members will terminate.

For

Against".

Referred to the Reference Committee.

BILL ON FIRST READING

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

LEGISLATIVE BILL 355. Introduced by Robak, 22; Bohlike, 33; Brashear, 4; Brown, 6; Byars, 30; Chambers, 11; Crosby, 29; Cudaback, 36;

Dierks, 40; Hartnett, 45; Janssen, 15; Kiel, 9; Lynch, 13; Dw. Pedersen, 39; Preister, 5; Price, 26; Schimek, 27; Schmitt, 41; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to mental health; to provide intent; to require benefit coverage for mental health conditions; to define terms; to provide duties; and to provide limitations.

VISITORS

Visitors to the Chamber were Elder White from Liberty, Utah; and Bruce Freeman from Gettysburg, Pennsylvania, Samweli Kiwelu, and Elirehema Silaa from Tanzania.

ADJOURNMENT

At 11:16 a.m., on a motion by Mrs. C. Peterson, the Legislature adjourned until 10:00 a.m., Wednesday, January 13, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY – JANUARY 13, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 13, 1999

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Raymond Larson, First Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Dierks, Landis, Schrock, Mmes. Kiel, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adopt Temporary Rules

Mrs. Hudkins moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 13, 1999.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and resolutions:

LB Committee

105	Urban Affairs
154	Executive Board
155	Nebraska Retirement Systems
156	Government, Military and Veterans Affairs
157	Government, Military and Veterans Affairs
158	Government, Military and Veterans Affairs
159	Judiciary
160	Judiciary
161	Transportation
162	Banking, Commerce and Insurance
163	Judiciary
164	Business and Labor
165	Revenue
166	Revenue
167	Judiciary
168	Business and Labor
169	Education
170	Banking, Commerce and Insurance
171	Revenue
172	Agriculture
173	Education
174	Business and Labor
175	Judiciary
176	Natural Resources
177	Transportation
178	Health and Human Services
179	Revenue
180	Revenue
181	Banking, Commerce and Insurance
182	Education
183	Revenue
184	General Affairs
185	Judiciary
186	Judiciary
187	General Affairs
188	Transportation
189	Judiciary
190	Judiciary
191	Banking, Commerce and Insurance
192	Judiciary
193	Government, Military and Veterans Affairs
194	Revenue
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201	Judiciary
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216	Business and Labor
217	Banking, Commerce and Insurance
218	Judiciary
219	Judiciary
220	Health and Human Services
221	Revenue
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224	Judiciary
225	Judiciary
226	Health and Human Services
227	Government, Military and Veterans Affairs
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230	Government, Military and Veterans Affairs
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233	Government, Military and Veterans Affairs
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244	Revenue
245	Revenue

LR	Committee
1CA	Appropriations
2CA	Executive Board
3	Appropriations

4CA Executive Board
 5CA Executive Board
 6CA Executive Board
 7CA Judiciary

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

ANNOUNCEMENTS

Mr. Wickersham announced the Committee on Revenue will hold a public hearing pursuant to Section 77-3446 for the purpose of receiving testimony on the issue of whether or not the base limitation rate, currently 2 1/2 percent, should be adjusted. The meeting will be held at 1:30 p.m. this afternoon in Room 1524.

Mr. Hartnett announced the Urban Affairs Committee elected Mr. Preister as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 356. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-4,182 and 60-6,272, Reissue Revised Statutes of Nebraska; to authorize enforcement of occupant protection system requirements as a primary action; to provide for court costs; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 357. Introduced by Byars, 30.

A BILL FOR AN ACT relating to inheritance tax; to provide a termination date.

LEGISLATIVE BILL 358. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change provisions relating to protective helmets; and to repeal the original section.

LEGISLATIVE BILL 359. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-1302 to 86-1304, 86-1306, and 86-1307, Revised Statutes Supplement, 1998; to change eligibility criteria for specialized telecommunications

equipment; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 360. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to mental health; to amend sections 71-5003, 71-5004, 71-5022, 71-5027, and 71-5045, Reissue Revised Statutes of Nebraska; to prohibit mental health regions from being direct service providers; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Nebraska Motor Vehicle Operator's License Act; to amend sections 60-484, 60-486, and 60-4,100, Reissue Revised Statutes of Nebraska; to change provisions relating to revocation and suspension; and to repeal the original sections.

LEGISLATIVE BILL 362. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to libraries; to state intent; to provide for public library federations; to define terms; to provide for boards, tax levies, funds, basic public library services, and reports; and to provide powers and duties.

LEGISLATIVE BILL 363. Introduced by Hartnett, 45; Stuhr, 24.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1242, Revised Statutes Supplement, 1998; to provide for a core services proposal as prescribed; and to repeal the original section.

MOTION - Adopt Permanent Rules

Mrs. Hudkins moved to adopt the permanent rules for the Ninety-Sixth Legislature, First Session.

The Rules Committee renewed their proposed rules change, found on page 127, to Rule 8, new section.

The proposed rules change, Rule 8, new section, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

MR. COORDSEN PRESIDING

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The Rules Committee renewed their proposed rules change, found on page 128, to Rule 4, Sec. 1.

The proposed rules change, Rule 4, Sec.1, was adopted with 32 ayes, 8 nays, 6 present and not voting, and 3 excused and not voting.

The Rules Committee renewed their proposed rules change, found on page 128, to Rule 4, Sec. 5.

The proposed rules change, Rule 4, Sec. 5, was adopted with 36 ayes, 2 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment to the rules:

Strike all provisions of Rule 7, Section 3(g).

SPEAKER KRISTENSEN PRESIDING

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

The Chambers amendment was adopted with 43 ayes, 3 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Hudkins motion to adopt permanent rules, as amended, prevailed with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Mr. Dierks moved to suspend the rules, Rule 3, Section 13, to permit scheduling of bills by the Agriculture Committee, in less than 7 days.

The Dierks motion to suspend the rules prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 364. Introduced by Schellpeper, 18; Coordsen, 32; Hartnett, 45; Wickersham, 49.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Reissue Revised Statutes of Nebraska; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 365. Introduced by Wickersham, 49; Coordsen, 32; Hartnett, 45; Schellpeper, 18.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2101, Reissue Revised Statutes of Nebraska, and section

77-27,144, Revised Statutes Supplement, 1998; to provide for distribution of local option sales tax collected in community redevelopment areas; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 366. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the practice of psychology; to amend sections 43-129, 43-146.03, 71-1,206.01, 71-1,206.13, 71-1,206.14, 71-1,206.25, 71-1,206.27, 71-1,206.28, and 71-1,206.29, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-147, and 71-1,103, Revised Statutes Supplement, 1998; to provide for a provisional license; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 367. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to cities of the primary class; to amend sections 15-311 and 32-535, Reissue Revised Statutes of Nebraska; to provide for appointment of a nonvoting member to the city council; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 368. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-682.01 and 60-6,188, Reissue Revised Statutes of Nebraska; to change provisions relating to fines for speeding in maintenance, repair, or construction zones; and to repeal the original sections.

LEGISLATIVE BILL 369. Introduced by Lynch, 13; Cudaback, 36; Janssen, 15; Schmitt, 41; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend sections 81-190 and 81-1108.33, Revised Statutes Supplement, 1998; to provide for the review of certain documents; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 370. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1736, 18-1737, 18-1741.01, and 81-1108.15, Revised Statutes Supplement, 1998; to authorize the designation of access aisles as prescribed; to define a term; to change a duty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 371. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to parking; to provide for wheelchair parking cones; and to provide penalties.

LEGISLATIVE BILL 372. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools; to amend sections 48-233, 79-824, 79-828, 79-829, 79-831, 79-833, 79-837, 79-838, 79-839, 79-846, and 79-847, Reissue Revised Statutes of Nebraska, and section 79-851, Revised Statutes Supplement, 1998; to eliminate provisions relating to hearing officers; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-840 to 79-842, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 373. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools; to amend sections 79-840 to 79-842, Reissue Revised Statutes of Nebraska; to change provisions relating to hearing officers; and to repeal the original sections.

LEGISLATIVE BILL 374. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-246 and 43-247, Reissue Revised Statutes of Nebraska; to provide certain jurisdiction over parents; and to repeal the original sections.

LEGISLATIVE BILL 375. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to court records; to amend section 43-102, Reissue Revised Statutes of Nebraska, and section 30-2608, Revised Statutes Supplement, 1998; to provide for all guardianship and adoption filings to be kept by the clerk of the county court; and to repeal the original sections.

LEGISLATIVE BILL 376. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290, Reissue Revised Statutes of Nebraska; to change cost reimbursement provisions; and to repeal the original section.

LEGISLATIVE BILL 377. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to counties; to amend sections 23-148, 23-149, 23-151, 32-528, and 32-555, Reissue Revised Statutes of Nebraska; to change provisions relating to county commissioners; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 378. Introduced by Dierks, 40; Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-734, Reissue Revised Statutes of Nebraska; to change provisions relating to the textbook loan program; and to repeal the original section.

LEGISLATIVE BILL 379. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to physician assistants; to amend section 71-1,107.30, Reissue Revised Statutes of Nebraska, and section 28-401, Revised Statutes Supplement, 1998; to change provisions relating to prescribing medications; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 380. Introduced by Bromm, 23; Byars, 30; Price, 26; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to managed care; to amend sections 68-1057 and 68-1060, Reissue Revised Statutes of Nebraska; to change provisions relating to implementation of the managed care system; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 381. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to budgets; to amend sections 13-501, 13-503, 13-504, 13-511, 13-522, 18-2805, and 23-905, Reissue Revised Statutes of Nebraska, and sections 13-508, 13-519, 77-27,139.03, 79-1022, and 79-1024, Revised Statutes Supplement, 1998; to transfer duties from the Auditor of Public Accounts to the Property Tax Administrator; to create a board; to eliminate a duty related to township budgets; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 23-250.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 382. Introduced by Lynch, 13; Bourne, 8; Brashear, 4; Brown, 6; Bruning, 3; Hartnett, 45; Hilgert, 7; Jensen, 20; Kiel, 9; Dw. Pedersen, 39; Quandahl, 31; Redfield, 12; Robak, 22; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to public buildings; to adopt the Convention Center and Sports Arena Facilities Assistance Act; and to provide severability.

LEGISLATIVE BILL 383. Introduced by Wickersham, 49; Coordsen, 32; Landis, 46; C. Peterson, 35; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.08, 77-2715.09, and 77-2734.04, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 1998; to change a capital gains adjustment; to provide an adjustment to income for capital gains; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 384. Introduced by Wickersham, 49; Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-2734.04, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 1998; to provide an adjustment to income for capital gains; to eliminate a capital gains adjustment; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 385. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to create and provide for the Educational Voucher Program; and to provide duties for the State Department of Education.

LEGISLATIVE BILL 386. Introduced by Bohlke, 33; Hartnett, 45; D. Pederson, 42; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1225 and 79-1233, Reissue Revised Statutes of Nebraska, and sections 9-812, 79-1201, 79-1241.01, and 79-1310, Revised Statutes Supplement, 1998; to define terms; to appropriate funds for technology infrastructure; to eliminate a levy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 387. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-10,120, Reissue Revised Statutes of Nebraska, and section 79-1001, Revised Statutes Supplement, 1998; to provide for a facility factor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 388. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-234, Reissue Revised Statutes of Nebraska, and section 79-458, Revised Statutes Supplement, 1998; to change provisions relating to option students and the transfer of land between school districts; and to repeal the original sections.

LEGISLATIVE BILL 389. Introduced by Schrock, 38; Beutler, 28.

A BILL FOR AN ACT relating to motor fuel; to establish a standard for gasoline sold in Nebraska; to provide exceptions to the standard; to provide duties; to provide an operative date; and to outright repeal section 66-1225, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 390. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bohlke, 33; Bromm, 23; Bruning, 3; Hudkins, 21; Joñes, 43; Stuhr, 24.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-628.03, Revised Statutes Supplement, 1998; to change

provisions relating to the joint exercise of powers as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 391. Introduced by Landis, 46.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2521 and 29-2521.01, Reissue Revised Statutes of Nebraska; to provide for resentencing upon a finding of racial injustice in capital cases; and to repeal the original sections.

LEGISLATIVE BILL 392. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1998; to authorize local governments to levy payments in lieu of taxes for certain tax-exempt real property; to change property tax exemptions; to provide for assessment of leased public real property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 393. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,288, Reissue Revised Statutes of Nebraska; to change provisions relating to cranes; and to repeal the original section.

LEGISLATIVE BILL 394. Introduced by C. Peterson, 35; Kristensen, 37; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to postsecondary education; to create the Task Force on the State Scholarship Grant System; to state intent; to provide duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 395. Introduced by Wickersham, 49; Coordsen, 32; Landis, 46; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.03, Reissue Revised Statutes of Nebraska, and section 77-2715.02, Revised Statutes Supplement, 1998; to change calculations for income taxation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 396. Introduced by Landis, 46.

A BILL FOR AN ACT relating to financial institutions; to amend sections 3-506, 3-616, 3-709, 8-112, 8-141, 8-143.01, 8-157.01, 8-170, 8-1,131, 8-1504, 8-1601, 8-1605, 13-1305, 18-2102.01, 21-1729, 21-1737, 21-20,162, 21-20,166, 45-101.04, 45-118, 45-121, 45-130, 45-336, 45-351, 45-702, 45-703, 45-704, 45-707, 45-708, and 46-1,141, Reissue Revised Statutes of Nebraska, and sections 8-101.01, 8-602, and 8-1602, Revised Statutes Supplement, 1998; to change provisions relating to the deposit of public

funds; to revise the power of state-chartered banks; to provide notice to financial institutions about certain subpoenaed information; to change provisions relating to lending limits; to change provisions relating to credit to bank officers, electronic terminals and automatic teller machines, records and files, fees, banker's banks, acquisitions and mergers, shareholders' rights in dissolution, interest rates and loans, installment loan licenses, installment sales, and mortgage bankers; to authorize banks to administer certain additional individual retirement accounts in accordance with federal law; to define and redefine terms; to provide powers for the Department of Banking and Finance; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 397. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 44-5018, Reissue Revised Statutes of Nebraska; to change provisions relating to rates and forms; and to repeal the original section.

LEGISLATIVE BILL 398. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to certificates of title; to amend sections 60-110 and 60-112, Reissue Revised Statutes of Nebraska; to change provisions relating to the notation of liens on certified copies of certificates of title for motor vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 399. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to marriage; to amend sections 33-110, 42-102, 42-104, 42-107, and 42-113, Reissue Revised Statutes of Nebraska; to change license and disqualification provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 400. Introduced by Wickersham, 49; Coordsen, 32; Landis, 46; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715, Reissue Revised Statutes of Nebraska; to change income tax calculations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 401. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to zoning regulations; to amend sections 23-114.03 and 23-114.04, Reissue Revised Statutes of Nebraska; to change county zoning provisions; and to repeal the original sections.

LEGISLATIVE BILL 402. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt an agricultural stewardship demonstration award program; and to provide a termination date.

LEGISLATIVE BILL 403. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1503, 2-1547, 2-1584, 2-1596, 2-4901, and 23-320.01, Reissue Revised Statutes of Nebraska, and sections 77-1363 and 85-162.03, Revised Statutes Supplement, 1998; to change references to the names of federal services to reflect their new names; and to repeal the original sections.

LEGISLATIVE BILL 404. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to cervine animals; to amend sections 37-465 and 54-701.03, Reissue Revised Statutes of Nebraska; to adopt the Domesticated Cervine Animal Act; to eliminate the Domesticated Cervine Animal Registry; to harmonize provisions; to repeal the original sections; to outright repeal section 54-2301, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 405. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to aquaculture; to amend section 2-5003, Reissue Revised Statutes of Nebraska; to change provisions relating to the board; and to repeal the original section.

LEGISLATIVE BILL 406. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to landlord and tenant; to amend section 76-1419, Reissue Revised Statutes of Nebraska; to change fit premises provisions; and to repeal the original section.

LEGISLATIVE BILL 407. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to child support; to establish the Child Support Commission; and to declare an emergency.

LEGISLATIVE BILL 408. Introduced by Vrtiska, 1; Byars, 30; Cudaback, 36; Hartnett, 45; Janssen, 15; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; Raikes, 25; Schimek, 27.

A BILL FOR AN ACT relating to political subdivisions; to amend section 28-522, Reissue Revised Statutes of Nebraska; to provide for entry upon property as prescribed; to provide for damages; to provide an affirmative defense to criminal trespass; and to repeal the original section.

LEGISLATIVE BILL 409. Introduced by Vrtiska, 1; Cudaback, 36.

A BILL FOR AN ACT relating to political subdivisions; to amend sections

16-104, 16-105, 16-302.01, 16-306, 17-102, 17-104, 17-301, 17-303, 17-541, 17-614, 32-534, and 32-554, Reissue Revised Statutes of Nebraska; to change provisions relating to elections, ordinances, and officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 410. Introduced by Baker, 44; Hudkins, 21; Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,267 and 60-6,268, Reissue Revised Statutes of Nebraska; to change provisions relating to child passenger restraints; and to repeal the original sections.

LEGISLATIVE BILL 411. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to nursing home administration; to amend sections 71-6053, 71-6055, 71-6056, 71-6058, 71-6060, 71-6061, 71-6063, 71-6065, and 71-6067, Reissue Revised Statutes of Nebraska, and section 71-6054, Revised Statutes Supplement, 1998; to change provisions relating to licensing requirements, training programs, inactive license status, preceptors, removal, and the board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 412. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska; to change limitation of action provision for product liability; and to repeal the original section.

LEGISLATIVE BILL 413. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to teachers; to amend section 79-802, Revised Statutes Supplement, 1998; to change provisions relating to teacher certification; and to repeal the original section.

LEGISLATIVE BILL 414. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 7-111, 11-119, 11-125, 22-417, 23-120, 23-121, 23-1114.03 to 23-1114.06, 23-2504, 23-2518, 24-345, 24-507 to 24-509, 24-513, 24-519, 24-520, 24-703, 24-709, 24-1002, 29-103, 29-403, 29-812, 29-3901, 30-2218, 30-2402, 33-106.02, 42-108, 43-2,123, 49-502, 49-801, 72-240.14, 76-706, 76-723, and 77-2019, Reissue Revised Statutes of Nebraska, and sections 24-228, 24-701, 24-706, and 24-709.02, Revised Statutes Supplement, 1998; to transition the office of the clerk of the district court from a county reimbursed to a state reimbursed position; to create the position of clerk of the court; to eliminate the position of clerk magistrate and election of clerks of the district courts; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-524, Reissue Revised Statutes of Nebraska.

RESOLUTION**LEGISLATIVE RESOLUTION 16.** Introduced by Landis, 46.

WHEREAS, consensus building, conflict resolution, and collaborative efforts offer a variety of approaches and processes, including negotiation, facilitation, negotiated rule-making, and mediation to assist in the prevention of conflicts and the building of agreements; and

WHEREAS, these collaborative approaches can supplement and complement traditional processes and are not intended to replace legislative, regulatory, administrative, and judicial mechanisms; and

WHEREAS, the utilization of these approaches can often result in speedy, cost effective, and enduring resolutions; and

WHEREAS, the utilization of these approaches can assist in alleviating caseloads and reducing hearing time; and

WHEREAS, the legislative, executive, and judicial branches of government on the state and local levels can benefit from approaches that can reduce divisiveness and increase confidence in our democratic systems; and

WHEREAS, these approaches call for the involvement of all stakeholders in order to build agreements that meet everyone's interests and are sustainable and self-enforcing; and

WHEREAS, it is in the best interests of the citizens of Nebraska to have the increased opportunity to become actively involved in and responsible for the resolution of conflicts that impact their lives; and

WHEREAS, the Nebraska Office of Dispute Resolution and the state approved mediation centers have assisted state and local governments to prevent and resolve conflicts and have a statewide accessible system in place to handle all types of issues; and

WHEREAS, Nebraska has many practitioners of these collaborative processes who are available to assist government in these efforts.

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

1. That the Legislature for these reasons encourages all levels of government to explore, study, develop, and implement appropriate procedures to allow and enhance the use of the approaches and processes of consensus building, conflict resolution, and collaboration on issues that arise before them.

2. That if upon review of government practices, procedures, statutes, orders, and rules it is revealed that they create barriers to the use of collaborative processes, the Legislature would work with such entities to bring about changes needed to eliminate those barriers.

Laid over.

REPORT OF THE EXECUTIVE BOARD

Mr. Coordsen, Chairperson of the Executive Board, reported the appointments of the following members, as required by statute.

	Building Maintenance - Lynch, Chairperson
Cudaback	Vrtiska
Janssen	Wehrbein
Schmitt	

	Education Commission of the States
Bohlke	Wickersham
Stuhr	

	Midwestern Higher Education Compact Commission
Beutler	Bohlke

	Legislative Program Evaluation
Engel	Raikes
Kristensen	

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 42	Wednesday, January 20, 1999	1:30 p.m.
LB 43	Wednesday, January 20, 1999	1:30 p.m.
LB 44	Wednesday, January 20, 1999	1:30 p.m.
LB 45	Wednesday, January 20, 1999	1:30 p.m.
LB 47	Wednesday, January 20, 1999	1:30 p.m.
LB 48	Wednesday, January 20, 1999	1:30 p.m.
LB 55	Wednesday, January 20, 1999	1:30 p.m.
LB 64	Wednesday, January 20, 1999	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Health and Human Services

LB 17	Wednesday, January 20, 1999	1:30 p.m.
LB 56	Wednesday, January 20, 1999	1:30 p.m.
LB 71	Wednesday, January 20, 1999	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LB 61	Wednesday, January 20, 1999	1:30 p.m.
LB 113	Wednesday, January 20, 1999	1:30 p.m.
LB 118	Wednesday, January 20, 1999	1:30 p.m.
LB 137	Wednesday, January 20, 1999	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LB 33	Wednesday, January 20, 1999	1:30 p.m.
LB 34	Wednesday, January 20, 1999	1:30 p.m.
LB 143	Wednesday, January 20, 1999	1:30 p.m.
LB 165	Wednesday, January 20, 1999	1:30 p.m.
LB 35	Wednesday, January 20, 1999	1:30 p.m.
LB 37	Wednesday, January 20, 1999	1:30 p.m.
LB 136	Wednesday, January 20, 1999	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

Natural Resources

LB 81	Wednesday, January 20, 1999	1:30 p.m.
LB 103	Wednesday, January 20, 1999	1:30 p.m.
LB 92	Wednesday, January 20, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Agriculture

LB 172	Tuesday, January 19, 1999	1:30 p.m.
LB 198	Tuesday, January 19, 1999	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Jensen, Kremer, Tyson, and Bruning asked unanimous consent to have their names added as cointroducers to LB 274. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 184, LB 219, and LB 280. No objections. So ordered.

Mr. Bourne asked unanimous consent to have his name added as cointroducer to LB 352. No objections. So ordered.

Mrs. Hudkins and Mr. Janssen asked unanimous consent to have their names added as cointroducers to LB 342. No objections. So ordered.

Mrs. Kiel asked unanimous consent to have her name added as cointroducer to LB 139. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 102. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 72. No objections. So ordered.

ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. Hudkins, the Legislature adjourned until 11:00 a.m., Thursday, January 14, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY – JANUARY 14, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 14, 1999

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Brad Anderson, Zion Presbyterian Church in America, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars who was excused; and Messrs. Beutler, Landis, Mmes. Kiel, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills, resolutions, and appointments:

LB	Committee
222	Judiciary
246	Nebraska Retirement Systems
247	General Affairs
248	Judiciary
249	Revenue
250	Government, Military and Veterans Affairs
251	Judiciary
252	Transportation
253	Government, Military and Veterans Affairs

254	Judiciary
255	Judiciary
256	Judiciary
257	Business and Labor
258	Banking, Commerce and Insurance
259	Banking, Commerce and Insurance
260	Banking, Commerce and Insurance
261	Transportation
262	General Affairs
263	Judiciary
264	Transportation
265	Judiciary
266	Government, Military and Veterans Affairs
267	General Affairs
268	Education
269	Revenue
270	Natural Resources
271	Revenue
272	Education
273	Natural Resources
274	Banking, Commerce and Insurance
275	Transportation
276	Government, Military and Veterans Affairs
277	Judiciary
278	Banking, Commerce and Insurance
279	Government, Military and Veterans Affairs
280	Revenue
281	General Affairs
282	Judiciary
283	Natural Resources
284	Judiciary
285	Revenue
286	Natural Resources
287	Revenue
288	Judiciary
289	Government, Military and Veterans Affairs
290	Banking, Commerce and Insurance
291	Transportation
292	Transportation
293	Natural Resources
294	Revenue
295	Judiciary
296	Government, Military and Veterans Affairs
297	Government, Military and Veterans Affairs
298	Government, Military and Veterans Affairs
299	Judiciary
300	Transportation
301	Revenue
302	Transportation

303	Transportation
304	Education
305	Judiciary
306	Banking, Commerce and Insurance
307	Health and Human Services
308	Health and Human Services
309	Judiciary
310	Transportation
311	Government, Military and Veterans Affairs
312	Judiciary
313	Judiciary
314	Education
315	Judiciary
316	Judiciary
317	Urban Affairs
318	Judiciary
319	Judiciary
320	Judiciary
321	Judiciary
322	Government, Military and Veterans Affairs
323	Banking, Commerce and Insurance
324	Health and Human Services
325	Revenue
326	Banking, Commerce and Insurance
327	Government, Military and Veterans Affairs
328	Agriculture
329	Education
330	Revenue
331	Business and Labor
332	Judiciary

LR Committee

8CA	Government, Military and Veterans Affairs
9CA	Executive Board
10	Government, Military and Veterans Affairs
11CA	Government, Military and Veterans Affairs
12CA	Executive Board
13CA	Government, Military and Veterans Affairs

Adams, Greg, Mayor - Nebraska Information Technology Commission --
Transportation

Brown, Eric - Nebraska Information Technology Commission --
Transportation

Bryan, L. Merill, Jr. - Nebraska Information Technology Commission --
Transportation

Christensen, Douglas, Dr. - Nebraska Information Technology Commission

-- Transportation

Kerrey, J. Robert, Senator - Nebraska Information Technology Commission
-- Transportation

Kontor, Carol L. - Nebraska Investment Council -- Nebraska Retirement Systems

Kosman, Hod - Nebraska Information Technology Commission -- Transportation

Kuck, Gary - Nebraska Information Technology Commission -- Transportation

Nelson, W. Don - Nebraska Investment Council -- Nebraska Retirement Systems

Smith, Dennis, Dr. - Nebraska Information Technology Commission -- Transportation

Stine, Greg - Nebraska Investment Council -- Nebraska Retirement Systems

Van Pelt, Samuel - Nebraska Crime Victims Reparation Committee -- Judiciary

Westcott, Michael - Nebraska Board of Emergency Medical Services -- Health and Human Services

Wrenn, Joyce - Nebraska Information Technology Commission -- Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENTS

Mr. Lynch designates LB 382 as his priority bill.

Ms. Price designates LB 386 as her priority bill.

NOTICE OF COMMITTEE HEARINGS **Revenue**

LB 32	Thursday, January 21, 1999	1:30 p.m.
LB 140	Thursday, January 21, 1999	1:30 p.m.
LB 141	Thursday, January 21, 1999	1:30 p.m.
LB 142	Thursday, January 21, 1999	1:30 p.m.
LB 194	Thursday, January 21, 1999	1:30 p.m.

LB 287

Thursday, January 21, 1999

1:30 p.m.

(Signed) William R. Wickersham, Chairperson

Health and Human Services

LB 68

Thursday, January 21, 1999

1:30 p.m.

LB 119

Thursday, January 21, 1999

1:30 p.m.

LB 121

Thursday, January 21, 1999

1:30 p.m.

LB 178

Thursday, January 21, 1999

1:30 p.m.

(Signed) Jim Jensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 415. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-220, Reissue Revised Statutes of Nebraska, and section 79-214, Revised Statutes Supplement, 1998; to change admission requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 416. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1413, 49-1445, 49-1455 to 49-1458, 49-1467, and 49-1469, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to candidate committees, campaign statements, contributions, expenditures, and loans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 417. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1493, Reissue Revised Statutes of Nebraska; to change provisions relating to individuals required to file a statement of financial interest; and to repeal the original section.

LEGISLATIVE BILL 418. Introduced by Coordsen, 32; Baker, 44; Bohlke, 33; Bromm, 23; Connealy, 16; Cudaback, 36; Dierks, 40; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; Kristensen, 37; Matzke, 47; Raikes, 25; Schellpeper, 18; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 19-2428, 77-1343, and 77-1347, Reissue Revised Statutes of Nebraska, and section 77-1344, Revised Statutes Supplement, 1998; to change provisions

relating to valuation of agricultural and horticultural land; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 419. Introduced by Coordsen, 32; Baker, 44; Bohlke, 33; Cudaback, 36; Dierks, 40; Hudkins, 21; Jones, 43; Kremer, 34; Matzke, 47; Raikes, 25; Schellpeper, 18; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1371, Reissue Revised Statutes of Nebraska; to change provisions relating to valuation of farmstead sites; and to repeal the original section.

LEGISLATIVE BILL 420. Introduced by Coordsen, 32; Baker, 44; Bohlke, 33; Connealy, 16; Cudaback, 36; Dierks, 40; Hudkins, 21; Jones, 43; Kremer, 34; Matzke, 47; Raikes, 25; Schellpeper, 18; Schrock, 38; Stuhr, 24; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1371, Reissue Revised Statutes of Nebraska; to change provisions relating to valuation of agricultural land or horticultural land; and to repeal the original section.

LEGISLATIVE BILL 421. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to counties; to amend sections 32-517 to 32-525, 32-528 to 32-530, 32-609, and 32-811, Reissue Revised Statutes of Nebraska; to provide for certain county offices to be filled on a nonpartisan basis; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 422. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend section 21-19,114, Reissue Revised Statutes of Nebraska; to change provisions relating to amendment of bylaws; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 423. Introduced by Kristensen, 37; Baker, 44; Bromm, 23; Bruning, 3; Hudkins, 21; Jensen, 20; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to employment; to provide immunity in actions relating to job references; and to define terms.

LEGISLATIVE BILL 424. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to insurance; to amend section 44-4001, Reissue Revised Statutes of Nebraska; to authorize limited licenses for sale of insurance related to rental vehicles; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 425. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to schools; to amend section 79-856, Revised Statutes Supplement, 1998; to change provisions relating to Staff Development Assistance; and to repeal the original section.

LEGISLATIVE BILL 426. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools; to create the Nebraska High School Sports Hall of Fame; to create a board; and to appropriate funds.

LEGISLATIVE BILL 427. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to telephone solicitation; to amend section 75-156, Reissue Revised Statutes of Nebraska; to provide intent; to define terms; to prohibit certain telephone solicitations; to create duties; to authorize fees; to provide for confidentiality; to provide for procedures and appeals; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 428. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to parking permits; to amend sections 18-1738, 18-1738.01, 18-1740, and 18-1741, Reissue Revised Statutes of Nebraska; to change provisions relating to parking permits for handicapped or disabled persons; and to repeal the original sections.

LEGISLATIVE BILL 429. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3509, Revised Statutes Supplement, 1998; to change income levels as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 430. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to Nebraska veterans homes; to amend sections 80-314, 80-316, 80-320, 81-1108.15, 83-107.01, and 83-108, Revised Statutes Supplement, 1998; to transfer responsibility for veterans homes to the Department of Veterans' Affairs; to eliminate the Veterans Coordinating Committee; to exempt the Nebraska veterans homes from state building division facilities administration; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 80-323 and 80-324, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 431. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-105, 53-106, 53-107, 53-112, and 53-113, Reissue Revised Statutes of Nebraska; to change provisions relating to membership

on the commission; and to repeal the original sections.

EASE

The Legislature was at ease from 11:14 a.m. until 11:35 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 432. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1111, Revised Statutes Supplement, 1998; to provide powers to the Director of Administrative Services and the accounting bureau; to authorize departments and agencies to perform their own preaudits; to change provisions relating to preaudits; and to repeal the original section.

LEGISLATIVE BILL 433. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to petitions; to amend section 32-1409, Reissue Revised Statutes of Nebraska; to change provisions relating to the verification of signatures and other information on initiative and referendum petitions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 434. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to elections; to amend sections 32-1005, 32-1007, and 32-1008, Reissue Revised Statutes of Nebraska; to change provisions relating to write-in campaigns; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 435. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 83-1003, 83-1009, 83-1012, 83-1013, 83-1025, 83-1026, 83-1049, and 83-1053, Reissue Revised Statutes of Nebraska, and sections 83-1036, 83-1037, 83-1046, and 83-1078, Revised Statutes Supplement, 1998; to provide commitment procedures for sexually violent offenders; to redefine terms; to provide immunity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 436. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bohlke, 33; Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3232, 2-3235, 2-3254, and 46-656.66, Reissue Revised Statutes of Nebraska, and sections 2-3212.01, 2-3219, 2-3222, 2-3226, 2-3228, 2-3233, and 2-3234, Revised Statutes Supplement, 1998; to delete references to certain sections; to eliminate a duty to adopt rules and regulations; to change provisions relating to appeals under the Nebraska Ground Water Management and Protection Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 2-3204, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 437. Introduced by Wickersham, 49; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to county agricultural societies; to amend sections 2-221 to 2-226, 2-228, 2-229, 2-231 to 2-233, 2-235 to 2-239, 2-250, 2-253, and 13-503, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3443, Revised Statutes Supplement, 1998; to change provisions relating to county fair boards and county agricultural societies; to change provisions relating to property tax levies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 438. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-1458, and 49-1463.01, Reissue Revised Statutes of Nebraska; to change provisions for late contributions; to require reports of late expenditures; to provide for a late filing fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 439. Introduced by Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to fees and costs; to amend section 33-117, Reissue Revised Statutes of Nebraska; to change fees for service of process; and to repeal the original section.

LEGISLATIVE BILL 440. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Dierks, 40; Price, 26; Thompson, 14; Tyson, 19; and Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3449 and 81-3453, Revised Statutes Supplement, 1998; to provide an exemption from the act for certain commercial or industrial buildings; and to repeal the original sections.

LEGISLATIVE BILL 441. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1998; to revise the power of

savings and loan associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 442. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to insurance; to amend section 44-4113, Reissue Revised Statutes of Nebraska; to change provisions relating to preferred providers; and to repeal the original section.

LEGISLATIVE BILL 443. Introduced by Jones, 43.

A BILL FOR AN ACT relating to schools; to amend sections 32-542, 32-543, 79-547, and 79-553, Reissue Revised Statutes of Nebraska, and sections 79-451 and 79-550, Revised Statutes Supplement, 1998; to change provisions relating to membership on boards of education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 444. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Municipal Comparability Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 445. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw. Pedersen, 39; and Crosby, 29; Engel, 17.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 53-186, 60-4,108, 60-4,182, 60-601, 60-6,186, 60-6,196, and 60-6,197, Reissue Revised Statutes of Nebraska; to change provisions relating to consumption of alcohol, operators' licenses, speed limits, driving under the influence, motor vehicle impoundment; to provide duties for the Department of Roads; to provide penalties; to eliminate enforcement of seat belt violations as secondary actions; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 446. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14; and Tyson, 19.

A BILL FOR AN ACT relating to communication; to amend sections 81-2308, 81-2604, 86-1503, and 86-1506, Revised Statutes Supplement, 1998; to adopt the Nebraska Public Safety Wireless Communication System Act; to eliminate provisions for an obsolete task force; to harmonize provisions; to repeal the original sections; to outright repeal sections 86-1801 and 86-1802, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 447. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to create a task force to study the state juvenile probation system; and to declare an emergency.

LEGISLATIVE BILL 448. Introduced by Thompson, 14; Dw. Pedersen, 39; Suttle, 10.

A BILL FOR AN ACT relating to juvenile services; to change court fees.

LEGISLATIVE BILL 449. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 9-812, 79-1142, and 79-1185, Revised Statutes Supplement, 1998; to change provisions relating to support services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 450. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3908, Reissue Revised Statutes of Nebraska; to change a provision for reimbursement of indigent defense costs; and to repeal the original section.

LEGISLATIVE BILL 451. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Relocation Assistance Act; to amend sections 76-1228, 76-1230, 76-1231, 76-1232, 76-1233, and 76-1241, Reissue Revised Statutes of Nebraska; to change payment amounts; to authorize arbitration; and to repeal the original sections.

LEGISLATIVE BILL 452. Introduced by Landis, 46.

A BILL FOR AN ACT relating to schools; to provide for delinquent bond payments; to provide duties for the State Treasurer and the State Department of Education; and to provide severability.

COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby offered the following Committee on Committees report:

As a result of vacancies existing on the Intergovernmental Cooperation Committee and the Rules Committee, the Committee on Committees is recommending that Senator Pam Brown be appointed to the Intergovernmental Cooperation Committee and Senator Dwite Pedersen be appointed to the Rules Committee.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 101	Thursday, January 21, 1999	1:30 p.m.
LB 270	Thursday, January 21, 1999	1:30 p.m.
LB 273	Thursday, January 21, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Government, Military and Veterans Affairs

LB 138	Thursday, January 21, 1999	1:30 p.m.
LB 83	Thursday, January 21, 1999	1:30 p.m.
LB 85	Thursday, January 21, 1999	1:30 p.m.
LB 104	Thursday, January 21, 1999	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LB 39	Thursday, January 21, 1999	1:30 p.m.
LB 40	Thursday, January 21, 1999	1:30 p.m.
LB 46	Thursday, January 21, 1999	1:30 p.m.
LB 49	Thursday, January 21, 1999	1:30 p.m.
LB 51	Thursday, January 21, 1999	1:30 p.m.
LB 54	Thursday, January 21, 1999	1:30 p.m.
LB 72	Thursday, January 21, 1999	1:30 p.m.
LB 73	Thursday, January 21, 1999	1:30 p.m.

LB 19	Friday, January 22, 1999	1:30 p.m.
LB 21	Friday, January 22, 1999	1:30 p.m.
LB 22	Friday, January 22, 1999	1:30 p.m.
LB 23	Friday, January 22, 1999	1:30 p.m.
LB 24	Friday, January 22, 1999	1:30 p.m.
LB 88	Friday, January 22, 1999	1:30 p.m.
LB 102	Friday, January 22, 1999	1:30 p.m.
LB 203	Friday, January 22, 1999	1:30 p.m.
LB 228	Friday, January 22, 1999	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

EASE

The Legislature was at ease from 11:44 a.m. until 11:58 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 453. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-1705, Reissue Revised Statutes of Nebraska; to authorize payment of property taxes in installments; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 454. Introduced by Crosby, 29; Bohlke, 33.

A BILL FOR AN ACT relating to insurance; to require coverage for dental care involving use of general anesthesia.

LEGISLATIVE BILL 455. Introduced by Wickersham, 49; Schimek, 27.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1401, 49-1423, 49-1490, 49-1499, 49-1499.01, 49-14,101, 49-14,103.01, 49-14,103.02, and 49-14,103.07, Reissue Revised Statutes of Nebraska; to change and eliminate conflict of interest provisions; to provide and change penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 456. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.07, Reissue Revised Statutes of Nebraska, and section 77-2703, Revised Statutes Supplement, 1998; to change sales tax provisions relating to telecommunications and television programming; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 457. Introduced by Robak, 22; Brashear, 4; Bromm, 23; Coordsen, 32; Cudaback, 36; Dierks, 40; Engel, 17; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; Matzke, 47; Dw. Pedersen, 39; Schellpeper, 18; Schmitt, 41; Schrock, 38; Smith, 48; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 32-1201 to 32-1203 and 32-1207, Reissue Revised Statutes of Nebraska; to provide for reimbursement from the state for certain election costs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 458. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to peace officers; to permit employment as prescribed.

LEGISLATIVE BILL 459. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 66-1516 and 66-1517, Reissue Revised Statutes of Nebraska, and section 81-15,117, Revised Statutes Supplement, 1998; to provide for a covenant not to sue under the Petroleum Products and Hazardous Substances Storage and Handling Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 460. Introduced by Schrock, 38; Baker, 44; Coordsen, 32; Wickersham, 49.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,120.01, Reissue Revised Statutes of Nebraska; to change provisions relating to provisional operators' permits; and to repeal the original section.

LEGISLATIVE BILL 461. Introduced by Cudaback, 36; Janssen, 15; Kremer, 34; Quandahl, 31; Schmitt, 41; Smith, 48; Vrtiska, 1.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Revised Statutes Supplement, 1998; to authorize use of telephone conference calls; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 462. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to municipalities; to amend section 18-1752.01, Reissue Revised Statutes of Nebraska; to change and eliminate solid waste collection service provisions; to repeal the original section; and to outright repeal section 18-1752.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 463. Introduced by Stuhr, 24; Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt the Organic Agriculture Act; to eliminate organic food provisions; to provide an operative date; and to outright repeal sections 81-2,233 to 81-2,235, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 464. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend sections 77-27,156, 77-27,158, and 81-125.01, Reissue Revised Statutes of Nebraska; to establish a limit on certain appropriations and fund transfers; to provide duties for the Governor, Legislature, and Nebraska Economic Forecasting Advisory Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 465. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services; and to declare an emergency.

LEGISLATIVE BILL 466. Introduced by Brown, 6.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-905, Reissue Revised Statutes of Nebraska; to change provisions relating to operating a motor vehicle to avoid arrest; to change penalty provisions; and to repeal the original section.

LEGISLATIVE BILL 467. Introduced by Suttle, 10; Beutler, 28; Hilgert, 7; Hudkins, 21; Jensen, 20; Jones, 43; Dw. Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to sex offenders; to amend sections 28-317, 28-318, and 47-603, Reissue Revised Statutes of Nebraska, and sections 28-105, 29-2923, 29-2925, 29-2926, and 29-2928 to 29-2930, Revised Statutes Supplement, 1998; to adopt the Habitual Sex Offender Act; to provide penalties; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 468. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to unclaimed property; to amend section 69-1331, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale and disposal of unclaimed property; and to repeal the original section.

LEGISLATIVE BILL 469. Introduced by Crosby, 29; Hudkins, 21; Janssen, 15; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Preister, 5; Thompson, 14.

A BILL FOR AN ACT relating to telemarketing; to adopt the Telemarketing and Prize Promotions Act.

LEGISLATIVE BILL 470. Introduced by Wickersham, 49; Coordsen, 32.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 1998; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 471. Introduced by Coordsen, 32; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4105, 77-4107, and 77-4112, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 1998; to eliminate property tax exemptions; to provide for applicability of changes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 472. Introduced by Dw. Pedersen, 39; Cudaback, 36; Hilgert, 7; Janssen, 15; Jensen, 20; Jones, 43; Lynch, 13; C. Peterson, 35; Robak, 22; Schmitt, 41; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-251.01, 43-258, 43-401, 43-403, 43-404, 43-405, 43-407, 43-408, and 43-416, Reissue Revised Statutes of Nebraska, and sections 83-107.01, 83-905, and 83-905.01, Revised Statutes Supplement, 1998; to transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 473. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Robak, 22; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to the Weights and Measures Act; to amend sections 89-183, 89-186, 89-186.01, 89-187, 89-187.05, 89-187.07, 89-187.08, 89-188, and 89-196.01, Reissue Revised Statutes of Nebraska, and section 89-187.02, Revised Statutes Supplement, 1998; to change provisions relating to handbooks adopted by reference; to define a term; to increase fees; to change enforcement procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 474. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Robak, 22; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,252, Reissue Revised Statutes of Nebraska, and sections 81-2,239, 81-2,240, 81-2,244.01, 81-2,245.01, 81-2,262, 81-2,270, 81-2,272.08, 81-2,272.18, 81-2,272.24, 81-2,281, and 81-2,288.01, Revised Statutes Supplement, 1998; to define and redefine terms; to adopt federal law by reference; to change and provide requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 475. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to public health and welfare; to provide a duty for the Department of Health and Human Services relating to tribal property residents.

LEGISLATIVE BILL 476. Introduced by Janssen, 15; Schellpeper, 18.

A BILL FOR AN ACT relating to handguns; to amend sections 14-102, 15-255, 16-227, 17-556, 28-915.01, and 28-1202, Reissue Revised Statutes of Nebraska; to adopt the Concealed Handgun License Act; to change and provide penalties; to create a fund; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 477. Introduced by Hudkins, 21; Schellpeper, 18; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to alcoholic liquor; to create the Nebraska Grape and Winery Board; to provide powers and duties; and to establish and provide for distribution of fees.

LEGISLATIVE BILL 478. Introduced by Preister, 5; Hilgert, 7.

A BILL FOR AN ACT relating to insurance; to amend section 44-5019, Reissue Revised Statutes of Nebraska; to change provisions relating to rating

systems for automobile liability policies; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 479. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the state lottery; to amend sections 9-803 and 9-805, Reissue Revised Statutes of Nebraska; to change provisions relating to major procurements and agreements; and to repeal the original sections.

LEGISLATIVE BILL 480. Introduced by Schimek, 27; Beutler, 28; Dierks, 40; Hudkins, 21; Preister, 5; Robak, 22; Stuhr, 24; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to women's health; to create the Women's Health Initiative of Nebraska; to create a council and a fund; and to provide duties.

LEGISLATIVE BILL 481. Introduced by Baker, 44; Schmitt, 41; Tyson, 19.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 81-8,240 and 81-3001, Revised Statutes Supplement, 1998; to transfer certain attorneys to the Department of Justice; to change certain departments' subpoena powers; to eliminate certain Public Counsel jurisdiction; to harmonize provisions; and to outright repeal section 73-401, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 482. Introduced by Matzke, 47; Baker, 44; Engel, 17; Jensen, 20; Landis, 46; Schimek, 27; Smith, 48; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1998; to provide an income tax credit for adopted children; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 483. Introduced by Tyson, 19; Dierks, 40; Robak, 22.

A BILL FOR AN ACT relating to education; to adopt the Parent Education Equitable Reimbursement (PEER) System Act.

LEGISLATIVE BILL 484. Introduced by Tyson, 19; Crosby, 29; Dierks, 40; Hartnett, 45; Robak, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1998; to provide an income tax credit for certain educational expenses; to provide an operative date; and to

repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

Ms. Price asked unanimous consent to have her name added as cointroducer to LB 480. No objections. So ordered.

Ms. Redfield asked unanimous consent to have her name added as cointroducer to LB 52 and LB 268. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 98 and LB 402. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 125. No objections. So ordered.

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LB 382. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 407. No objections. So ordered.

VISITORS

Visitors to the Chamber were Cathy Thayer and Dolores Graff from McCook.

ADJOURNMENT

At 12:11 p.m., on a motion by Mrs. Crosby, the Legislature adjourned until 10:00 a.m., Friday, January 15, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY – JANUARY 15, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 15, 1999

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

PRAYER

The prayer was offered by Elder Edward Price, All Nations Church of the Lord Jesus Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Byars, Dierks, Matzke, and Mrs. Robak who were excused; and Messrs. Beutler, Cudaback, Janssen, Kristensen, Landis, Wickersham, and Mrs. Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and resolutions:

LB	Committee
97	General Affairs (rereferred)
204	Government, Military and Veterans Affairs (rereferred)
333	Health and Human Services
334	Education
335	Natural Resources
336	Revenue
337	Agriculture
338	Natural Resources
339	Natural Resources
340	Transportation

341	Judiciary
342	Business and Labor
343	Judiciary
344	Transportation
345	Transportation
346	Banking, Commerce and Insurance
347	Appropriations
348	Judiciary
349	Government, Military and Veterans Affairs
350	Judiciary
351	Transportation
352	Health and Human Services
353	Education
354	Education
355	Banking, Commerce and Insurance
356	Transportation
357	Revenue
358	Transportation
359	Transportation
360	Health and Human Services
361	Transportation
362	General Affairs
363	Education
364	Urban Affairs
365	Revenue
366	Health and Human Services
367	Urban Affairs
368	Transportation
369	Government, Military and Veterans Affairs
370	Urban Affairs
371	Urban Affairs
372	Education
373	Education
374	Judiciary
375	Judiciary
376	Judiciary
377	Government, Military and Veterans Affairs
378	Education
379	Health and Human Services
380	Health and Human Services
381	Revenue
382	Revenue
383	Revenue
384	Revenue
385	Education
386	Education
387	Education
388	Education
389	Natural Resources

390	Natural Resources
391	Judiciary
392	Revenue
393	Transportation
394	Education
395	Revenue
396	Banking, Commerce and Insurance
397	Banking, Commerce and Insurance
398	Transportation
399	Judiciary
400	Revenue
401	Government, Military and Veterans Affairs
402	Agriculture
403	Natural Resources
404	Agriculture
405	Agriculture
406	Judiciary
407	Judiciary
408	Judiciary
409	Government, Military and Veterans Affairs
410	Transportation
411	Health and Human Services
412	Judiciary
413	Education
414	Judiciary

LR Committee

14CA	Government, Military and Veterans Affairs
15CA	Executive Board

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

REPORTS

The following reports were received by the Legislature:

Economic Development, Department of
Annual Report

Health and Human Services System

License Suspension Annual Report
Disabled Persons and Family Support Program Annual Report
New Hire Report
Adults Ineligible for Cash Assistance Report

Public Employees Retirement Systems, Nebraska

School Retirement System, Nebraska State Patrol Retirement System, and
Judges' Retirement System Actuarial Valuation Reports

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 59	Friday, January 22, 1999	1:30 p.m.
LB 286	Friday, January 22, 1999	1:30 p.m.
LB 403	Friday, January 22, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Business and Labor

LB 65	Monday, January 25, 1999	1:30 p.m.
LB 66	Monday, January 25, 1999	1:30 p.m.
LB 168	Monday, January 25, 1999	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

General Affairs

LB 126	Monday, January 25, 1999	1:30 p.m.
LB 262	Monday, January 25, 1999	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 15, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Cavanaugh, Sheamus M. - Beaver Crossing; ABATE of Nebraska Inc.
 Chermok, Ruth - Omaha; Electrical Contractors Association
 Goc, John J. - Lincoln; Friends of Rural Education
 Jennings, Warren E. - Lincoln; Insurance Federation of Nebraska
 Kilgarin, Karen - Lincoln; Nebraska State Education Association
 Pappas, James E. - Lincoln; Millard Public Schools; Nebraska Lakes
 Association; Northwestern Public Service
 Pappas, Kimberly - Lincoln; James E. Pappas
 Pierson, Darwin R. - McCook; Nebraska Independent Oil & Gas Association
 Schaneman, Jacqueline M. - Lincoln; Private Waste Management and
 Recycling Association
 Seever, Samuel F. - Lincoln; MDS Harris Laboratories, Inc.
 Thomas, Deb - Lincoln; Nebraska Health Care Association

UNANIMOUS CONSENT - Member Excused

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby moved the approval of the Committee on Committees report, found on page 189.

The Committee on Committees report was approved with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 485. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to relating to motor vehicle registration; to amend sections 60-309, 60-311, 60-311.01, 60-311.02, and 60-311.11, Reissue Revised Statutes of Nebraska; to provide for an alphanumeric system of registration as prescribed; to change provisions relating to personalized message plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 486. Introduced by Bruning, 3; Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-215, Revised Statutes Supplement, 1998; to change provisions relating to payment of the cost of state wards' education as prescribed; and to repeal the original section.

LEGISLATIVE BILL 487. Introduced by Bruning, 3; Hartnett, 45.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-215, Revised Statutes Supplement, 1998; to clarify residency requirements; and to repeal the original section.

LEGISLATIVE BILL 488. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-32,109 to 2-32,112 and 2-32,114, Reissue Revised Statutes of Nebraska; to change provisions relating to flood control improvement corridors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 489. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Brown, 6; Crosby, 29; Engel, 17; Kiel, 9; Lynch, 13; Matzke, 47; D. Pederson, 42.

A BILL FOR AN ACT relating to the Private Postsecondary Career School Act; to amend sections 85-1606, 85-1613, 85-1615, 85-1617, 85-1624, 85-1643, and 85-1644, Revised Statutes Supplement, 1998; to provide for and change provisions relating to fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 490. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to notaries public; to amend sections 64-107 and 64-205, Reissue Revised Statutes of Nebraska; to change powers and duties; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 491. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1998; to provide an income tax credit for the costs of driver safety courses; and to repeal the original section.

LEGISLATIVE BILL 492. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3508 and 77-3513, Revised Statutes Supplement, 1998; to provide a homestead exemption for individuals with physical or mental impairments; to harmonize provisions; and to repeal the original sections.

EASE

The Legislature was at ease from 10:17 a.m. until 10:50 a.m.

MR. WICKERSHAM PRESIDING

PRESIDENT MAURSTAD PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 493. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to correctional institutions; to amend section 83-4,114, Reissue Revised Statutes of Nebraska; to change disciplinary measures provisions; and to repeal the original section.

LEGISLATIVE BILL 494. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Licensed Practical Nurse-Certified Act; to amend section 71-1774, Revised Statutes Supplement, 1998; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 495. Introduced by Stuhr, 24; Baker, 44; Bohlke, 33; Brashear, 4; Bromm, 23; Connealy, 16; Coordsen, 32; Dierks, 40; Engel, 17; Hartnett, 45; Hudkins, 21; Jones, 43; Kremer, 34; Matzke, 47; D. Pederson, 42; C. Peterson, 35; Price, 26; Raikes, 25; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Suttle, 10; Thompson, 14; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to education; to amend sections 79-1003 and 79-1018.01, Revised Statutes Supplement, 1998; to adopt the Education and Career Preparation Act; to change school finance provisions; and to repeal the original sections.

LEGISLATIVE BILL 496. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-301 to 86-304, Reissue Revised Statutes of Nebraska; to change provisions relating to right-of-way for telecommunications lines and related facilities; to provide eminent domain powers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 497. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to deferred compensation; to amend section 48-1401, Reissue Revised Statutes of Nebraska, and section 84-1504, Revised Statutes Supplement, 1998; to authorize county employees to participate in a deferred compensation plan as prescribed; to define terms; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 498. Introduced by Wickersham, 49; Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5178, Revised Statutes Supplement, 1998; to provide for the use of automated external defibrillators; to define a term; to provide for immunity from liability; to provide for rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 499. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to economic development; to amend section 81-1255, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the county visitors committee; and to repeal the original section.

LEGISLATIVE BILL 500. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-696, Reissue Revised Statutes of Nebraska; to change procedures and penalties relating to accident reporting; and to repeal the original section.

LEGISLATIVE BILL 501. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103 and 53-179, Reissue Revised Statutes of Nebraska; to define a term; to extend closing hours as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 502. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1376, Revised Statutes Supplement, 1998; to change assessment procedures for certain mobile homes; and to repeal the original section.

LEGISLATIVE BILL 503. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to public funds; to amend sections 13-801 and 77-2386, Reissue Revised Statutes of Nebraska, and section 77-2387, Revised Statutes Supplement, 1998; to adopt the Public Funds Deposit and Investment Regulation Act; to change provisions relating to the Interlocal Cooperation Act and the Public Funds Deposit Security Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 504. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301, Reissue Revised Statutes of Nebraska; to redefine automobile liability policy; and to repeal the original section.

LEGISLATIVE BILL 505. Introduced by Landis, 46; Matzke, 47; Schimek, 27; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to tobacco; to amend section 77-4008, Reissue Revised Statutes of Nebraska, and sections 71-7611 and 77-2602, Revised Statutes Supplement, 1998; to change the cigarette and tobacco tax rates and distribution; to create a fund and provide for its use; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 506. Introduced by Wehrbein, 2; Smith, 48.

A BILL FOR AN ACT relating to the Political Subdivisions Self-Funding Benefits Act; to amend section 13-1614, Reissue Revised Statutes of Nebraska; to change provisions relating to employee benefits; and to repeal the original section.

LEGISLATIVE BILL 507. Introduced by Lynch, 13; Crosby, 29; Engel, 17; Hartnett, 45; Kiel, 9.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to the Coordinating Commission for Postsecondary Education.

LEGISLATIVE BILL 508. Introduced by Brashear, 4; Brown, 6; Bruning, 3; Coordsen, 32; Hartnett, 45; Hilgert, 7; Jensen, 20; Lynch, 13; Dw. Pedersen, 39; Preister, 5; Redfield, 12; Thompson, 14.

A BILL FOR AN ACT relating to state budget; to amend section 49-805.01, Reissue Revised Statutes of Nebraska; to adopt the Taxpayer Protection Spending Lid Act; to harmonize provisions; to provide severability; to repeal the original section; and to declare an emergency.

ANNOUNCEMENTS

Mr. Brashear announced the Judiciary Committee elected Mr. Dw. Pedersen as Vice Chairperson.

Mr. Raikes announced the Intergovernmental Cooperation Committee elected Mrs. Brown as Vice Chairperson.

RESOLUTION

LEGISLATIVE RESOLUTION 17. Introduced by D. Pederson, 42.

WHEREAS, former North Platte Mayor James W. Kirkman died on January 7, 1999; and

WHEREAS, James W. Kirkman was born on December 26, 1910, in Norton, Kansas; and

WHEREAS, James W. Kirkman was a North Platte High School graduate; and

WHEREAS, James W. Kirkman was a dedicated family man. He married his high school sweetheart, Edith Mae Burlingame, on June 2, 1935, and the couple had two sons, James and Michael; and

WHEREAS, James W. Kirkman had a distinguished career as a writer, editor, and publisher of the North Platte Telegraph; and

WHEREAS, James W. Kirkman served as the Mayor of North Platte for two terms, from 1984 to 1992; and

WHEREAS, James W. Kirkman's life serves as an enduring example of the positive influence of civic involvement and community service; and

WHEREAS, James W. Kirkman will be remembered for his many accomplishments in the areas of community service, including his foresight in studying North Platte's hospital needs, his role in bringing the Red Cross regional blood center to North Platte, and his role in the early development of the Mid-Nebraska Community Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its condolences and sympathy to the family of the late James W. Kirkman.

2. That a copy of this resolution be sent to his widow, Edith Kirkman, and his family.

Laid over.

NOTICE OF COMMITTEE HEARINGS**Revenue**

LB 53	Friday, January 22, 1999	1:30 p.m.
LB 221	Friday, January 22, 1999	1:30 p.m.
LB 232	Friday, January 22, 1999	1:30 p.m.
LB 244	Friday, January 22, 1999	1:30 p.m.
LB 245	Friday, January 22, 1999	1:30 p.m.
LB 280	Friday, January 22, 1999	1:30 p.m.
LB 269	Friday, January 22, 1999	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

Banking, Commerce and Insurance

LB 258	Monday, January 25, 1999	1:30 p.m.
LB 259	Monday, January 25, 1999	1:30 p.m.
LB 260	Monday, January 25, 1999	1:30 p.m.
LB 326	Monday, January 25, 1999	1:30 p.m.
LB 170	Tuesday, January 26, 1999	1:30 p.m.
LB 191	Tuesday, January 26, 1999	1:30 p.m.
LB 202	Tuesday, January 26, 1999	1:30 p.m.
LB 278	Tuesday, January 26, 1999	1:30 p.m.

(Signed) David M. Landis, Chairperson

Education

LB 182	Monday, January 25, 1999	1:30 p.m.
LB 195	Monday, January 25, 1999	1:30 p.m.
LB 268	Monday, January 25, 1999	1:30 p.m.
LB 272	Monday, January 25, 1999	1:30 p.m.
LB 28	Tuesday, January 26, 1999	1:30 p.m.
LB 173	Tuesday, January 26, 1999	1:30 p.m.
LB 314	Tuesday, January 26, 1999	1:30 p.m.
LB 378	Tuesday, January 26, 1999	1:30 p.m.
LB 363	Monday, February 1, 1999	1:30 p.m.
LB 386	Monday, February 1, 1999	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

Transportation

LB 110	Monday, January 25, 1999	1:30 p.m.
LB 161	Monday, January 25, 1999	1:30 p.m.
LB 291	Monday, January 25, 1999	1:30 p.m.

(Signed) Curt Bromm, Chairperson

EASE

The Legislature was at ease from 10:55 a.m. until 11:06 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 509. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-303, Reissue Revised Statutes of Nebraska; to redefine murder in the first degree; and to repeal the original section.

LEGISLATIVE BILL 510. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Attorney General; to amend sections 32-507 and 32-609, Reissue Revised Statutes of Nebraska; to provide for the election of the Attorney General on a nonpartisan basis; and to repeal the original sections.

LEGISLATIVE BILL 511. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to create the offense of sexual abuse of an inmate or parolee; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 512. Introduced by Dw. Pedersen, 39; Bourne, 8; Hilgert, 7; Hudkins, 21; Kiel, 9; Lynch, 13; Robak, 22.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-258, 43-272.01, 43-284, 43-286, 43-290, and 43-2, 101, Reissue Revised Statutes of Nebraska; to change placement and transportation cost provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 513. Introduced by Jones, 43; Baker, 44; Bruning, 3; Coordsen, 32; Cudaback, 36; Engel, 17; Hudkins, 21; Jensen, 20; Kremer, 34; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Quandahl, 31; Redfield, 12; Schellpeper, 18; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19;

Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to marriage; to amend sections 42-101 and 42-117, Reissue Revised Statutes of Nebraska; to change provisions relating to contracting for marriage and recognition of marriages contracted outside Nebraska; and to repeal the original sections.

LEGISLATIVE BILL 514. Introduced by Transportation Committee: Bromm, 23, Chairperson; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14; and Kristensen, 37; Landis, 46.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-609, Reissue Revised Statutes of Nebraska, and sections 75-609.01, 86-1401, and 86-1405, Revised Statutes Supplement, 1998; to restrict ex parte communications; to provide for closed executive staff sessions; to change provisions relating to access charges and universal service; to eliminate a termination date; to harmonize provisions; to repeal the original sections; to outright repeal section 86-1411, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 515. Introduced by Bromm, 23; Byars, 30; Jones, 43; Schellpeper, 18; Schmitt, 41; Stuhr, 24.

A BILL FOR AN ACT relating to redistricting; to define terms; to create an advisory commission; to provide procedures for drawing legislative and congressional districts; and to provide powers and duties.

LEGISLATIVE BILL 516. Introduced by Bromm, 23; Dw. Pedersen, 39; Tyson, 19.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 29-431, Reissue Revised Statutes of Nebraska, and section 28-416, Revised Statutes Supplement, 1998; to change marijuana possession punishments; to harmonize provisions; to eliminate instruction requirements; to repeal the original section; and to outright repeal sections 29-433 and 29-434, Reissue Revised Statutes of Nebraska.

RESOLUTIONS

LEGISLATIVE RESOLUTION 18CA. Introduced by Kristensen, 37; Raikes, 25.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 4, and Article XVI, section 1, and add a new section 3 to Article XVI:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be is for the enactment of a law, it shall be signed by seven percent of the registered voters of the state. ~~If ; and if~~ if the petition be is for the amendment of ~~the this~~ Constitution, the petition ~~therefor~~ shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures which propose the enactment of a law submitted to the people at the same election be are approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. If conflicting measures which propose a constitutional amendment submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject."

III-4 "The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated which proposes the enactment of a law shall become a law ~~or part of the Constitution;~~ as the case may be; when a majority of the votes cast thereon, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. A measure initiated which proposes a constitutional amendment shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution, when a majority of the votes cast thereon, and not less than thirty-five percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting ~~and adopting~~ amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall

be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition. The ballot for a measure initiated which proposes a constitutional amendment shall include a notice that the measure is subject to a vote for ratification."

XVI-1 "The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear. The ballot shall include a notice that the measure is subject to a vote for ratification. If a majority of the electors voting on any such amendment adopt the same, it shall ~~become a part of this Constitution,~~ provided be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution if the votes cast in favor of such amendment ~~shall not be~~ are not less than thirty-five ~~per cent~~ percent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately."

XVI-3 "(1) Before an amendment to this Constitution takes effect, there shall be two votes by the electors. The first vote for adoption of the amendment may be made pursuant to initiative as provided by Article III, sections 2 and 4, of this Constitution or pursuant to the Legislature proposing an amendment as provided by Article XVI, section 1, of this Constitution. The second vote shall be for ratification and shall be made pursuant to subsection (2) of this section.

(2) The proposed amendment shall, without change, be published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendment to the electors for ratification. At such election the proposed amendment shall be submitted to the electors for ratification. If a majority of the electors voting on any such amendment ratify the adoption of the same, it shall become a part of this Constitution if the votes cast in favor of such amendment at the election are not less than thirty-five percent of the total votes cast at such election."

Sec. 2. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be is for the enactment of a law, it shall be signed by seven percent of the registered voters of the state. If ; and if the petition be is for the amendment of the this Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four eight months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be are approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject."

Sec. 3. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 1, 5, and 7, and Article V, section 25:

III-1 "The Commencing with the regular session of the Legislature to be held in January, nineteen hundred and thirty-seven, the legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves; however, the power to propose laws; and amendments to the constitution; Constitution and to enact or reject the same at the polls, independent of the Legislature, and which power shall be called the power of initiative. The people also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum. All authority vested by the constitution or laws of the state in the Senate; House of Representatives; or joint session thereof, in so far as applicable, shall be and hereby is vested in said Legislature of one chamber. All provisions in the constitution and laws of the state relating to the Legislature; the Senate; the House of Representatives; joint sessions of the Senate and House of Representatives; Senator; or member of the House of Representatives; shall, in so far as said provisions are applicable, apply to and mean said Legislature of one chamber hereby created and the members thereof. All references to Clerk of House of Representatives or Secretary of Senate shall mean, when applicable, the Clerk of the Legislature of one chamber. All references to Speaker of the House of Representatives or temporary president of the Senate shall mean Speaker of the Legislature. Whenever any provision of the constitution requires submission of any matter to, or action by, the House of Representatives; the Senate; or joint session thereof; or the members of either

body or both bodies; it shall after January first, nineteen hundred and thirty-seven, be construed to mean the Legislature herein provided for."

III-5 "~~The~~ At the regular session of the Legislature held in the year ~~nineteen hundred and thirty-five~~ the Legislature shall by law determine the number of members to be elected and divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature."

III-7 "~~All members of the Legislature~~ At the general election to be held in November 1964, ~~one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years; and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ their salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

V-25 "For the effectual administration of justice and the prompt disposition of judicial proceedings, the supreme court may promulgate rules of practice and procedure for all courts, uniform as to each class of courts, and not in conflict with laws governing such matters. To the same end, the court may, and when requested by the Legislature by ~~joint~~ resolution; shall, certify to the Legislature; its conclusions as to desirable amendments or changes in the general laws governing such practice and proceedings."

Sec. 4. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.
For
Against".

"A constitutional amendment to change filing requirements for initiative petitions.

For

Against".

"A constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 19CA. Introduced by Brown, 6.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 10, and Article XIII, section 1, and repeal Article VII, sections 13 and 14:

VII-10 "The general government of ~~the University of Nebraska~~ higher education in Nebraska shall, under the direction of the Legislature, be vested in a board of not less than ~~six~~ seven nor more than ~~eight~~ fourteen regents to be designated the Higher Education Board of Regents of the University of Nebraska, who shall be elected or appointed from and by districts as herein provided and three students of the ~~University of Nebraska~~ state higher education institutions who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president from state higher education institutions as provided by law. ~~of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center.~~ The terms of office of elected ~~members~~ and appointed regents shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts; as there are regents provided by the Legislature, of approximately equal population; which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable; but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term."

XIII-1 "The state may, to meet casual deficits, or failures in the revenue,

contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid, except ~~; PROVIDED~~; that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures. The Nebraska Higher Education ~~;~~ AND PROVIDED FURTHER, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide."

"Article VII, sections 13 and 14, of the Constitution of Nebraska are repealed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to create the Nebraska Higher Education Board of Regents and to eliminate references to the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the Coordinating Commission for Postsecondary Education from the Constitution.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Hudkins asked unanimous consent to have her name added as cointroducer to LB 476. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Friday, January 22, 1999 1:30 p.m.
Briefing to the Committee by the Nebraska Health and Human Services System.

(Signed) Jim Jensen, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 298	Friday, January 22, 1999	1:30 p.m.
LB 322	Friday, January 22, 1999	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

VISITORS

Visitors to the Chamber were Senator Hilgert's wife, Cara, and son, Jack; and Bob Bettger from Fairmont.

The Doctor of the Day was Jay Matzke from Seward.

ADJOURNMENT

At 11:10 a.m., on a motion by Mr. Smith, the Legislature adjourned until 10:00 a.m., Tuesday, January 19, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY – JANUARY 19, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 19, 1999

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor C. Rex Bevins, Saint Paul United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Brashear, Byars, Landis, Mmes. Kiel, C. Peterson, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

LB	Committee
147	Transportation (rereferred)
415	Education
416	Government, Military and Veterans Affairs
417	Government, Military and Veterans Affairs
418	Revenue
419	Revenue
420	Revenue
421	Government, Military and Veterans Affairs
422	Banking, Commerce and Insurance
423	Judiciary
424	Banking, Commerce and Insurance
425	Education

426	Government, Military and Veterans Affairs
427	Transportation
428	Urban Affairs
429	Revenue
430	Government, Military and Veterans Affairs
431	General Affairs
432	Government, Military and Veterans Affairs
433	Government, Military and Veterans Affairs
434	Government, Military and Veterans Affairs
435	Judiciary
436	Natural Resources
437	Revenue
438	Government, Military and Veterans Affairs
439	Judiciary
440	Health and Human Services
441	Banking, Commerce and Insurance
442	Banking, Commerce and Insurance
443	Education
444	Business and Labor
445	Transportation
446	Transportation
447	Judiciary
448	Judiciary
449	Education
450	Judiciary
451	Judiciary
452	Education
453	Revenue
454	Banking, Commerce and Insurance
455	Government, Military and Veterans Affairs
456	Revenue
457	Government, Military and Veterans Affairs
458	Judiciary
459	Natural Resources
460	Transportation
461	Government, Military and Veterans Affairs
462	Urban Affairs
463	Agriculture
464	Appropriations
465	Appropriations
466	Judiciary
467	Judiciary
468	Judiciary
469	Transportation
470	Education
471	Revenue
472	Judiciary
473	Agriculture
474	Agriculture

475 Health and Human Services
476 Judiciary
477 General Affairs
478 Banking, Commerce and Insurance
479 General Affairs
480 Health and Human Services
481 Judiciary
482 Revenue
483 Education
484 Revenue

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

EASE

The Legislature was at ease from 10:10 a.m. until 10:21 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 517. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to state highways; to amend sections 39-1302, 39-1333, and 39-1367, Reissue Revised Statutes of Nebraska; to change provisions relating to highway rights-of-way; to declare certain freeways a public nuisance under certain conditions; to provide powers and duties; to require a report; to restate intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 518. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 1998; to change provisions relating to eligibility; and to repeal the original section.

LEGISLATIVE BILL 519. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to disabled persons; to adopt the Community-Based Neurobehavioral Rehabilitation Act; and to provide a termination date.

LEGISLATIVE BILL 520. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to fees; to amend sections 14-554 and 33-114, Reissue Revised Statutes of Nebraska, and section 77-3523, Revised Statutes Supplement, 1998; to change collection fees for certain school taxes;

to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 521. Introduced by Bruning, 3; Coordsen, 32; Cudaback, 36.

A BILL FOR AN ACT relating to public power districts; to grant options to purchase leased lands; and to provide for use of sale proceeds.

LEGISLATIVE BILL 522. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-411, Reissue Revised Statutes of Nebraska; to change provisions relating to detainers for apprehension and detention; and to repeal the original section.

LEGISLATIVE BILL 523. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to nursing; to amend sections 71-1,132.05 and 71-1,132.31, Reissue Revised Statutes of Nebraska; to adopt the Nurse Licensure Compact; to define a term; to provide for a compact administrator; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 524. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to sports agents; to adopt the Athlete Agent Registration and Accountability Act; to create a penalty; and to provide severability.

LEGISLATIVE BILL 525. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-129 and 60-130, Reissue Revised Statutes of Nebraska; to change provisions relating to salvaged vehicles; and to repeal the original sections.

LEGISLATIVE BILL 526. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 13-303 and 35-514.02, Reissue Revised Statutes of Nebraska; to change provisions relating to contracts; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 527. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to attorneys at law; to adopt the Attorney-Client Conference Act; and to provide civil and criminal liability.

LEGISLATIVE BILL 528. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to schools; to require teaching of infant

handling.

LEGISLATIVE BILL 529. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-105 and 53-106, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Nebraska Liquor Control Commission; and to repeal the original sections.

LEGISLATIVE BILL 530. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Central Interstate Low-Level Radioactive Waste Compact; to withdraw from the compact; to outright repeal section 71-3521, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 531. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock; to repeal the herd laws and provisions relating to wells and pitfalls; and to outright repeal sections 54-301 to 54-315, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 532. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock; to eliminate stockyards provisions; and to outright repeal sections 54-503 to 54-505, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 533. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock; to eliminate provisions relating to grazing cattle of another state; and to outright repeal sections 54-1201 to 54-1203, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 534. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to state publications; to amend sections 49-501.01, 49-503, 49-506, 49-507, 49-509, 49-509.01, and 50-114.01, Reissue Revised Statutes of Nebraska, and sections 84-1205.02 and 85-177, Revised Statutes Supplement, 1998; to change provisions relating to publication and distribution of session laws and the journal of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 90
LB 359

Tuesday, January 26, 1999
Tuesday, January 26, 1999

1:30 p.m.
1:30 p.m.

(Signed) Curt Bromm, Chairperson

Urban Affairs

LB 317	Tuesday, January 26, 1999	1:30 p.m.
LB 105	Tuesday, January 26, 1999	1:30 p.m.
LB 367	Tuesday, January 26, 1999	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

EASE

The Legislature was at ease from 10:24 a.m. until 10:35 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 535. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-319, 77-2715.01, and 77-27,142, Reissue Revised Statutes of Nebraska; to adopt the Expenditure Limitation Act; to limit tax rate changes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 536. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska; to change eligibility requirements for qualified voters; and to repeal the original section.

LEGISLATIVE BILL 537. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bruning, 3; Crosby, 29; C. Peterson, 35.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01 and 23-2310.04, Reissue Revised Statutes of Nebraska, and sections 84-1310.01, 84-1314, 84-1504, and 84-1506.01, Revised Statutes Supplement, 1998; to change provisions relating to expense funds, deferred compensation, and administrative expenses; to provide and eliminate duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 538. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Bruning, 3; Crosby, 29; C. Peterson, 35.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-902 and 79-951, Revised Statutes Supplement, 1998; to change provisions relating to final average compensation, disability, and substitute school employees; to define and redefine terms; to harmonize

provisions; and to repeal the original sections.

LEGISLATIVE BILL 539. Introduced by Bohlke, 33; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,187.01, 77-27,188, 77-4101, and 77-4103, Revised Statutes Supplement, 1998; to define terms; to provide for treatment of leased employees for certain tax benefits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 540. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1027, Revised Statutes Supplement, 1998; to change provisions relating to reserve increases; and to repeal the original section.

LEGISLATIVE BILL 541. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1503 and 85-1507, Revised Statutes Supplement, 1998; to change provisions relating to community colleges; and to repeal the original sections.

LEGISLATIVE BILL 542. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to higher education; to amend sections 85-1101, 85-1102, 85-1104, 85-1105, 85-1108, and 85-1109, Reissue Revised Statutes of Nebraska; to change provisions relating to out-of-state institutions and private colleges; and to repeal the original sections.

LEGISLATIVE BILL 543. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1409 and 85-1412, Reissue Revised Statutes of Nebraska; to change provisions relating to duties of the Coordinating Commission for Postsecondary Education; and to repeal the original sections.

LEGISLATIVE BILL 544. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1110 and 79-1183.01, Revised Statutes Supplement, 1998; to rename and change membership of the Transition Commission; to provide for evaluation and study relating to transition services; to require reports; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 545. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-902, Revised Statutes Supplement, 1998; to redefine a

term; and to repeal the original section.

LEGISLATIVE BILL 546. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Reissue Revised Statutes of Nebraska; to change provisions relating to size, weight, and load for farm trucks; and to repeal the original section.

LEGISLATIVE BILL 547. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,120.01, Reissue Revised Statutes of Nebraska; to allow certain provisional operator's permit courses, examinations, and tests to be taken prior to a person's sixteenth birthday; and to repeal the original section.

LEGISLATIVE BILL 548. Introduced by D. Pederson, 42; Bohlke, 33; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to medicaid; to provide for agreements for funding outreach services; and to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 549. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to industrial development bonds; to amend section 13-1101, Reissue Revised Statutes of Nebraska; to redefine project for purposes of industrial development; and to repeal the original section.

LEGISLATIVE BILL 550. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 23-1517, 23-1527, 25-205, 25-21,188.01, 35-105, 36-709, 37-1282, 37-1290, 45-184, 48-657, 52-203, 52-204, 52-303, 52-501, 52-504, 52-701, 52-702, 52-902, 52-903, 52-905, 52-1003, 52-1004, 52-1102, 52-1103, 52-1104, 52-1202, 52-1203, 52-1205, 52-1407, 52-1409, 52-1601, 52-1801, 54-201, 54-208, 54-209, 57-812, 60-110, 60-1419, 76-1102, 76-1902, and 87-707, Reissue Revised Statutes of Nebraska, sections 77-3903, 84-1205, and 84-1205.02, Revised Statutes Supplements, 1998, and sections 1-105, 1-201, 1-206, 2-103, 2-210, 2-326, 2-502, 2-716, 2A-103, 2A-303, 2A-307, 2A-309, 4-210, 7-503, 8-103, 8-106, 8-110, 8-301, 8-302, and 8-510, Uniform Commercial Code; to adopt uniform provisions relating to secured transactions; to eliminate provisions governing secured transactions; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 1-111, 9-101 to 9-116, 9-201 to 9-208, 9-301 to 9-318, 9-401 to 9-420, and 9-501 to 9-507, Uniform Commercial Code.

LEGISLATIVE BILL 551. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 25-2602.01, 44-120, 44-121, 44-124, 44-133, 44-134, 44-208.05, 44-3,123, 44-1206.01, 44-1525, 44-1989, 44-19,120, 44-2148, 44-2403, 44-2406, 44-2409, 44-2710, 44-32,139, 44-32,160, 44-32,161, 44-3323, 44-3822, 44-4723, 44-4908, 44-5611, 44-5706, 44-6018, 44-6019, 44-6022, 44-6023, 44-6118, and 44-6125, Reissue Revised Statutes of Nebraska; to adopt the Interstate Compact Uniform Receivership Act and the Nebraska Insurers Supervision Act; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 44-4801 to 44-4862, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 552. Introduced by Landis, 46.

A BILL FOR AN ACT relating to recordings and filings; to amend sections 52-1307 and 52-1314, Reissue Revised Statutes of Nebraska, and sections 9-313, 9-402 to 9-406, and 9-412, Uniform Commercial Code; to change provisions relating to debtors' signature requirements; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 553. Introduced by Landis, 46.

A BILL FOR AN ACT relating to public funds; to amend section 77-2386, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the deposit of public funds; to harmonize provisions; to provide an operative date; to repeal the original section; and to outright repeal sections 77-2388 to 77-2390 and 77-2392 to 77-2397, Reissue Revised Statutes of Nebraska, and sections 77-2387 and 77-2391, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 554. Introduced by Landis, 46.

A BILL FOR AN ACT relating to public funds; to amend section 77-2386, Reissue Revised Statutes of Nebraska; to change provisions relating to the deposit of public funds; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 555. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6826 to 44-6832, 44-7002 to 44-7012, 44-7102 to 44-7111, 44-7202 to 44-7214, and 44-7301 to 44-7315, Reissue Revised Statutes of Nebraska; to require coverage for emergency services as prescribed; to provide grievance procedures; to change provisions of the Health Care Professional Credentialing Verification Act, the Managed Care Plan Network Adequacy Act, the Quality Assessment and Improvement Act, the Health Carrier Grievance Procedure Act, and the Managed Care Emergency Services Act;

to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 556. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311, Reissue Revised Statutes of Nebraska; to authorize the Department of Motor Vehicles to determine license plate fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 557. Introduced by Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Reissue Revised Statutes of Nebraska; to exempt purchases by city, county, or joint airport authorities from sales and use taxes; and to repeal the original section.

LEGISLATIVE BILL 558. Introduced by Schimek, 27; Chambers, 11; Landis, 46; Wehrbein, 2.

A BILL FOR AN ACT relating to discrimination; to amend sections 13-1102, 20-113, 20-140, 20-141, 48-524, 48-1101, 48-1102, 48-1104 to 48-1107, 48-1107.02, 48-1108, 48-1111, 48-1113 to 48-1119, and 48-1122 to 48-1126, Reissue Revised Statutes of Nebraska, and section 20-139, Revised Statutes Supplement, 1998; to combine and eliminate provisions relating to civil rights, employment, housing, and public accommodations; to change duties of and procedures relating to the Equal Opportunity Commission; to create a fund; to provide a limitation of action; to eliminate obsolete language; to redefine a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-1001 to 48-1010 and 48-1219 to 48-1227.01, Reissue Revised Statutes of Nebraska.

MR. CUDABACK PRESIDING

LEGISLATIVE BILL 559. Introduced by Kristensen, 37; Thompson, 14.

A BILL FOR AN ACT relating to public health; to adopt the Medicaid Telehealth Development Act.

LEGISLATIVE BILL 560. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-607 and 9-651, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to lottery tickets; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 561. Introduced by Brown, 6.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 32-510, 85-103, 85-103.01, 85-301, 85-1401, 85-1402, 85-1404, 85-1409 to 85-1416, and 85-1418 to 85-1420, Reissue Revised Statutes of Nebraska; to provide intent; to create the Higher Education Board of Regents; to eliminate the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the Coordinating Commission for Postsecondary Education; to provide and transfer powers; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 562. Introduced by Brown, 6.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442, 79-1001, 79-1008.01, and 79-1022, Revised Statutes Supplement, 1998; to change levy limitations and state aid certification provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 563. Introduced by Brown, 6; Jensen, 20; D. Pederson, 42.

A BILL FOR AN ACT relating to the Rural Development Commission; to amend sections 81-3607 and 81-3609, Revised Statutes Supplement, 1998; to eliminate the commission; to transfer duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3601 to 81-3606, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 564. Introduced by Schmitt, 41; Bohlke, 33.

A BILL FOR AN ACT relating to schools; to provide for transfer of land in cases of consolidation as prescribed.

LEGISLATIVE BILL 565. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3601 to 29-3604, Reissue Revised Statutes of Nebraska; to provide for a driver's safety training program as pretrial diversion; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 566. Introduced by Schrock, 38; Bruning, 3; Tyson, 19.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-637, Revised Statutes Supplement, 1998; to change provisions relating to bidding requirements for certain purchases; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 567. Introduced by Landis, 46.

A BILL FOR AN ACT relating to eminent domain; to amend section 19-701,

Reissue Revised Statutes of Nebraska; to change provisions relating to condemnation of public utilities; and to repeal the original section.

LEGISLATIVE BILL 568. Introduced by Connealy, 16; Hartnett, 45; Janssen, 15; Jones, 43; Raikes, 25; Redfield, 12; Schmitt, 41; Smith, 48.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-729, Reissue Revised Statutes of Nebraska; to change provisions relating to recreation liability; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 569. Introduced by Hudkins, 21; Crosby, 29; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to mental health; to amend section 83-338, Reissue Revised Statutes of Nebraska; to change provisions relating to the admission of persons to state hospitals; to authorize the use of other inpatient psychiatric facilities as provided; and to repeal the original section.

LEGISLATIVE BILL 570. Introduced by Engel, 17; Vrtiska, 1.

A BILL FOR AN ACT relating to 911 service; to amend sections 86-1002 and 86-1004, Reissue Revised Statutes of Nebraska, and section 86-1003, Revised Statutes Supplement, 1998; to authorize a service surcharge on wireless telecommunications service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 571. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Cudaback, 36; Janssen, 15; Kremer, 34; Quandahl, 31; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 19-3051, 32-808, 32-938, and 32-947, Reissue Revised Statutes of Nebraska; to change absentee voting provisions; to harmonize provisions; and to repeal the original sections.

EASE

The Legislature was at ease from 11:07 a.m. until 11:23 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 572. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Cudaback, 36; Janssen, 15; Kremer, 34; Quandahl, 31; Schmitt, 41; Smith, 48; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 32-101 and 32-1113 to 32-1116, Reissue Revised Statutes of Nebraska; to provide

procedures for election contests involving ballot issues in political subdivisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 573. Introduced by Landis, 46.

A BILL FOR AN ACT relating to animals; to adopt the Controlled Substances Animal Welfare Act.

LEGISLATIVE BILL 574. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to tobacco product manufacturers; to hold accountable manufacturers not signing the Master Settlement Agreement.

LEGISLATIVE BILL 575. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to professional and occupational licenses; to amend sections 71-161.19, 71-168.01, 71-1,199, 71-1,200, and 71-1,201, Reissue Revised Statutes of Nebraska; to change provisions relating to liability, complaints, and providing information; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 576. Introduced by Schellpeper, 18; Janssen, 15.

A BILL FOR AN ACT relating to gambling; to amend section 9-829, Reissue Revised Statutes of Nebraska, and section 77-3001, Revised Statutes Supplement, 1998; to eliminate a restriction on the sale of lottery tickets; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 577. Introduced by Janssen, 15; Robak, 22.

A BILL FOR AN ACT relating to minors; to amend sections 28-1419, 53-180.06, and 53-180.07, Reissue Revised Statutes of Nebraska; to change provisions relating to sales of tobacco and alcoholic liquor; and to repeal the original sections.

LEGISLATIVE BILL 578. Introduced by Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-14,124 and 49-14,125, Reissue Revised Statutes of Nebraska; to change provisions relating to investigation and prosecution of violations of the Nebraska Political Accountability and Disclosure Act and the Campaign Finance Limitation Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 579. Introduced by Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-628, 32-630, and 32-1302 to 32-1305, Reissue Revised Statutes of Nebraska; to change provisions relating to recall procedures; to harmonize provisions; and

to repeal the original sections.

LEGISLATIVE BILL 580. Introduced by Schimek, 27; Janssen, 15.

A BILL FOR AN ACT relating to municipal government; to amend section 18-2528, Reissue Revised Statutes of Nebraska; to exclude certain personnel measures from being subject to referendum powers; and to repeal the original section.

LEGISLATIVE BILL 581. Introduced by Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1401, 49-1465, and 49-14,134, Reissue Revised Statutes of Nebraska; to change provisions relating to campaign statements; to provide for digital and electronic filing of documents; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 582. Introduced by Schimek, 27; Janssen, 15.

A BILL FOR AN ACT relating to municipal government; to amend section 18-2528, Reissue Revised Statutes of Nebraska; to exclude certain zoning measures from being subject to referendum powers; and to repeal the original section.

LEGISLATIVE BILL 583. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to eliminate enforcement of seat belt violations as secondary actions; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 584. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-321, Reissue Revised Statutes of Nebraska; to provide for impoundment of operator's license, registration, and license plates for violations of financial responsibility requirements; and to repeal the original section.

LEGISLATIVE BILL 585. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-601, 60-6,196, and 60-6,197, Reissue Revised Statutes of Nebraska; to change provisions relating to driving under the influence and vehicle impoundment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 586. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 53-186 and 60-601, Reissue Revised Statutes of Nebraska; to change provisions

relating to consumption of alcohol in a motor vehicle; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 587. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to peace officers; to amend sections 49-801, 60-1303, 60-1306, and 81-2005, Reissue Revised Statutes of Nebraska; to redefine a term; to change powers and duties of officers of the Nebraska State Patrol and carrier enforcement officers; and to repeal the original sections.

LEGISLATIVE BILL 588. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-4,141, 60-4,149, 60-4,153, and 60-4,158, Reissue Revised Statutes of Nebraska; to authorize the operation of commercial motor vehicles to obtain a commercial driver's license; to change procedures relating to the issuance of such licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 589. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-484, 60-486, 60-497.03, 60-4,105, 60-4,114, 60-4,144, 60-4,146, 60-4,178, 60-507, 60-524, and 60-544, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to operators' licenses, accident reports, and insurance; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-4,101, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 590. Introduced by Bromm, 23; Preister, 5.

A BILL FOR AN ACT relating to natural gas regulation; to amend sections 19-4602, 19-4604 to 19-4606, 19-4612, and 19-4618.02, Reissue Revised Statutes of Nebraska; to define and redefine terms; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 591. Introduced by Bromm, 23; Kristensen, 37.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-910 and 81-8,219, Reissue Revised Statutes of Nebraska; to provide exceptions to governmental tort liability; and to repeal the original sections.

UNANIMOUS CONSENT - Member Excused

Ms. Redfield asked unanimous consent to be excused. No objections. So ordered.

EASE

The Legislature was at ease from 11:26 a.m. until 11:49 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 592. Introduced by Beutler, 28; Bruning, 3; Kiel, 9.

A BILL FOR AN ACT relating to solid waste; to amend sections 13-2001, 13-2042, and 81-1558, Reissue Revised Statutes of Nebraska; to change provisions relating to landfill disposal fees; to provide a rebate as prescribed; to provide powers and duties; to eliminate transfers from a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 593. Introduced by Robak, 22; Bourne, 8; Byars, 30; Cudaback, 36; Dierks, 40; Matzke, 47; D. Pederson, 42; Schmitt, 41; Suttle, 10; Vrtiska, 1.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3601 to 29-3604, Reissue Revised Statutes of Nebraska; to provide for a driver's safety training program as pretrial diversion; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 594. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Dierks, 40; Price, 26; Suttle, 10; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to public health; to amend sections 42-371, 43-402, 43-1409, 43-2606, 43-2610, 43-2615, 43-2616, 43-2620, 43-3301, 43-3303, 43-3314, 43-3318, 43-3326, 43-3327, 71-1,147, 71-1,147.09, 71-1,147.10, 71-1,147.33, 71-1,147.34, 71-2407, and 71-7803, Reissue Revised Statutes of Nebraska, and sections 28-728, 71-1,142, 71-1909 to 71-1911, 71-1913 to 71-1913.02, 71-1915, 71-8228, 71-8231, 71-8236, 71-8243, 71-8251, 81-502, and 81-2602, Revised Statutes Supplement, 1998; to change provisions relating to child abuse and neglect investigation teams, juvenile justice system goals and to child care and school-age-care programs; to provide full faith and credit to foreign orders; to provide for pharmacy technicians; to eliminate provisions relating to supportive pharmacy personnel; to change provisions relating to hospice services and regional trauma advisory boards; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-1,147.37 and 71-1,147.38, Reissue Revised Statutes of Nebraska; and to declare and emergency.

LEGISLATIVE BILL 595. Introduced by Wehrbein, 2; Coordsen, 32.

A BILL FOR AN ACT relating to railroads; to amend sections 75-156 and 75-402, Reissue Revised Statutes of Nebraska; to require notice of abandonment or discontinuation of service; to provide duties for the Public Service Commission; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 596. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1504, Reissue Revised Statutes of Nebraska; to change provisions relating to community college areas; and to repeal the original section.

LEGISLATIVE BILL 597. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2523, Revised Statutes Supplement, 1998; to change provisions relating to aggravating and mitigating circumstances; and to repeal the original section.

LEGISLATIVE BILL 598. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-1103, Reissue Revised Statutes of Nebraska; to require confessions to be electronically recorded in order to be admissible as evidence; and to repeal the original section.

LEGISLATIVE BILL 599. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend section 81-1425, Reissue Revised Statutes of Nebraska; to require the executive director to review and analyze cases of criminal homicide in Nebraska; and to repeal the original section.

LEGISLATIVE BILL 600. Introduced by Raikes, 25; Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02 and 77-2716.01, Revised Statutes Supplement, 1998; to change income tax rate schedules; to change the standard deduction amount; and to repeal the original section.

LEGISLATIVE BILL 601. Introduced by Raikes, 25; Jensen, 20; D. Pederson, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Revised Statutes Supplement, 1998; to change the standard deduction amount; and to repeal the original section.

LEGISLATIVE BILL 602. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to provide for collective bargaining deadlines as prescribed; to provide a duty for the State Department of Education; and to provide for agreements.

LEGISLATIVE BILL 603. Introduced by Beutler, 28; Schimek, 27.

A BILL FOR AN ACT relating to power districts and corporations; to amend sections 70-1005, 70-1007, and 70-1009 to 70-1011, Reissue Revised Statutes of Nebraska; to change provisions relating to service area acquisitions, modifications, and transfers; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 604. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to veterans; to amend sections 48-225, 80-401.01, 80-411, and 80-802, Reissue Revised Statutes of Nebraska; to change provisions relating to periods of service in the United States Armed Forces; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 605. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to motor vehicle fuel tax; to amend sections 66-489 and 66-4,105, Reissue Revised Statutes of Nebraska; to change the tax as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 606. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Community Improvements Cash Fund; to amend section 81-15,113.01, Revised Statutes Supplement, 1998; to change payment provisions; and to repeal the original section.

LEGISLATIVE BILL 607. Introduced by Kiel, 9; Beutler, 28; Bourne, 8; Bruning, 3; Connealy, 16; Crosby, 29; Hartnett, 45; Hilgert, 7; Hudkins, 21; Jensen, 20; Preister, 5; Price, 26; Robak, 22; Schimek, 27; Smith, 48; Suttle, 10; Thompson, 14; Vrtiska, 1.

A BILL FOR AN ACT relating to community development; to adopt the Neighborhood Development Act; to state intent; to define a term; and to provide powers and duties.

LEGISLATIVE BILL 608. Introduced by Matzke, 47; Dierks, 40; Hilgert, 7; Kristensen, 37; D. Pederson, 42; Preister, 5; Redfield, 12; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to unemployment compensation; to amend sections 48-602 and 48-625, Reissue Revised Statutes of Nebraska; to define a term; to provide treatment of vacation leave and pay; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 609. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to costs of care, treatment, and transportation; to repeal the original section; and to outright repeal section 43-2,101, Reissue Revised Statutes of

Nebraska.

LEGISLATIVE BILL 610. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-254, 43-284, and 43-286, Reissue Revised Statutes of Nebraska; to change provisions relating to costs of care and treatment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 611. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to create the Juvenile Justice System Coordination Team; and to provide duties.

LEGISLATIVE BILL 612. Introduced by Baker, 44; Coordsen, 32.

A BILL FOR AN ACT relating to child support; to amend section 42-364.16, Reissue Revised Statutes of Nebraska; to change guideline provisions; and to repeal the original section.

LEGISLATIVE BILL 613. Introduced by Baker, 44.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-209 and 29-3511, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal history record information and criminal identification; and to repeal the original sections.

LEGISLATIVE BILL 614. Introduced by Beutler, 28-

A BILL FOR AN ACT relating to product liability; to amend section 25-21,181, Reissue Revised Statutes of Nebraska, and section 25-21,180, Revised Statutes Supplement, 1998; to redefine a term; to change provisions relating to strict liability in tort; and to repeal the original sections.

LEGISLATIVE BILL 615. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to funds; to create the Court-Ordered Settlement Trust Fund; to provide duties; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 616. Introduced by Engel, 17; Connealy, 16; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to health care; to amend section 71-5830.01, Revised Statutes Supplement, 1998; to provide a certificate of need exemption; and to repeal the original section.

LEGISLATIVE BILL 617. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to state district attorneys; to amend sections 23-1201, 23-1202, 23-1206, 23-1206.01, 23-1212, 23-1216, 23-1217, 23-1218, 23-1219, 23-1220, 23-1222, and 23-1223, Reissue Revised Statutes of Nebraska; to create state district attorney offices, prosecutorial districts, and state district attorney nominating commissions; to provide for commission membership, the selection and appointment of state district attorneys, public hearings, and powers and duties; to provide for the filling of vacancies; to create a fund; to create the office of State District Attorney Administrator; to provide powers and duties; to define and redefine terms; to create the Nebraska State District Attorney Standards Advisory Council; to change duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate provisions relating to certain powers and duties of county attorneys; to harmonize provisions; to provide an operative date; and to repeal the original sections.

MRS. CROSBY PRESIDING

LEGISLATIVE BILL 618. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to real estate; to amend sections 76-2201, 76-2203, 76-2221, 81-885.01, and 81-885.24, Reissue Revised Statutes of Nebraska; to change and provide provisions relating to opinions and analysis of value; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 619. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to unemployment compensation; to amend section 48-602, Reissue Revised Statutes of Nebraska; to define a term; to provide treatment of vacation leave and pay; and to repeal the original section.

LEGISLATIVE BILL 620. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-708, Revised Statutes Supplement, 1998; to change provisions relating to retirement age and benefits; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 621. Introduced by Smith, 48; Baker, 44; Bruning, 3; Byars, 30; Connealy, 16; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Hartnett, 45; Hudkins, 21; Kremer, 34; Kiel, 9; Kristensen, 37; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; Price, 26; Quandahl, 31; Redfield, 12; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Stuhr, 24; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1249, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of fireworks; and to repeal the original section.

LEGISLATIVE BILL 622. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1301, Reissue Revised Statutes of Nebraska; to change provisions relating to judgments; and to repeal the original section.

LEGISLATIVE BILL 623. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the criminal procedure; to authorize the use of audiovisual court appearances by a detainee or prisoner.

LEGISLATIVE BILL 624. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to law enforcement; to provide for training regarding persons with disabilities; and to provide duties.

LEGISLATIVE BILL 625. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to inheritance tax; to limit access to certain court records and information; to provide for confidentiality; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 626. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to trademarks; to adopt the Trademark Registration Act; to eliminate trademark registration provisions; and to outright repeal sections 87-111, 87-113 to 87-122, 87-124, and 87-125, Reissue Revised Statutes of Nebraska, and sections 87-112 and 87-123, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 627. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to real estate; to amend section 81-885.24, Reissue Revised Statutes of Nebraska; to define terms to prohibit certain acts relating to referral fees; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 628. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to public records; to amend sections 84-712 and 84-712.01, Reissue Revised Statutes of Nebraska; to require provision of copies of public records at actual cost; to provide requirements for such copies; and to repeal the original sections.

LEGISLATIVE BILL 629. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to public health; to provide for the Donated Dental Services program; and to state intent relating to appropriations.

LEGISLATIVE BILL 630. Introduced by Wehrbein, 2; Dierks, 40; Jones, 43; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.05, 77-4105, 77-4107, and 77-4112, Reissue Revised Statutes of Nebraska, and sections 77-202 and 77-2715.07, Revised Statutes Supplement, 1998; to reduce incentives provided by the Employment and Investment Growth Act; to provide for applicability; to adopt the Beginning Farmer Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 631. Introduced by Kristensen, 37; Chambers, 11.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 32-510, 85-102.01 to 85-103.01, 85-107, 85-956 to 85-958, and 85-963, Reissue Revised Statutes of Nebraska, and sections 81-1108.33 and 81-1108.41, Revised Statutes Supplement, 1998; to eliminate the state college system and to transfer colleges to the University of Nebraska system and the Nebraska community college system; to eliminate the Coordinating Commission for Postsecondary Education and to transfer and eliminate duties; to change membership on and terms of the Board of Regents of the University of Nebraska; to provide intent; to create a transition committee; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 632. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1406, 60-1407.01, 60-1411.01, 60-1411.02, 60-1413, and 60-1419, Reissue Revised Statutes of Nebraska; to classify the trailer dealer's license; to provide an exemption from insurance requirements; to provide a fee; to change provisions relating to disciplinary actions and bond requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 633. Introduced by Kiel, 9; Bourne, 8; Brown, 6; Bruning, 3; Hudkins, 21; Janssen, 15; Jensen, 20; Lynch, 13; Dw. Pedersen, 39; C. Peterson, 35; Preister, 5; Price, 26; Quandahl, 31; Redfield, 12; Robak, 22; Schimek, 27; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1204.03 and 28-1204.04, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1998; to create the offense of assault while on school property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 634. Introduced by Kiel, 9; Beutler, 28; Bruning, 3; Hudkins, 21; Jensen, 20; Dw. Pedersen, 39; Raikes, 25; Redfield, 12; Robak, 22; Schimek, 27; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to schools; to amend section 79-295, Reissue Revised Statutes of Nebraska; to provide for physical restraint; and to repeal the original section.

LEGISLATIVE BILL 635. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Revised Statutes Supplement, 1998; to change provisions relating to adjusted valuation; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 636. Introduced by Raikes, 25; Kiel, 9; Price, 26; Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1998; to provide an income tax credit for earned income; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 637. Introduced by Brown, 6; Beutler, 28; Jensen, 20; Wehrbein, 2.

A BILL FOR AN ACT relating to child support; to amend sections 42-347, 42-357, 42-358, 42-358.01, 42-358.02, 42-364.01, 42-364.13, 42-364.15, 42-369, 42-371.01, 43-512, 43-512.07, 43-1701, 43-1703, 43-1718, 43-1718.02, 43-1723, 43-1727, 43-1729, and 43-1741, Reissue Revised Statutes of Nebraska; to state intent; to define terms; to create the Title IV-D Division of the Department of Health and Human Services and the State Disbursement Unit; to provide and change duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 638. Introduced by Thompson, 14; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to substance abuse; to create a task force to study, recommend, and adopt standardized treatment services for the criminal justice system; and to declare an emergency.

LEGISLATIVE BILL 639. Introduced by Thompson, 14; Robak, 22.

A BILL FOR AN ACT relating to state government; to authorize a gubernatorial commission to study the creation of a new department by merger of certain departments and a commission; to provide intent; and to provide powers and duties.

LEGISLATIVE BILL 640. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to cities of the first class; to eliminate provisions relating to the review of water supply or distribution projects; to outright repeal sections 16-6,111 to 16-6,116, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 641. Introduced by Thompson, 14; Bromm, 23; Jensen, 20; Schrock, 38.

A BILL FOR AN ACT relating to historical vehicles; to amend sections 60-117 and 60-311.20, Reissue Revised Statutes of Nebraska; to provide for the issuance of a certificate of title; to provide for fees; to harmonize provisions; and to repeal the original sections.

EASE

The Legislature was at ease from 12:14 p.m. until 12:22 p.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 642. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to appropriations; to state intent relating to Joslyn Castle.

LEGISLATIVE BILL 643. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-320, Reissue Revised Statutes of Nebraska; to change provisions relating to repossession plates; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 644. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to appropriations; to state intent relating to the AIDS Pharmaceutical Assistance Project.

LEGISLATIVE BILL 645. Introduced by Raikes, 25; Connealy, 16; Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-520 and 77-3442, Revised Statutes Supplement, 1998; to provide an exception to budget and levy limits for education service units as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 646. Introduced by Raikes, 25; Price, 26.

A BILL FOR AN ACT relating to the Tax Equity and Educational

Opportunities Support Act; to amend sections 79-1001 to 79-1003, Revised Statutes Supplement, 1998; to change provisions relating to calculation of state aid; to provide for professional staff incentive aid; and to repeal the original sections.

LEGISLATIVE BILL 647. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-211, 9-230.01, 9-232.01, 9-241.05, 9-255.02, 9-255.04, 9-255.05, 9-255.06, 9-255.08, 9-304, 9-309, 9-326, 9-328, 9-329, 9-340.02, 9-347, 9-347.01, and 9-349, Reissue Revised Statutes of Nebraska; to change provisions relating to dissolution of licensed organizations, special event bingo, the sale or donation of bingo equipment, expenses, annual reports, licensing and application requirements, sales agents, payment and delivery of pickle card units, and reporting requirements; to redefine terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. Introduced by Raikes, 25; Engel, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.07, Reissue Revised Statutes of Nebraska; to define a term; to change sales and use tax provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 649. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to the juvenile code; to amend section 43-272, Reissue Revised Statutes of Nebraska; to change guardian ad litem appointment provisions; and to repeal the original section.

LEGISLATIVE BILL 650. Introduced by Vrtiska, 1; Brown, 6; Bruning, 3; Byars, 30; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Engel, 17; Hartnett, 45; Hilgert, 7; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; C. Peterson, 35; Price, 26; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Smith, 48; Stuhr, 24; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to amend section 85-417, Revised Statutes Supplement, 1998; to appropriate funds relating to Peru State College; to state intent; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 651. Introduced by Tyson, 19; Baker, 44; Bromm, 23; Byars, 30; Connealy, 16; Coordsen, 32; Crosby, 29; Cudaback, 36; Engel, 17; Hartnett, 45; Hudkins, 21; Janssen, 15; Jones, 43; Price, 26; Raikes, 25; Robak, 22; Schellpeper, 18; Schmitt, 41; Smith, 48; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to courts; to amend sections 23-1705 and 24-514, Reissue Revised Statutes of Nebraska; to require the Supreme Court

to pay security costs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 652. Introduced by Thompson, 14; Lynch, 13.

A BILL FOR AN ACT relating to juvenile corrections; to amend section 77-2602, Revised Statutes Supplement, 1998; to provide for a master plan for facilities; to create a fund; to increase the cigarette tax; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 653. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to mentoring; to adopt the Nebraska Youth Mentoring Act; and to state intent relating to appropriations.

SPEAKER KRISTENSEN PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 20CA. Introduced by Stuhr, 24.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 27:

I-27 "The English language is hereby declared to be the official language of this state. ~~All~~ The ; ~~and all~~ official proceedings, records, and publications shall be in such language. ~~The~~ ; ~~and the~~ common school branches shall be taught in ~~said the English~~ language in public; ~~private, denominational and parochial~~ schools."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate a reference to 'private, denominational, and parochial' schools.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 21CA. Introduced by Hartnett, 45.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 "(1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise.

(2) Notwithstanding any other provision in the Constitution, the The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section~~ subdivision shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in the Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(4) Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such

funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 22. Introduced by Coordsen, 32; Schellpeper, 18; Dierks, 40.

WHEREAS, three hundred seventy-five thousand to five hundred twenty-five thousand gallons of drip oil are being used in irrigation wells; and

WHEREAS, the purpose of the drip oil is to lubricate bolts and the stem of the well; and

WHEREAS, most of these drip oils are petroleum-based and leakage from the pumps may contaminate ground water; and

WHEREAS, industry analysts predict petroleum-based drip oils will be regulated in all farming states within five years; and

WHEREAS, the University of Nebraska Industrial Agricultural Products Center has developed a drip oil made from soybeans that provides an environmentally-safe alternative.

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

1. That a study be done to determine the environmental damage, if any, caused from this practice and the potential for nonpetroleum lubricant use.

2. That the University of Nebraska in cooperation with the Department of Water Resources or the Nebraska Soybean Board be used for this research study.

3. That copies of this resolution be sent to the University of Nebraska Industrial Agriculture Products Center, the Department of Water Resources, and the Nebraska Soybean Board at the Nebraska Soybean Offices in Lincoln, Nebraska.

4. That the Legislature appropriate ten thousand dollars for funding this research.

5. That a report of the progress of the study be made to the Legislature by January 1, 2000.

Laid over.

LEGISLATIVE RESOLUTION 23CA. Introduced by Kristensen, 37; Chambers, 11.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 10, and Article XIII, section 1, and repeal Article VII, sections 13 and 14:

VII-10 "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than ~~six~~ eight nor more than ~~eight sixteen~~ regents to be designated the Board of Regents of the University of Nebraska, who shall be elected or appointed from and by districts as herein provided and ~~three~~ six students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president ~~of the~~ from each of the following campuses: The University of Nebraska at Lincoln; ; the student body president of the University of Nebraska at Omaha; ; and the student body president of the University of Nebraska Medical Center; the University of Nebraska at Kearney; the University of Nebraska at Wayne; and the University of Nebraska at Chadron. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The For purposes of any elected regents who are voting members, the Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively. The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

For purposes of any appointed regents, the Governor shall appoint such members. The Legislature shall determine the number of appointed members, their terms of office, and the boundaries of the districts represented which may include at large, statewide districts."

XIII-1 "The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of

revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid, except ~~; PROVIDED;~~ that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures. ~~The ; AND PROVIDED FURTHER, that the Board of Regents of the University of Nebraska; the Board of Trustees of the Nebraska State Colleges;~~ and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide."

"Article VII, sections 13 and 14, of the Constitution of Nebraska are repealed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to place Chadron State College and Wayne State College within the University of Nebraska system, to change membership on the Board of Regents of the University of Nebraska, and to eliminate references to the Coordinating Commission for Postsecondary Education and the Board of Trustees of the Nebraska State Colleges from the Constitution.

For

Against".

Referred to the Reference Committee.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 22 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING**Agriculture**

LB 328	Tuesday, January 26, 1999	1:30 p.m.
LB 473	Tuesday, January 26, 1999	1:30 p.m.
LB 474	Tuesday, January 26, 1999	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

ANNOUNCEMENT

The Legislative Program Evaluation Committee has elected Mr. Engel as Chairperson and Mr. Raikes as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 454. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 120, LB 179, and LB 180. No objections. So ordered.

Messrs. Dierks and Schmitt asked unanimous consent to have their names added as cointroducers to LB 513. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 115. No objections. So ordered.

Messrs. Tyson, Dw. Pedersen, Schmitt, Smith, and Bruning asked unanimous consent to have their names added as cointroducers to LB 476. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 126. No objections. So ordered.

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 111 and LB 352. No objections. So ordered.

VISITORS

Visitors to the Chamber were 27 ninth through twelfth grade students and teachers from Nebraska City High School.

ADJOURNMENT

At 12:27 p.m., on a motion by Mr. Vrtiska, the Legislature adjourned until 9:00 a.m., Wednesday, January 20, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY – JANUARY 20, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 20, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Lee Spitzer, First Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Brashear, Bromm, Chambers, Cudaback, Landis, Mmes. Brown, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and resolutions:

LB	Committee
237	Urban Affairs (rereferred)
485	Transportation
486	Education
487	Education
488	Natural Resources
489	Appropriations
490	Judiciary
491	Revenue
492	Revenue
493	Judiciary
494	Health and Human Services

495	Education
496	Transportation
497	Nebraska Retirement Systems
498	Health and Human Services
499	Government, Military and Veterans Affairs
500	Judiciary
501	General Affairs
502	Revenue
503	Banking, Commerce and Insurance
504	Transportation
505	Revenue
506	Government, Military and Veterans Affairs
507	Appropriations
508	Appropriations
509	Judiciary
510	Government, Military and Veterans Affairs
511	Judiciary
512	Judiciary
513	Judiciary
514	Transportation
515	Government, Military and Veterans Affairs
516	Judiciary

LR Committee

18CA	Government, Military and Veterans Affairs
19CA	Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Mr. Vrtiska announced the Business and Labor Committee will conduct its hearing on Monday, January 25, 1999, in Room 1524 instead of Room 2102. The Business and Labor Committee will continue to hold the hearings in Room 1524 until the Appropriations Committee begins holding agency hearings.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 654. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state government; to amend sections 29-3912, 39-529, 60-311, 77-2608, 81-145, 81-149, 81-150, 81-151, 81-153, 81-159, 81-161, 81-161.01, 81-161.02, 81-161.04, 81-164, 81-166, 81-168, 81-171, 81-1118.01, 81-1118.03, 81-1118.04, 81-1184, 81-1185, 81-1186,

and 81-1187, Reissue Revised Statutes of Nebraska, and sections 77-913, 81-154, 81-161.03, 81-188.01, 81-1108.41, 81-1118, 81-1316, 81-1317, 81-1317.01, 81-1348, 83-140, and 84-1601, Revised Statutes Supplement, 1998; to change provisions relating to the materiel division of the Department of Administrative Services; to change funding provisions; to change provisions relating to facility planning; to change terms of office; to change employee benefit provisions; to provide an exemption from the state personnel system; to change a termination date; to eliminate an obsolete provision; to repeal the original sections; to outright repeal section 81-163.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 655. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Nebraska Law Enforcement Training Center; to amend section 81-1401, Revised Statutes Supplement, 1998; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 656. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-656.29, Reissue Revised Statutes of Nebraska; to change provisions relating to water well permits; and to repeal the original section.

LEGISLATIVE BILL 657. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,136, Reissue Revised Statutes of Nebraska; to change aid provisions; and to repeal the original section.

LEGISLATIVE BILL 658. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-312, 9-315, and 9-346, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to pickle card requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 659. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-301, 9-307, 9-312, 9-313, 9-315, 9-317, 9-322, 9-329.02, 9-331 to 9-334, 9-336 to 9-338, 9-340, 9-340.02, 9-345.01 to 9-345.03, 9-346, 9-348, 9-350, and 9-351, Reissue Revised Statutes of Nebraska; to authorize the use of electronic pickle card dispensing devices as prescribed; to redefine terms; to provide and change powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 660. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to postsecondary education; to amend section 49-1493, Reissue Revised Statutes of Nebraska; to adopt the College Savings Act; to provide for filing statements of financial interest; and to repeal the original section.

LEGISLATIVE BILL 661. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to civil procedure; to provide for damages and procedures in actions relating to computer date failures; and to define terms.

LEGISLATIVE BILL 662. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to railroads; to amend section 74-308, Reissue Revised Statutes of Nebraska; to change eminent domain provisions; and to repeal the original section.

LEGISLATIVE BILL 663. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

LEGISLATIVE BILL 664. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission.

LEGISLATIVE BILL 665. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; to state intent; and to provide duties.

LEGISLATIVE BILL 666. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01, 77-2715.01, 77-2734.02, 77-27,156, 81-125, and 81-125.01, Reissue Revised Statutes of Nebraska, and sections 77-501 to 77-503, 77-2701.02, 77-2703, and 77-2715.02, Revised Statutes Supplement, 1998; to change the membership of and provisions relating to the State Tax Board; to require the board to set the rates for sales and income taxes; to provide powers and duties for the board, Tax Commissioner, Director of Administrative Services, and Legislative Fiscal Analyst; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 667. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-2727 and 77-2734.01, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 1998; to change income tax calculations relating to partnerships; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 668. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.01 and 79-1007.02, Revised Statutes Supplement, 1998; to change provisions relating to average formula cost per student; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Member Excused

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

EASE

The Legislature was at ease from 9:20 a.m. until 9:41 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 669. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the County Property Tax Relief Program; to amend section 77-3618, Revised Statutes Supplement, 1998; to change calculations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 670. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska, and section 77-2701.02, Revised Statutes Supplement, 1998; to change the income tax and sales and use tax rates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 671. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriation of water; to amend sections 46-122 and 46-229, Reissue Revised Statutes of Nebraska; to adopt the Water Rights Leasing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 672. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriation of water; to amend sections 46-122 and 46-229, Reissue Revised Statutes of Nebraska; to adopt the Water

Rights Leasing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 673. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014 and 81-2027.03, Revised Statutes Supplement, 1998; to change provisions relating to supplemental cost-of-living adjustments; to eliminate and transfer funds; to redefine a term; to provide duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 81-2027.04, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 674. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-947.01 and 79-975, Reissue Revised Statutes of Nebraska, and sections 79-902 and 79-934, Revised Statutes Supplement, 1998; to change provisions relating to the monthly formula annuity and supplemental cost-of-living adjustments; to redefine a term; to eliminate an obsolete reference; to eliminate and transfer funds; to provide duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 79-947.02, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 675. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend sections 24-701 and 24-710.07, Revised Statutes Supplement, 1998; to change provisions relating to supplemental cost-of-living adjustments; to eliminate and transfer funds; to redefine a term; to provide duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 24-710.08, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 676. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-933, Reissue Revised Statutes of Nebraska, and sections 79-934 and 79-951, Revised Statutes Supplement, 1998; to change provisions relating to the service annuity and disability retirement; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 677. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to property taxation; to amend section 32-519, Reissue Revised Statutes of Nebraska; to authorize the resumption of assessment duties in certain counties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 678. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change provisions relating to license suspension; and to repeal the original section.

LEGISLATIVE BILL 679. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to animals; to amend sections 37-465 and 54-701.03, Reissue Revised Statutes of Nebraska; to adopt the Bison Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 680. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to economic development; to establish the Nebraska Family Assets and Savings Development Task Force; to create a program; to state intent; to define a term; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 681. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Microenterprise Development Act; to amend sections 81-1298 and 81-1299, Revised Statutes Supplement, 1998; to define a term; to change a provision relating to grants and the selection process; to change and provide a duty; and to repeal the original sections.

LEGISLATIVE BILL 682. Introduced by Kremer, 34; Baker, 44; Hudkins, 21; Jones, 43; C. Peterson, 35; Price, 26; Quandahl, 31; Redfield, 12; Schmitt, 41; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1003, Reissue Revised Statutes of Nebraska; to change trustee authorization provisions; and to repeal the original section.

LEGISLATIVE BILL 683. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to tobacco; to amend section 77-2602, Revised Statutes Supplement, 1998; to change cigarette tax distribution; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 684. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to amend section 79-215, Revised Statutes Supplement, 1998; to change provisions relating to payment of special education costs for wards; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 685. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1345 to 66-1345.02, Reissue Revised Statutes of Nebraska; to change provisions relating to funding of production credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 686. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,186, Reissue Revised Statutes of Nebraska; to change provisions relating to speed limits; and to repeal the original section.

LEGISLATIVE BILL 687. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to retirement; to amend section 23-2310, Reissue Revised Statutes of Nebraska, and sections 23-2331, 84-1311, and 84-1331, Revised Statutes Supplement, 1998; to change provisions relating to employer account investment options; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 688. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to prohibit the use of a fuel power booster delivery system on a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 689. Introduced by Robak, 22.

A BILL FOR AN ACT relating to court procedure; to amend sections 25-2301 to 25-2307, 25-2309, and 25-2310, Reissue Revised Statutes of Nebraska; to change and eliminate in forma pauperis provisions; to repeal the original sections; and to outright repeal section 25-2308, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 690. Introduced by Robak, 22.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3506, 29-3507, 29-3511, 29-3516, and 29-3521, Reissue Revised Statutes of Nebraska, and section 29-3523, Revised Statutes Supplement, 1998; to redefine terms; to change provisions relating to the expungement of certain criminal history record information as prescribed; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 691. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend section 48-801.01, Reissue Revised Statutes of Nebraska; to provide array criteria for municipal employee labor relations disputes; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 692. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 2-3328, 2-3331, 14-2145, 14-2146, 23-250.01, 23-905, 29-752, and 72-417, Reissue Revised Statutes of Nebraska; to change and eliminate powers and duties of the Auditor of Public Accounts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-3329, 23-1613, and 23-1614, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 693. Introduced by Vrtiska, 1; Lynch, 13; Thompson, 14.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-115, 48-126.01, 48-145, 48-146, and 48-147, Reissue Revised Statutes of Nebraska; to change volunteer firefighter and ambulance personnel definitions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 694. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518 and 13-520, Revised Statutes Supplement, 1998; to provide an exemption from budget limitations for financing instruments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 695. Introduced by Bruning, 3; Quandahl, 31; Smith, 48.

A BILL FOR AN ACT relating to political parties; to amend sections 32-221, 32-231, 32-239, 32-401, 32-603, 32-607, 32-620, 32-703, 32-707, 32-709 to 32-711, 32-809, 32-811, 32-816, 32-912, and 32-1547, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to presidential preference primary elections, county, state, and national political party conventions, delegates to conventions, and political party caucuses; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-613, 32-614, 32-701, 32-704, 32-705, and 32-708, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 696. Introduced by Bruning, 3; Byars, 30; Coordsen, 32; Lynch, 13; Smith, 48; Suttle, 10; Vrtiska, 1.

A BILL FOR AN ACT relating to state contracts; to require technology access clauses; and to provide duties.

LEGISLATIVE BILL 697. Introduced by Hudkins, 21; Janssen, 15; Dw. Pedersen, 39; Schmitt, 41.

A BILL FOR AN ACT relating to license plates; to provide for firefighter license plates; and to provide a fee.

LEGISLATIVE BILL 698. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to nursing; to amend sections 71-1,132.09, 71-1,132.11, 71-1,132.20, 71-1,132.21, 71-1,132.27, and 71-1,132.31, Reissue Revised Statutes of Nebraska, and sections 71-1,132.13, 71-1,132.30, and 71-1,132.37, Revised Statutes Supplement, 1998; to change provisions relating to Board of Nursing meetings, renewal, reinstatement, and lapse of nursing licenses, surveys by the board, health maintenance activities, and licensed practical nurse license requirements; to provide powers and duties for the board and the executive director; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 699. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to liability; to limit governmental liability for damages relating to electronic computing devices.

LEGISLATIVE BILL 700. Introduced by Tyson, 19; Smith, 48.

A BILL FOR AN ACT relating to hazardous substances; to define terms; and to provide liability for cleanup costs as a result of a hazardous substance emergency.

STANDING COMMITTEE REPORTS**Banking, Commerce and Insurance**

LEGISLATIVE BILL 62. Placed on General File.

LEGISLATIVE BILL 107. Placed on General File.

(Signed) David M. Landis, Chairperson

EASE

The Legislature was at ease from 9:47 a.m. until 10:01 a.m.

UNANIMOUS CONSENT - Member Excused

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 16. Read. Considered.

LR 16 was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 701. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to recreational trails; to amend sections 37-303 and 37-1011 to 37-1014, Reissue Revised Statutes of Nebraska; to change provisions relating to state recreational trails and division fence cost-share responsibilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 702. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to municipalities; to authorize combined utility billings.

LEGISLATIVE BILL 703. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Bruning, 3; Crosby, 29; C. Peterson, 35; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2320, and 48-1401, Reissue Revised Statutes of Nebraska, and sections 23-2301, 23-2323.01, 24-706, 24-710.11, 79-921, 79-933.03 to 79-933.06, 79-933.08, 79-947.05, 81-2027.07, 81-2031, 84-1301, 84-1307, 84-1310.01, 84-1311, 84-1322, 84-1323.01, 84-1325, and 84-1504, Revised Statutes Supplement, 1998; to change provisions relating to repayment of contributions, military service credits, deferred compensation, annual benefits and adjustments, investment result liability, disability, membership, and administrative expenses; to define and redefine terms; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 704. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-484, 60-487, 60-491, 60-493, 60-494, 60-499, 60-4,105, 60-4,113, 60-4,114, 60-4,115, 60-4,119, 60-4,122, 60-4,127, 60-4,144, 60-4,146.01, 60-4,148, 60-4,149, 60-4,149.01, 60-4,171, and 60-4,181, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to operator's licenses and state identification cards; to harmonize provisions; to repeal the original sections; to outright repeal section 60-4,116, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 705. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to isolated land; to amend sections 39-1713 to 39-1719, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to obtaining access to isolated land; and to repeal the original sections.

LEGISLATIVE BILL 706. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518, 13-520, 77-3442, and 77-3443, Revised Statutes Supplement, 1998; to provide an exemption from levy limits for financing arrangements by airport authorities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 707. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 86-811, Revised Statutes Supplement, 1998; to enumerate regulatory and enforcement powers and duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 708. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to mental health; to amend section 83-338, Reissue Revised Statutes of Nebraska; to change provisions relating to the admission of persons to state hospitals; to authorize the use of other inpatient psychiatric facilities as provided; and to repeal the original section.

LEGISLATIVE BILL 709. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to real estate appraisers; to amend sections 76-2201, 76-2207, 76-2217.01, 76-2218, 76-2220, 76-2221, 76-2222, 76-2223, 76-2225, 76-2227, 76-2228, 76-2229, 76-2233.02, 76-2237 to 76-2244, 76-2245, 76-2246, 76-2249, and 76-2250, Reissue Revised Statutes of Nebraska, and sections 76-2229.01, 76-2233, 76-2233.01, and 76-2236, Revised Statutes Supplement, 1998; to provide for appraiser trainee registration; to sunset the registered real estate appraiser classification; to change provisions relating to regulation of real estate appraisers; to change fees; to harmonize provisions; to eliminate obsolete and duplicative provisions; to repeal the original sections; and to outright repeal sections 76-2229.02, 76-2234, 76-2234.01, and 76-2235, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 710. Introduced by Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2715.02, and 77-2715.07, Revised Statutes Supplement, 1998; to change income tax calculations; to eliminate a minimum tax, deductions, and exemptions; to change income tax rates and schedules; to provide a personal deduction; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2716.03, Reissue Revised Statutes of Nebraska, and section 77-2716.01, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 711. Introduced by Raikes, 25; Schellpeper, 18; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to create the Agricultural Commodity Pricing and Structure Task Force; and to declare an emergency.

LEGISLATIVE BILL 712. Introduced by Raikes, 25; Engel, 17; Schrock, 38.

A BILL FOR AN ACT relating to counties; to amend sections 23-114.03 and 23-114.05, Reissue Revised Statutes of Nebraska, and section 23-114, Revised Statutes Supplement, 1998; to provide for a temporary zoning; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 713. Introduced by Raikes, 25; Bohlke, 33.

A BILL FOR AN ACT relating to school finance; to amend sections 79-758, 79-1001, 79-1007.01, 79-1007.02, 79-1009, 79-1026, and 79-1032, Revised Statutes Supplement, 1998; to provide for regression analysis; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 714. Introduced by Raikes, 25; D. Pederson, 42.

A BILL FOR AN ACT relating to postsecondary education; to state intent regarding postsecondary education in southeast Nebraska; to create a task force; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 715. Introduced by Raikes, 25; Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Revised Statutes Supplement, 1998; to provide for an estimation grid; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 716. Introduced by Raikes, 25; Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1007.02, and 79-1008.01, Revised Statutes Supplement, 1998; to change provisions relating to formula need and equalization aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 717. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Emergency Planning and Community Right to Know Act; to amend sections 81-15,191, 81-15,193, 81-15,207, 81-15,210, 81-15,213, 81-15,214, and 81-15,235, Revised

Statutes Supplement, 1998; to define and redefine terms; to transfer powers and duties to the State Fire Marshal; to provide for fees and allocations; to provide for the recovery of costs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 718. Introduced by Preister, 5; Bourne, 8; Connealy, 16; Hilgert, 7; Lynch, 13.

A BILL FOR AN ACT relating to state government; to place a moratorium of certain personal service contracts; to provide for a study and reports; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 719. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.06, Reissue Revised Statutes of Nebraska; to change provisions relating to the maintenance of records for documentary proof of age as prescribed; and to repeal the original section.

LEGISLATIVE BILL 720. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to interior designers; to adopt the Interior Designer Certification Act; and to provide an operative date.

LEGISLATIVE BILL 721. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 722. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1217.02, Revised Statutes Supplement, 1998; to change provisions relating to criminal history record information checks; and to repeal the original section.

LEGISLATIVE BILL 723. Introduced by Thompson, 14; Raikes, 25.

A BILL FOR AN ACT relating to initiative petitions; to amend section 32-1405, Reissue Revised Statutes of Nebraska; to require a public hearing prior to circulation; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 724. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to criminal law; to amend section 28-101, Revised Statutes Supplement, 1998; to provide a penalty for violation of a no contact provision of a bond; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 725. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to public utilities; to amend sections 14-2103, 14-2112, 14-2114, 14-2119, 14-2120, 14-2122, 14-2134, 15-311, 15-901, 16-901, 16-903, 17-1001, and 17-1003, Reissue Revised Statutes of Nebraska; to limit the jurisdiction of certain utilities districts; to authorize natural gas franchises; to authorize fees; to provide and change powers and duties; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Thompson, 14; Bohlke, 33.

A BILL FOR AN ACT relating to teachers; to provide incentives for endorsements; to create a scholarship program; to provide for eligibility; to state intent relating to appropriations; to provide duties for the State Department of Education and teacher training institutions; to provide for termination; and to declare an emergency.

LEGISLATIVE BILL 727. Introduced by Thompson, 14; Bohlke, 33.

A BILL FOR AN ACT relating to teachers; to provide for a task force and a study; and to declare an emergency.

LEGISLATIVE BILL 728. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to initiative and referendum measures; to state intent.

LEGISLATIVE BILL 729. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to initiative and referendum measures; to amend sections 32-1405, 32-1408, and 32-1412, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Secretary of State regarding petition filings; and to repeal the original sections.

LEGISLATIVE BILL 730. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to create the Agricultural Structure Assessment Task Force; to provide duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 731. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to information technology; to amend sections 81-1192, 81-1195, 81-11,101, and 86-1513, Revised Statutes Supplement, 1998; to adopt the Rural Technology Development Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 732. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to power districts and corporations; to amend section 70-1010, Reissue Revised Statutes of Nebraska; to change a reference to the Nebraska Power Review Board; and to repeal the original section.

LEGISLATIVE BILL 733. Introduced by C. Peterson, 35; Engel, 17; Janssen, 15; Kremer, 34; D. Pederson, 42; Preister, 5; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302 and 60-302.03, Reissue Revised Statutes of Nebraska; to change penalties relating to operating or parking an unregistered vehicle or a vehicle without license plates as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 734. Introduced by Kiel, 9; Bourne, 8; Hilgert, 7; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to public defenders; to amend section 23-3403, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation of personnel; and to repeal the original section.

LEGISLATIVE BILL 735. Introduced by Brown, 6; Bruning, 3.

A BILL FOR AN ACT relating to child care; to amend section 43-2606, Reissue Revised Statutes of Nebraska; to provide training requirements; and to repeal the original section.

LEGISLATIVE BILL 736. Introduced by Brown, 6.

A BILL FOR AN ACT relating to human genetics; to amend sections 13-607, 43-1414, 71-2620, 71-6810, and 81-2010, Reissue Revised Statutes of Nebraska, and sections 29-4105, 71-6816, and 81-2010.03, Revised Statutes Supplement, 1998; to require certification for certain laboratories and counselors; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 737. Introduced by Kiel, 9; Beutler, 28; Bourne, 8; Connealy, 16; Hudkins, 21; Preister, 5; Schmitt, 41.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-438, Reissue Revised Statutes of Nebraska; to change provisions relating to park entry permits; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Quandahl, 31; Redfield, 12; Schimek, 27; Smith, 48; and Stuhr, 24.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-2001 and 18-2002, Reissue Revised Statutes of Nebraska; to change

provisions relating to street improvements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 739. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Quandahl, 31; Redfield, 12; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to handicapped or disabled parking permits; to amend sections 18-1738, 18-1738.01, and 18-1741, Reissue Revised Statutes of Nebraska, and sections 18-1736, 18-1737, 18-1741.01, and 81-1108.15, Revised Statutes Supplement, 1998; to provide for wheelchair lift warning cones; to change provisions relating to designation of spaces, signs, applications for permits, violations, and handicapped parking infractions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 740. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Redfield, 12; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska; to change provisions relating to trustees; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 7. Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 11. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 12. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 13. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 741. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Quandahl, 31; Redfield, 12; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to handicapped or disabled parking; to amend

section 18-1740, Reissue Revised Statutes of Nebraska; to eliminate a fee; to require the state to reimburse local officials; and to repeal the original section.

LEGISLATIVE BILL 742. Introduced by Janssen, 15; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to public health; to amend sections 28-441 and 28-442, Reissue Revised Statutes of Nebraska; to change drug paraphernalia provisions to exclude certain hypodermic syringes and needles; and to repeal the original sections.

LEGISLATIVE BILL 743. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1005, 16-1006, 16-1013, and 23-2307, Reissue Revised Statutes of Nebraska; to change provisions relating to contributions by police officers of cities of the first class, cities of the first class, and county employees and retirement systems for police officers of cities of the second class and villages; to change a vesting schedule; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 744. Introduced by Kiel, 9; Price, 26; Schrock, 38; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,213, Reissue Revised Statutes of Nebraska; to redefine the offense of reckless driving; and to repeal the original section.

LEGISLATIVE BILL 745. Introduced by Raikes, 25; Brown, 6; C. Peterson, 35; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3501.01, Reissue Revised Statutes of Nebraska, and sections 77-3505.02 and 77-3507 to 77-3509, Revised Statutes Supplement, 1998; to redefine terms; to change homestead exemption amounts; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 746. Introduced by Beutler, 28; Preister, 5; Schmitt, 41.

A BILL FOR AN ACT relating to livestock; to amend sections 54-725, 54-2401 to 54-2404, 54-2406, 54-2408, 54-2411, and 54-2413, Reissue Revised Statutes of Nebraska; to change provisions relating to dead animals, livestock waste control facility permits and inspections, fees, department duties, and rules and regulations; to define terms; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to environmental protection; to adopt the

Nebraska Protected Rivers Act; to provide powers and duties; and to declare an emergency.

LEGISLATIVE BILL 748. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to public lands; to provide intent; to require the identification and ranking of certain public lands; and to provide powers and duties.

LEGISLATIVE BILL 749. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1514, Reissue Revised Statutes of Nebraska; to provide standing to enforce standards; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Thompson, 14; Dierks, 40; Jensen, 20; Preister, 5; Price, 26; Raikes, 25; Redfield, 12; Schimek, 27; Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5704, 71-5707, 71-5708, and 71-5710, Reissue Revised Statutes of Nebraska; to redefine a term; to change smoking restrictions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 751. Introduced by D. Pederson, 42; Byars, 30; C. Peterson, 35; Robak, 22; Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-511.01 and 28-601, Reissue Revised Statutes of Nebraska; to prohibit acts relating to retail sales receipts and Universal Price Codes; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 752. Introduced by Landis, 46.

A BILL FOR AN ACT relating to housing; to amend section 20-319, Revised Statutes Supplement, 1998; to change provisions relating to accessibility in design and structure; to provide a duty; and to repeal the original section.

LEGISLATIVE BILL 753. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1229, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 754. Introduced by Landis, 46.

A BILL FOR AN ACT relating to state government; to provide for use of renewable energy and conservation technologies and practices by state agencies.

LEGISLATIVE BILL 755. Introduced by Landis, 46.

A BILL FOR AN ACT relating to public buildings; to require compliance with a building code.

LEGISLATIVE BILL 756. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to amend section 60-483, Reissue Revised Statutes of Nebraska; to provide restrictions on the sale of abstracts of operating records; and to repeal the original section.

LEGISLATIVE BILL 757. Introduced by Landis, 46.

A BILL FOR AN ACT relating to nursing; to amend section 71-1,132.30, Revised Statutes Supplement, 1998; to require consent for health maintenance activities provided for a child; and to repeal the original section.

LEGISLATIVE BILL 758. Introduced by Landis, 46.

A BILL FOR AN ACT relating to student discipline; to amend sections 79-254, 79-255, 79-257, 79-258, 79-259, 79-260, 79-261, 79-262, 79-265, 79-267, 79-268, 79-269, 79-270, 79-273, 79-284, 79-288, and 79-2,105, Reissue Revised Statutes of Nebraska, and sections 79-256 and 79-266, Revised Statutes Supplement, 1998; to rename the Student Discipline Act; to state intent; to provide for reassignment as prescribed; to authorize discipline by teaching personnel as prescribed; to require providing student files to teachers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Landis, 46.

A BILL FOR AN ACT relating to legal aid services; to amend sections 25-3002 and 25-3004, Revised Statutes Supplement, 1998; to change provisions relating to the distribution of grants; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 760. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1998; to exempt purchases of materials needed for commercial grain storage facilities for sales tax purposes; to provide property tax credits for on-farm grain storage facilities; to harmonize provisions; to provide operative dates; and to repeal the original section.

LEGISLATIVE BILL 761. Introduced by Landis, 46.

A BILL FOR AN ACT relating to telecommunications; to amend section

86-803, Revised Statutes Supplement, 1998; to change provisions relating to rate rebalancing; and to repeal the original section.

LEGISLATIVE BILL 762. Introduced by Landis, 46.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109, 86-802 to 86-804, 86-809, 86-811, and 86-1405, Revised Statutes Supplement, 1998; to specify regulatory powers of the Public Service Commission; to provide for interconnection agreements; to provide penalties and complaint procedures; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 763. Introduced by Landis, 46.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-803, Revised Statutes Supplement, 1998; to change provisions relating to local competition; and to repeal the original section.

LEGISLATIVE BILL 764. Introduced by Landis, 46.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-803, Revised Statutes Supplement, 1998; to change provisions relating to cost recovery; and to repeal the original section.

LEGISLATIVE BILL 765. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 75-311, 75-313, and 75-318, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates of convenience and necessity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 766. Introduced by Landis, 46.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3507 to 77-3509, Revised Statutes Supplement, 1998; to change exemption amounts; and to repeal the original sections.

LEGISLATIVE BILL 767. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend section 60-1407.01, Reissue Revised Statutes of Nebraska; to exempt trailer dealers from insurance provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 768. Introduced by C. Peterson, 35; Coordsen, 32; Cudaback, 36.

A BILL FOR AN ACT relating to the Motor Vehicle Safety Responsibility Act; to amend sections 60-321, 60-502, 60-503, 60-504, 60-511, 60-512,

60-513, 60-514, 60-520, 60-523, 60-524, 60-525, 60-526, 60-533, 60-536, 60-538, 60-539, 60-540, 60-545, 60-546, 60-550, 60-550.01, 60-552, 60-553, 60-554, 60-555, 60-556, 60-558, 60-560, 60-565, 60-567, 60-568, and 60-569, Reissue Revised Statutes of Nebraska; to provide for operator's license, motor vehicle registration, and license plate revocation and seizure as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 769. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Reissue Revised Statutes of Nebraska; to change provisions relating to truancy; and to repeal the original section.

LEGISLATIVE BILL 770. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to inheritance tax; to amend section 77-2004, Revised Statutes Supplement, 1998; to change the exempt amount; and to repeal the original section.

LEGISLATIVE BILL 771. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to wind energy resources; to amend sections 18-418 and 70-655, Reissue Revised Statutes of Nebraska; to provide for different rates, tolls, rents, and other charges; and to repeal the original sections.

LEGISLATIVE BILL 772. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2702.17 and 77-2704.30, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Supplement, 1998; to exempt certain transfers of cellular telephones; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 773. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2027.06, Revised Statutes Supplement, 1998; to change the minimum accrual rate; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 209	Wednesday, January 27, 1999	1:30 p.m.
LB 226	Wednesday, January 27, 1999	1:30 p.m.
LB 307	Wednesday, January 27, 1999	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LR 11CA	Wednesday, January 27, 1999	1:30 p.m.
LR 13CA	Wednesday, January 27, 1999	1:30 p.m.
LR 14CA	Wednesday, January 27, 1999	1:30 p.m.
LR 10	Wednesday, January 27, 1999	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Nebraska Retirement Systems

Wednesday, January 27, 1999	12:00 p.m.
Nebraska Investment Council	
Carol Kontor	
W. Don Nelson	
Greg Stine	

(Signed) Elaine Stuhr, Chairperson

Judiciary

LB 94	Wednesday, January 27, 1999	1:30 p.m.
LB 112	Wednesday, January 27, 1999	1:30 p.m.
LB 153	Wednesday, January 27, 1999	1:30 p.m.
LB 192	Wednesday, January 27, 1999	1:30 p.m.
LB 205	Wednesday, January 27, 1999	1:30 p.m.
LB 210	Wednesday, January 27, 1999	1:30 p.m.
LB 224	Wednesday, January 27, 1999	1:30 p.m.
LB 458	Wednesday, January 27, 1999	1:30 p.m.
LB 490	Wednesday, January 27, 1999	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 149. Placed on General File as amended.

Standing Committee amendment to LB 149:

AM0007

- 1 1. On page 37, line 8, after "estimate" insert "of the
- 2 necessary funding level for the next school fiscal year under the
- 3 Tax Equity and Educational Opportunities Support Act".

(Signed) Ardyce L. Bohlke, Chairperson

Agriculture

LEGISLATIVE BILL 172. Placed on General File.

LEGISLATIVE BILL 198. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

Education

LEGISLATIVE BILL 144. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

MRS. CROSBY PRESIDING

EASE

The Legislature was at ease from 11:04 a.m. until 11:19 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 774. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to community development; to amend sections 18-2103, 18-2113, 18-2117.01, and 18-2153, Reissue Revised Statutes of Nebraska; to change provisions relating to cost-benefit analyses and reports; to redefine terms; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 775. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to county sheriffs; to amend sections 23-1114.02 to 23-1114.06, Reissue Revised Statutes of Nebraska; to change minimum salary provisions; and to repeal the original sections.

LEGISLATIVE BILL 776. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to fences; to amend sections 34-106, 34-107, and 34-115, Reissue Revised Statutes of Nebraska; to change provisions relating to fence viewers and lawful fences; and to repeal the original sections.

LEGISLATIVE BILL 777. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1998; to adopt the Agricultural Property Tax Credit Act; to harmonize provisions; and to repeal the original

section.

LEGISLATIVE BILL 778. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock brands; to amend sections 54-157, 54-158, 54-415, 54-1157 to 54-1160, 54-1163, 54-1165, 54-1168, 54-1169, 54-1171 to 54-1174, 54-1176, 54-1182, 54-1183, 54-1185, 54-1186, 54-2001, 54-2012, and 54-2014, Reissue Revised Statutes of Nebraska; to adopt the Livestock Brand Act in new format; to rename the Nebraska Livestock Auction Market Development Act; to transfer certain hog cholera sections; to repeal the Livestock Brand Act in old format; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 54-101 to 54-110, 54-112, 54-114 to 54-119, 54-121, 54-125, 54-126, 54-129 to 54-133.01, 54-133.03, 54-134, 54-135 to 54-137.01, 54-138, 54-140, 54-141, 54-142 to 54-144, 54-145.01 to 54-145.06, 54-147 to 54-148, 54-150, 54-152 to 54-153.03, and 54-155 to 54-169, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 779. Introduced by Engel, 17; Bromm, 23; Coordsen, 32; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend sections 31-601, 31-602, 33-104, 72-201, 72-202, 72-204 to 72-205.04, 72-222.02, 72-229, 72-231, 72-232, 72-233, 72-234, 72-235 to 72-239, 72-240.02, 72-240.03, 72-240.05, 72-240.07, 72-240.10, 72-240.21 to 72-240.23, 72-241, 72-246, 72-253, 72-255, 72-302, 72-304, 72-305, 72-308, and 72-907, Reissue Revised Statutes of Nebraska, and section 72-303, Revised Statutes Supplement, 1998; to change provisions relating to appraisals, leases, and board duties; to eliminate provisions relating to contracts of sale and leases; to harmonize provisions; to repeal the original sections; and to outright repeal sections 72-209, 72-210, 72-211, 72-232.01, and 72-240.24, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 780. Introduced by Cudaback, 36; C. Peterson, 35; Quandahl, 31; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to the Motor Vehicle Safety Responsibility Act; to amend sections 60-321, 60-502, 60-503, 60-504, 60-511, 60-512, 60-513, 60-514, 60-520, 60-523, 60-524, 60-525, 60-526, 60-533, 60-536, 60-538, 60-539, 60-540, 60-545, 60-546, 60-550, 60-550.01, 60-552, 60-553, 60-554, 60-555, 60-556, 60-558, 60-560, 60-565, 60-567, 60-568, and 60-569, Reissue Revised Statutes of Nebraska; to provide for operator's license, motor vehicle registration, and license plate revocation and seizure as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 781. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to diseases; to amend section 71-507, Revised Statutes Supplement, 1998; to redefine a term relating to exposure

to infectious diseases and conditions; and to repeal the original section.

LEGISLATIVE BILL 782. Introduced by Kiel, 9; Coordsen, 32; Crosby, 29; C. Peterson, 35; Price, 26; Schimek, 27; Suttle, 10.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150, 20-151, 20-156, 20-159, and 71-4727, Reissue Revised Statutes of Nebraska, and sections 71-4720.01, 71-4728, and 71-4732, Revised Statutes Supplement, 1998; to provide for the licensure of interpreters; to provide intent; to redefine a term; to create a board; to provide powers and duties; to provide for a civil penalty and appeal procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 783. Introduced by Brown, 6; Bruning, 3; Raikes, 25; Stuhr, 24.

A BILL FOR AN ACT relating to child care; to create and provide duties for a commission; and to declare an emergency.

LEGISLATIVE BILL 784. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1505 and 81-1507, Revised Statutes Supplement, 1998; to change provisions relating to powers of the council and the director; and to repeal the original sections.

LEGISLATIVE BILL 785. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to irrigation wells; to provide certain restrictions.

LEGISLATIVE BILL 786. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2408, Reissue Revised Statutes of Nebraska; to change application requirements for a permit; and to repeal the original section.

LEGISLATIVE BILL 787. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to livestock; to amend sections 28-1305 and 54-744, Reissue Revised Statutes of Nebraska; to provide and change penalties for disposal of dead animals; and to repeal the original sections.

LEGISLATIVE BILL 788. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Reissue Revised Statutes of Nebraska; to create the Game Law Investigation Cash Fund; to provide duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 789. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1507 and 81-1508.02, Revised Statutes Supplement, 1998; to change provisions relating to violator hearings and fines; and to repeal the original sections.

LEGISLATIVE BILL 790. Introduced by Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-101 and 53-118, Reissue Revised Statutes of Nebraska; to state findings; to regulate the direct shipment of alcoholic liquor; to provide for a transportation permit; to provide and eliminate penalties; to harmonize provisions; to repeal the original sections; and to outright repeal section 53-194.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 791. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-812, Revised Statutes Supplement, 1998; to change provisions relating to transfers of funds; and to repeal the original section.

LEGISLATIVE BILL 792. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to message plates; to amend section 60-311.12, Reissue Revised Statutes of Nebraska; to change provisions relating to filing and fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 793. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-110, 37-201, 37-202, 37-209, 37-218, 37-219, 37-226, 37-227, 37-229, 37-239, 37-246, 37-248, 37-303, 37-314, 37-323, 37-327, 37-404 to 37-406, 37-408 to 37-411, 37-415, 37-416, 37-422, 37-426, 37-427, 37-429 to 37-431, 37-434 to 37-436, 37-438 to 37-440, 37-443 to 37-447, 37-452, 37-457, 37-458, 37-462 to 37-469, 37-471, 37-475 to 37-483, 37-495, 37-503, 37-504, 37-506, 37-508, 37-514, 37-525, 37-527, 37-536, 37-540, 37-547 to 37-550, 37-556, 37-560, 37-601, 37-602, 37-604, 37-607, 37-613, 37-614, 37-617, 37-619, 37-622, 37-706, 37-724, 37-726, 37-728, 37-811, 37-1001, 37-1214, 37-1226, 37-1228, and 37-1254.02, Reissue Revised Statutes of Nebraska; to change provisions relating to the expiration of permits and stamps; to provide for electronic issuance of licenses, permits, stamps, and motorboat registration renewals; to provide fees; to change procedures on the issuance and display of licenses, permits, and stamps; to change permit provisions; to change provisions relating to open seasons, theft of fees, state game refuges, hunter orange, disposition of carcasses, posting of property, limitation of actions, and the importation, exportation, release, and exploitation of wildlife species; to change and eliminate provisions relating

to aquaculture, game and fur farming, and dog training; to provide and change penalties; to define and redefine terms; to provide a termination date; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 37-472 to 37-474, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 794. Introduced by Wehrbein, 2; Coordsen, 32.

A BILL FOR AN ACT relating to railroads; to state intent; to provide for monitoring and reporting of possible discontinued or abandoned rail service; and to provide departmental duties.

LEGISLATIVE BILL 795. Introduced by Stuhr, 24; Bromm, 23; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, 71-1631.02, and 79-987, Revised Statutes Supplement, 1998; to change provisions relating to retirement plan reporting requirements as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 796. Introduced by Hartnett, 45; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Highway Bond Act; to amend sections 39-2201 and 39-2223, Reissue Revised Statutes of Nebraska; to redefine a term; to provide loans to political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 797. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 20-313, 20-322, 27-504, 28-402, 28-409, 28-413, 28-415, 28-417, 28-418, 28-425, 28-427, 28-432, 28-433, 28-437, 28-438, 28-440 to 28-442, 28-444, 28-1438.01, 37-1254.01, 37-1254.07, 48-232, 48-1102, 48-1902, 71-101.01, 71-105, 71-107, 71-111, 71-112, 71-112.03, 71-113, 71-114, 71-115.01, 71-116, 71-117 to 71-120, 71-122 to 71-124.01, 71-128, 71-129, 71-131, 71-132, 71-138 to 71-140, 71-143, 71-144, 71-150, 71-153, 71-156, 71-161.02 to 71-161.04, 71-161.07, 71-161.09, 71-161.12 to 71-161.15, 71-161.17, 71-161.19, 71-161.20, 71-168.01, 71-170, 71-171.01, 71-1,143, 71-1,144.01, 71-1,144.03, 71-144.04, 71-1,145, 71-1,147 to 71-1,147.02, 71-1,147.06, 71-1,147.07, 71-1,147.09 to 71-1,147.11, 71-1,147.13, 71-1,147.14, 71-1,147.22 to 71-1,147.26, 71-1,147.28, 71-1,147.30 to 71-1,147.36, 71-1,147.52, 71-2404, 71-2405, 71-2407 to 71-2410, 71-2412 to 71-2417, 71-2501, 71-2506, 71-2509, 71-5401, 71-5408, 71-6045, 71-7405, 71-7412, 71-7415, 71-7419 to 71-7420, 71-7424, 71-7426, 77-4301, 79-267, 79-296, and 81-687, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405 to 28-408, 28-410 to 28-412, 28-414, 28-416, 28-428, 28-431, 28-1437, 71-101, 71-108, 71-110, 71-121, 71-121.01, 71-141, 71-147, 71-148, 71-151, 71-155, 71-155.01, 71-161.10, 71-162,

71-168, 71-168.02, 71-171.02, 71-1,142, 71-1,147.03, 71-1,147.08, 71-1,147.39, 71-1,147.40, 71-1,147.48, 71-1,147.50, 71-1,147.51, 71-1,147.53 to 71-1,147.57, 71-1,147.59, 71-1536, 71-2023, 71-2024, 71-5403, 71-6721, and 71-7416, Revised Statutes Supplement, 1998; to change and eliminate provisions relating to controlled substances, health care examining boards, emergency drug boxes, drug product selection, wholesale drug distributor licensing, and drug and poison labeling; to change provisions relating to the scope of practice and regulation of pharmacies and pharmacists; to change provisions relating to drug dispensing; to provide and change penalties; to change fees; to create a board; to provide powers and duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 28-403, 28-419 to 28-424, 28-439, 28-1438, 28-1438.01, 71-1,144.02, 71-1,145.01, 71-1,146, 71-1,147.04, 71-1,147.05, 71-1,147.15 to 71-1,147.21, 71-1,147.27, 71-1,147.29, 71-1,147.37, 71-1,147.38, 71-1,147.47, 71-2401 to 71-2403, 71-2502 to 71-2505, 71-2507, 71-2508, 71-2510 to 71-2512, 71-5401, 71-5402, 1 797 LB 797 1 71-5405 to 71-5407, 71-7402 to 71-7408, 71-7410, 71-7411, and 71-7413, Reissue Revised Statutes of Nebraska, and sections 28-401, 71-1,147.41 to 71-1,147.46, 71-1,147.49, 71-1,147.58, 71-1,147.60, 71-1,147.61, 71-5404, 71-7409, and 71-7418, Revised Statutes Supplement, 1998.

EASE

The Legislature was at ease from 11:24 a.m. until 11:47 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 798. Introduced by Jensen, 20; Thompson, 14.

A BILL FOR AN ACT relating to public health; to amend sections 28-1420, 28-1421, 28-1423, 28-1424, 28-1426, and 28-1428, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Supplement, 1998; to change provisions relating to tobacco licenses; to provide duties; to change license fees; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 799. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to pharmacy; to amend sections 71-1,147.09, 71-1,147.33, and 71-2407, Reissue Revised Statutes of Nebraska; to eliminate a termination date and a reference to an obsolete study relating to supportive pharmacy personnel; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-1,147.37 and 71-1,147.38, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 800. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-183.01, 71-183.02, 71-193.13 to 71-193.17, 71-193.28, 71-193.31, and 71-3507, Reissue Revised Statutes of Nebraska; to change provisions relating to dental auxiliaries; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 801. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public lettings and contracts; to amend section 73-101, Reissue Revised Statutes of Nebraska; to change provisions relating to bids and bidding; and to repeal the original section.

LEGISLATIVE BILL 802. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Cudaback, 36; Janssen, 15; Kremer, 34; Quandahl, 31; Schmitt, 41; Smith, 48; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 32-226, 32-231 to 32-233, 32-235 to 32-240, 32-515, 32-606, 32-608, 32-622, 32-916, 32-947, 32-1022, and 32-1027, Reissue Revised Statutes of Nebraska; to change provisions relating to judges and clerks of election, filing for office, withdrawing a filing for office, and absentee ballot identification envelopes; to provide for district inspectors in certain counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 803. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Cudaback, 36; Janssen, 15; Kremer, 34; Quandahl, 31; Schmitt, 41; Smith, 48; Vrtiska, 1; and Wickersham, 49.

A BILL FOR AN ACT relating to local government; to amend sections 10-127, 10-131, 10-133, 10-142, 13-503, 13-2202, 23-2323.03, 32-567, 74-1305, 77-2704.31, 77-2711, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, and sections 23-2301, 23-2306, 23-2331, 77-3442, and 77-3443, Revised Statutes Supplement, 1998; to authorize creation of municipal counties; to authorize a local sales and use tax; to provide retirement benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 804. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Quandahl, 31; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to drainage; to adopt the Limited Purpose Sanitary and Improvement District Act.

LEGISLATIVE BILL 805. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to natural gas; to amend section 19-4617, Reissue Revised Statutes of Nebraska; to change provisions relating to the

Municipal Natural Gas Regulation Revolving Loan Fund; to authorize a study; to appropriate funds; and to repeal the original section.

LEGISLATIVE BILL 806. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Quandahl, 31; Redfield, 12; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-753, Reissue Revised Statutes of Nebraska; to change interest rates on payments for special assessments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 807. Introduced by Hartnett, 45; Engel, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4104, Reissue Revised Statutes of Nebraska; to change eligibility requirements under the Employment and Investment Growth Act; and to repeal the original section.

LEGISLATIVE BILL 808. Introduced by Preister, 5; Hartnett, 45.

A BILL FOR AN ACT relating to electric utilities; to require certain information on electric utility bills; to state intent; to define a term; and to provide duties.

LEGISLATIVE BILL 809. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-480, 60-490, 60-4,118, 60-4,120.01, 60-4,120.02, and 60-4,122, Reissue Revised Statutes of Nebraska; to change provisions relating to operators' licenses; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 810. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to teachers; to provide for native-language certification.

LEGISLATIVE BILL 811. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 79-234, 79-237, and 79-240, Reissue Revised Statutes of Nebraska, and section 79-238, Revised Statutes Supplement, 1998; to change provisions relating to the enrollment option program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-808, Reissue

Revised Statutes of Nebraska, and sections 79-757, 79-759, 79-760, and 79-1003, Revised Statutes Supplement, 1998; to change provisions of the Quality Education Accountability Act; to state intent; to provide for the School at the Center Program; to provide for assessments and evaluation; to appropriate funds; to change provisions relating to teacher and administrator certificates; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 813. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 43-2505, 48-304, 79-318, 79-492, 79-556, 79-557, 79-558, 79-602, 79-803, 79-1063, 79-1145, and 79-1188, Reissue Revised Statutes of Nebraska, and sections 13-509, 72-801, 79-101, 79-472, 79-479, 79-4108, 79-528, 79-540, 79-758, 79-1003, 79-1007.02, 79-1009, 79-1016, 79-1022, 79-1024, 79-1026, 79-1027, 79-1027.01, 79-1029, 79-1072.01, 79-1083.02, 79-1083.03, 79-1090, 79-10110, 79-10124, 79-1118.01, 79-1128, 79-1135, 79-1138, 79-1140, 79-1142, 79-1144, 79-1148, 79-1155, 79-1156, 79-1157, 79-1162, 79-1167, 79-1185, 79-11109, 79-11110, and 81-1108.22, Revised Statutes Supplement, 1998; to change provisions relating to certification of property valuation, student employment certificates, boundary changes, annual and special meetings, pupil transportation vehicle inspection stickers, quality education incentives eligibility, net option funding, state aid payments, budget restrictions and reductions, temporary mitigation funds, environmental hazard abatement or accessibility barrier elimination levies, Class I district building funds, and election statements filed by certain nonpublic schools as prescribed; to define and redefine terms and eliminate definitions; to provide, change, and eliminate duties of the State Board of Education, the State Department of Education, unified systems, school boards, and high school districts; to rename the Nebraska School for the Visually Handicapped; to provide for the Nebraska Center for the Education of Children who are Blind or Visually Impaired; to harmonize provisions; to eliminate expired provisions and provisions relating to program expansion, budgets, identification, and placement changes in the Special Education Act and provisions relating to the Nebraska School for the Deaf; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 79-1141, 79-1186, 79-11112, 79-11116, 79-11117, 79-11118, 79-11120, and 90-118, Reissue Revised Statutes of Nebraska, and sections 79-1134, 79-1198, 79-11111, 79-11113, 79-11114, 79-11115, and 79-11119, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 814. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to postsecondary education; to create the Higher Education Planning Team; to provide powers and duties; to state intent; and to provide a termination date.

LEGISLATIVE BILL 815. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to postsecondary education; to state findings; to provide for studies; and to create a task force.

LEGISLATIVE BILL 816. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1413, 85-1414, and 85-1416, Reissue Revised Statutes of Nebraska; to change provisions relating to the comprehensive statewide plan; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 817. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to schools; to amend sections 9-812 and 77-2715.07, Revised Statutes Supplement, 1998; to adopt the Charter Schools Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by Preister, 5; Bohlke, 33; Crosby, 29; Hartnett, 45; Kiel, 9; Landis, 46; C. Peterson, 35; Redfield, 12; Schmitt, 41; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to children and vulnerable adults; to provide for a criminal history record information check on child care providers and caregivers; and to provide severability.

LEGISLATIVE BILL 819. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 2-3403, 17-961, 18-2803, 20-162, 23-3501, 23-3554, 23-3594, 23-3597, 29-3703, 30-2624, 30-3402, 32-944, 37-1254.06, 43-245, 44-526, 44-771, 44-772, 44-782, 44-2806, 44-2827.01, 44-5418, 44-6827, 44-7003, 44-7103, 44-7203, 44-7303, 58-212, 60-4,164.01, 60-6,201, 60-6,202, 60-6,204, 68-115, 68-1002, 68-1036.02, 69-2507, 71-185.01, 71-1,147.09, 71-1,147.10, 71-1,147.15, 71-1,200, 71-3,106, 71-2002, 71-2049, 71-2075, 71-2076, 71-2079, 71-2084 to 71-2096, 71-20,112, 71-3401, 71-3608, 71-3613, 71-5033, 71-6053, 71-6601, 71-6603, 71-6606, 71-6609, 71-7702, 76-1304, 77-2702.14, 77-2702.15, 77-2704.12, 77-3504, 81-604.01, 81-604.03, 81-1247, and 83-392, Reissue Revised Statutes of Nebraska, and sections 28-326, 28-372, 30-2627, 30-2639, 68-1006.01, 68-1038, 71-168.02, 71-1,103, 71-1,142, 71-1,147.08, 71-1,147.35, 71-507, 71-511, 71-516.03, 71-533, 71-1637, 71-1638, 71-2048.01, 71-2097, 71-20,103, 71-2411, 71-2601, 71-5803.01, 71-5803.02, 71-5803.05, 71-5803.06, 71-5803.08, 71-5803.10, 71-5803.13, 71-5869, 71-6602, 71-6721, 71-6725, 71-6735, 71-7102, 71-7613, 71-7901, 71-8219, 81-2,245.01, 81-2,270, 81-502, 81-651, 81-658, 81-2243, 81-3201, 83-101.06, 83-108, 83-391, and 83-1006, Revised Statutes Supplement, 1998; to adopt the Uniform Facility Licensing Act; to change provisions relating to regulation and licensure of health and human services facilities; to provide for the termination of certain regulation and licensure provisions, the Hospice Licensure Act, and the Nebraska Nursing Home Act; to repeal the Clinical Laboratories Certification Act and

provisions regulating boarding homes; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 43-507, 71-5901, 71-5902, 71-5904 to 71-5909, 71-6802 to 71-6815.01, and 71-6817 to 71-6831, Reissue Revised Statutes of Nebraska, and sections 71-5903, 71-6801, and 71-6816, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 820. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-302 to 75-303.02, Reissue Revised Statutes of Nebraska; to define a term; to provide an exemption; to change contract requirements; to provide a reimbursement rate; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 821. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to Native Americans; to amend sections 23-362.01, 43-1503, 48-1112, 66-726, 71-1906, 71-1906.01, 71-5009.01, 71-5027, 76-902, 79-499, 81-2501, and 81-2508, Reissue Revised Statutes of Nebraska, and sections 71-1906.02, 79-458, and 79-472, Revised Statutes Supplement, 1998; to change provisions relating to reservations; and to repeal the original sections.

LEGISLATIVE BILL 822. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bohlke, 33; Bromm, 23; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2404, Reissue Revised Statutes of Nebraska; to prohibit waste control facilities in certain watersheds; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bohlke, 33; Bromm, 23; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24; and Connealy, 16.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend sections 46-154, 70-609, 70-624.02, and 70-624.03, Reissue Revised Statutes of Nebraska, and section 11-201, Revised Statutes Supplement, 1998; to change health insurance, bonding, and compensation provisions for boards of directors as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 70-617, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 824. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 24-516, 25-1140, 25-1140.09, 25-1542, 25-1904, 25-1907, 25-1908, 25-1911, 25-1913 to 25-1916, 25-1920, 25-1923, 25-1925, 25-1935 to 25-1937,

25-21,233, 25-2728, 25-2731 to 25-2734, 29-611, 29-2302, 29-2306, 29-2308, 29-2317, 29-2319, 29-2525, 31-329, 33-106, 43-112, 43-287.05, 43-2,106.01, 71-3605, 76-715, 76-717, 76-718, 76-720, 76-723, 76-1447, and 77-2023, Reissue Revised Statutes of Nebraska, and sections 24-312, 25-1901, 25-1912, 25-2739, 25-2740, 25-2807, and 30-1601, Revised Statutes Supplement, 1998; to change and eliminate provisions relating to appeals from county court and Small Claims Court; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-2729, 25-2730, and 25-2735 to 25-2738, Reissue Revised Statutes of Nebraska.

EASE

The Legislature was at ease from 11:51 a.m. until 12:12 p.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 825. Introduced by Price, 26; Bruning, 3; Chambers, 11; Crosby, 29; Cudaback, 36; Dierks, 40; Hartnett, 45; Hudkins, 21; Janssen, 15; Kiel, 9; C. Peterson, 35; Preister, 5; Robak, 22; Schimek, 27; Schrock, 38; Suttle, 10; Thompson, 14; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to animals; to adopt the Commercial Dog and Cat Operator Inspection Act; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 826. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3508, Revised Statutes Supplement, 1998; to change an eligibility requirement; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 827. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to liens; to amend sections 52-1001, 52-1003, 52-1004, and 52-1008, Reissue Revised Statutes of Nebraska, sections 77-3902 and 77-3903, Revised Statutes Supplement, 1998, and sections 9-403 and 9-414, Uniform Commercial Code; to change provisions relating to the registration of liens; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 828. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-107, 71-112, 71-113, 71-114, 71-139, 71-161.07, and 71-1,278, Reissue Revised Statutes of Nebraska, and sections 28-407, 71-101, 71-108, 71-121.01, 71-148, 71-155, 71-168, and 71-171.02, Revised Statutes Supplement, 1998; to change provisions relating to controlled substances

registration requirements, display and use of credentials, department records, boards of examiners, disbursement of fees, reciprocal credentialing, unprofessional conduct, disciplinary action, and reinstatement; to define and redefine terms; to state intent; to provide powers and duties; to provide and change penalty provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Kiel, 9; Beutler, 28; Bromm, 23; Brown, 6; Landis, 46; Preister, 5; Raikes, 25; Robak, 22; Schimek, 27; Suttle, 10.

A BILL FOR AN ACT relating to transportation; to adopt the Nebraska Transit and Rail Advisory Council Act.

LEGISLATIVE BILL 830. Introduced by Redfield, 12; Baker, 44; Bourne, 8; Brashear, 4; Bromm, 23; Brown, 6; Bruning, 3; Byars, 30; Coordsen, 32; Cudaback, 36; Dierks, 40; Engel, 17; Hartnett, 45; Hilgert, 7; Hudkins, 21; Jones, 43; Kremer, 34; Kiel, 9; Kristensen, 37; Lynch, 13; Dw. Pedersen, 39; C. Peterson, 35; Quandahl, 31; Raikes, 25; Schellpeper, 18; Schmitt, 41; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10; Thompson, 14; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to public buildings; to amend section 85-304, Reissue Revised Statutes of Nebraska, and section 85-106, Revised Statutes Supplement, 1998; to eliminate the requirement that a portion of appropriations be used for the acquisition of art work; to eliminate duties of the Nebraska Arts Council, the Board of Regents of the University of Nebraska, and the Board of Trustees of Nebraska State Colleges; to harmonize provisions; to repeal the original sections; and to outright repeal sections 82-317 to 82-329, 85-106.01 to 85-106.03, and 85-304.01 to 85-304.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 831. Introduced by Kiel, 9; Schrock, 38.

A BILL FOR AN ACT relating to political subdivisions; to define terms; to change payment requirements by certain employees for employee benefit plans; and to exempt certain officials from pension or retirement plans.

LEGISLATIVE BILL 832. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Robak, 22; Schellpeper, 18; Schrock, 38; Vrtiska, 1; and Connealy, 16; Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to livestock; to adopt the Livestock Contract Sale Act.

LEGISLATIVE BILL 833. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Robak, 22; Schellpeper, 18; Schrock, 38; Vrtiska, 1; and Connealy, 16; Jones, 43;

Schmitt, 41.

A BILL FOR AN ACT relating to livestock; to adopt the Competitive Livestock Markets Act; and to declare an emergency.

LEGISLATIVE BILL 834. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Robak, 22; Schellpeper, 18; Schrock, 38; Vrtiska, 1; and Connealy, 16; Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to food; to amend section 81-2,283, Reissue Revised Statutes of Nebraska; to prohibit mislabeled meat or poultry as prescribed; and to repeal the original section.

LEGISLATIVE BILL 835. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Robak, 22; Schellpeper, 18; Schrock, 38; Vrtiska, 1; and Connealy, 16; Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to livestock; to adopt the Livestock Price Discovery Act.

LEGISLATIVE BILL 836. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-805.01, 77-2702.07, 77-2702.14, 77-2702.17, 77-2704.05, 77-2704.24, 77-3509.01 to 77-3509.03, 77-3511, 77-3521, 77-3522, and 77-3529, Reissue Revised Statutes of Nebraska, and sections 77-2701.02, 77-2702.13, 77-2703, 77-2715.02, 77-3501, 77-3510, 77-3512 to 77-3514, 77-3516, and 77-3523, Revised Statutes Supplement, 1998; to adopt the Taxpayer Protection Spending Lid Act; to change income tax, sales tax, and homestead provisions; to eliminate a sales tax exemption; to harmonize provisions; to provide severability; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal section 77-2704.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 837. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1463.01, 28-1463.02, 28-1463.03, and 28-1463.05, Reissue Revised Statutes of Nebraska; to change provisions relating to the Child Pornography Prevention Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 838. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1420, 28-1421, 28-1423 to 28-1425, and 28-1428, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Supplement, 1998; to

change provisions relating to tobacco licensees and the distribution of tobacco to minors; to define terms; to require notice; to provide duties; to provide for penalties; to provide for enforcement and compliance checks; to create a fund; to distribute fees; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 28-1418, 28-1419, 28-1426, 28-1427, and 28-1429, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 839. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to county judges; to amend section 24-513, Reissue Revised Statutes of Nebraska; to change salary provisions; and to repeal the original section.

LEGISLATIVE BILL 840. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend sections 44-2825, 44-2829, and 44-2830, Reissue Revised Statutes of Nebraska; to change the amount recoverable under the act; to change funding provisions; and to repeal the original sections.

LEGISLATIVE BILL 841. Introduced by Connealy, 16; Bromm, 23; Cudaback, 36; Hudkins, 21; Schimek, 27; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to scrap tires; to amend section 81-15,162, Reissue Revised Statutes of Nebraska, and sections 81-15,160, 81-15,161.01, and 81-15,162.02, Revised Statutes Supplement, 1998; to change provisions relating to grants, cleanup, and a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 842. Introduced by Connealy, 16; Coordsen, 32; Dierks, 40; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to adopt the Agricultural Opportunity Fund Act; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 843. Introduced by Lynch, 13; Connealy, 16; Robak, 22.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1344 to 66-1345.02, Reissue Revised Statutes of Nebraska; to change provisions relating to production credits, funding of credits, and excise tax amounts; and to repeal the original sections.

LEGISLATIVE BILL 844. Introduced by Beutler, 28; Dierks, 40; Schmitt, 41.

A BILL FOR AN ACT relating to counties; to amend sections 23-114.03 and

23-174.10, Reissue Revised Statutes of Nebraska, and section 23-114, Revised Statutes Supplement, 1998; to provide for interim zoning measures and powers; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 845. Introduced by Suttle, 10; Hudkins, 21; Kiel, 9; Price, 26.

A BILL FOR AN ACT relating to health insurance; to adopt the Equity In Prescription Insurance and Contraceptive Coverage Act; to provide severability; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 846. Introduced by Brown, 6.

A BILL FOR AN ACT relating to state employees; to amend section 81-1392, Revised Statutes Supplement, 1998; to change provisions relating to the employee buy-out program; and to repeal the original section.

LEGISLATIVE BILL 847. Introduced by Hartnett, 45; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend section 81-1255, Reissue Revised Statutes of Nebraska; to change provisions relating to the County Visitors Improvement Fund; and to repeal the original section.

LEGISLATIVE BILL 848. Introduced by Hartnett, 45; Bourne, 8; Kiel, 9; Lynch, 13; Preister, 5; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1998; to provide income tax adjustments for federal governmental pensions and pensions under the Nebraska State Patrol Retirement Act; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 849. Introduced by Hartnett, 45; Janssen, 15.

A BILL FOR AN ACT relating to emergency services; to amend sections 35-508 and 35-513, Reissue Revised Statutes of Nebraska; to adopt the Volunteer Emergency Responders Recruitment and Retention Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 850. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-2,110 and 43-404, Reissue Revised Statutes of Nebraska; to adopt the Juvenile Detention Regions Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 851. Introduced by Preister, 5; Bohlke, 33; Bromm,

23; Dierks, 40; Kiel, 9; Schimek, 27; Schmitt, 41; Thompson, 14.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2413, Reissue Revised Statutes of Nebraska; to change provisions relating to best management practices; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS **Natural Resources**

LB 338	Wednesday, January 27, 1999	1:30 p.m.
LB 389	Wednesday, January 27, 1999	1:30 p.m.
LB 459	Wednesday, January 27, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Revenue

LB 231	Wednesday, January 27, 1999	1:30 p.m.
LB 77	Wednesday, January 27, 1999	1:30 p.m.
LB 249	Wednesday, January 27, 1999	1:30 p.m.
LB 437	Wednesday, January 27, 1999	1:30 p.m.
LB 365	Wednesday, January 27, 1999	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

Health and Human Services

LB 308	Thursday, January 28, 1999	1:30 p.m.
LB 333	Thursday, January 28, 1999	1:30 p.m.
LB 366	Thursday, January 28, 1999	1:30 p.m.
LB 379	Thursday, January 28, 1999	1:30 p.m.

LB 148	Friday, January 29, 1999	1:30 p.m.
LB 211	Friday, January 29, 1999	1:30 p.m.

Friday, January 29, 1999	1:30 p.m.
Nebraska Board of Emergency Medical Services	
Michael Wescott	

(Signed) Jim Jensen, Chairperson

EASE

The Legislature was at ease from 12:16 p.m. until 12:35 p.m.

SPEAKER KRISTENSEN PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 852. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-247, 43-248, 43-250, 43-251, 43-254.01, 43-277.01, and 43-2,108, Reissue Revised Statutes of Nebraska; to change provisions governing hearings and records in juvenile court proceedings for juveniles alleged to be mentally ill dangerous persons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 853. Introduced by Jones, 43; Baker, 44; Coordsen, 32; Kremer, 34; Schellpeper, 18; Schmitt, 41; Stuhr, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1327 and 77-1371, Reissue Revised Statutes of Nebraska, and sections 77-112, 77-1359, 77-1360.01, 77-1362, and 77-1363, Revised Statutes Supplement, 1998; to change provisions relating to valuation of agricultural land and horticultural land; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 854. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.03, Reissue Revised Statutes of Nebraska, and section 77-2715.02, Revised Statutes Supplement, 1998; to change calculations for income taxation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 855. Introduced by Wehrbein, 2; Coordsen, 32; Landis, 46.

A BILL FOR AN ACT relating to railroads; to provide for carrier and user arbitration agreements; and to provide a remedy.

LEGISLATIVE BILL 856. Introduced by Hartnett, 45; Bohlke, 33.

A BILL FOR AN ACT relating to foster care; to amend section 71-1903, Revised Statutes Supplement, 1998; to change provisions relating to investigations; and to repeal the original section.

LEGISLATIVE BILL 857. Introduced by Hartnett, 45; Bohlke, 33.

A BILL FOR AN ACT relating to special education; to amend section 71-1902, Reissue Revised Statutes of Nebraska, and sections 79-215, 79-1155, and 83-108.04, Revised Statutes Supplement, 1998; to change provisions relating to the placement of children in foster care and wards of

the state; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 858. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to elections; to amend sections 32-815 and 32-1033, Reissue Revised Statutes of Nebraska; to change provisions relating to write-in votes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 859. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-911, 84-912.01, and 84-912.02, Reissue Revised Statutes of Nebraska; to provide standing for political subdivisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 860. Introduced by Raikes, 25; Engel, 17; Schimek, 27.

A BILL FOR AN ACT relating to state government; to provide for creation of a price index.

LEGISLATIVE BILL 861. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to Sex Offender Registration Act; to amend sections 29-4002 to 29-4007 and 29-4010, Revised Statutes Supplement, 1998; to change registration eligibility requirements and records; to provide for lifetime registration for certain offenses; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 862. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4301 to 44-4304, 44-4317, 44-4320, and 77-27,137.01, Reissue Revised Statutes of Nebraska, and section 77-27,137, Revised Statutes Supplement, 1998; to state intent; to define terms; to create the law enforcement training cost risk management pool; to provide powers and duties; to provide for reimbursement of costs; to provide for assessments; to provide for deductions from state aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 863. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bohlke, 33; Bromm, 23; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24; and Chambers, 11; Hilgert, 7; Kiel, 9.

A BILL FOR AN ACT relating to the Environmental Lead Hazard Control Act; to amend sections 71-6318, 71-6320, 71-6321, 71-6322, 71-6323, 71-6327, 71-6328, 71-6329, 71-6330, 71-6331, and 71-6333, Reissue Revised Statutes of Nebraska, and section 71-6326, Revised Statutes

Supplement, 1998; to rename the act; to provide for certification of residential lead-based paint professions; to state intent; to define and redefine terms and to eliminate definitions; to eliminate regulation of environmental lead hazard occupations; to eliminate an operative date; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 71-6319, 71-6324, 71-6325, 71-6332, and 71-6333, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 864. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,196 and 60-6,197, Reissue Revised Statutes of Nebraska; to change provisions relating to driving under the influence; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 865. Introduced by Dw. Pedersen, 39; Baker, 44; Beutler, 28; Bohlke, 33; Bromm, 23; Bruning, 3; Connealy, 16; Crosby, 29; Dierks, 40; Engel, 17; Hartnett, 45; Hilgert, 7; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kiel, 9; Kristensen, 37; Lynch, 13; D. Pederson, 42; Preister, 5; Quandahl, 31; Raikes, 25; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Smith, 48; Suttle, 10; Thompson, 14; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to correctional services; to amend sections 83-184, 83-1,100, 83-1,100.01, 83-1,101, 83-1,118, and 83-939, Reissue Revised Statutes of Nebraska, and section 83-922, Revised Statutes Supplement, 1998; to change provisions relating to incarceration, probation, and parole; to provide for community corrections programs; to eliminate the Division of Community-Centered Services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 83-931 to 83-933, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 866. Introduced by Dw. Pedersen, 39; Tyson, 19.

A BILL FOR AN ACT relating to state institutions; to amend sections 81-101, 81-107, 83-178, 83-1,106, 83-4,109, 83-4,110, 83-4,111, 83-4,112, 83-4,115, 83-4,123, and 84-918, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the Department of Correctional Services; to change provisions relating to inmate treatment and rights and inmate classification; to create the Legislative Advisory Committee for Corrections; to create the Inmate Disciplinary Appeal Board; to change provisions relating to inmate appeals; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-905, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 867. Introduced by Dw. Pedersen, 39; Bromm, 23; Hilgert, 7; Hudkins, 21; Jones, 43; Lynch, 13; Schmitt, 41.

A BILL FOR AN ACT relating to the Department of Correctional Services;

to provide duties; and to declare an emergency.

LEGISLATIVE BILL 868. Introduced by Jensen, 20; Dierks, 40; Tyson, 19.

A BILL FOR AN ACT relating to health and human services; to amend sections 81-3002 and 81-3004, Revised Statutes Supplement, 1998; to change partnership intent provisions, accountability, and report provisions; and to repeal the original sections.

LEGISLATIVE BILL 869. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35.

A BILL FOR AN ACT relating to state government; to adopt the Nebraska Telecommuting Act.

LEGISLATIVE BILL 870. Introduced by Schellpeper, 18; Bromm, 23; Bruning, 3; Coordsen, 32; Cudaback, 36; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; Raikes, 25; Schrock, 38; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend sections 54-2401, 54-2402, 54-2403, 54-2404, 54-2406, 54-2407, 54-2408, 54-2411, 54-2412, and 54-2413, Reissue Revised Statutes of Nebraska; to eliminate obsolete matter; to provide for an exemption; to create a committee; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 871. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to health and human services; to create the Behavior Health Redesign Review Task Force; and to declare an emergency.

LEGISLATIVE BILL 872. Introduced by Vrtiska, 1; Hudkins, 21; Raikes, 25.

A BILL FOR AN ACT relating to court procedure; to amend sections 25-2303 to 25-2307, Reissue Revised Statutes of Nebraska; to change in forma pauperis payment provisions in certain cases; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Raikes and Engel asked unanimous consent to have their names added as cointroducers to LB 240, LB 241, and LB 242. No objections. So ordered.

Mr. Bromm asked unanimous consent to have his name added as

cointroducer to LB 686. No objections. So ordered.

Ms. Price asked unanimous consent to have her name added as cointroducer to LB 696. No objections. So ordered.

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 109. No objections. So ordered.

Mmes. Brown, Crosby, Kiel, Messrs. Lynch, D. Pederson, Matzke, Beutler, and Wehrbein asked unanimous consent to have their names added as cointroducers to LB 298. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 614. No objections. So ordered.

Ms. Redfield asked unanimous consent to have her name added as cointroducer to LB 235. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 203 and LB 565. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 65 and LB 66. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 139. No objections. So ordered.

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 176. No objections. So ordered.

MOTION - Print in Journal

Mrs. Crosby filed the following motion to LB 720:
Withdraw LB 720.

VISITORS

Visitors to the Chamber were Jim Paulsen from Funk; and Yvonne Engel from Elkhorn, Catherine Eriksen from South Sioux City, and Betty DeWall from Omaha.

The Doctor of the Day was Janet Sellon from Lincoln.

ADJOURNMENT

At 12:41 p.m., on a motion by Ms. Price, the Legislature adjourned until 9:00 a.m., Thursday, January 21, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY – JANUARY 21, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 21, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Dr. Robert Kunz, First Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Brashear and Mrs. Stuhr who were excused; and Messrs. Beutler, Chambers, Matzke, Mrs. Kiel, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills.

LB	Committee
517	Transportation
518	Health and Human Services
519	Health and Human Services
520	Revenue
521	Natural Resources
522	Health and Human Services
523	Health and Human Services
524	Judiciary
525	Transportation
526	Government, Military and Veterans Affairs
527	Judiciary

528	Education
529	General Affairs
530	Natural Resources
531	Agriculture
532	Agriculture
533	Agriculture
534	Executive Board
535	Revenue
536	Urban Affairs
537	Nebraska Retirement Systems
538	Nebraska Retirement Systems
539	Revenue
540	Education
541	Education
542	Education
543	Education
544	Education
545	Nebraska Retirement Systems
546	Transportation
547	Transportation
548	Health and Human Services
549	Urban Affairs
550	Banking, Commerce and Insurance
551	Banking, Commerce and Insurance
552	Banking, Commerce and Insurance
553	Banking, Commerce and Insurance
554	Banking, Commerce and Insurance
555	Banking, Commerce and Insurance
556	Transportation
557	Revenue
558	Judiciary
559	Transportation
560	General Affairs
561	Education
562	Education
563	Government, Military and Veterans Affairs
564	Education
565	Judiciary
566	Natural Resources
567	Judiciary
568	Natural Resources
569	Health and Human Services
570	Transportation
571	Government, Military and Veterans Affairs
572	Government, Military and Veterans Affairs
573	Agriculture
574	Health and Human Services
575	Health and Human Services
576	General Affairs

577 Judiciary
 578 Government, Military and Veterans Affairs
 579 Government, Military and Veterans Affairs
 580 Government, Military and Veterans Affairs
 581 Government, Military and Veterans Affairs
 582 Government, Military and Veterans Affairs
 583 Transportation
 584 Transportation
 585 Transportation
 586 Transportation
 587 Transportation
 588 Transportation
 589 Transportation

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

STANDING COMMITTEE REPORT Urban Affairs

LEGISLATIVE BILL 128. Placed on General File as amended.

Standing Committee amendment to LB 128:

AM0015

1 1. Strike original section 1 and insert the following
 2 new section:
 3 "Section 1. Section 17-207, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 17-207. The board of trustees shall have power to pass
 6 ordinances to prevent and remove nuisances; ~~to prevent, restrain,~~
 7 ~~and suppress bawdy houses, gambling houses, and other disorderly~~
 8 ~~houses; to license, regulate, or prohibit billiard halls, pool~~
 9 ~~halls; or bowling alleys within the limits of such village;~~ to
 10 restrain and prohibit gambling; to provide for licensing and
 11 regulating theatrical and other amusements within such village; ~~to~~
 12 ~~establish night watches; to provide pest houses;~~ to prevent the
 13 introduction and spread of contagious diseases; to establish and
 14 regulate markets; to erect and repair bridges; to erect, repair,
 15 and regulate wharves and the rates of wharfage; to regulate the
 16 landing of ~~steamboats, rafts, and other~~ watercraft; to provide for
 17 the inspection of ~~lumber,~~ building materials; ~~and provisions to be~~
 18 ~~used or offered for sale in such village; to govern ; or to be~~
 19 ~~exported therefrom; to require and regulate~~ the planting and
 20 protection of shade trees in the streets, the building of
 21 ~~stairways, railways, doorways, awnings, hitching posts and rails,~~
 22 ~~lampposts, awning posts, and all other structures projecting upon~~
 23 or over and adjoining, and all excavations through and under, the
 24 sidewalks of such village; and in addition to the special powers
 1 herein conferred and granted, to maintain the peace, good

2 government, and welfare of the town or village; and its trade,
3 commerce, and manufactories, and to enforce all ordinances by
4 inflicting penalties upon inhabitants or other persons, for the
5 violation thereof, not exceeding ~~one~~ five hundred dollars for any
6 one offense, recoverable with costs, together with judgment of
7 imprisonment until the amount of the judgment and costs shall be
8 paid. Nothing in this section shall be construed to apply to
9 bingo, lotteries, lotteries by the sale of pickle cards, or raffles
10 conducted in accordance with the Nebraska Bingo Act, the Nebraska
11 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
12 Nebraska Small Lottery and Raffle Act, or the State Lottery Act."

(Signed) D. Paul Hartnett, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 16.

GENERAL FILE

LEGISLATIVE BILL 62. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 107. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 198. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 144. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

EASE

The Legislature was at ease from 9:47 a.m. until 10:09 a.m.

**NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs**

LB 193	Thursday, January 28, 1999	1:30 p.m.
LB 243	Thursday, January 28, 1999	1:30 p.m.
LB 227	Thursday, January 28, 1999	1:30 p.m.
LB 84	Thursday, January 28, 1999	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LB 31	Thursday, January 28, 1999	1:30 p.m.
LB 122	Thursday, January 28, 1999	1:30 p.m.
LB 288	Thursday, January 28, 1999	1:30 p.m.
LB 185	Thursday, January 28, 1999	1:30 p.m.
LB 186	Thursday, January 28, 1999	1:30 p.m.
LB 348	Thursday, January 28, 1999	1:30 p.m.
LB 511	Thursday, January 28, 1999	1:30 p.m.
LB 106	Thursday, January 28, 1999	1:30 p.m.
LB 190	Thursday, January 28, 1999	1:30 p.m.
LB 472	Thursday, January 28, 1999	1:30 p.m.
LB 493	Thursday, January 28, 1999	1:30 p.m.
LB 321	Thursday, January 28, 1999	1:30 p.m.

(Signed) Dwite Pedersen, Vice Chairperson

Natural Resources

LB 390	Thursday, January 28, 1999	1:30 p.m.
LB 436	Thursday, January 28, 1999	1:30 p.m.
LB 488	Thursday, January 28, 1999	1:30 p.m.
LB 566	Thursday, January 28, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Revenue

LB 325	Thursday, January 28, 1999	1:30 p.m.
LB 482	Thursday, January 28, 1999	1:30 p.m.
LB 484	Thursday, January 28, 1999	1:30 p.m.
LB 491	Thursday, January 28, 1999	1:30 p.m.
LB 58	Thursday, January 28, 1999	1:30 p.m.
LB 123	Thursday, January 28, 1999	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 137. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 81. Placed on General File.

LEGISLATIVE BILL 103. Placed on General File.

(Signed) Ed Schrock, Chairperson

Revenue

LEGISLATIVE BILL 33. Placed on General File.

LEGISLATIVE BILL 34. Placed on General File.

LEGISLATIVE BILL 35. Placed on General File.

LEGISLATIVE BILL 143. Placed on General File.

(Signed) William R. Wickersham, Chairperson

MOTION - Print in Journal

Mrs. Hudkins filed the following motion to LB 569:

Withdraw LB 569.

ADJOURNMENT

At 10:10 a.m., on a motion by Mr. Quandahl, the Legislature adjourned until 9:00 a.m., Friday, January 22, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY – JANUARY 22, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 22, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor John Carter, Liberty Gospel Fellowship, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Robak and Stuhr who were excused; and Messrs. Bromm, Chambers, Hilgert, Schmitt, Mmes. Kiel, and C. Peterson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.
LEGISLATIVE BILL 3. Placed on Select File.
LEGISLATIVE BILL 4. Placed on Select File.
LEGISLATIVE BILL 5. Placed on Select File.
LEGISLATIVE BILL 6. Placed on Select File.
LEGISLATIVE BILL 7. Placed on Select File.

LEGISLATIVE BILL 8. Placed on Select File as amended.

E & R amendment to LB 8:

AM7000

- 1 1. On page 1, line 4, strike "1919" and insert "1913".

LEGISLATIVE BILL 9. Placed on Select File.

LEGISLATIVE BILL 10. Placed on Select File.

LEGISLATIVE BILL 11. Placed on Select File.

LEGISLATIVE BILL 12. Placed on Select File.

LEGISLATIVE BILL 13. Placed on Select File.

LEGISLATIVE BILL 62. Placed on Select File.

LEGISLATIVE BILL 107. Placed on Select File as amended.

E & R amendment to LB 107:

AM7001

- 1 1. On page 7, line 2, after "except" insert "that".
- 2 2. On page 8, line 1, strike "with", show as stricken,
- 3 and insert "within"; in line 19, strike "retirement" and show as
- 4 stricken; and in line 22 after the second comma insert "408A".

LEGISLATIVE BILL 172. Placed on Select File.

LEGISLATIVE BILL 198. Placed on Select File.

LEGISLATIVE BILL 144. Placed on Select File as amended.

E & R amendment to LB 144:

AM7002

- 1 1. Strike section 1 and insert the following new
- 2 section:
- 3 "Section 1. Section 79-1022, Revised Statutes
- 4 Supplement, 1998, is amended to read:
- 5 79-1022. (1) On or before December 1 of each year, the
- 6 department shall determine the amounts to be distributed to each
- 7 local system and each district pursuant to the Tax Equity and
- 8 Educational Opportunities Support Act based on estimated funding
- 9 levels provided by the Legislative Fiscal Analyst and shall certify
- 10 the amounts to the Director of Administrative Services, the Auditor
- 11 of Public Accounts, and each district. The Legislative Fiscal
- 12 Analyst shall provide such estimated funding level not later than
- 13 November 1 of each year. The amount to be distributed to each
- 14 district from the amount certified for a local system shall be
- 15 proportional based on the weighted formula students attributed to
- 16 each district in the local system.
- 17 (2) Except as provided in subsection (7) of section
- 18 79-1016, the amounts certified pursuant to subsection (1) of this
- 19 section shall be distributed in ten as nearly as possible equal
- 20 payments on the last business day of each month beginning in
- 21 September of each ensuing school fiscal year and ending in June of
- 22 the following year, except when a school district is to receive a
- 23 monthly payment of less than one thousand dollars, in which case

24 the payment shall be one lump-sum payment on or before the last
1 business day of December of the ensuing school fiscal year. Such
2 certified state aid amounts shall be shown as budgeted
3 non-property-tax receipts and deducted prior to calculating the
4 property tax request in the district's general fund budget
5 statement as provided to the Auditor of Public Accounts pursuant to
6 section 79-1024."

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS Transportation

LEGISLATIVE BILL 57. Placed on General File as amended.

Standing Committee amendment to LB 57:

AM0003

1 1. Strike original sections 3 to 5 and insert the
2 following new sections:
3 "Sec. 3. Section 60-315.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 60-315.01. The owner of a vehicle bearing personalized
6 message license plates may make application to the county treasurer
7 or designated county official as provided in section 60-302 to have
8 such plates transferred to a motor vehicle other than the vehicle
9 for which such plates were originally purchased if such vehicle is
10 owned by the owner of the plates. Application for such transfer
11 shall be accompanied by a fee of three dollars. The fees shall be
12 remitted to the State Treasurer for credit to the Department of
13 Motor Vehicles Cash Fund.
14 Sec. 4. This act becomes operative January 1, 2000.
15 Sec. 5. Original sections 60-311.22, 60-311.23, and
16 60-315.01, Reissue Revised Statutes of Nebraska, are repealed."
17 2. On page 3, line 17, after "plate" insert "for a farm
18 truck with a gross weight of over sixteen tons or".
19 3. On page 4, line 22, after the period insert "Fees
20 collected pursuant to this subsection shall be remitted to the
21 State Treasurer for credit to the Department of Motor Vehicles Cash
22 Fund.".

(Signed) Curt Bromm, Chairperson

Revenue

LEGISLATIVE BILL 140. Placed on General File.

(Signed) William R. Wickersham, Chairperson

Natural Resources**LEGISLATIVE BILL 293.** Placed on General File.

(Signed) Ed Schrock, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and resolutions:

LB	Committee
515	Executive Board (rereferred)
590	Urban Affairs
591	Judiciary
592	Natural Resources
593	Judiciary
594	Health and Human Services
595	Transportation
596	Education
597	Judiciary
598	Judiciary
599	Judiciary
600	Revenue
601	Revenue
602	Education
603	Natural Resources
604	Government, Military and Veterans Affairs
605	Revenue
606	Natural Resources
607	Urban Affairs
608	Business and Labor
609	Judiciary
610	Judiciary
611	Judiciary
612	Judiciary
613	Judiciary
614	Judiciary
615	Judiciary
616	Health and Human Services
617	Judiciary
618	Banking, Commerce and Insurance
619	Business and Labor
620	Nebraska Retirement Systems
621	Judiciary
622	Judiciary
623	Judiciary
624	Judiciary

625	Judiciary
626	Banking, Commerce and Insurance
627	Judiciary
628	Government, Military and Veterans Affairs
629	Health and Human Services
630	Revenue
631	Education
632	Transportation
633	Judiciary
634	Education
635	Revenue
636	Revenue
637	Judiciary
638	Judiciary
639	Natural Resources
640	Urban Affairs
641	Transportation
642	Government, Military and Veterans Affairs
643	Transportation
644	Health and Human Services
645	Revenue
646	Education
647	General Affairs
648	Revenue
649	Judiciary
650	Appropriations
651	Judiciary
652	Judiciary
653	Education
654	Government, Military and Veterans Affairs
655	Judiciary
656	Natural Resources
657	Revenue
658	General Affairs
659	General Affairs
660	Education
661	Judiciary
662	Transportation
663	Appropriations
664	Appropriations
665	Appropriations
666	Revenue
667	Revenue
668	Education
669	Revenue
670	Revenue
671	Natural Resources
672	Natural Resources
673	Nebraska Retirement Systems

674	Nebraska Retirement Systems
675	Nebraska Retirement Systems
676	Nebraska Retirement Systems
677	Revenue
678	General Affairs
679	Agriculture
680	Banking, Commerce and Insurance
681	Banking, Commerce and Insurance
682	Banking, Commerce and Insurance
683	Appropriations
684	Education
685	Appropriations
686	Transportation
687	Nebraska Retirement Systems
688	Transportation
689	Judiciary
690	Judiciary
691	Business and Labor
692	Government, Military and Veterans Affairs
693	Business and Labor
694	Revenue
695	Government, Military and Veterans Affairs
696	Government, Military and Veterans Affairs
697	Transportation
698	Health and Human Services
699	Judiciary
700	Judiciary

LR Committee

20CA	Education
21CA	Urban Affairs
22	Natural Resources
23CA	Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 22, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Abboud, Chris - Lincoln; Omaha Housing Authority; Omaha Police Union
Local 101

Craig, John L. (Withdrawn 01/12/99) - Lincoln; Associated General Contractors, Nebraska Chapter
 Cutshall & Associates
 Cutshall & Associates - Lincoln; Union Pacific Railroad
 Gale, David - Omaha; Berens & Tate, PC
 Hulme, Doyle L. - Grand Island; New Holland North America, Inc.
 Jindra, Timothy A. - Lincoln; Class I's United
 King, Terry L. - Lincoln; Associated General Contractors, Nebraska Chapter
 Kissel/E&S Associates, L.L.C.
 Kissel, Gordon - Lincoln; Ameristar
 Kulesher, Kate M. - Lincoln; American Home Products Corp.
 Lutz, Daniel R. - Lincoln; ProRail Nebraska, Inc.
 Mueller, William J./Ruth & Mueller LLC
 Mueller, William J. - Lincoln; League of Nebraska Municipalities
 Peters, William E. - Lincoln; Brown & Williamson Tobacco; Lorillard Tobacco Company
 Ruth, Larry L./Ruth & Mueller LLC
 Ruth, Larry L. - Lincoln; League of Nebraska Municipalities
 Scarpello, Sam M. - Beaver Lake; Nebraska State Council of Electrical Workers; Nebraska State Utility Workers Conference; Omaha Building & Construction Trades Council; Omaha Federation of Labor
 Schmeling, Richard L. - Lincoln; ProRail Nebraska, Inc.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 86	Friday, January 29, 1999	1:30 p.m.
LB 381	Friday, January 29, 1999	1:30 p.m.
LB 694	Friday, January 29, 1999	1:30 p.m.
LB 87	Friday, January 29, 1999	1:30 p.m.
LB 657	Friday, January 29, 1999	1:30 p.m.
LB 669	Friday, January 29, 1999	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

Natural Resources

LB 176	Friday, January 29, 1999	1:30 p.m.
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(Signed) Ed Schrock, Chairperson

MESSAGES FROM THE GOVERNOR

January 13, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed as Director of Agriculture:

APPOINTEE:

Merlyn Carlson, 7100 Holmes Park Rd., #116, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 13, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed as Director of Aeronautics:

APPOINTEE:

Kenneth L. Penney, Jr., 2810 Pawnee, North Platte, NE 69101

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 13, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed as Director of Insurance:

APPOINTEE:

Tim Wagner, 1610 Horseshoe Dr., Ashland, NE 68003

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 13, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
as State Fire Marshal:

APPOINTEE:

Ken Winters, 15420 Copper Corral Dr., Plattsmouth, NE 68048

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 13, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
as Director of Roads:

APPOINTEE:

John L. Craig, 7927 Rock Creek Cr., Millard, NE 68138

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 13, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed as Director of HHSS-Services:

APPOINTEE:
Ron Ross, 8321 Karl Ridge Rd., #311, Lincoln, NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 13, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed as Director of Military:

APPOINTEE:
Major General Stanley M. Heng, 6630 Leesburg, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 13, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed as Director of Crime Commission:

APPOINTEE:

Allen L. Curtis, 1201 N. 38, Lincoln, NE 68503

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 13, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed as Director of Natural Resources Commission:

APPOINTEE:

Dayle E. Williamson, 5315 Thies Dr., Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 13, 1999

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building

Lincoln, NE 68509

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed as Director of Finance & Support-HHSS:

APPOINTEE:

Jeffrey J. Elliott, 6524 Rockwood Lane, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed to the State Electrical Board:

APPOINTEE:

James P. Dietz, 1911 23rd Street, Auburn, NE 68305

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed

to the Nebraska Highway Commission:

APPOINTEE:

Doug Leafgreen, 1625 Aspen St., Gering, NE 69341

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Chairman of the Nebraska Board of Parole:

APPOINTEE:

Linda Krutz, 801 E. 4th, McCook, NE 69001

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of the Nebraska State Patrol:

APPOINTEE:

Tom Nesbitt, 2800 Laredo Dr., Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of Medical Services-HHSS:

APPOINTEE:
Richard A. Raymond, 2714 N. 160, Omaha, NE 68116

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of Water Resources:

APPOINTEE:
Roger K. Patterson, 5141 Oak Point Way, Fair Oaks, CA 95628

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of Administrative Services:

APPOINTEE:

Lori G. McClurg, 2030 Surfside, Lincoln, NE 68528

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of Regulation & Licensure-HHSS:

APPOINTEE:

Richard P. Nelson, 1519 Circle Dr., Lincoln, NE 68506

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

President, Speaker Kristensen

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of Policy Research:

APPOINTEE:

Lauren Lee Hill, 2600 S. 60 #2, Lincoln, NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of Labor:

APPOINTEE:

Fernando Lecuona III, 2530 S. 148, Omaha, NE 68144

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed Director of Economic Development:

APPOINTEE:

Lynn Allan Wenstrand, 13705 S. 39, Bellevue, NE 68123

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed Director of Corrections:

APPOINTEE:

Harold W. Clarke, 2510 Norman Cr., Lincoln, NE 68512

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed Director of Motor Vehicles:

APPOINTEE:

Edward D. Wimes, 2719 A, Lincoln, NE 68502

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been
reappointed Director of Veterans Affairs:

APPOINTEE:

Keith E. Fickenschel, 5400 Carlisle Ct., Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

January 21, 1999

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

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
as an ex-officio member of the State Highway Commission:

APPOINTEE:

John Craig, 7927 Rock Creek Cr., Millard, NE 68138

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

RESOLUTION**LEGISLATIVE RESOLUTION 24.** Introduced by Byars, 30.

WHEREAS, former State Senator Frederick William Carstens died on January 10, 1999; and

WHEREAS, Frederick William Carstens was born January 29, 1910, near Adams, Nebraska; and

WHEREAS, Frederick William Carstens graduated from Beatrice High School and in 1939 graduated from the University of Nebraska College of Law; and

WHEREAS, Frederick William Carstens was a devoted family man. He married Anne Pickett on January 14, 1940, and together they raised two daughters, Katherine Louise and Julia Anne; and

WHEREAS, Frederick William Carstens was awarded the Purple Heart and Bronze Star for his service as a Lieutenant Colonel in the United States Army during the Second World War; and

WHEREAS, Frederick William Carstens was elected and re-elected to represent his district in the Nebraska Legislature from 1964 to 1974; and

WHEREAS, Frederick William Carstens will be remembered for his life-long service on behalf of his community, state, and county; and

WHEREAS, Frederick William Carstens' accomplishments in community development will be remembered, including his initiative to fund the construction of a recreational building in Beatrice named in his honor, his support of a housing facility in Beatrice also named in his honor, and his dedicated effort to improve, refurbish, and save the historic Gage County Courthouse.

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

1. That the Legislature extends its condolences and sympathy to the family of the late Frederick William Carstens.

2. That a copy of this resolution be sent to his widow, Anne Carstens, and his family.

Laid over.

MOTION - Print in Journal

Mrs. Hudkins filed the following motion to LB 197:

Withdraw LB 197.

REPORTS

The following reports were received by the Legislature:

Energy Office, Nebraska

Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Report

Ethanol Board, Nebraska

Ethanol Production Incentive Cash Fund Summary
Ethanol Production Incentive Credit Summary
EPIC Fund Cash Flow Projection

Health and Human Services System, Nebraska

Office of System Advocate Quarterly Report
Office of System Advocate Overview of Contacts for 1998

Legislative Program Evaluation Committee

Annual Report

Roads, Department of

Highway Cash and Roads Operation Cash funds for December 1998

MOTION - Withdraw LB 720

Mrs. Crosby renewed her pending motion, found on page 294, to withdraw LB 720.

The Crosby motion to withdraw prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

MOTION - Withdraw LB 569

Mrs. Hudkins renewed her pending motion, found on page 300, to withdraw LB 569.

The Hudkins motion to withdraw prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL LB 128. Title read. Considered.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0015, found on page 297, was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 137. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 81. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 103. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 33. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 34. Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 35. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 143. Title read. Considered.

The Revenue Committee offered the following amendment:
AM0031

- 1 1. Strike original section 5 and insert the following
- 2 new section:
- 3 "Sec. 8. The following section is outright repealed:
- 4 Section 66-740, Reissue Revised Statutes of Nebraska."
- 5 2. On page 8, line 18, strike "7" and insert "6"; and in
- 6 line 23 strike ", 66-738, and 66-740" and insert "and 66-738".
- 7 3. Renumber the remaining sections accordingly.

The Revenue Committee amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

MOTION - Suspend Rules

Mr. Wickersham moved to suspend the rules, Rule 3, Sec. 13, to permit

canceling and rescheduling LB 694 from Friday, January 29, 1999 to Thursday, January 28, 1999.

The Wickersham motion to suspend the rules prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

EASE

The Legislature was at ease from 10:02 a.m. until 10:26 a.m.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 42. Placed on General File.

LEGISLATIVE BILL 43. Placed on General File.

LEGISLATIVE BILL 44. Placed on General File.

LEGISLATIVE BILL 45. Placed on General File.

LEGISLATIVE BILL 47. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 83. Placed on General File.

LEGISLATIVE BILL 138. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 165. Placed on General File as amended.

Standing Committee amendment to LB 165:

AM0023

- 1 1. Insert the following new section:
- 2 "Sec. 10. This act becomes operative on January 1,
- 3 2000".
- 4 2. Renumber the remaining section accordingly.

(Signed) William R. Wickersham, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 694

Thursday, January 28, 1999 (reset)

1:30 p.m.

(Signed) William R. Wickersham, Chairperson

Appropriations

LB 465 Friday, January 29, 1999 1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

Government, Military and Veterans Affairs

LB 212 Friday, January 29, 1999 1:30 p.m.

LB 297 Friday, January 29, 1999 1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LR 7CA Friday, January 29, 1999 1:30 p.m.

LB 41 Friday, January 29, 1999 1:30 p.m.

LB 100 Friday, January 29, 1999 1:30 p.m.

LB 163 Friday, January 29, 1999 1:30 p.m.

LB 175 Friday, January 29, 1999 1:30 p.m.

LB 200 Friday, January 29, 1999 1:30 p.m.

LB 219 Friday, January 29, 1999 1:30 p.m.

LB 225 Friday, January 29, 1999 1:30 p.m.

LB 305 Friday, January 29, 1999 1:30 p.m.

LB 315 Friday, January 29, 1999 1:30 p.m.

LB 318 Friday, January 29, 1999 1:30 p.m.

LB 319 Friday, January 29, 1999 1:30 p.m.

LB 320 Friday, January 29, 1999 1:30 p.m.

LB 350 Friday, January 29, 1999 1:30 p.m.

LB 412 Friday, January 29, 1999 1:30 p.m.

LB 414 Friday, January 29, 1999 1:30 p.m.

LB 624 Friday, January 29, 1999 1:30 p.m.

LB 625 Friday, January 29, 1999 1:30 p.m.

LB 627 Friday, January 29, 1999 1:30 p.m.

LB 839 Friday, January 29, 1999 1:30 p.m.

LB 134 Friday, January 29, 1999 1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Transportation

LB 114 Monday, February 1, 1999 1:30 p.m.

LB 351 Monday, February 1, 1999 1:30 p.m.

LB 496 Monday, February 1, 1999 1:30 p.m.

LB 570 Monday, February 1, 1999 1:30 p.m.

LB 514 Monday, February 1, 1999 1:30 p.m.

(Signed) Curt Bromm, Chairperson

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment LB 128:

AM0033

- 1 1. On page 2, line 27; and page 3, line 16, after
- 2 "thereof" insert "Any person who violates this section shall be
- 3 guilty of a Class IV misdemeanor".
- 4 2. On page 2, strike beginning with the comma in line 27
- 5 through line 28 and show as stricken.
- 6 3. On page 3, strike line 1 through the period in line 2
- 7 and show as stricken; and strike beginning with the comma in line
- 8 16 through line 19 and show as stricken.

RESOLUTION

LEGISLATIVE RESOLUTION 25. Introduced by Suttle, 10.

WHEREAS, January is National Volunteer Blood Donor Month; and
WHEREAS, 95 percent of Americans will need a blood transfusion by 72
years of age; and

WHEREAS, less than 5 percent of the population donates blood; and

WHEREAS, the human body will replace lost fluid within 24 hours and the
red cells within 4 to 6 weeks; and

WHEREAS, the members of the United States Congress are currently
engaged in a month-long contest to see which party will contribute more
blood, donned the "Fight for Life", in a battle between "Bleeding-Heart
Liberals" and "Cold-Hearted Conservatives"; and

WHEREAS, this is a critical time of year for blood banks; and

WHEREAS, January 27, 1999, is Nebraska Volunteer Blood Donor Day,
when the contributions of blood by state employees is recognized.

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

1. That the members of the Legislature encourage state employees to
respond to the blood drive and give the "Gift of Life".

2. That the members of the Legislature encourage all state-elected officials
to donate blood this month.

3. That the Clerk of the Legislature send a copy of this resolution to each
state-elected official not in the Legislature.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Lynch asked unanimous consent to have his name added as cointroducer
to LB 452. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as
cointroducer to LB 735. No objections. So ordered.

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 39, LB 40, LB 49, LB 435, LB 467, LB 837, LB 838, and LB 861. No objections. So ordered.

Mr. Cudaback asked unanimous consent to have his name added as cointroducer to LB 80. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 350 and LB 839. No objections. So ordered.

Ms. Redfield asked unanimous consent to have her name added as cointroducer to LB 104. No objections. So ordered.

VISITORS

Visitors to the Chamber were the Leadership Class from Chadron; Senator Matzke's daughter, Dr. Dana Matzke Govaerts, and son-in-law, Dr. Tim Govaerts, from Tulsa, Oklahoma; and former Senator Owen Elmer.

The Doctor of the Day was Jay Matzke from Seward.

ADJOURNMENT

At 10:28 a.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Monday, January 25, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY – JANUARY 25, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 25, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maustad presiding.

PRAYER

The prayer was offered by Pastor Dayne Zachrisson, United Methodist Church, Ceresco, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Kristensen, Matzke, and Quandahl who were excused; and Messrs. Beutler, Landis, Lynch, Raikes, Schellpeper, Mmes. Bohlke, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and appointments:

LB	Committee
559	Health and Human Services (rereferred)
562	Revenue (rereferred)
701	Natural Resources
702	Urban Affairs
703	Nebraska Retirement Systems
704	Transportation
705	Transportation
706	Revenue
707	Transportation
708	Health and Human Services

709	Banking, Commerce and Insurance
710	Revenue
711	Agriculture
712	Government, Military and Veterans Affairs
713	Education
714	Education
715	Education
716	Education
717	Government, Military and Veterans Affairs
718	Government, Military and Veterans Affairs
719	General Affairs
721	Appropriations
722	Judiciary
723	Government, Military and Veterans Affairs
724	Judiciary
725	Urban Affairs
726	Education
727	Education
728	Government, Military and Veterans Affairs
729	Government, Military and Veterans Affairs
730	Agriculture
731	Government, Military and Veterans Affairs
732	Natural Resources
733	Transportation
734	Judiciary
735	Health and Human Services
736	Health and Human Services
737	Natural Resources
738	Urban Affairs
739	Urban Affairs
740	Urban Affairs
741	Urban Affairs
742	Health and Human Services
743	Nebraska Retirement Systems
744	Transportation
745	Revenue
746	Natural Resources
747	Natural Resources
748	Natural Resources
749	Natural Resources
750	Health and Human Services
751	Judiciary
752	Urban Affairs
753	Business and Labor
754	Government, Military and Veterans Affairs
755	Natural Resources
756	Transportation
757	Health and Human Services
758	Education

759	Judiciary
760	Revenue
761	Transportation
762	Transportation
763	Transportation
764	Transportation
765	Transportation
766	Revenue
767	Transportation
768	Transportation
769	Education
770	Revenue
771	Urban Affairs
772	Revenue
773	Nebraska Retirement Systems
774	Urban Affairs
775	Government, Military and Veterans Affairs
776	Agriculture
777	Revenue
778	Agriculture
779	Education
780	Transportation
781	Health and Human Services
782	Education
783	Health and Human Services
784	Natural Resources
785	Natural Resources
786	Natural Resources
787	Judiciary
788	Natural Resources
789	Natural Resources
790	General Affairs
791	General Affairs
792	Transportation
793	Natural Resources
794	Transportation
795	Nebraska Retirement Systems
796	Transportation
797	Health and Human Services
798	Judiciary
799	Health and Human Services
800	Health and Human Services
801	Government, Military and Veterans Affairs
802	Government, Military and Veterans Affairs
803	Government, Military and Veterans Affairs
804	Urban Affairs

805	Appropriations
806	Urban Affairs
807	Revenue
808	Natural Resources
809	Transportation
810	Education
811	Education
812	Education
813	Education
814	Education
815	Education
816	Education
817	Education
818	Health and Human Services
819	Health and Human Services
820	Transportation
821	Government, Military and Veterans Affairs
822	Natural Resources
823	Natural Resources
824	Judiciary
825	Agriculture
826	Revenue
827	Banking, Commerce and Insurance
828	Health and Human Services
829	Transportation
830	Government, Military and Veterans Affairs
831	Nebraska Retirement Systems
832	Agriculture
833	Agriculture
834	Agriculture
835	Agriculture
836	Revenue
837	Judiciary
838	Judiciary
839	Judiciary
840	Judiciary
841	Natural Resources
842	Agriculture
843	Revenue
844	Government, Military and Veterans Affairs
845	Banking, Commerce and Insurance
846	Appropriations
847	Government, Military and Veterans Affairs
848	Revenue
849	Urban Affairs
850	Judiciary
851	Natural Resources
852	Judiciary
853	Revenue

854 Revenue
855 Transportation
856 Health and Human Services
857 Education
858 Government, Military and Veterans Affairs
859 Government, Military and Veterans Affairs
860 Appropriations
861 Judiciary
862 Banking, Commerce and Insurance
863 Natural Resources
864 Transportation
865 Judiciary
866 Judiciary
867 Judiciary
868 Health and Human Services
869 Transportation
870 Natural Resources
871 Health and Human Services
872 Judiciary

Carlson, Merlyn, Director - Department of Agriculture -- Agriculture

Clarke, Harold W., Director - Department of Correctional Services --
Government, Military and Veterans Affairs

Craig, John - State Highway Commission -- Transportation

Craig, John L., Director - Department of Roads -- Transportation

Curtis, Allen L., Director - Crime Commission -- Government, Military and
Veterans Affairs

Dietz, James P. - State Electrical Board -- General Affairs

Elliott, Jeffrey J., Director - Dept. of Health & Human Services, Finance &
Supp. -- Health and Human Services

Fickenscher, Keith E., Director - Department of Veterans' Affairs --
Government, Military and Veterans Affairs

Heng, Major General Stanley M., Director - Military Department --
Government, Military and Veterans Affairs

Hill, Lauren Lee, Director - Policy Research Office -- Government, Military
and Veterans Affairs

Krutz, Linda, Chairperson - Nebraska Board of Parole -- Judiciary

Leafgren, Doug - Nebraska Highway Commission -- Transportation

Lecuona, Fernando, III, Director - Department of Labor -- Business and Labor

McClurg, Lori G., Director - Department of Administrative Services -- Government, Military and Veterans Affairs

Nelson, Richard P., Director - Dept. of Health & Human Services, Reg. & Lic. -- Health and Human Services

Nesbitt, Tom, Director - Nebraska State Patrol -- Government, Military and Veterans Affairs

Patterson, Roger K., Director - Department of Water Resources -- Natural Resources

Penney, Kenneth L., Jr., Director - Dept. of Aeronautics -- Government, Military and Veterans Affairs

Raymond, Richard A., Director - Dept. of Health & Human Services, Medical Serv. -- Health and Human Services

Ross, Ron, Director - Dept. of Health and Human Services System -- Health and Human Services

Wagner, Tim, Director - Department of Insurance -- Banking, Commerce and Insurance

Wenstrand, Lynn Allan, Director - Department of Economic Development -- Banking, Commerce and Insurance

Williamson, Dayle E., Director - Natural Resources Commission -- Natural Resources

Wimes, Edward D., Director - Department of Motor Vehicles -- Transportation

Winters, Ken, Director - State Fire Marshal -- Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS

Education

LB 387	Monday, February 1, 1999	1:30 p.m.
LB 443	Monday, February 1, 1999	1:30 p.m.
LB 470	Monday, February 1, 1999	1:30 p.m.

LB 540

Monday, February 1, 1999

1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

General Affairs

LB 362	Monday, February 1, 1999	2:30 p.m.
LB 247	Monday, February 1, 1999	2:30 p.m.
LB 477	Monday, February 1, 1999	2:30 p.m.
LB 91	Monday, February 1, 1999	2:30 p.m.
LB 97	Monday, February 1, 1999	2:30 p.m.

(Signed) Stan Schellpeper, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services**LEGISLATIVE BILL 68.** Placed on General File.**LEGISLATIVE BILL 119.** Placed on General File.**LEGISLATIVE BILL 121.** Placed on General File.**LEGISLATIVE BILL 178.** Placed on General File as amended.

Standing Committee amendment to LB 178:

AM0036

1. Strike section 4.
2. On page 2, lines 4 and 5; page 3, line 16; page 4, line 24; and page 5, lines 7 and 27, strike "sections 4 and 5" and insert "section 4".
3. Renumber the remaining sections accordingly.

(Signed) Jim Jensen, Chairperson

MESSAGE FROM THE GOVERNOR

January 21, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of the Athletic Commission:

APPOINTEE:

Wally M. Jernigan, 7501 Frederick St., Omaha, NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 323	Monday, February 1, 1999	1:30 p.m.
LB 396	Monday, February 1, 1999	1:30 p.m.
LB 422	Monday, February 1, 1999	1:30 p.m.
LB 441	Monday, February 1, 1999	1:30 p.m.
LB 162	Tuesday, February 2, 1999	1:30 p.m.
LB 217	Tuesday, February 2, 1999	1:30 p.m.
LB 290	Tuesday, February 2, 1999	1:30 p.m.
LB 306	Tuesday, February 2, 1999	1:30 p.m.

(Signed) David M. Landis, Chairperson

MOTION - Withdraw LB 197

Mrs. Hudkins renewed her pending motion, found on page 319, to withdraw LB 197.

The Hudkins motion to withdraw prevailed with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1. Advanced to E & R for engrossment.
LEGISLATIVE BILL 2. Advanced to E & R for engrossment.
LEGISLATIVE BILL 3. Advanced to E & R for engrossment.
LEGISLATIVE BILL 4. Advanced to E & R for engrossment.
LEGISLATIVE BILL 5. Advanced to E & R for engrossment.
LEGISLATIVE BILL 6. Advanced to E & R for engrossment.
LEGISLATIVE BILL 7. Advanced to E & R for engrossment.

LEGISLATIVE BILL 8. E & R amendment, AM7000, found on page 302, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 9. Advanced to E & R for engrossment.
LEGISLATIVE BILL 10. Advanced to E & R for engrossment.
LEGISLATIVE BILL 11. Advanced to E & R for engrossment.
LEGISLATIVE BILL 12. Advanced to E & R for engrossment.

LEGISLATIVE BILL 13. Advanced to E & R for engrossment.

LEGISLATIVE BILL 62. Advanced to E & R for engrossment.

LEGISLATIVE BILL 107. E & R amendment, AM7001, found on page 302, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 172. Advanced to E & R for engrossment.

LEGISLATIVE BILL 198. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 57. Title read. Considered.

The Standing Committee amendment, AM0003, found on page 303, was adopted with 35 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Baker	Byars	Hudkins	Peterson, C.	Smith
Beutler	Connealy	Jensen	Preister	Stuhr
Bohlke	Coordsen	Jones	Price	Suttle
Bourne	Crosby	Kiel	Raikes	Vrtiska
Brashear	Dierks	Kremer	Redfield	Wehrbein
Bromm	Engel	Pedersen, Dw.	Schmitt	Wickersham
Brown	Hilgert	Pederson, D.	Schrock	

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Bruning	Hartnett	Schimek	Thompson	Tyson
Cudaback	Janssen			

Excused and not voting, 7:

Kristensen	Lynch	Quandahl	Robak	Schellpeper
Landis	Matzke			

Advanced to E & R for review with 34 ayes, 1 nay, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 140. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 43. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 44. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 45. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 47. Title read. Considered.

Mr. Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 83. Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 138. Title read. Considered.

Messrs. Dierks, Brashear, Beutler, and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Failed to advance to E & R for review with 15 ayes, 21 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 165. Title read. Considered.

The Standing Committee amendment, AM0023, found on page 322, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 128. Placed on Select File as amended.

E & R amendment to LB 128:

AM7003

- 1 1. In the Standing Committee amendments, AM0015, on page
- 2 1, line 20, strike the comma, show as stricken, and insert "and".
- 3 2. On page 1, line 4, after the semicolon insert "to
- 4 eliminate provisions relating to ordinances;"

LEGISLATIVE BILL 137. Placed on Select File.

LEGISLATIVE BILL 81. Placed on Select File.

LEGISLATIVE BILL 103. Placed on Select File.

LEGISLATIVE BILL 33. Placed on Select File.

LEGISLATIVE BILL 34. Placed on Select File.

LEGISLATIVE BILL 35. Placed on Select File.

LEGISLATIVE BILL 143. Placed on Select File as amended.

E & R amendment to LB 143:

AM7004

- 1 1. On page 1, strike lines 2 through 5 and insert
- 2 "66-676, 66-682, and 66-738, Reissue Revised Statutes of Nebraska;
- 3 to change permit provisions, tax provisions, and funding; to
- 4 eliminate a task force; to provide operative dates; to repeal the
- 5 original sections; to outright repeal section 66-740, Reissue
- 6 Revised Statutes of Nebraska; and to".

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARINGS Business and Labor

LB 95	Monday, February 1, 1999	1:30 p.m.
LB 257	Monday, February 1, 1999	1:30 p.m.
LB 342	Monday, February 1, 1999	1:30 p.m.
LB 608	Monday, February 1, 1999	1:30 p.m.
LB 619	Monday, February 1, 1999	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

Education

LB 67	Tuesday, February 2, 1999	1:30 p.m.
LB 372	Tuesday, February 2, 1999	1:30 p.m.
LB 373	Tuesday, February 2, 1999	1:30 p.m.
LB 495	Tuesday, February 2, 1999	1:30 p.m.
LB 541	Tuesday, February 2, 1999	1:30 p.m.
LB 596	Tuesday, February 2, 1999	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

Transportation

LB 150	Tuesday, February 2, 1999	1:30 p.m.
LB 261	Tuesday, February 2, 1999	1:30 p.m.
LB 427	Tuesday, February 2, 1999	1:30 p.m.
LB 469	Tuesday, February 2, 1999	1:30 p.m.
LB 340	Tuesday, February 2, 1999	1:30 p.m.
LB 705	Tuesday, February 2, 1999	1:30 p.m.
LB 632	Tuesday, February 2, 1999	1:30 p.m.

(Signed) Curt Bromm, Chairperson

STANDING COMMITTEE REPORTS**Natural Resources**

LEGISLATIVE BILL 270. Placed on General File as amended.

Standing Committee amendment to LB 270:

AM0035

- 1 1. On page 2, line 19; page 3, line 14; page 4, line 21;
- 2 page 6, lines 15 and 24; and page 10, line 10, strike "2004" and
- 3 insert "2001".

(Signed) Ed Schrock, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 113. Placed on General File as amended.

Standing Committee amendment to LB 113:

AM0005

- 1 1. Strike section 1 and insert the following new
- 2 sections:
- 3 "Section 1. (1) The state purchasing card program is
- 4 created. The State Treasurer and the Director of Administrative
- 5 Services shall determine the type of purchasing card or cards
- 6 utilized in the state purchasing card program. The State Treasurer
- 7 and the Director of Administrative Services shall contract with one
- 8 or more financial institutions; card-issuing banks, credit card,
- 9 charge card, or debit card companies; or third-party merchant banks

10 capable of operating the state purchasing card program on behalf of
11 the state and those political subdivisions that participate in the
12 state contract for such services. Expenses associated with the
13 state purchasing card program shall be considered, for purposes of
14 this section, as an administrative expense.

15 (2) Any state official, state agency, or any political
16 subdivision may utilize the state purchasing card program for the
17 purchase of goods and services for and on behalf of the State of
18 Nebraska.

19 (3) Vendors accepting the state's purchasing card shall
20 obtain authorization for all transactions. Authorization shall be
21 from the financial institution; card-issuing bank, credit card,
22 charge card, or debit card company; or third-party merchant bank
23 contracted to provide such service to the State of Nebraska. The
24 authorization process shall authorize each transaction in
1 accordance with the instructions provided by the State of Nebraska
2 for each state official, state agency, or any political
3 subdivision.

4 Sec. 2. (1) A political subdivision may create its own
5 purchasing card program and determine the type of purchasing card
6 or cards utilized in its purchasing card program. The political
7 subdivision may contract with one or more financial institutions,
8 card-issuing banks, credit card, charge card, or debit card
9 companies, or third-party merchant banks capable of operating its
10 purchasing card program on behalf of the political subdivision.
11 Expenses associated with the political subdivision's purchasing
12 card program shall be considered, for purposes of this section, as
13 an administrative expense.

14 (2) Any political subdivision may utilize its purchasing
15 card program for the purchase of goods and services for and on
16 behalf of the political subdivision.

17 (3) Vendors accepting the political subdivision's
18 purchasing card shall obtain authorization for all transactions.
19 Authorization shall be from the financial institution, card-issuing
20 bank, credit card, charge card, or debit card company, or
21 third-party merchant bank contracted to provide such service to the
22 political subdivision. The authorization process shall authorize
23 each transaction in accordance with the instructions provided by
24 the political subdivision."

LEGISLATIVE BILL 298. Placed on General File as amended.
Standing Committee amendment to LB 298:
AM0027

1 1. Strike original section 3 and insert the following
2 new section:

3 "Sec. 3. (1) The Government, Military and Veterans
4 Affairs Committee of the Legislature may randomly select and
5 conduct an evaluation of any board, commission, or similar entity.
6 An evaluation conducted by the Government, Military and Veterans

- 7 Affairs Committee shall include, but not be limited to, the
 8 following:
- 9 (a) A review of the basic assumptions underlying the
 10 creation of the board, commission, or entity;
 - 11 (b) A statement of the impact and effectiveness of the
 12 programs, policies, services, or activities administered by, or
 13 under the supervision of, the board, commission, or entity; and
 - 14 (c) A recommendation as to whether the board, commission,
 15 or entity should be terminated, continued, or modified.
- 16 (2) If the Government, Military and Veterans Affairs
 17 Committee believes that a more extensive program evaluation of a
 18 board, commission, or entity is necessary, the chairperson of the
 19 committee, on the committee's behalf, may request the Legislative
 20 Program Evaluation Committee to conduct a program evaluation
 21 pursuant to the Legislative Program Evaluation Act. Nothing in
 22 this section shall be construed to give requests for program
 23 evaluations under this act priority over other requests under
 24 consideration by the Legislative Program Evaluation Committee."
- 1 2. On page 3, strike beginning with "The" in line 10
 2 through line 11 and insert "A brief summary of the accomplishments
 3 of the board, commission, or entity for the past two years.".
- 4 3. On page 4, strike beginning with "use" in line 5
 5 through the first "of" in line 6 and insert "request assistance
 6 from".

LEGISLATIVE BILL 85. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

**MESSAGE FROM THE NEBRASKA PUBLIC
 EMPLOYEES RETIREMENT SYSTEMS**

January 21, 1999

Mr. President, Speaker Kristensen
 and Members of the Legislature
 State Capitol Building
 Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

On December 21, 1998, the Public Employees Retirement Board appointed Anna Sullivan as the Director of the Public Employees Retirement Systems. This appointment has been approved by Governor Mike Johanns. Pursuant to Neb. Rev. Stat. §84-1503(1)(b), this appointment requires your approval.

Sincerely,
 (Signed) Clark G. Nichols
 Chairman, Public Employees
 Retirement Board

CGN/crr

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 653. No objections. So ordered.

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 847 and LB 848. No objections. So ordered.

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 476. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as cointroducer to LB 477. No objections. So ordered.

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 298. No objections. So ordered.

VISITORS

Visitor to the Chamber was Aimee Zachrisson from Ceresco.

ADJOURNMENT

At 11:47 a.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY – JANUARY 26, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 26, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Doyle Karst, St. Johns Lutheran Church, Sterling, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Bromm, Landis, Lynch, Dw. Pedersen, Tyson, Wickersham, Mmes. Kiel, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

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

The following bills were correctly engrossed: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 62, 107, 172, and 198.

Enrollment and Review Change to LB 12

The following changes, required to be reported for publication in the Journal, have been made:
ER9000

1. On page 2, line 3, "90-503 to 90-506 and" has been inserted after "sections".

(Signed) Adrian M. Smith, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 17 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 17.

MESSAGE FROM THE GOVERNOR

January 21, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed the Governor's designee to the Nebraska Information Technology Commission:

APPOINTEE:

Dave Maurstad, 1604 S 3, Beatrice, NE 68310

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

BILL ON FIRST READING

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

LEGISLATIVE BILL 140A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

GENERAL FILE

LÉGISLATIVE BILL 149. Title read. Considered.

Mrs. Bohlke asked unanimous consent to pass over LB 149. No objections. So ordered.

LEGISLATIVE BILL 293. Title read. Considered.

Mr. Beutler offered the following amendment:

AM0067

- 1 1. Insert the following new section:
- 2 "Sec. 2. The Water Well Decommissioning Trust Fund is
- 3 created. The Nebraska Natural Resources Commission shall adopt and
- 4 promulgate rules and regulations that provide for the collection of
- 5 a fee for each water well registered under section 46-602. The fee
- 6 shall not exceed one hundred dollars per water well per year and
- 7 shall not be imposed unless a water well has been in inactive
- 8 status, as defined in section 46-1207.02, for two years or longer.
- 9 The fee shall be in addition to the fees collected under sections
- 10 46-606 and 46-1224. The commission shall remit such fees to the
- 11 State Treasurer for credit to the fund. The fund shall be used by
- 12 the commission for the purpose of decommissioning water wells if
- 13 the owner is financially unable to properly decommission the water
- 14 well."

Messrs. Dierks and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 68. Title read. Considered.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Suttle requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Baker	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brown	Hartnett	Matzke	Redfield	Thompson
Byars	Hilgert	Pederson, D.	Schellpeper	Wehrbein
Connealy	Hudkins	Peterson, C.	Schrock	

Voting in the negative, 1:

Landis

Present and not voting, 12:

Beutler	Chambers	Kristensen	Schimek	Tyson
Brashear	Engel	Raikes	Schmitt	Wickersham
Bromm	Janssen			

Excused and not voting, 7:

Bruning	Kiel	Pedersen, Dw.	Robak	Vrtiska
Dierks	Lynch			

Advanced to E & R for review with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 119. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 121. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 178. Title read. Considered.

The Standing Committee amendment, AM0036, found on page 333, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

MR. COORDSEN PRESIDING

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 270. Title read. Considered.

The Standing Committee amendment, AM0035, found on page 338, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

PRESIDENT MAURSTAD PRESIDING**LEGISLATIVE BILL 113.** Title read. Considered.

The Standing Committee amendment, AM0005, found on page 338, was considered.

Ms. Schimek moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment was adopted with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Bromm, Wehrbein, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Advanced to E & R for review with 26 ayes, 11 nays, 8 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS**Agriculture**

LB 832	Tuesday, February 2, 1999	-	1:30 p.m.
LB 833	Tuesday, February 2, 1999		1:30 p.m.
LB 834	Tuesday, February 2, 1999		1:30 p.m.
LB 835	Tuesday, February 2, 1999		1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Urban Affairs

LB 607	Tuesday, February 2, 1999	1:30 p.m.
LB 549	Tuesday, February 2, 1999	1:30 p.m.
LR 21CA	Tuesday, February 2, 1999	1:30 p.m.
LB 774	Tuesday, February 2, 1999	1:30 p.m.
LB 364	Tuesday, February 2, 1999	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services

LB 220	Wednesday, February 3, 1999	1:30 p.m.
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LB 411	Wednesday, February 3, 1999	1:30 p.m.
LB 519	Wednesday, February 3, 1999	1:30 p.m.
LB 548	Wednesday, February 3, 1999	1:30 p.m.
LB 360	Thursday, February 4, 1999	1:30 p.m.
LB 380	Thursday, February 4, 1999	1:30 p.m.
LB 440	Thursday, February 4, 1999	1:30 p.m.
LB 575	Wednesday, February 10, 1999	1:30 p.m.
LB 594	Wednesday, February 10, 1999	1:30 p.m.
LB 828	Wednesday, February 10, 1999	1:30 p.m.
LB 475	Thursday, February 11, 1999	1:30 p.m.
LB 480	Thursday, February 11, 1999	1:30 p.m.
LB 498	Thursday, February 11, 1999	1:30 p.m.
LB 352	Friday, February 12, 1999	1:30 p.m.
LB 518	Friday, February 12, 1999	1:30 p.m.

Wednesday, February 3, 1999 1:30 p.m.

NHHS

Health and Human Services

Ron Ross

Regulation and Licensure

Richard Nelson

Chief Medical Officer

Richard Raymond

Finance and Support

Jeffrey Elliott

(Signed) Jim Jensen, Chairperson

Natural Resources

LB 749	Wednesday, February 3, 1999	1:30 p.m.
LB 784	Wednesday, February 3, 1999	1:30 p.m.
LB 789	Wednesday, February 3, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

MOTION - Print in Journal

Mr. Hilgert filed the following motion to LB 167:

Withdraw LB 167.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Jernigan, Wally M., Director - Athletic Commission -- Government, Military and Veterans Affairs

Maurstad, Lt. Gov. David - Nebraska Information Technology Commission -- Transportation

Sullivan, Anna, Director - Public Employees Retirement Board -- Nebraska Retirement Systems

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 59. Placed on General File.

LEGISLATIVE BILL 403. Placed on General File.

(Signed) Ed Schrock, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 258. Placed on General File.

LEGISLATIVE BILL 260. Placed on General File.

LEGISLATIVE BILL 326. Placed on General File as amended.

Standing Committee amendment to LB 326:

AM0025

- 1 1. On page 3, line 15, strike "three" and insert
- 2 "seven".

(Signed) David M. Landis, Chairperson

Revenue

LEGISLATIVE BILL 287. Placed on General File as amended.

Standing Committee amendment to LB 287:

AM0051

- 1 1. On page 3, line 24, strike "educational service
- 2 units" and insert "all other taxing units".

(Signed) William R. Wickersham, Chairperson

Judiciary

LEGISLATIVE BILL 19. Placed on General File.

LEGISLATIVE BILL 23. Placed on General File.
LEGISLATIVE BILL 24. Placed on General File.
LEGISLATIVE BILL 102. Placed on General File.
LEGISLATIVE BILL 228. Placed on General File.

LEGISLATIVE BILL 48. Placed on General File as amended.
 Standing Committee amendment to LB 48:
 AM0029

- 1 1. On page 2, strike lines 8 and 9 and insert "joinder
- 2 or substitution of the real party in interest. Joinder"; and in
- 3 line 10 strike "joinder".

LEGISLATIVE BILL 72. Placed on General File as amended.
 Standing Committee amendment to LB 72:
 AM0034

- 1 1. Insert the following new section:
- 2 "Sec. 4. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

LEGISLATIVE BILL 21. Indefinitely postponed.
LEGISLATIVE BILL 22. Indefinitely postponed.
LEGISLATIVE BILL 88. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Transportation

LEGISLATIVE BILL 291. Placed on General File as amended.
 Standing Committee amendment to LB 291:
 AM0068

- 1 1. Insert the following new section:
- 2 "Sec. 4. This act becomes operative on January 1,
- 3 2000."
- 4 2. On page 6, line 16, after "active" insert "and shall
- 5 be processed according to the rules and regulations of the
- 6 department".
- 7 3. Renumber the remaining section accordingly.

(Signed) Curt Bromm, Chairperson

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 57. Placed on Select File as amended.
 E & R amendment to LB 57:
 AM7005

- 1 1. On page 1, line 2 strike "and 60-311.23," and insert
- 2 ", 60-311.23, and 60-315.01,"; in line 4 after the first semicolon
- 3 insert "to change provisions relating to license plate fees"; in

- 4 line 5 after the first semicolon insert "and"; and strike beginning
5 with the second semicolon in line 5 through "emergency" in line 6.

LEGISLATIVE BILL 140. Placed on Select File.
LEGISLATIVE BILL 42. Placed on Select File.
LEGISLATIVE BILL 43. Placed on Select File.
LEGISLATIVE BILL 44. Placed on Select File.
LEGISLATIVE BILL 45. Placed on Select File.
LEGISLATIVE BILL 47. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 754 and LB 755. No objections. So ordered.

Messrs. Hartnett, Tyson, and Smith asked unanimous consent to have their names added as cointroducers to LB 298. No objections. So ordered.

Mrs. C. Peterson asked unanimous consent to have her name added as cointroducer to LB 112 and LB 505. No objections. So ordered.

AMENDMENT - Print in Journal

Mr. Tyson filed the following amendment to LB 298:

FA1

page 2, line 19, strike "even-numbered" and insert "odd-numbered"

VISITORS

Visitors to the Chamber were Senator Dierks' wife, Gloria, daughter-in-law and grandsons, Suzanne, Nathan, Alex, and Brady, and Suzanne's mother, Ann Rau, from Aurora; and 35 fourth grade students and teacher from Trinity Lutheran Elementary School, Grand Island.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, January 27, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY – JANUARY 27, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 27, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Coordsen, Cudaback, Hartnett, Landis, Matzke, Dw. Pedersen, and Schmitt who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

**NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems**

LB 703	Wednesday, February 3, 1999	12:00 noon
LB 795	Wednesday, February 3, 1999	12:00 noon

Wednesday, February 3, 1999	12:00 noon
Public Employees Retirement Board	
Anna Sullivan	

(Signed) Elaine Stuhr, Chairperson

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 270:

AM0071

- 1 1. Insert the following new section:
- 2 "Section 1. Old tanks means tanks installed prior to

3 January 1, 1990."

4 2. On page 2, line 18; page 6, line 23; and page 10,
5 line 9, after "release" insert "from old tanks".

6 3. On page 3, line 13; page 4, line 20; and page 6, line
7 15; after "releases" insert "from old tanks".

8 4. Renumber the remaining sections accordingly.

ANNOUNCEMENT

The Chair announced today is Senator Schellpeper's birthday.

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Withdraw LB 167

Mr. Hilgert renewed his pending motion, found on page 348, to withdraw LB 167.

The Hilgert motion to withdraw prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 25. Read. Considered.

LR 25 was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARINGS Government, Military and Veterans Affairs

LB 208	Wednesday, February 3, 1999	1:30 p.m.
LB 233	Wednesday, February 3, 1999	1:30 p.m.
LB 296	Wednesday, February 3, 1999	1:30 p.m.
LB 253	Wednesday, February 3, 1999	1:30 p.m.
LB 369	Wednesday, February 3, 1999	1:30 p.m.
LB 432	Thursday, February 4, 1999	1:30 p.m.
LB 461	Thursday, February 4, 1999	1:30 p.m.
LB 238	Thursday, February 4, 1999	1:30 p.m.
LB 628	Thursday, February 4, 1999	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LB 826	Wednesday, February 3, 1999	2:30 p.m.
LB 301	Wednesday, February 3, 1999	2:30 p.m.
LB 330	Wednesday, February 3, 1999	2:30 p.m.
LB 492	Wednesday, February 3, 1999	2:30 p.m.
LB 180	Wednesday, February 3, 1999	2:30 p.m.

(Signed) William R. Wickersham, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 259. Placed on General File as amended.

Standing Committee amendment to LB 259:

AM0065

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 44-211, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-211. The business and affairs of an insurance
- 5 corporation shall be managed by the incorporators until the first
- 6 meeting of shareholders or members and then and thereafter by a
- 7 board of directors elected by the shareholders or members and as
- 8 otherwise provided by law. The board of directors shall consist of
- 9 not less than five ~~not more than twenty-one~~ persons, and one of
- 10 them shall be a resident of the State of Nebraska. Commencing
- 11 January 1, 1993, not less than one-fifth of the directors of an
- 12 insurance company which is not subject to section 44-2135 shall be
- 13 persons who are not officers or employees of such company. A
- 14 person convicted of a felony may not be a director, and all
- 15 directors shall be of good moral character and known professional,
- 16 administrative, or business ability, such business ability to
- 17 include a practical knowledge of insurance, finance, or investment.
- 18 No person shall hold the office of director unless he or she is a
- 19 policyholder if the company is a mutual company or assessment
- 20 association. Unless otherwise provided in the articles of
- 21 incorporation, the board of directors shall make all bylaws.
- 22 Sec. 4. Section 44-1992, Reissue Revised Statutes of
- 23 Nebraska, is amended to read:
- 24 44-1992. (1) When a title insurance commitment includes
- 1 an offer to issue an owner's title insurance policy covering the
- 2 resale of owner-occupied residential property, the title insurance
- 3 commitment shall be furnished to the purchaser-mortgagor or its
- 4 representative as soon as reasonably possible prior to closing. If
- 5 the title insurance commitment cannot be delivered prior to the day
- 6 of closing, the title insurer shall document the reasons for the
- 7 delay. The title insurance commitment furnished to the
- 8 purchaser-mortgagor shall incorporate the following statement on
- 9 the first page in bold type:

10 PLEASE READ THE EXCEPTIONS AND THE TERMS SHOWN OR
11 REFERRED TO HEREIN CAREFULLY. THE EXCEPTIONS ARE MEANT TO PROVIDE
12 YOU WITH NOTICE OF MATTERS WHICH ARE NOT COVERED UNDER THE TERMS OF
13 THE TITLE INSURANCE POLICY AND SHOULD BE CAREFULLY CONSIDERED.

14 IT IS IMPORTANT TO NOTE THAT THIS FORM IS A GUARANTEE OF
15 TITLE AND NOT A WRITTEN REPRESENTATION AS TO THE CONDITION OF TITLE
16 AND MAY NOT LIST ALL LIENS, DEFECTS, AND ENCUMBRANCES AFFECTING
17 TITLE TO THE LAND.

18 (2) A title insurer issuing a lender's title insurance
19 policy in conjunction with a mortgage loan made simultaneously with
20 the purchase of all or part of the real estate securing the loan,
21 when no owner's title insurance policy has been requested, shall
22 give written notice, on a form prescribed or approved by the
23 director, to the purchaser-mortgagor at the time the title
24 insurance commitment is prepared. The notice shall explain that a
25 lender's title insurance policy is to be issued protecting the
26 mortgage lender and that the lender's title insurance policy does
27 not provide title insurance protection to the purchaser-mortgagor
1 as the owner of the property being purchased. The notice shall
2 explain what a title insurance policy insures against and what
3 possible exposures exist for the purchaser-mortgagor that could be
4 insured against through the purchase of an owner's title insurance
5 policy. The notice shall also explain that the purchaser-mortgagor
6 may obtain an owner's title insurance policy protecting the
7 property owner at a specified cost or approximate cost if the
8 proposed coverages or amount of title insurance is not then known.
9 A copy of the notice, signed by the purchaser-mortgagor, shall be
10 retained in the relevant underwriting file at least five years
11 after the effective date of the lender's title insurance policy."

12 2. On page 30, line 1, after the first comma insert
13 "44-211," and after the second comma insert "44-1992,".

14 3. Renumber the remaining sections and correct internal
15 references accordingly.

(Signed) David M. Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 128. E & R amendment, AM7003, found on page 337, was adopted.

Mr. Beutler withdrew his amendment, AM0033, found on page 324.

Mr. Beutler offered the following amendment:

AM0066

1 1. In the Standing Committee amendment, AM0015, on page
2 2, line 6, after "costs" insert an underscored period and strike
3 beginning with the second comma in line 6 through the period in
4 line 8 and show as stricken.

- 5 2. On page 3, line 17, after "costs" insert an
6 underscored period and strike beginning with the second comma in
7 line 17 through line 19 and show as stricken.

The Beutler amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 137. Advanced to E & R for engrossment.

LEGISLATIVE BILL 81. Advanced to E & R for engrossment.

LEGISLATIVE BILL 103. Advanced to E & R for engrossment.

LEGISLATIVE BILL 33. Advanced to E & R for engrossment.

LEGISLATIVE BILL 34. Advanced to E & R for engrossment.

LEGISLATIVE BILL 35. Advanced to E & R for engrossment.

LEGISLATIVE BILL 143. E & R amendment, AM7004, found on page 337, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 57. E & R amendment, AM7005, found on page 350, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 140. Advanced to E & R for engrossment.

LEGISLATIVE BILL 47. Mr. Brashear asked unanimous consent to pass over. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 298. Title read. Considered.

The Standing Committee amendment, AM0027, found on page 339, was considered.

Mr. Tyson renewed his pending amendment, FA1, found on page 351, to the Standing Committee amendment.

The Tyson amendment lost with 5 ayes, 23 nays, 19 present and not voting, and 2 excused and not voting.

The Standing Committee amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Pending.

MOTION - Suspend Rules

Mrs. Bohlke moved to suspend the rules, Rule 3, Section 13, to allow cancellation of the scheduled hearing for LB 541.

The Bohlke motion to suspend the rules prevailed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

MOTION - Escort Governor

Mr. Kristensen moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Messrs. Brashear, Engel, Dierks, Mmes. Crosby, and C. Peterson to serve on said committee.

STATE OF THE STATE ADDRESS

Mr. President, Mr. Speaker, Members of the Legislature, distinguished guests and friends.

This morning I come before you to deliver my first State of the State address.

This is my opportunity to share how I intend to implement my vision, a vision which I believe is shared by Nebraskans, a vision of less government, lower taxes, protecting our families, and building our economy.

Today, I ask for your help in implementing this vision.

Together we can get this done. Together we must get this done.

The budget I propose today is based on three principles.

The first is spending restraint. My budget recommendations limit State spending to a growth rate of 2.2 percent for fiscal year 2000 and 3.4 percent for fiscal year 2001. In addition to the customary 3% required reserve, the plan proposes to maintain a 3% cash reserve as a hedge against an uncertain future. I am also breaking with gubernatorial tradition by recommending a growth rate for the following biennium of not more than 3%. In my judgement, these are achievable targets.

The second principle my budget recommendation addresses is the increased commitment, within our limited resources, of providing services that ensure a continued quality of life for our citizens. The spending targets I have proposed are achievable without sacrificing our shared priorities or walking away from our responsibilities to Nebraskans.

The third principle is tax relief. Spending restraint and a growing economy will enable us to provide significant tax relief to Nebraska taxpayers. Along with this budget I am recommending a permanent mechanism for providing property tax relief so that tax savings produced through greater efficiencies of government and excess tax receipts generated from a growing economy will be reserved for direct property tax relief and not used for continued growth of state government spending.

Let me outline some key elements of my budget recommendations.

My commitment to protecting Nebraska families is demonstrated by the priority I've placed upon effective law enforcement because safe communities are strong communities. Last week I announced a resolution to a two-year labor contract impasse with the State Troopers which had resulted in no pay increases since 1997 and created severe recruitment, retention, and morale problems within the Nebraska State Patrol. I'm very pleased that the dispute has been resolved and that a new contract has been reached. This settlement and the new wage contract are included in my budget plan.

My predecessor also reached a formal agreement with the public employee unions to establish increased hiring rates for nearly 700 Correctional Officers, Corporals, and Sergeants beginning January First of this year. In addition, current employee salaries were increased at the Department of Corrections to solve recruitment and retention problems. These items are included in my budget plan.

My budget also includes funds for initial staffing and operating costs at the new prison in Tecumseh and the incarceration work camp in McCook.

And in accordance with a program adopted by the Legislature in 1998, I have included funds to reimburse counties for the cost of incarcerating State prisoners. Today I ask county governments to return this savings to taxpayers in the form of dollar for dollar property tax relief.

The number of families requiring public assistance has been declining, reflecting the strong economy and Nebraska's commitment to welfare reform. As a result, my budget is reduced \$1.7 million dollars in this area over two years. But funding is included to cover the costs of increased utilization of child care services for low-income working families to eliminate a major barrier to their ability to be self sufficient.

My budget recognizes the need for adequate health care for Nebraskans with particular needs.

In recognition of Nebraska's positive economic status, the federal match rate for Medicaid was reduced for the coming year. General Funds of \$9.4 million are included in this budget to offset that federal reduction. In addition, funding for two very important programs, Medicaid and Long-term Care, has been increased \$35.3 million to cover added utilization and medical

inflation.

I've added funding for community-based services for juveniles. This will provide attention closer to home, so that families and communities can be actively involved in the rehabilitation of youthful offenders. The additional services will give further assurance of public safety and will help alleviate pressure at the youth centers at Kearney and Geneva, allowing longer-term treatment for more serious offenders.

This budget also adds more than \$7.2 million dollars in General Funds to continue necessary mental health services at the Regional Centers, and commits an additional \$2.4 million to further develop community-based services for the mentally ill.

Regional Center care will still be provided for those who require such care; but increasingly, outpatient care should be available to promote a more independent lifestyle for persons with mental illness.

In addition, \$5.2 million in General Funds and \$6 million in Federal funds are included over the biennium to increase rates for private providers of services for the developmentally disabled. The adjusted rates will allow service providers to raise salaries for their employees by increasing rates to 92.5% and 95% of the established reimbursement methodology over the biennium.

I continue our commitment to senior citizens.

General funds are added to provide additional service coordination for elderly persons facing long-term care decisions. Information and assessment will be provided to enable the elderly to find care services that will preserve their independence as long as possible. And funds have been added to provide additional in-home and community-based services for the elderly.

My budget recommendations also include reaffirmations of capital construction projects currently underway totaling almost \$72.3 million of General Funds in the coming biennium.

They include the Incarceration Work Camp and the Medium/Maximum Security Prison, the completion of the Information Science, Technology and Engineering project at UNO, the State Capitol masonry project, the Grand Island Law Enforcement Training Center renovation project, and the continuation of \$5.9 million per year of funding for the renovation of buildings at the University of Nebraska and State Colleges.

I also propose an aggressive, yet critical state highway and interstate construction program of \$280 million in FY2000 and \$294 million in FY2001. A well-maintained transportation system is critical to commerce and tourism in Nebraska and I am pleased to propose a continuation of our commitment in this area with no increase in the gas tax.

My budget recommendation for the Department of Water Resources includes nearly \$8.5 million General Funds to continue Platte River water rights litigation with the State of Wyoming and to prepare for a suit filed by the State of Kansas concerning the use of Republican River water. We will vigorously defend Nebraska's water rights. From the Platte River to the Missouri, the Niobrara River to the Ogallala Aquifer, Lake McConaughy to the Harlan County Reservoir, and the Republican River itself, water is a precious resource for irrigators, environmental interests, and public utilities. Protection of our water rights is critical to the future our State.

Another important area of investment in this budget is education.

My budget recommendation includes a continued commitment to funding the University of Nebraska and our State Colleges. A total of \$42.7 million in new General Fund dollars have been added for the coming biennium.

Included is a commitment to higher education on the Peru State College campus. First, is the reaffirmation of second year funding for the Hoyt Science Building project of almost \$1.8 million. Second, is the reaffirmation of the second year miscellaneous renovations funding of \$200,000. Third, is \$240,000 to replace or renovate the Water System. Fourth, is \$115,000 to continue planning through design development for the Library renovation and possible addition.

LB 269, passed two years ago, included a reduction in levy limits for Community Colleges from the current 7 cents to 6 cents per \$100 of valuation. I have included \$6.7 million in fiscal year 2001 to help replace property tax revenue lost from the limitation reduction. This budget also includes increased funding for student financial aid to maintain the current number of scholarships in programs administered by the Coordinating Commission for Postsecondary Education.

On the subject of higher education, Speaker Kristensen has stirred the debate regarding the future structure of the governance of higher education in Nebraska. I applaud him for initiating this dialogue and look forward to being a part of that conversation.

The budget also includes increased funding of \$1.1 million Cash Funds for each of the next two years for grants from the Cultural Preservation Endowment trust fund to provide stable, long-term support for the arts and humanities in Nebraska.

My recommendation for special education maintains the growth rate at the statutory limit of no more than 3% per year resulting in increases of \$3.9 million in the first biennium and another \$3.9 million in the second biennium to reimburse schools for special education expenses.

My budget also proposes to eliminate a seven-tenths of one percent contribution to the School Retirement System, which has been paid in since

1984. Let me be clear however, my willingness to eliminate this amount is dependent on placing sole responsibility for this program, including benefit amounts, with those who benefit from the program. If this cannot be achieved, I will support continued state funding.

Before moving on to two critical elements of my budget package, I want to reiterate that my budget is limited to 2.2% growth the first year and 3.4% growth the second year. I have proposed limited increases in spending while funding our priorities.

Now let me focus on State Aid to Education and Property Tax Relief.

Any discussion of state aid should begin with my respect and admiration for the members of the Unicameral for having taken on these difficult issues. Against great criticism you moved Nebraska in the right direction. You have increased the State's aggregate share of the cost of K-12 education from about 25% a decade or so ago to about 50% today. And against criticism at home you have challenged school boards and administrators to tighten their belts, set priorities, work together, and, in some instances, caused communities to make tough, yet inevitable decisions regarding their schools, that have been put off for decades.

You have done this while working to honor the concept that local school districts, through their elected boards are best equipped to decide what's in the best interests of the children and families they serve.

I applaud you.

However, with all that you have accomplished, we would be less than candid if we did not acknowledge that a couple of areas still demand our attention for debate, deliberation, and our action.

Our State's school finance formula is complicated. Frankly, to accomplish the public policy objectives that should be accomplished it has to be complex. But just because the formula is complex shouldn't mean it has to lack stability and predictability.

Recently, a group of school officials came to talk to me. Before they left my office I asked them, if they could choose between increased state aid or predictability in the formula's outcomes, what would be their preference. Their answer was predictability.

That should be our goal.

Accordingly, we must agree to improve stability and move away from annual changes to the mechanics of the formula which serve to make the system even less predictable.

The second thought I offer in the area of school finance, is that I believe there

is a better way to fund property tax relief than increasing state aid to local school districts.

We were all disappointed by the property tax figures recently released. The hope was that your efforts, coupled with efforts by local elected officials, would have resulted in property tax relief of about 8% to 15%. The reality is that property tax relief statewide was less than 5%, and for many Nebraskans either significantly less than that or none at all.

Following all of the hard work of the Legislature in recent years to boost aid to local governments in the hope of reducing the property tax burden, the average property tax payer in Nebraska did not see nearly the amount of relief the Legislature hoped to provide.

Attempting to provide property tax relief through state aid to local governments is simply not an effective method of providing property tax relief. Higher valuations and the bureaucracy of local government eat up many of the dollars that this Legislature had hoped would provide property tax relief.

Therefore, today I respectfully submit to you a plan. The plan I propose recognizes the state's responsibility for funding K-12 education and for providing property tax relief.

We do not have to leave our schools without the necessary resources to educate our children. A unified package of legislation that maintains spending at the levels I have suggested, stabilizes state aid, provides direct property tax relief, and includes Senator Brown's legislation on the school levy remaining at \$1.10, and therefore assisting local school districts meet their local needs, will receive my support.

By accepting my proposal and adopting the Direct Relief to Property Taxpayers Act which I propose today, we can give Nebraska real property tax payers a nearly dollar for dollar reduction in property taxes and preserve an element of local control over our schools.

The plan I give to you today creates a trust fund for direct property tax relief. Every property tax payer will benefit. Here's how it is funded:

Excess state tax receipts and savings through government efficiencies would be transferred to the Direct Relief to Property Taxpayers Trust Fund. The fund would be established with transfers from the Cash Reserve Fund, Securities Act Cash Fund, and Insurance Cash Fund totaling more than \$150 million dollars in FY1999 and FY2000. An estimated \$125 million dollars would be available for the Fund in 2001 and 2002 through additional State spending restraint and growth in Nebraska's economy.

Taxpayers who own real property on December 31st of 1999 will be the first property tax payers eligible for direct property tax relief. They will have until

January 31st of 2000 to apply for their direct property tax relief check. On or before August 31st of 2000, the State Property Tax Administrator will certify the amount of funds available for relief payments in the Direct Relief to Property Taxpayers Fund. The Property Tax Administrator will have until December 31st of 2000 to issue a direct property tax relief check to the property taxpayer.

Our estimates indicate property taxpayers will receive a check equal to an estimated 11% of their real property taxes in the first year of this program.

About 24% of this relief or \$36 million dollars will go directly to farmers and ranchers in direct proportion to the amount of real property tax they pay. More than 55% or about \$72 million dollars will go to Nebraska's homeowners and nearly 20% or \$30 million dollars will benefit commercial and industrial property tax payers including small businesses, an important part of our economy.

There will be no more debate on whether the state has given property tax relief. The direct refund to the property tax payer solves this problem.

And valuation increases will be automatically accounted for because the refund will be in direct proportion to the amount of property tax paid.

Our challenge is to limit state spending consistently to about 3% annually. If we do and our economy can continue to grow, at least \$400 million will go back into our local economies in the next 3 years alone. And that \$400 million will mean more money in the pockets of Nebraskans to spend how they see fit.

But a word of caution . . . with this plan each decision you make on more spending will directly reduce what is available for property tax relief. If we keep spending at or below my proposed spending targets in this biennium and the 3% target established for the following biennium we can fund our priorities, meet the State's responsibilities and provide direct property tax relief.

My tax relief package also includes an expanded homestead exemption to keep property taxes from being a burden on persons with fixed incomes or limited means. Senator Raikes has introduced this proposal which would increase the limitations on the value of the homestead, the income limitations of eligible taxpayers, and the amount of the exemption itself.

The third part of my tax relief plan is an adoption tax credit introduced by Senator Matzke. Consistent with my strong belief that children should have stable and loving families, I am proposing a \$1,000 per year refundable tax credit for families who adopt a child. As introduced, the credit may be claimed each year of the child's life up through the year the child turns six years of age. I look forward to working with you to enact an incentive for building strong families.

I look forward to working with you on the passage of this three-part tax relief package. And I also look forward to signing into law the anti-crime initiatives I have co-endorsed with our Attorney General. I thank Senators Bromm, Bruning, Chris Peterson, and Senator Crosby who have sponsored these important initiatives to assist in providing law enforcement and prosecutors with additional legal tools for keeping our communities and our families safe from the threat of crime.

Finally, over the past several weeks and months I have expressed my concern about the serious challenges facing our Ag economy. I will advocate in Washington for federal policies that assist our farmers and ranchers and I will advocate abroad to open markets for our products. But it is here in Nebraska where we can have the greatest impact by reducing costly and burdensome regulation and working to provide direct property tax relief. That's what our farmers and ranchers consistently have asked us for and we have the opportunity to do that with the Direct Property Tax Relief Act.

Almost three weeks ago I stood before you humbled by the great honor that had been placed upon me to become Nebraska's 38th Governor.

Today, I feel the urgency to move this agenda forward with each of you as a partner.

This morning I have laid out the details of a budget that funds our shared priorities while proposing to return \$400 million dollars in direct property tax relief to Nebraska real property tax payers over the next four years. And most importantly, our priorities are funded and tax relief achieved within the limitation of 2.2% spending growth the first year and 3.4% the second year.

I look forward to working with you for passage of a budget that meets these reasonable spending targets, action on my proposals related to school finance, passage of anti-crime initiatives that will further punish those who violate our laws, and approval of the Direct Relief to Property Taxpayers Act.

I close with a quote from General John J. Pershing from a letter written to French Army commander Marshall Foch during World War I, "there is an abiding confidence between our people that insures to the world our constant friendship and our common purpose in behalf of humanity."

I'm confident that we can work together to accomplish our common purpose on behalf of Nebraskans.

The Committee escorted Governor Mike Johanns from the Chamber.

EASE

The Legislature was at ease from 10:29 a.m. until 11:01 a.m.

SPEAKER KRISTENSEN PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS**Natural Resources**

LB 841	Thursday, February 4, 1999	1:30 p.m.
LB 592	Thursday, February 4, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Revenue

LB 745	Thursday, February 4, 1999	1:30 p.m.
LB 179	Thursday, February 4, 1999	1:30 p.m.
LB 145	Thursday, February 4, 1999	1:30 p.m.
LB 429	Thursday, February 4, 1999	1:30 p.m.
LB 766	Thursday, February 4, 1999	1:30 p.m.
LB 139	Thursday, February 4, 1999	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

Judiciary

LB 50	Wednesday, February 3, 1999	1:30 p.m.
LB 407	Wednesday, February 3, 1999	1:30 p.m.
LB 612	Wednesday, February 3, 1999	1:30 p.m.
LB 637	Wednesday, February 3, 1999	1:30 p.m.
LB 98	Wednesday, February 3, 1999	1:30 p.m.
LB 120	Wednesday, February 3, 1999	1:30 p.m.
LB 332	Wednesday, February 3, 1999	1:30 p.m.
LB 375	Wednesday, February 3, 1999	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Appropriations

LB 846	Wednesday, February 3, 1999	1:30 p.m.
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(Signed) Roger R. Wehrbein, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 47:

FA3

On line 17 delete "equal to or greater than" and add "substantially equal to"

Mr. Chambers filed the following amendment to LB 57:
FA4
Strike Enacting Clause.

MOTION - Print in Journal

Mr. Schrock filed the following motion to LB 787:
Withdraw LB 787.

AMENDMENTS - Print in Journal

Mrs. Robak filed the following amendment to LB 593:
AM0039

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Legislature finds that a driver's safety
- 4 training program can offer a person cited with a minor traffic
- 5 violation an alternative to traditional criminal justice
- 6 proceedings if the program permits participation by such person on
- 7 a voluntary basis, occurs prior to adjudication, and results in the
- 8 dismissal of the violation if the person successfully completes the
- 9 driver's safety training program.
- 10 Sec. 2. For purposes of this act, minor traffic
- 11 violation does not include leaving the scene of an accident,
- 12 driving under the influence of alcohol or drugs, reckless or
- 13 willful reckless driving, participating in a speed contest, fleeing
- 14 to avoid arrest, refusing a breath or blood test, driving on a
- 15 suspended or revoked operator's license, any injury accident,
- 16 exceeding the speed limit by more than twenty miles per hour over
- 17 the speed limit, driving a motor vehicle in violation of the Motor
- 18 Vehicle Safety Responsibility Act, or driving a motor vehicle that
- 19 is not registered.
- 20 Sec. 3. The county attorney of every county in this
- 21 state shall establish a driver's safety training program pursuant
- 22 to section 4 of this act.
- 23 Sec. 4. (1) A driver's safety training program shall be
- 24 offered to any eligible person cited for a minor traffic violation
- 1 before adjudication of the citation. Such person shall be eligible
- 2 for a driver's safety training program only once every three years.
- 3 (2) The program shall be eight hours in length and shall
- 4 be held at such times as to be reasonably convenient.
- 5 (3) The fee for the program shall be fifty dollars. If a
- 6 person cited for a minor traffic violation registers for the
- 7 program on or before the fifth business day after receipt of the
- 8 citation, he or she shall not be required to pay court costs. If
- 9 such person registers for the program after the fifth business day
- 10 after receipt of the citation, he or she shall pay the court costs.
- 11 (4) A person attending a driver's safety training program
- 12 shall bring with him or her the citation issued and his or her

13 valid operator's license. The person shall also provide his or her
14 social security number.

15 (5) Upon successful completion of the driver's safety
16 training program, the citation issued against the person shall be
17 dismissed."

Mr. Brashear filed the following amendment to LB 47:

AM0083

1 1. Insert the following new section:

2 "Sec. 2. Section 84-1411, Revised Statutes Supplement,
3 1998, is amended to read:

4 84-1411. (1) Each public body shall give reasonable
5 advance publicized notice of the time and place of each meeting by
6 a method designated by each public body and recorded in its
7 minutes. Such notice shall be transmitted to all members of the
8 public body and to the public. Such notice shall contain an agenda
9 of subjects known at the time of the publicized notice or a
10 statement that the agenda, which shall be kept continually current,
11 shall be readily available for public inspection at the principal
12 office of the public body during normal business hours. Except for
13 items of an emergency nature, the agenda shall not be altered later
14 than (a) twenty-four hours before the scheduled commencement of the
15 meeting or (b) forty-eight hours before the scheduled commencement
16 of a meeting of a city council or village board scheduled outside
17 the corporate limits of the municipality. The public body shall
18 have the right to modify the agenda to include items of an
19 emergency nature only at such public meeting.

20 (2) A meeting of a state agency, state board, state
21 commission, state council, or state committee, of an advisory
22 committee of any such state entity, of an organization created
23 under the Interlocal Cooperation Act or the Municipal Cooperative
24 Financing Act, of the governing body of a public power district
1 having a chartered territory of more than fifty counties in this
2 state, or of the governing body of a risk management pool or its
3 advisory committees organized in accordance with the
4 Intergovernmental Risk Management Act may be held by means of
5 videoconferencing or, in the case of the Judicial Resources
6 Commission in those cases specified in section 24-1204, by
7 telephone conference, if:

8 (a) Reasonable advance publicized notice is given;

9 (b) Reasonable arrangements are made to accommodate the
10 public's right to attend, hear, and speak at the meeting, including
11 seating, recordation by audio or visual recording devices, and a
12 reasonable opportunity for input such as public comment or
13 questions to at least the same extent as would be provided if
14 videoconferencing or telephone conferencing was not used;

15 (c) At least one copy of all documents being considered
16 is available to the public at each site of the videoconference or
17 telephone conference;

18 (d) At least one member of the state entity, advisory
 19 committee, or governing body is present at each site of the
 20 videoconference or telephone conference; and

21 (e) No more than one-half of the state entity's, advisory
 22 committee's, or governing body's meetings in a calendar year are
 23 held by videoconference or telephone conference.

24 Videoconferencing or telephone conferencing shall not be
 25 used to circumvent any of the public government purposes
 26 established in sections 84-1408 to 84-1414.

27 (3) The secretary or other designee of each public body
 1 shall maintain a list of the news media requesting notification of
 2 meetings and shall make reasonable efforts to provide advance
 3 notification to them of the time and place of each meeting and the
 4 subjects to be discussed at that meeting.

5 (4) When it is necessary to hold an emergency meeting
 6 without reasonable advance public notice, the nature of the
 7 emergency shall be stated in the minutes and any formal action
 8 taken in such meeting shall pertain only to the emergency. Such
 9 emergency meetings may be held by means of electronic or
 10 telecommunication equipment. The provisions of subsection (3) of
 11 this section shall be complied with in conducting emergency
 12 meetings. Complete minutes of such emergency meetings specifying
 13 the nature of the emergency and any formal action taken at the
 14 meeting shall be made available to the public by no later than the
 15 end of the next regular business day.

16 (5) A public body may allow a member of the public or any
 17 other witness other than a member of the public body to appear
 18 before the public body by means of video or telecommunications
 19 equipment.

20 (6) ~~It is the intent of the Legislature that on or before~~
 21 ~~January 1, 1997, the Government, Military and Veterans Affairs~~
 22 ~~Committee of the Legislature review the effects of subsections (2)~~
 23 ~~and (5) of this section on openness of meetings, effectiveness of~~
 24 ~~public access arrangements, costs and cost-savings, and any~~
 25 ~~tendency observed to abuse or circumvent the open meeting~~
 26 ~~provisions of sections 84-1408 to 84-1414. The committee shall~~
 27 ~~develop and propose any corrective legislation it deems~~
 1 ~~necessary."~~

2 2. On page 2, line 21, after "year" insert "and the
 3 telephone conference shall conform to the requirements of
 4 subsection (2) of section 84-1411"; in line 22 strike "section
 5 24-1204" and insert "sections 24-1204 and 84-1411"; and in line 23
 6 strike "is" and insert "are".

7 3. Renumber the remaining section accordingly.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 57A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 57, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 873. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to state funds; to amend sections 72-816 and 81-1108.05, Revised Statutes Supplement, 1998; to provide powers and duties; to provide termination dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 874. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to retirement; to amend section 79-966, Reissue Revised Statutes of Nebraska, and sections 79-916 and 79-958, Revised Statutes Supplement, 1998; to eliminate provisions relating to state deposits and transfers of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 875. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1998; to eliminate a transfer of funds; and to repeal the original section.

LEGISLATIVE BILL 876. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY1999-00 and FY2000-01; and to declare an emergency.

LEGISLATIVE BILL 877. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY1999-00 and FY2000-01; to define terms; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to

appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 879. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 384, sections 9, 10, 14, and 19; Laws 1997, LB 386, sections 30, 32, 34, and 55; Laws 1997, LB 389, sections 42, 102, 113, 124, and 198; Laws 1998, LB 1108, sections 57, 78, 79, 86, 96, 100, 103, 105, 106, 110, 116, 118, 127, 129, 133, 139, 147, 149, and 151; and Laws 1998, LB 1219A, section 1; to define terms; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to state and eliminate intent; to change appropriations as prescribed; to change transfers; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 880. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2001; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 170. Placed on General File.

LEGISLATIVE BILL 191. Placed on General File.

LEGISLATIVE BILL 202. Placed on General File.

LEGISLATIVE BILL 278. Placed on General File.

(Signed) David M. Landis, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 83. Placed on Select File.

LEGISLATIVE BILL 165. Placed on Select File as amended.

E & R amendment to LB 165:

AM7006

- 1 1. On page 1, line 7, after the second semicolon insert
- 2 "to provide an operative date;".
- 3 2. On page 3, lines 1 and 2, 5 and 6, and 13, strike
- 4 beginning with "Uniform" through "Act" and insert "act".

LEGISLATIVE BILL 293. Placed on Select File as amended.
E & R amendment to LB 293:
AM7007

- 1 1. On page 2, line 12, strike "their" and insert "such
- 2 operator's".

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 298. Considered.

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 59. Title read. Considered.

Mr. Janssen offered the following amendment:
AM0097

- 1 1. Insert the following new section:
- 2 "Section 1. Section 81-1559, Revised Statutes
- 3 Supplement, 1998, is amended to read:
- 4 81-1559. (1) To aid in defraying the cost of
- 5 administration of the Nebraska Litter Reduction and Recycling Act
- 6 and the Waste Reduction and Recycling Incentive Fund, there shall
- 7 be collected an annual litter fee equal to one hundred ~~seventy-five~~
- 8 dollars for each one million dollars of gross proceeds of products
- 9 manufactured and the sales of which are consummated within this
- 10 state, including byproducts, in the case of manufacturers and equal
- 11 to one hundred ~~seventy-five~~ dollars for each one million dollars of
- 12 the gross proceeds of the sales consummated within this state in
- 13 the case of wholesalers. The litter fee provided by this section
- 14 shall not be applied to gross proceeds of the sales of any animal,
- 15 bird, or insect or the milk, eggs, wool, fur, meat, honey, or other
- 16 substance obtained therefrom if the person performs only the
- 17 growing or raising function of such animal, bird, or insect. Such
- 18 fee shall be collected and administered by the Department of
- 19 Revenue. The fee imposed by this section shall be due on or before
- 20 October 1 each year, based upon the gross proceeds for the
- 21 immediately preceding July 1 to June 30 period. The collection and
- 22 penalty provisions of the Nebraska Revenue Act of 1967 shall be
- 23 applicable to the administration and collection of the fee imposed
- 24 by this section.
- 1 (2) No manufacturer or wholesaler in the state shall
- 2 produce or sell any product which falls within the categories
- 3 enumerated in this section and section 81-1560 without having first

4 obtained a license issued in the same manner as permits issued
 5 pursuant to section 77-2705. If the applicant is an individual,
 6 the application for the license shall include the applicant's
 7 social security number. Failure to obtain such license shall be a
 8 Class IV misdemeanor. Except as provided in section 81-1560.03,
 9 any manufacturer or wholesaler who fails to pay the fee imposed
 10 pursuant to subsection (1) of this section may have such license
 11 revoked in the same manner as permits are revoked pursuant to
 12 section 77-2705."

13 2. On page 2, line 4, after the comma insert "and
 14 section 81-1559, Revised Statutes Supplement, 1998,".

15 3. Renumber the remaining sections accordingly.

Mr. Janssen withdrew his amendment.

Advanced to E & R for review with 26 ayes, 8 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 403. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 141. Placed on General File as amended.

Standing Committee amendment to LB 141:

AM0088

- 1 1. Insert the following new section:
- 2 "Sec. 9. Section 35-1206, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 35-1206. (1) Rural and suburban fire protection
- 5 districts or mutual finance organizations which qualify for
- 6 assistance under section 35-1205 shall receive ten dollars times
- 7 the assumed population of the fire protection district or mutual
- 8 finance organization as calculated in subsection (3) of such
- 9 section plus the population of any city of the first class that is
- 10 part of the district or mutual finance organization, not to exceed
- 11 three hundred thousand dollars for any one district or mutual
- 12 finance organization. If the district or mutual finance
- 13 organization is located in more than one county and meets the
- 14 threshold for qualification in subsection (1) or (2) of section
- 15 35-1205 in one of such counties, the district or mutual finance
- 16 organization shall receive assistance under this section for all of
- 17 its assumed population, including that which is assumed population
- 18 in counties for which the threshold is not reached by the district
- 19 or mutual finance organization.
- 20 (2) If a mutual finance organization qualifies for

21 assistance under this section and one or more rural or suburban
 22 fire protection districts or cities or villages fail to levy a tax
 23 rate equal to the other districts or cities or villages as required
 24 under the mutual finance agreement, the mutual finance organization
 1 shall be disqualified for assistance in the following year and each
 2 subsequent year until the year following any year for which all
 3 districts and cities and villages in the mutual finance
 4 organization levy the same tax rate as required by a mutual finance
 5 organization agreement."

6 2. On page 9, line 23, after "boundaries" insert "(a) an
 7 assumed population of thirty thousand or more or (b) "".

8 3. On page 10, line 3, after "members" insert "(i) an
 9 assumed population of thirty thousand or more or (ii) "".

10 4. On page 22, strike beginning with "There" in line 26
 11 through line 28, show as stricken, and insert "Only one election
 12 may be held in any one calendar year pursuant to a petition
 13 initiated under this section.".

14 5. On page 28, line 4, after the third comma insert
 15 "35-1206,".

16 6. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

Transportation

LEGISLATIVE BILL 20. Placed on General File.

LEGISLATIVE BILL 90. Placed on General File as amended.

Standing Committee amendment to LB 90:

AM0089

1 1. Strike the original sections and insert the following
 2 new sections:

3 "Section 1. Section 60-1901, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 60-1901. (1) A motor vehicle ~~shall be deemed to be is~~ an
 6 abandoned vehicle; ~~if left unattended:~~

7 (a) If left unattended, with no license (1) With no
 8 ~~number~~ plates affixed thereto, for more than six hours on any
 9 public property;

10 (b) If left unattended for (2) For more than twenty-four
 11 hours on any public property, except a portion thereof on which
 12 parking is legally permitted;

13 (c) If left unattended for (3) For more than forty-eight
 14 hours, after the parking of such vehicle ~~shall have~~ has become
 15 illegal, if left on a portion of a any public property on which
 16 parking is legally permitted; ~~or~~

17 (d) If left unattended for (4) For more than seven days
 18 on private property if left initially without permission of the
 19 owner, or after permission of the owner ~~shall be is~~ terminated; or

20 (e) If left for more than thirty days in the custody of a
 21 law enforcement agency after the agency has sent a letter to the
 22 last-registered owner under section 4 of this act.

23 (2) For purposes of this section:

24 (a) ~~Public~~ public property ~~shall mean means~~ any public
 1 right-of-way, street, highway, alley, or park or other state,
 2 county, or municipally owned property; and

3 (b) ~~Private~~ private property ~~shall mean means~~ any
 4 privately owned property which is not included within the
 5 definition of public property.

6 (3) No motor vehicle subject to forfeiture under section
 7 28-431 shall be an abandoned vehicle under this section.

8 Sec. 2. Section 60-1902, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 60-1902. If an abandoned vehicle, at the time of
 11 abandonment, has no ~~number~~ license plates of the current year
 12 affixed and is of a wholesale value, taking into consideration the
 13 condition of the vehicle, of ~~one hundred two hundred fifty~~ dollars
 14 or less, title shall immediately vest in the local authority or
 15 state agency having jurisdiction thereof as provided in section
 16 60-1904. Any certificate of title issued under this section to the
 17 local authority as defined in section 60-1904 or state agency shall
 18 be issued at no cost to such authority or agency.

19 Sec. 3. Section 60-1903, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 60-1903. (1) Except for vehicles governed by section
 22 60-1902, the local authority or state agency having custody of an
 23 abandoned vehicle shall make an inquiry concerning the
 24 last-registered owner of such vehicle as follows:

25 (a) Abandoned vehicle with ~~number~~ license plates affixed,
 26 to the jurisdiction which issued such ~~number~~ license plates; or

27 (b) Abandoned vehicle with no ~~number~~ license plates
 1 affixed, to the Department of Motor Vehicles.

2 (2) ~~Such~~ The local authority or state agency shall notify
 3 the last-registered owner, if any, that the vehicle in question has
 4 been ~~recovered~~ as determined to be an abandoned vehicle and that,
 5 if unclaimed, either (a) it will be sold or will be offered at
 6 public auction after five days from the date such notice was mailed
 7 or (b) title will vest in the local authority or state agency
 8 thirty days after the date such notice was mailed. If the agency
 9 described in ~~subsection (1)~~ subdivision (1)(a) or (b) of this
 10 section also notifies such the local authority or state agency that
 11 a lien or mortgage exists, such notice shall also be sent to the
 12 lienholder or mortgagee. Any person claiming such vehicle shall be
 13 required to pay the cost of removal and storage of such vehicle.

14 (3) Title to ~~such an~~ an abandoned ~~vehicles~~ vehicle, if
 15 unclaimed, shall vest in such the local authority or state agency
 16 (a) five days from after the date such the notice is mailed if the
 17 vehicle will be sold or offered at public auction under subdivision

18 (2)(a) of this section, (b) thirty days after the date the notice
19 is mailed if the local authority or state agency will retain the
20 vehicle, or (c) if the last-registered owner cannot be ascertained,
21 when notice of such fact is received.

22 (4) After title to the abandoned vehicle vests pursuant
23 to subsection (3) of this section, the local authority or state
24 agency may retain for use, sell, or auction the abandoned vehicle.
25 If the local authority or state agency has determined that the
26 vehicle should be retained for use, the local authority or state
27 agency shall, at the same time that the notice, if any, is mailed,
1 publish in a newspaper of general circulation in the jurisdiction
2 an announcement that the local authority or state agency intends to
3 retain the abandoned vehicle for its use and that title will vest
4 in the local authority or state agency thirty days after the
5 publication.

6 Sec. 4. A state or local law enforcement agency which
7 has custody of a motor vehicle for investigatory purposes and has
8 no further need to keep it in custody shall send a certified letter
9 to the last-registered owner stating that the vehicle is in the
10 custody of the law enforcement agency, that the vehicle is no
11 longer needed for law enforcement purposes, and that after thirty
12 days the agency will dispose of the vehicle. This section shall
13 not apply to motor vehicles subject to forfeiture under section
14 28-431.

15 Sec. 5. Section 60-1904, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 60-1904. For the purposes of this section, the If a
18 state agency caused an abandoned vehicle described in subdivision
19 (1)(e) of section 60-1901 to be removed from public property, the
20 state agency shall be entitled to custody of the vehicle. If a
21 state agency caused an abandoned vehicle described in subdivision
22 (1)(a), (b), (c), or (d) of section 60-1901 to be removed from
23 public property, the state agency shall deliver the vehicle to the
24 local authority which shall have custody. The local authority
25 entitled to custody of an abandoned vehicle shall be the county in
26 which the vehicle was abandoned; or, if abandoned in a city or
27 village, the city or village in which the vehicle was abandoned.

1 Sec. 6. Section 60-1905, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-1905. Any proceeds from the sale of an abandoned
4 vehicle less any expenses incurred by the local authority or state
5 agency shall be held by the local authority or state agency without
6 interest, for the benefit of the owner or lienholders of such
7 vehicle for a period of two years. If not claimed within such
8 two-year period, ~~such~~ the proceeds shall be paid into the general
9 fund of ~~such~~ the local authority entitled to custody under section
10 60-1904 or the state General Fund if a state agency is entitled to
11 custody under section 60-1904.

12 Sec. 7. Section 60-1906, Reissue Revised Statutes of

13 Nebraska, is amended to read:

14 60-1906. Neither the owner, lessee, nor occupant of the
15 premises from which any abandoned vehicle ~~shall be~~ is removed, nor
16 the state, ~~any city, or~~ village, or ~~any~~ county, shall be liable for
17 any loss or damage to such vehicle which occurs during its removal
18 or while in the possession of the state, ~~such county or city, or~~
19 village, or county or its contractual agent; or as a result of any
20 subsequent disposition.

21 Sec. 8. Section 60-1907, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-1907. No person shall cause any vehicle to be an
24 abandoned vehicle as described in subdivision (1)(a), (b), (c), or
25 (d) of section 60-1901.

26 Sec. 9. Section 60-1908, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 60-1908. No person other than one authorized by the
2 appropriate local authority or state agency shall destroy, deface,
3 or remove any part of a vehicle which is left unattended on a
4 highway or other public place without ~~number~~ license plates affixed
5 or which is abandoned. Anyone violating ~~the provisions of this~~
6 section shall be guilty of a Class V misdemeanor.

7 Sec. 10. Section 60-1909, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-1909. The last-registered owner of an abandoned
10 vehicle shall be liable to the local authority or state agency for
11 the costs of removal and storage of such vehicle.

12 Sec. 11. Section 60-1910, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 60-1910. The Director of Motor Vehicles shall ~~prescribe~~
15 by regulation adopt and promulgate rules and regulations providing
16 for such forms and procedures as are necessary or desirable to
17 effectuate the provisions of sections 60-1901 to 60-1911 and
18 section 4 of this act. Such rules and regulations may include
19 procedures for the removal and disposition of vehicle
20 identification numbers of abandoned vehicles, ~~and~~ forms for local
21 records for abandoned vehicles, and inquiries relating to ownership
22 of such vehicles.

23 Sec. 12. Section 60-1911, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-1911. Any Except as provided in section 60-1908, any
26 person violating the provisions of sections 60-1901 to 60-1911 and
27 section 4 of this act shall be guilty of a Class II misdemeanor.

1 Sec. 13. Original sections 60-1901 to 60-1911, Reissue
2 Revised Statutes of Nebraska, are repealed."

(Signed) Curt Bromm, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 841. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as cointroducer to LB 619. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Dw. Pedersen withdrew his name as cointroducer to LB 742.

VISITORS

Visitors to the Chamber were Marj McKinty from Lincoln; Senator Connealy's brother, Dick Connealy, from Decatur; Adam Mach and Travis Spier from Pawnee City; Greg Carnaham from Chadron; 10 junior high home school students and teacher from Omaha; and Greg Stine from Grand Island.

ADJOURNMENT

At 11:51 a.m., on a motion by Mr. Connealy, the Legislature adjourned until 9:00 a.m., Thursday, January 28, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 28, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 28, 1999

Pursuant to adjournment, the Legislature met at 9:04 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Michael Ewe, Zion Lutheran Church, Pawnee City, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, C. Peterson, Ms. Schimek, Messrs. Bromm, Coordsen, Hilgert, Kristensen, Matzke, Schmitt, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

UNANIMOUS CONSENT - Members Excused

Messrs. Wehrbein and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

**STANDING COMMITTEE REPORT
Urban Affairs**

LEGISLATIVE BILL 317. Placed on General File as amended.
Standing Committee amendment to LB 317:
AM0096

- 1 1. Insert the following new section:
- 2 "Section 1. Section 14-512, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 14-512. The council shall provide and maintain a sinking
- 5 fund for the payment of the general bonds of the city and the

6 interest thereon. Such sinking fund shall be maintained from the
 7 following sources of revenue: (1) Amounts raised by taxation for
 8 that purpose; (2) ~~interest received from deposit of funds; (3)~~
 9 balances transferred at the end of each fiscal year from the
 10 several funds provided for in sections 14-501 and 14-502; and ~~(4)~~
 11 (3) such other amounts and sums as may be transferred thereto by
 12 the council. Money and credits in the sinking fund shall be held
 13 inviolate, shall not be transferred to any other fund, and shall be
 14 used for the purpose of paying (a) the interest on the general
 15 bonds of the city, (b) maturing bonds of the city, and (c) bonds of
 16 the city which may be paid before maturity. The money and credits
 17 thereof when not used or needed for the purposes specified in this
 18 section may temporarily be invested in registered general warrants
 19 of the city or of the school district situated within the city
 20 under such conditions as will enable the same to be obtained and
 21 available at any time desired for the purposes specified in this
 22 section.".

23 2. On page 2, line 19, strike "section" and insert
 24 "sections 14-512 and"; and in line 20 strike "is" and insert "are".

(Signed) D. Paul Hartnett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 140A. 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.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 258. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 260. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 326. Title read. Considered.

The Standing Committee amendment, AM0025, found on page 349, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 287. Title read. Considered.

The Standing Committee amendment, AM0051, found on page 349, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 19. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LR 3	Monday, February 8, 1999	1:30 p.m.
LB 38	Monday, February 8, 1999	1:30 p.m.
LB 464	Monday, February 8, 1999	1:30 p.m.
LB 508	Monday, February 8, 1999	1:30 p.m.
LR 1CA	Monday, February 8, 1999	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

Judiciary

LB 251	Thursday, February 4, 1999	1:30 p.m.
LB 439	Thursday, February 4, 1999	1:30 p.m.
LB 689	Thursday, February 4, 1999	1:30 p.m.
LB 872	Thursday, February 4, 1999	1:30 p.m.
LB 256	Thursday, February 4, 1999	1:30 p.m.
LB 423	Thursday, February 4, 1999	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 195. Placed on General File as amended.
Standing Committee amendment to LB 195:
AM0079

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 79-254, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-254. Sections 79-254 to 79-294 and section 2 of this

6 act shall be known and may be cited as the Student Discipline Act.
 7 Sec. 2. If a student has been expelled from a public
 8 school in any school district in any state or from a private,
 9 denominational, or parochial school in any state and the student
 10 has not completed the terms of the expulsion, the student shall not
 11 be permitted to enroll in a public school in any school district
 12 until the school board of the district in which enrollment is
 13 sought approves, by a majority vote, the enrollment of the student.
 14 As a condition of enrollment, the school board may require
 15 attendance in an alternative school, class, or educational program
 16 pursuant to section 79-266 until the terms of the expulsion are
 17 completed. A student expelled from a private, denominational, or
 18 parochial school may not be prohibited from enrolling in a public
 19 school district in which the student resides or in which the
 20 student has been accepted pursuant to the enrollment option program
 21 for any period of time beyond the time limits placed on expulsion
 22 pursuant to the Student Discipline Act or for any expulsion for an
 23 offense for which expulsion is not authorized for a public school
 24 student under the act.
 1 Sec. 3. Original section 79-254, Reissue Revised
 2 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 268. Placed on General File as amended.
 Standing Committee amendment to LB 268:
 AM0047

1 1. Insert the following new section:
 2 "Section 1. Section 79-217, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 79-217. Except as provided in sections 79-221, ~~and~~
 5 79-222, ~~and 79-1601~~, the school board ~~or board of education~~ of each
 6 school district and the governing authority of each private,
 7 denominational, or parochial school in this state shall require
 8 each student to be protected against measles, mumps, rubella,
 9 poliomyelitis, diphtheria, pertussis, and tetanus by immunization
 10 prior to enrollment. Any student who does not comply with this
 11 section shall not be permitted to continue in school until he or
 12 she so complies, except as provided by section 79-222 or 79-1601.
 13 Each school district shall make diligent efforts to inform families
 14 prior to the date of school registration of the immunization
 15 requirements of this section.
 16 Except as provided in the Childhood Vaccine Act, the cost
 17 of such immunization shall be borne by the parent or guardian of
 18 each student who is immunized or by the Department of Health and
 19 Human Services for those students whose parent or guardian is
 20 financially unable to meet such cost."
 21 2. On page 4, line 22, strike "section 79-217" and
 22 insert "sections 79-217 to 79-223"; and in line 26 after
 23 "requirements" insert ". Each such school shall not be required to
 24 comply with the immunization requirements in sections 79-217 to

- 1 79-223 if the statement signed by the parents or legal guardians
 2 indicate sincerely held religious beliefs as the reason pursuant to
 3 subdivision (3)(a)(i) of this section for the student attending a
 4 private, denominational, or parochial school which elects not to
 5 meet state accreditation or approval requirements".
 6 3. On page 6, line 21, strike "section" and insert
 7 "sections 79-217 and"; and in line 22, strike "is" and insert
 8 "are".
 9 4. Renumber the remaining sections accordingly.

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 23. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 24. Title read. Considered.

Advanced to E & R for review with 29 ayes, 2 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 102. Title read. Considered.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm offered the following amendment:

AM0113

- 1 1. Strike original section 1 and insert the following
 2 new section:
 3 "Section 1. Section 76-723, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 76-723. The appraisers shall each receive a reasonable
 6 fee for their services, to be fixed by the county judge or clerk
 7 magistrate, and the same shall be taxed as costs. The fee shall
 8 not exceed ~~two hundred fifty~~ four hundred twenty-five dollars for
 9 each appraiser exclusive of mileage for each day actually employed
 10 in attendance on the board of appraisers. The condemner may appeal
 11 from the allowance of any fee so fixed to the district court. Such
 12 an appeal shall be docketed apart from and shall be considered
 13 separately and independently from the rights between the condemnee
 14 and condemner. All costs of the first appraisal shall be paid
 15 by the condemner. In addition, the appraiser shall receive mileage
 16 at the rate provided in section 81-1176 for each mile necessarily
 17 traveled."

The Bromm amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 228. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SPEAKER KRISTENSEN PRESIDING

LEGISLATIVE BILL 48. Title read. Considered.

The Standing Committee amendment, AM0029, found on page 350, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

The Standing Committee amendment, AM0034, found on page 350, was considered.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 68. Placed on Select File as amended.

E & R amendment to LB 68:

AM7009

- 1 1. On page 6, line 22, strike "and".
- 2 2. On page 14, line 8, after "practice" insert "or
- 3 teaching"; in line 9 strike "teaching," and show as stricken; in
- 4 lines 10 and 13 before "after" insert "on or"; and in lines 10 and
- 5 11 strike "or nail technology instruction".
- 6 3. On page 27, line 15, strike "technician" and insert
- 7 "technicians"; and in line 16 strike "instructor" and insert

- 8 "instructors".
 9 4. On page 45, line 15, after "any" insert "school".
 10 5. On page 48, lines 21 and 22, strike "students or".
 11 6. On page 50, line 23, after "cosmetology" insert
 12 "salon".

LEGISLATIVE BILL 119. Placed on Select File.

LEGISLATIVE BILL 121. Placed on Select File.

LEGISLATIVE BILL 178. Placed on Select File.

LEGISLATIVE BILL 270. Placed on Select File.

LEGISLATIVE BILL 113. Placed on Select File as amended.

E & R amendment to LB 113:

AM7008

- 1 1. In the Standing Committee amendment, AM0005:
 2 a. On page 1, lines 8, 9, 21, and 22, strike the
 3 semicolon and insert a comma; and
 4 b. On page 1, line 15; and page 2, line 2, strike "any".
 5 2. On page 1, line 2, after "program" insert "; and to
 6 authorize purchasing card programs for political subdivisions".

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 77. Placed on General File.

LEGISLATIVE BILL 231. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 10. Placed on General File.

LEGISLATIVE RESOLUTION 11CA. Placed on General File.

LEGISLATIVE BILL 61. Placed on General File as amended.

Standing Committee amendment to LB 61:

AM0103

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 84-710, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 84-710. It shall be unlawful for any executive
 6 department, state institution, board, or officer acting under or by
 7 virtue of any statute or authority of the state, including the
 8 State Racing Commission, to receive any fees, proceeds from the
 9 sale of any public property, or any money belonging to the state or

10 due for any service rendered by virtue of state authority without
11 paying the same into the state treasury within ~~ten~~ three business
12 days of the receipt thereof when the aggregate amount is five
13 hundred dollars or more and within seven days of the receipt
14 thereof when the aggregate amount is less than five hundred
15 dollars. The State Treasurer may, upon a written request from an
16 executive department, state institution, board, or officer stating
17 that the applicable time period cannot be met, grant additional
18 time to remit the funds to the state treasury. Funds received by
19 an executive department, state institution, board, or officer for a
20 good or service which may or may not be delivered contingent upon a
21 selection process shall not be subject to this section until the
22 selection period is over.

23 The provisions of ~~sections 84-710 and this section and~~
24 section 84-711 shall not apply to money received as proceeds of any
1 fair, exposition, or exhibition held by any state board or society
2 or of membership contributions to or receipts from miscellaneous
3 sales by the Nebraska State Historical Society.

4 Such money so paid into the treasury shall be withdrawn
5 therefrom or paid out only upon proper voucher and warrant.

6 The head of any institution receiving, from any source,
7 funds to be held in trust and expended for the benefit of any
8 inmate thereof shall not be required to pay such trust funds into
9 the state treasury as provided ~~herein~~, in this section but shall,
10 at the end of each month, file with the Director of Administrative
11 Services a detailed and attested statement of all such money
12 received and expended by him or her.

13 Sec. 2. Section 84-711, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 84-711. ~~Any person or persons of any executive~~
16 ~~department, state institution or board, acting under or by virtue~~
17 ~~of any statute or authority of the state, who shall fail or refuse~~
18 The failure or refusal of an employee or officer of an executive
19 department, state institution, or board to pay over the public
20 money, or any part thereof, belonging to the state; or who shall
21 fail to account to; or to make settlement within a reasonable time
22 after notice so to do, with any proper and legal authority; of the
23 official accounts of such officer or person; with the State
24 Treasurer upon demand shall be held and taken as prima facie
25 evidence of embezzlement, and such person or persons shall be
26 punished, as now provided by law, for the embezzlement of public
27 funds.

1 Sec. 3. Original sections 84-710 and 84-711, Reissue
2 Revised Statutes of Nebraska, are repealed."

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LB 541 Tuesday, February 2, 1999 (canceled) 1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

Appropriations

LB 860 Monday, February 8, 1999 1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

Education

LR 19CA Monday, February 8, 1999 1:30 p.m.

LR 23CA Monday, February 8, 1999 1:30 p.m.

LB 394 Monday, February 8, 1999 1:30 p.m.

LB 561 Monday, February 8, 1999 1:30 p.m.

LB 631 Monday, February 8, 1999 1:30 p.m.

LB 660 Monday, February 8, 1999 1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

LB	Committee
873	Appropriations
874	Nebraska Retirement Systems
875	Appropriations
876	Appropriations
877	Appropriations
878	Appropriations
879	Appropriations
880	Appropriations

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 291. Title read. Considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No

objections. So ordered.

The Standing Committee amendment, AM0068, found on page 350, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 259. Title read. Considered.

The Standing Committee amendment, AM0065, found on page 355, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 170. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 191. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 202. Title read. Considered.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 278. Title read. Considered.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 141. Title read. Considered.

Mrs. Brown asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM0088, found on page 373, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

AMENDMENT - Print in Journal

Mr. Tyson filed the following amendment to LB 90:

AM0120

(Amendments to Standing Committee amendments, AM0089)

- 1 1. On page 2, line 13, strike "two hundred fifty" and
- 2 insert "five hundred".

WITHDRAW - Cointroducers

Mr. Smith withdrew his name as cointroducer to LB 187.

Mrs. Stuhr withdrew her name as cointroducer to LB 274.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 350. No objections. So ordered.

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 90, LB 832, LB 833, LB 834, and LB 835. No objections. So ordered.

Mr. Smith asked unanimous consent to have his name added as cointroducer to LB 202 and LB 333. No objections. So ordered.

VISITORS

Visitors to the Chamber were Linda Peacock from O'Neill; Steve and Cathy Mattoon from Sidney; and Maylon Kennel from Shickley and Bob Courtney from Crete.

The Doctor of the Day was William Coady from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Quandahl, the Legislature adjourned until 9:00 a.m., Friday, January 29, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY – JANUARY 29, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 29, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Bill Bowers, Dundee Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Robak, Messrs. Bruning, Cudaback, and Kremer who were excused; and Mmes. Kiel, C. Peterson, Suttle, Messrs. Landis, Lynch, Dw. Pedersen, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 59. Placed on Select File as amended.
E & R amendment to LB 59:
AM7011

- 1 1. On page 1, line 4, after the first semicolon insert
- 2 "to eliminate obsolete provisions;".

LEGISLATIVE BILL 403. Placed on Select File as amended.
E & R amendment to LB 403:
AM7010

- 1 1. On page 3, line 10, strike "shall," show as
- 2 stricken, and insert an underscored comma; and in line 11 strike
- 3 "include", show as stricken, and insert "includes".

LEGISLATIVE BILL 298. Placed on Select File as amended.

E & R amendment to LB 298:

AM7012

- 1 1. In the Standing Committee amendments, AM0027:
- 2 a. On page 1, lines 6 and 7 and 16 and 17, strike
- 3 "Government, Military and Veterans Affairs Committee" and insert
- 4 "committee"; and in line 23 strike "act" and insert "section"; and
- 5 b. On page 2, line 4, after "with" insert "the second".
- 6 2. On page 4, strike beginning with "Government" in line
- 7 4 through "Legislature" in line 5 and insert "committee".

Correctly Engrossed

The following bills were correctly engrossed: LBs 33, 34, 35, 57, 81, 103, 128, 137, 140, and 143.

Enrollment and Review Change to LB 81

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

ER9001

1. On page 3, line 16, a comma has been inserted after "Nebraska".

Enrollment and Review Change to LB 140

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

ER9002

1. On page 1, line 1, "the" has been inserted after the first "to".
2. On page 6, line 21, "and" has been struck and shown as stricken; and in line 25 the period has been struck and "; and" inserted.
3. On page 7, line 6, the underscored period has been struck and a period inserted.

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
General Affairs

LB 14	Monday, February 8, 1999	1:30 p.m.
LB 89	Monday, February 8, 1999	1:30 p.m.
LB 479	Monday, February 8, 1999	1:30 p.m.
LB 187	Monday, February 8, 1999	1:30 p.m.
LB 576	Monday, February 8, 1999	1:30 p.m.
LB 791	Monday, February 8, 1999	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 29, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Adams Jr., Donald D. - Lincoln; Nebraskans First, Inc.
Cavanaugh, James P. - Omaha; Sodexo Marriott Services
Cutshall & Associates
Cutshall & Associates - Lincoln; Multi States Associates, Inc. on behalf of
Associates of Health; Information Outsourcing Services
Goc, John J. - Lincoln; Safety Warning Systems, L.C.
Kamm, Richard D. - Columbus; Nebraska School Finance Coalition
Peters, William E. - Lincoln; Nebraska State Buffalo Association
Prenda, Amy - Lincoln; Gordon Kissel-Kissel/E&S Associates, L.L.C.
Rasmussen Legislative Consultants, Inc.
Rasmussen, Dennis - Lincoln; Nebraska Land Improvement Contractors
Association
Sheehy, Warren E. - Ralston; ABATE of Nebraska Inc.
Thone, Charles/Erickson & Sederstrom, P.C.
Thone, Charles - Lincoln; Nebraska Society of Clinical Laboratory Science
(Withdrawn 01/27/99)
Wilson, Rob - Omaha; ENRON

REPORTS

The following reports were received by the Legislature:

College System, Nebraska State

State College Board of Trustees Agreement with the State College
Education Association, the Nebraska State College Professional
Association, and the Nebraska Association of Public Employees

Motor Vehicles, Department of

Operator's Licenses Suspended Annual Report

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for
December 18, 1998
State Highway Commission Quarterly Report as of December 30, 1998

Workers' Compensation Court

Annual Report

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 25.

MOTION - Withdraw LB 787

Mr. Schrock renewed his pending motion, found on page 367, to withdraw LB 787.

The Schrock motion to withdraw prevailed with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 83. Advanced to E & R for engrossment.

LEGISLATIVE BILL 165. E & R amendment, AM7006, found on page 371, was adopted.

Messrs. Wickersham, Beutler, and Hilgert offered the following amendment: AM0128

- 1 1. Strike Standing Committee amendment, AM0023.
- 2 2. Insert the following new section:
- 3 "Sec. 11. Since an emergency exists, this act takes
- 4 effect when passed and approved according to law."
- 5 3. On page 2, line 20; and page 3, line 7, strike
- 6 "January 1, 2000" and insert "May 1, 1999".

The Wickersham et al. amendment was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 293. E & R amendment, AM7007, found on page 372, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 119. Advanced to E & R for engrossment.

LEGISLATIVE BILL 121. Advanced to E & R for engrossment.

LEGISLATIVE BILL 178. Advanced to E & R for engrossment.

LEGISLATIVE BILL 270. Mr. Beutler withdrew his amendment, AM0071, found on page 353.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 57A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 20. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 317. Title read. Considered.

The Standing Committee amendment, AM0096, found on page 379, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 77. Title read. Considered.**MRS. CROSBY PRESIDING**

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 10. Read. Considered.

Advanced to E & R for review with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 11CA. Read. Considered.

Advanced to E & R for review with 28 ayes, 2 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 61. Title read. Considered.

The Standing Committee amendment, AM0103, found on page 385, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

MOTION - Suspend Rules

Mr. Jensen moved to suspend the rules, Rule 3, section 13, to permit

cancellation of the public hearing on LB 220 before the Health and Human Services Committee on February 3, 1999.

The Jensen motion to suspend the rules prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 66. Placed on General File.

LEGISLATIVE BILL 168. Placed on General File as amended.
Standing Committee amendment to LB 168:
AM0081

- 1 1. On page 9, line 5, strike "or under any", show as
- 2 stricken, and insert "under a".

LEGISLATIVE BILL 65. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 243. Placed on General File.

LEGISLATIVE BILL 227. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 437. Placed on General File as amended.
(Standing Committee amendment, AM0129, may be found in the Bill Books.
The amendment has been printed separately and is on file in the Bill Room -
Room 1102.)

(Signed) William R. Wickersham, Chairperson

Agriculture

LEGISLATIVE BILL 473. Placed on General File as amended.
Standing Committee amendment to LB 473:
AM0106

- 1 1. On page 22, strike beginning with "Arrest" in line 14
- 2 through "(6)" in line 17 and show as stricken; in line 19 strike
- 3 "(7)", show as stricken, and insert "(6)"; and in line 27 strike
- 4 "(8)", show as stricken, and insert "(7)".
- 5 2. On page 23, line 1, strike "(9)", show as stricken,
- 6 and insert "(8)"; in line 5 strike "(10)" and insert "(9)"; and in
- 7 line 12 strike "(11)" and insert "(10)".

LEGISLATIVE BILL 474. Placed on General File as amended.
 Standing Committee amendment to LB 474:
 AM0107

- 1 1. On page 3, line 23, strike the new matter; and in
- 2 lines 26 through 28 strike the new matter and reinstate the
- 3 stricken matter.
- 4 2. On page 4, lines 1 and 2, reinstate the stricken
- 5 matter.

(Signed) Merton L. Dierks, Chairperson

NOTICE OF COMMITTEE HEARINGS **Health and Human Services**

LB 220 Wednesday, February 3, 1999 (canceled) 1:30 p.m.

(Signed) Jim Jensen, Chairperson

Transportation

LB 16	Monday, February 8, 1999	1:30 p.m.
LB 356	Monday, February 8, 1999	1:30 p.m.
LB 410	Monday, February 8, 1999	1:30 p.m.
LB 583	Monday, February 8, 1999	1:30 p.m.
LB 686	Monday, February 8, 1999	1:30 p.m.
LB 445	Monday, February 8, 1999	1:30 p.m.
LB 585	Monday, February 8, 1999	1:30 p.m.
LB 586	Monday, February 8, 1999	1:30 p.m.

(Signed) Curt Bromm, Chairperson

Urban Affairs

LB 78	Tuesday, February 9, 1999	1:30 p.m.
LB 237	Tuesday, February 9, 1999	1:30 p.m.
LB 590	Tuesday, February 9, 1999	1:30 p.m.
LB 702	Tuesday, February 9, 1999	1:30 p.m.
LB 725	Tuesday, February 9, 1999	1:30 p.m.
LB 370	Tuesday, February 16, 1999	1:30 p.m.
LB 371	Tuesday, February 16, 1999	1:30 p.m.
LB 428	Tuesday, February 16, 1999	1:30 p.m.
LB 739	Tuesday, February 16, 1999	1:30 p.m.
LB 741	Tuesday, February 16, 1999	1:30 p.m.
LB 752	Tuesday, February 16, 1999	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

AMENDMENT - Print in Journal

Mr. Brashear filed the following amendment to LB 47:
AM0131

1 1. Insert the following new section:

2 "Sec. 2. Section 84-1411, Revised Statutes Supplement,
3 1998, is amended to read:

4 84-1411. (1) Each public body shall give reasonable
5 advance publicized notice of the time and place of each meeting by
6 a method designated by each public body and recorded in its
7 minutes. Such notice shall be transmitted to all members of the
8 public body and to the public. Such notice shall contain an agenda
9 of subjects known at the time of the publicized notice or a
10 statement that the agenda, which shall be kept continually current,
11 shall be readily available for public inspection at the principal
12 office of the public body during normal business hours. Except for
13 items of an emergency nature, the agenda shall not be altered later
14 than (a) twenty-four hours before the scheduled commencement of the
15 meeting or (b) forty-eight hours before the scheduled commencement
16 of a meeting of a city council or village board scheduled outside
17 the corporate limits of the municipality. The public body shall
18 have the right to modify the agenda to include items of an
19 emergency nature only at such public meeting.

20 (2) A meeting of a state agency, state board, state
21 commission, state council, or state committee, of an advisory
22 committee of any such state entity, of an organization created
23 under the Interlocal Cooperation Act or the Municipal Cooperative
24 Financing Act, of the governing body of a public power district
1 having a chartered territory of more than fifty counties in this
2 state, or of the governing body of a risk management pool or its
3 advisory committees organized in accordance with the
4 Intergovernmental Risk Management Act may be held by means of
5 videoconferencing or, in the case of the Judicial Resources
6 Commission in those cases specified in section 24-1204, by
7 telephone conference, if:

8 (a) Reasonable advance publicized notice is given;

9 (b) Reasonable arrangements are made to accommodate the
10 public's right to attend, hear, and speak at the meeting, including
11 seating, recordation by audio or visual recording devices, and a
12 reasonable opportunity for input such as public comment or
13 questions to at least the same extent as would be provided if
14 videoconferencing or telephone conferencing was not used;

15 (c) At least one copy of all documents being considered
16 is available to the public at each site of the videoconference or
17 telephone conference;

18 (d) At least one member of the state entity, advisory
19 committee, or governing body is present at each site of the
20 videoconference or telephone conference; and

21 (e) No more than one-half of the state entity's, advisory

22 committee's, or governing body's meetings in a calendar year are
23 held by videoconference or telephone conference.

24 Videoconferencing or telephone conferencing shall not be
25 used to circumvent any of the public government purposes
26 established in sections 84-1408 to 84-1414.

27 (3) The secretary or other designee of each public body
1 shall maintain a list of the news media requesting notification of
2 meetings and shall make reasonable efforts to provide advance
3 notification to them of the time and place of each meeting and the
4 subjects to be discussed at that meeting.

5 (4) When it is necessary to hold an emergency meeting
6 without reasonable advance public notice, the nature of the
7 emergency shall be stated in the minutes and any formal action
8 taken in such meeting shall pertain only to the emergency. Such
9 emergency meetings may be held by means of electronic or
10 telecommunication equipment. The provisions of subsection (3) of
11 this section shall be complied with in conducting emergency
12 meetings. Complete minutes of such emergency meetings specifying
13 the nature of the emergency and any formal action taken at the
14 meeting shall be made available to the public by no later than the
15 end of the next regular business day.

16 (5) A public body may allow a member of the public or any
17 other witness other than a member of the public body to appear
18 before the public body by means of video or telecommunications
19 equipment.

20 (6) It is the intent of the Legislature that on or before
21 January 1, 1997, the Government, Military and Veterans Affairs
22 Committee of the Legislature review the effects of subsections (2)
23 and (5) of this section on openness of meetings, effectiveness of
24 public access arrangements, costs and cost-savings, and any
25 tendency observed to abuse or circumvent the open meeting
26 provisions of sections 84-1408 to 84-1414. The committee shall
27 develop and propose any corrective legislation it deems
1 necessary".

2 2. On page 2, line 21, after "year" insert "and the
3 telephone conference shall conform to the requirements of
4 subsection (2) of section 84-1411, and the commission shall only
5 determine whether a judicial vacancy exists in the affected
6 district and make no other determinations"; in line 22 strike
7 "section 24-1204" and insert "sections 24-1204 and 84-1411"; and in
8 line 23 strike "is" and insert "are".

9 3. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Hudkins, Messrs. Baker, Janssen, and Jones asked unanimous consent to have their names added as cointroducers to LB 150. No objections. So ordered.

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 476. No objections. So ordered.

VISITORS

Visitor to the Chamber was Joanie Bowers from Omaha.

The Doctor of the Day was Jay Matzke from Seward.

ADJOURNMENT

At 10:57 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Monday, February 1, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY – FEBRUARY 1, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 1, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Frank Zimmerman, First Christian Church, Auburn, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Kristensen, Landis, D. Pederson, Preister, Schmitt, and Mrs. Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 393, strike lines 8 through 24 and insert:

Adams Jr., Donald D. - Lincoln; Nebraskans First, Inc.

Cavanaugh, James P. - Omaha; Sodexo Marriott Services

Cutshall & Associates

Cutshall & Associates - Lincoln; Multi States Associates, Inc. on behalf of
Associates of Health; Information Outsourcing Services

Goc, John J. - Lincoln; Safety Warning Systems, L. C.

Kamm, Richard D. - Columbus; Nebraska School Finance Coalition

Peters, William E. - Lincoln; Nebraska State Buffalo Association

Prenda, Amy - Lincoln; Gordon Kissel-Kissel/E&S Associates, L.L.C.

Rasmussen Legislative Consultants, Inc.

Rasmussen, Dennis - Lincoln; Nebraska Land Improvement Contractors
Association

Sheehy, Warren E. - Ralston; ABATE of Nebraska Inc.

Thone, Charles/Erickson & Sederstrom, P.C.

Thone, Charles - Lincoln; Nebraska Society of Clinical Laboratory Science
(Withdrawn 01/27/99)

Wilson, Rob - Omaha; ENRON

The Journal for the seventeenth day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 140A. Placed on Select File.

LEGISLATIVE BILL 258. Placed on Select File as amended.

E & R amendment to LB 258:

AM7015

1 1. On page 4, line 13, strike "shall mean", show as
2 stricken, and insert "means".

3 2. On page 5, line 28, after "Insurers" insert "and
4 Health Organizations".

5 3. On page 6, line 12, strike "shall also include", show
6 as stricken, and insert "also includes".

LEGISLATIVE BILL 260. Placed on Select File as amended.

E & R amendment to LB 260:

AM7016

1 1. On page 2, lines 10 and 16, after "requirements"
2 insert an underscored comma; in line 16 strike the second "or",
3 show as stricken, and insert an underscored comma; and in line 21
4 after "fee" insert an underscored comma.

5 2. On page 8, line 5, after "if" insert "the".

6 3. On page 9, line 18, after "in" insert "the".

LEGISLATIVE BILL 326. Placed on Select File as amended.

E & R amendment to LB 326:

AM7013

1 1. On page 11, line 24, strike the third comma.

2 2. On page 18, line 7, after "Fraud" insert
3 "Prevention".

LEGISLATIVE BILL 287. Placed on Select File as amended.

E & R amendment to LB 287:

AM7014

1 1. On page 1, line 1, strike "educational service units"
2 and insert "political subdivisions"; and in line 5 strike
3 "allocation of tax levies" and insert "the collection and
4 distribution of tax proceeds; to provide duties".

5 2. On page 2, line 22, strike "or", show as stricken,
6 and insert an underscored comma; in line 24 strike the second "or",
7 show as stricken, and insert an underscored comma; and in line 25
8 strike "and school district", show as stricken, and insert ",
9 school district, and educational service unit".

LEGISLATIVE BILL 19. Placed on Select File.

LEGISLATIVE BILL 23. Placed on Select File.

LEGISLATIVE BILL 24. Placed on Select File.

LEGISLATIVE BILL 102. Placed on Select File.

LEGISLATIVE BILL 228. Placed on Select File.

LEGISLATIVE BILL 48. Placed on Select File.**LEGISLATIVE BILL 72.** Placed on Select File as amended.

E & R amendment to LB 72:

AM7017

1. On page 1, line 5, strike "and" and after "sections"
2. insert "; and to declare an emergency".

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARINGS**Banking, Commerce and Insurance**

LB 274	Monday, February 8, 1999	1:30 p.m.
LB 346	Monday, February 8, 1999	1:30 p.m.
LB 503	Monday, February 8, 1999	1:30 p.m.
LB 682	Monday, February 8, 1999	1:30 p.m.

LB 424	Tuesday, February 9, 1999	1:30 p.m.
LB 618	Tuesday, February 9, 1999	1:30 p.m.
LB 680	Tuesday, February 9, 1999	1:30 p.m.
LB 681	Tuesday, February 9, 1999	1:30 p.m.

LB 63	Tuesday, February 16, 1999	1:30 p.m.
LB 550	Tuesday, February 16, 1999	1:30 p.m.
LB 552	Tuesday, February 16, 1999	1:30 p.m.
LB 827	Tuesday, February 16, 1999	1:30 p.m.

Tuesday, February 16, 1999	1:30 p.m.
NE Department of Economic Development	
Lynn Allan Wenstrand	

LB 99	Monday, February 22, 1999	1:30 p.m.
LB 442	Monday, February 22, 1999	1:30 p.m.
LB 454	Monday, February 22, 1999	1:30 p.m.

LB 355	Tuesday, February 23, 1999	1:30 p.m.
LB 555	Tuesday, February 23, 1999	1:30 p.m.
LB 845	Tuesday, February 23, 1999	1:30 p.m.

(Signed) David M. Landis, Chairperson

Business and Labor

LB 27	Monday, February 8, 1999	1:30 p.m.
LB 331	Monday, February 8, 1999	1:30 p.m.
LB 693	Monday, February 8, 1999	1:30 p.m.

Monday, February 8, 1999
 Commissioner of Labor
 Fernando Lecuona III

1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

Urban Affairs

LB 462	Tuesday, February 23, 1999	1:30 p.m.
LB 536	Tuesday, February 23, 1999	1:30 p.m.
LB 738	Tuesday, February 23, 1999	1:30 p.m.
LB 740	Tuesday, February 23, 1999	1:30 p.m.
LB 804	Tuesday, February 23, 1999	1:30 p.m.
LB 806	Tuesday, February 23, 1999	1:30 p.m.
LB 640	Tuesday, March 2, 1999	1:30 p.m.
LB 771	Tuesday, March 2, 1999	1:30 p.m.
LB 849	Tuesday, March 2, 1999	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENT

Mr. Schellpeper designates LB 126 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 195. Title read. Considered.

The Standing Committee amendment, AM0079, found on page 381, was considered.

Mrs. Suttle offered the following amendment to the Standing Committee amendment:

AM0138

(Amendments to Standing Committee amendments, AM0079)

- 1 1. On page 1, line 18, after "school" insert "or from a
- 2 school in another state".

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

The Standing Committee amendment, as amended, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Messrs. Coordsen and Hartnett asked unanimous consent to be excused until

they return. No objections. So ordered.

LEGISLATIVE BILL 66. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 168. Title read. Considered.

The Standing Committee amendment, AM0081, found on page 396, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 243. Title read. Considered.

Mr. Beutler offered the following amendment:

FA6

On page 2, line 7, strike "one hundred" and replace it with 70%

On page 2, lines 19 & 20 & 21:

Strike the new language and restore the stricken language.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

MRS. CROSBY PRESIDING

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

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Baker	Brown	Kiel	Pederson, D.	Stuhr
Beutler	Chambers	Kremer	Raikes	Suttle
Brashear	Engel	Landis	Redfield	Thompson
Bromm	Hilgert	Matzke	Schrock	

Voting in the negative, 25:

Bourne	Crosby	Jensen	Price	Smith
Bruning	Cudaback	Jones	Quandahl	Tyson
Byars	Dierks	Lynch	Schellpeper	Vrtiska
Connealy	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Coordsen	Janssen	Peterson, C.	Schmitt	Wickersham

Present and not voting, 1:

Hartnett

Excused and not voting, 4:

Bohlke Kristensen Preister Robak

The Beutler amendment lost with 19 ayes, 25 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. C. Peterson offered the following amendment:

FA7

Section 1, Line 5 after the word "regionally" insert "or national organizations recognized by the U.S. Department of Education"

SPEAKER KRISTENSEN PRESIDING

PRESIDENT MAURSTAD PRESIDING

Mrs. C. Peterson withdrew her amendment.

Advanced to E & R for review with 29 ayes, 10 nays, 6 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 119A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 119, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 68A. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 68, Ninety-sixth Legislature, First Session, 1999.

NOTICE OF COMMITTEE HEARINGS **Natural Resources**

LB 793	Wednesday, February 10, 1999	1:30 p.m.
LB 737	Wednesday, February 10, 1999	1:30 p.m.
LB 568	Wednesday, February 10, 1999	1:30 p.m.
LB 283	Thursday, February 11, 1999	1:30 p.m.
LB 335	Thursday, February 11, 1999	1:30 p.m.
LB 788	Thursday, February 11, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Transportation

LB 235	Tuesday, February 9, 1999	1:30 p.m.
LB 864	Tuesday, February 9, 1999	1:30 p.m.
LB 310	Tuesday, February 9, 1999	1:30 p.m.
LB 368	Tuesday, February 9, 1999	1:30 p.m.
LB 517	Tuesday, February 9, 1999	1:30 p.m.
LB 744	Tuesday, February 9, 1999	1:30 p.m.

(Signed) Curt Bromm, Chairperson

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

LEGISLATIVE BILL 212. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 32. Placed on General File.

LEGISLATIVE BILL 232. Placed on General File.

LEGISLATIVE BILL 669. Placed on General File.

LEGISLATIVE BILL 244. Indefinitely postponed.

LEGISLATIVE BILL 269. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Judiciary

LEGISLATIVE BILL 64. Placed on General File.

LEGISLATIVE BILL 106. Placed on General File.

LEGISLATIVE BILL 40. Placed on General File as amended.

Standing Committee amendment to LB 40:

AM0095

1. On page 2, line 22, strike "Class II" and insert
2. "Class III"; and in line 27 strike "Class III" and insert "Class

3 IIIA".

4 2. On page 3, line 14, after "class" insert "other than
5 a Class IV felony.

6 (f) Accessory to felony is a Class I misdemeanor if the
7 actor violates subdivision (1)(d), (1)(e), or (1)(f) of this
8 section, the actor knows of the conduct of the other, and the
9 conduct of the other constitutes a Class IV felony".

LEGISLATIVE BILL 46. Placed on General File as amended.

Standing Committee amendment to LB 46:

AM0091

1 1. On page 2, strike beginning with "if" in line 3
2 through line 5 and insert ", except that no autopsy needs to be
3 performed if (a) the death was caused by a readily recognizable
4 disease or the death occurred due to trauma resulting from an
5 accident and (b) the death did not occur under suspicious
6 circumstances.".

LEGISLATIVE BILL 49. Placed on General File as amended.

Standing Committee amendment to LB 49:

AM0094

1 1. On page 2, line 15, after "services" insert ", is not
2 the operator of a bookmobile or other such vehicle operated by the
3 state or a political subdivision and used for informing, educating,
4 organizing, or transporting children, is not a paid employee of, or
5 a volunteer for, a nonprofit or religious organization which
6 provides activities for children.".

LEGISLATIVE BILL 511. Placed on General File as amended.

Standing Committee amendment to LB 511:

AM0132

1 1. On page 2, line 8, after "Administration" insert ",
2 which includes, but is not limited to, individuals working in
3 central administration of the department, individuals working under
4 contract with the department, and any individual to whom the
5 department has authorized or delegated control over inmates or
6 inmates' activities".

(Signed) Kermit A. Brashear, Chairperson

Revenue

LEGISLATIVE BILL 280. Placed on General File as amended.

Standing Committee amendment to LB 280:

AM0144

1 1. Strike original section 1 and insert the following
2 new section:
3 "Section 1. Section 77-2704.09, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 77-2704.09. (1) Sales and use taxes shall not be imposed
6 on the gross receipts from the sale, lease, or rental of and the
7 storage, use, or other consumption in this state of insulin and the
8 following when sold for a patient's use under a prescription
9 written by a person licensed under Chapter 71, article 1, or
10 sections 71-4701 to 71-4719: Prescription medicines; durable
11 medical equipment; home medical supplies; prosthetic devices;
12 orthotic devices; oxygen; and oxygen equipment.

13 (2) For purposes of this section:

14 (a) Durable medical equipment shall mean equipment which
15 can withstand repeated use, is primarily and customarily used to
16 serve a medical purpose, generally is not useful to a person in the
17 absence of illness or injury, and is appropriate for use in the
18 home or on a motor vehicle;

19 (b) Home medical supplies shall mean supplies primarily
20 and customarily used to serve a medical purpose which are
21 appropriate for use in the home and are generally not useful to a
22 person in the absence of illness or injury;

23 (c) Orthotic devices shall mean devices which are used to
24 support, or limit the movement of, parts of the body to serve a
1 medical purpose and generally are not useful to a person in the
2 absence of illness or injury;

3 (d) Oxygen equipment shall mean oxygen cylinders,
4 cylinder transport devices including sheaths and carts, cylinder
5 studs and support devices, regulators, flowmeters, tank wrenches,
6 oxygen concentrators, liquid oxygen base dispensers, liquid oxygen
7 portable dispensers, oxygen tubing, nasal cannulas, face masks,
8 oxygen humidifiers, and oxygen fittings and accessories; and

9 (e) Prosthetic devices shall mean devices which
10 permanently or temporarily replace a missing part or a
11 nonfunctioning part of the human body and shall include any
12 supplies used with such devices."

13 2. On page 2, line 18, strike "77-2704.21" and insert
14 "77-2704.09".

(Signed) William R. Wickersham, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 881. Introduced by Speaker Kristensen, 37; Brashear, 4; Brown, 6; Engel, 17; D. Pederson, 42; C. Peterson, 35; Redfield, 12; Wehrbein, 2; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 8-1120, 44-116, 77-4602, and 77-4603, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 1998; to adopt the Direct Relief to Property Taxpayer Act; to provide for transfer of funds;

to harmonize provisions; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 227. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 437. Title read. Considered.

The Standing Committee amendment, AM0129, printed separately and referred to on page 396, was considered.

Mr. Wickersham offered the following amendment to the Standing Committee amendment:

FA5

In AM 0129, on pg. 12, line 21, insert the word "board" after the word "society"

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Messrs. Brashear, Jones, and Byars asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 291. Placed on Select File as amended.

E & R amendment to LB 291:

AM7019

- 1 1. On page 1, line 4, after the second semicolon insert
- 2 "to provide an operative date;".

LEGISLATIVE BILL 259. Placed on Select File as amended.

E & R amendment to LB 259:

AM7020

- 1 1. On page 1, line 1, strike "44-787" and insert
- 2 "44-211, 44-787, 44-1992"; and in line 4 after "change" insert "and
- 3 provide" and after the second semicolon insert "to change
- 4 provisions relating to incorporation;"
- 5 2. On page 17, line 3, strike the underscored comma.
- 6 3. On page 18, line 14, after "77-913" insert an
- 7 underscored comma.
- 8 4. On page 28, line 2, strike "12" and insert "14".

LEGISLATIVE BILL 170. Placed on Select File.**LEGISLATIVE BILL 191.** Placed on Select File as amended.

E & R amendment to LB 191:

AM7018

- 1 1. On page 2, line 17, strike the second comma.

LEGISLATIVE BILL 202. Placed on Select File.**LEGISLATIVE BILL 278.** Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORT
General Affairs**LEGISLATIVE BILL 126.** Placed on General File as amended.

Standing Committee amendment to LB 126:

AM0099

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 53-101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-101. Sections 53-101 to 53-1,121 and section 6 of
- 5 this act shall be known and may be cited as the Nebraska Liquor
- 6 Control Act.
- 7 Sec. 6. In order to further the public policy of
- 8 detering minors from obtaining or consuming alcoholic liquor,
- 9 persons under twenty-one years of age may be authorized to assist
- 10 duly authorized law enforcement officers to determine compliance
- 11 with sections 53-180 and 53-180.02. Such compliance checks shall
- 12 be conducted by, in conjunction with, or under the direction of the
- 13 Nebraska State Patrol and shall be conducted pursuant to guidelines
- 14 adopted and promulgated by the Nebraska State Patrol with input
- 15 from the commission. Such guidelines shall include, but need not
- 16 be limited to, requirements that the person provide truthful
- 17 identification and truthful responses to inquiries and present an
- 18 appearance which is consistent with the person's chronological age.
- 19 The Nebraska State Patrol shall maintain records of such compliance

20 checks and shall make a report to the commission on or before
21 December 1 of each year, indicating the outcome of such compliance
22 checks. Compliance checks not conducted pursuant to this section
23 shall not be considered by the commission for purposes of
24 suspension, cancellation, or revocation of a license pursuant to
1 section 53-1,104."

2 2. On page 2, line 4, before "have" insert "knowingly";
3 in line 5 strike "or physical control" and show as stricken; strike
4 beginning with the last comma in line 16 through the last comma in
5 line 17, show as stricken, and insert "or knowingly possessing";
6 and after line 20 insert the following new paragraph:

7 "For purposes of this section:

8 (1) Consume means to drink or otherwise ingest alcoholic
9 liquor. Consumption may be proved by evidence of the physical
10 appearance or condition of the person, including, but not limited
11 to, evidence of physical impairment or intoxication, aroma of
12 alcoholic liquor on the person's breath, or by evidence of visual
13 observation of the person consuming alcoholic liquor. There shall
14 be a rebuttable presumption that any person who has a concentration
15 of one hundredth of one gram or more by weight of alcohol per one
16 hundred milliliters of his or her blood has consumed alcoholic
17 liquor. A person charged with consumption of alcoholic liquor
18 under this section shall have the right to a chemical test of the
19 blood, breath, or urine pursuant to section 60-6,199 to establish
20 whether or not he or she has consumed alcoholic liquor; and

21 (2) Possession or possessing means being in physical
22 contact with or having actual physical control over alcoholic
23 liquor. There shall be a rebuttable presumption that any person
24 who has a container containing alcoholic liquor, either opened or
25 unopened, within the physical reach of his or her arms has actual
26 physical control over such alcoholic liquor."

27 3. On page 6, line 10, after "(5)" insert "Upon the
1 expiration of any license suspension ordered pursuant to subsection
2 (4) of this section, the person may have his or her license
3 reinstated upon payment of a fee of ninety-five dollars. The fees
4 paid pursuant to this section shall be remitted to the State
5 Treasurer. The State Treasurer shall credit fifty dollars each fee
6 to the General Fund and forty-five dollars of each fee to the
7 Department of Motor Vehicles Cash Fund.

8 (6)"; in line 26 strike "fifty", show as stricken, and
9 insert "one hundred"; and in line 28 strike "one", show as
10 stricken, and insert "two" and strike "second" and insert "third".

11 4. On page 7, line 1, strike "the same type of" and
12 after "violation" insert "of section 53-180 or 53-180.02"; in line
13 5 after "time" insert "not to exceed five days"; in line 6 after
14 "penalty" insert "for that period of time"; and in line 22 after
15 "sections" insert "53-101,".

16 5. Renumber the remaining sections accordingly.

(Signed) Stan Schellpeper, Chairperson

AMENDMENT - Print in Journal

Mr. Coordsen filed the following amendment to LB 298:

AM0140

- 1 1. In the E & R amendments, AM7012, strike beginning
- 2 with the colon in line 1 through "on" in line 5 and insert ", on".
- 3 2. In the Standing Committee amendments, AM0027, strike
- 4 amendment 1 and renumber the remaining amendments accordingly.
- 5 3. Strike original section 3 and renumber the remaining
- 6 section.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 66. No objections. So ordered.

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 519. No objections. So ordered.

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 243. No objections. So ordered.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Tuesday, February 2, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY – FEBRUARY 2, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 2, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Father Tom Ryan, St. Mary's Cathedral Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Brown, Kiel, Robak, Messrs. Coordsen, Landis, Matzke, Wehrbein, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 141. Placed on Select File as amended.

E & R amendment to LB 141:

AM7021

- 1 1. On page 1, line 2, after "35-1205," insert
- 2 "35-1206,"; in line 7 after "to" insert "change and"; in line 8
- 3 strike "property"; and strike lines 9 and 10 and insert "change
- 4 appeal provisions; to harmonize".
- 5 2. On page 15, line 7, strike "(q)", show as stricken,
- 6 and insert "(s)".
- 7 3. On page 18, line 13, after "subdivisions" insert an
- 8 underscored comma; and in line 18 after "section" insert an
- 9 underscored comma.
- 10 4. On page 21, strike beginning with "Reissue" in line 6
- 11 through "Nebraska" in line 7 and insert "Revised Statutes

12 Supplement, 1998".

LEGISLATIVE BILL 57A. Placed on Select File.

LEGISLATIVE BILL 20. Placed on Select File.

LEGISLATIVE BILL 317. Placed on Select File as amended.

E & R amendment to LB 317:

AM7022

- 1 1. On page 1, line 2, strike "section" and insert
- 2 "sections 14-512 and"; and in line 5 strike "section" and insert
- 3 "sections".

LEGISLATIVE BILL 77. Placed on Select File.

LEGISLATIVE RESOLUTION 10. Placed on Select File.

LEGISLATIVE RESOLUTION 11CA. Placed on Select File.

LEGISLATIVE BILL 61. Placed on Select File as amended.

E & R amendment to LB 61:

AM7023

- 1 1. On page 1, line 1, strike "section 84-710" and insert
- 2 "sections 84-710 and 84-711"; and in line 4 after the semicolon
- 3 insert "to harmonize provisions;" and strike "section" and insert
- 4 "sections".

Correctly Engrossed

The following bills were correctly engrossed: LBs 83, 119, 121, 165, 178, 270, and 293.

Enrollment and Review Change to LB 165

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

ER9003

1. In the E & R Amendments, AM7006, amendment I has been struck.
2. On page 1, line 7, "and" has been struck; and in line 8 "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 293

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

ER9004

1. On page 1, line 1, "and" has been inserted after the second semicolon.
2. On page 2, line 12, "Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act." has

been inserted after the period.

(Signed) Adrian M. Smith, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 243.

(Signed) Elaine Stuhr

NOTICE OF COMMITTEE HEARING Education

LB 334	Tuesday, February 9, 1999	1:30 p.m.
LB 353	Tuesday, February 9, 1999	1:30 p.m.
LB 354	Tuesday, February 9, 1999	1:30 p.m.
LB 425	Tuesday, February 9, 1999	1:30 p.m.
LB 812	Tuesday, February 9, 1999	1:30 p.m.
LB 813	Tuesday, February 9, 1999	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

MOTION - Print in Journal

Mr. Beutler filed the following motion to LB 231:

Raise LB 231 to the floor notwithstanding the vote of the committee to indefinitely postpone.

UNANIMOUS CONSENT - Members Excused

Messrs. Bruning, Jensen, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 24 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 24.

GENERAL FILE

LEGISLATIVE BILL 90. Title read. Considered.

The Standing Committee amendment, AM0089, found on page 374, was considered.

Mr. Tyson renewed his pending amendment, AM0120, found on page 389, to the Standing Committee amendment.

MR. COORDSEN PRESIDING

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Tyson amendment lost with 4 ayes, 16 nays, 22 present and not voting, and 7 excused and not voting.

Mrs. Suttle offered the following amendment to the Standing Committee amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM0110.)

Mrs. Hudkins requested a ruling of the Chair on whether the Suttle amendment is germane to the Standing Committee amendment.

The Chair ruled the Suttle amendment is not germane to the Standing Committee amendment.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA8

Amendment to Committee Amendment 0089

Page 1 Line 8:

Between the words "plates" and "affixed" add the phrase "or valid In Transit decals issued pursuant to section 60-320"

Page 2 Line 12:

Before the word "affixed" add the phrase "or valid In Transit decals issued pursuant to section 60-320"

The Chambers amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS**Education**

LEGISLATIVE BILL 363. Placed on General File.

LEGISLATIVE BILL 386. Placed on General File.

LEGISLATIVE BILL 378. Indefinitely postponed.

LEGISLATIVE BILL 443. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 422. Placed on General File.

LEGISLATIVE BILL 441. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 211. Placed on General File.

LEGISLATIVE BILL 366. Placed on General File.

LEGISLATIVE BILL 379. Placed on General File.

LEGISLATIVE BILL 17. Placed on General File as amended.

Standing Committee amendment to LB 17:

AM0040

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Legislature finds that medical records
- 4 contain personal and sensitive information that if improperly used
- 5 or released may do significant harm to a patient's interests.
- 6 Patients need access to their own medical records as a matter of
- 7 fairness to enable them to make informed decisions about their
- 8 health care and correct inaccurate or incomplete information about
- 9 themselves.
- 10 Sec. 2. For purposes of sections 1 to 7 of this act:
- 11 (1) Medical records means a provider's record of a
- 12 patient's health history and treatment rendered;
- 13 (2) Patient includes a patient or former patient;
- 14 (3) Patient request or request of a patient includes the
- 15 request of a patient's guardian or other authorized representative;
- 16 and
- 17 (4) Provider means a physician, psychologist,
- 18 chiropractor, dentist, hospital, clinic, and any other licensed or
- 19 certified health care practitioner or entity.
- 20 Sec. 3. (1) A patient may request a copy of the
- 21 patient's medical records or may request to examine or copy such
- 22 records. Access to such records shall be provided upon request
- 23 pursuant to sections 1 to 7 of this act unless such access would be
- 24 inconsistent with the patient's condition and sound therapeutic
- 1 treatment. The request and any authorization shall be in writing
- 2 and shall be valid for one hundred eighty days after the date of
- 3 delivery to the provider.
- 4 (2) Upon receiving a request for a copy of the patient's
- 5 medical records under subsection (1) of this section, the provider
- 6 shall furnish the person making the request a copy of such records

7 within thirty days after the written request is received.

8 (3) Upon receiving a request to examine or copy the
9 patient's medical records, the provider shall, as promptly as
10 required under the circumstances but no later than ten days after
11 receiving the request: (1) Make the medical records available for
12 examination during regular business hours and provide a copy, if
13 requested, to the patient; (2) inform the patient if the
14 information does not exist or cannot be found; (3) if the provider
15 does not maintain a record of the information, inform the patient
16 and provide the name and address, if known, of the provider who
17 maintains the information; or (4) if the information is in use or
18 unusual circumstances have delayed handling the request, inform the
19 patient and specify in writing the reasons for the delay and the
20 earliest date, not later than twenty-one days after receiving the
21 request, when the information will be available for examination or
22 copying.

23 (4) This section does not require the retention of
24 records or impose liability for the destruction of records in the
25 ordinary course of business prior to receipt of a request made
26 under subsection (1) of this section. The provider may delete
27 confidential information in any medical record concerning another
1 patient or family member who has not consented to the release of
2 the record.

3 Sec. 4. Except as provided in sections 5 and 7 of this
4 act, for medical records provided under section 3 of this act or
5 under subpoena by a patient or his or her authorized representative
6 the provider may charge up to twenty dollars as a handling fee and
7 may charge up to fifty cents per page as a copying fee. An
8 estimate of the number of pages that comprise the medical record is
9 sufficient to set the copying fee to be paid in advance of delivery
10 of such record by the provider. The provider may charge for the
11 reasonable cost of all duplications of medical records which cannot
12 routinely be copied or duplicated on a standard photocopy machine.
13 The provider may charge the amount necessary to cover the cost of
14 labor and materials for furnishing a copy of an X-ray or similar
15 special medical record and may charge the amount necessary to cover
16 the cost of furnishing records which are more than two years old
17 and are not stored onsite and in paper form. If the provider does
18 not have the ability to reproduce X-rays or other records
19 requested, the person making the request may arrange, at his or her
20 expense, for the reproduction of such records.

21 Sec. 5. (1) A provider shall not charge a fee for medical
22 records requested by a patient for use in supporting an application
23 for disability or other benefits or assistance or an appeal
24 relating to the denial of such benefits or assistance under:

25 (a) Sections 43-501 to 43-536 regarding assistance for
26 certain children;

27 (b) Sections 68-1018 to 68-1025 relating to the medical
1 assistance program;

2 (c) Title II of the federal Social Security Act, as
3 amended, 42 U.S.C. 401 et seq.;

4 (d) Title XVI of the federal Social Security Act, as
5 amended, 42 U.S.C. 1382 et seq.; or

6 (e) Title XVIII of the federal Social Security Act, as
7 amended, 42 U.S.C. 1395 et seq.

8 (2) Unless otherwise provided by law, a provider may
9 charge a fee as provided in section 4 of this act for the medical
10 records of a patient requested by a state or federal agency in
11 relation to the patient's application for benefits or assistance or
12 an appeal relating to denial of such benefits or assistance under
13 subsection (1) of this section.

14 (3) A request for medical records under this section
15 shall include a statement or document from the department or agency
16 that administers the issuance of the assistance or benefits which
17 confirms the application or appeal.

18 Sec. 6. The transfer or submission of information to the
19 patient's medical record done in good faith shall not render the
20 provider liable to the patient or any other person for any
21 consequences that have resulted or may result from the disclosure
22 of the patient's medical record as provided in sections 1 to 7 of
23 this act.

24 Sec. 7. Sections 1 to 7 of this act do not apply to the
25 release of medical records under the Nebraska Workers' Compensation
26 Act."

LEGISLATIVE BILL 333. Placed on General File as amended.

Standing Committee amendment to LB 333:

AM0148

1 1. On page 3, strike lines 10 and 11.

LEGISLATIVE BILL 56. Indefinitely postponed.

LEGISLATIVE BILL 71. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

Natural Resources

LEGISLATIVE BILL 286. Placed on General File as amended.

Standing Committee amendment to LB 286:

AM0112

1 1. On page 2, line 8, after "boundaries" insert "upon
2 the affirmative vote of at least two-thirds of all the members of
3 the board of the district"; and in lines 8 through 10 strike the
4 new matter.

(Signed) Ed Schrock, Chairperson

Health and Human Services**LEGISLATIVE BILL 307.** Placed on General File as amended.

Standing Committee amendment to LB 307:

AM0149

- 1 1. On page 2, line 4, after "law" insert "and shall
- 2 exercise such option in a cost-neutral manner relative to the
- 3 General Fund".

(Signed) Jim Jensen, Chairperson

Banking, Commerce and Insurance**LEGISLATIVE BILL 396.** Placed on General File as amended.

Standing Committee amendment to LB 396:

AM0155

- 1 1. On page 33, line 12, after the stricken semicolon
- 2 insert "For filing a notice to establish an automatic teller
- 3 machine, fifteen dollars;"; in line 13 reinstate the stricken
- 4 matter; and in lines 15, 17, 21, 24, and 26 strike the new matter
- 5 and reinstate the stricken matter.

(Signed) David M. Landis, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bill:

LB Committee
881 Revenue

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

STANDING COMMITTEE REPORT**Health and Human Services**

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Michael Wescott, M.D. - Nebraska Board of Emergency Medical Services

VOTE: Aye: Senators Jensen, Byars, Dierks, Price, Suttle, Thompson, and Tyson. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 701	Friday, February 12, 1999	1:30 p.m.
LB 748	Friday, February 12, 1999	1:30 p.m.
LB 863	Friday, February 12, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 268. Title read. Considered.

SPEAKER KRISTENSEN PRESIDING

The Standing Committee amendment, AM0047, found on page 382, lost with 13 ayes, 18 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 473. Title read. Considered.

The Standing Committee amendment, AM0106, found on page 396, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 474. Title read. Considered.

The Standing Committee amendment, AM0107, found on page 397, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

MR. COORDSEN PRESIDING

Advanced to E & R for review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 212. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 32. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 232. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 669. 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.

LEGISLATIVE BILL 64. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 106. Title read. Considered.**SPEAKER KRISTENSEN PRESIDING**

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Mr. Hartnett asked unanimous consent to permit the Urban Affairs Committee to begin the hearing scheduled for Tuesday, February 9, 1999, at 2:30 p.m. rather than 1:30 p.m. No objections. So ordered.

STANDING COMMITTEE REPORTS**General Affairs**

LEGISLATIVE BILL 91. Placed on General File.

LEGISLATIVE BILL 362. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 26.** Introduced by Price, 26.

WHEREAS, Rose Marie Robinson Heiss was born on a farm near Denton, Nebraska, on February 2, 1916, to Gus and Marie Robinson;

WHEREAS, Rose Marie Robinson Heiss moved to a farm near Page, Nebraska, as a child;

WHEREAS, Rose Marie Robinson Heiss married Ivan Reed Heiss on September 30, 1937, at the Page Methodist Church. They were married for 47 years until Ivan's death in 1984;

WHEREAS, Rose Marie Robinson Heiss is a devoted wife, mother, and grandmother of three daughters and a son, Marian, Myrna, Bonnie, and Lyle, ten grandchildren, and three great-grandchildren; and

WHEREAS, Rose Marie Robinson Heiss now resides in her home at Page on a corner of the family homestead and celebrated her eighty-third birthday on February 2, 1999.

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

1. That the Legislature congratulates Rose Marie Robinson Heiss on celebrating her eighty-third birthday.

2. That a copy of this resolution be sent to Rose Marie Robinson Heiss.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 243A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS**Judiciary**

LB 374	Wednesday, February 10, 1999	1:30 p.m.
LB 376	Wednesday, February 10, 1999	1:30 p.m.
LB 447	Wednesday, February 10, 1999	1:30 p.m.
LB 448	Wednesday, February 10, 1999	1:30 p.m.
LB 609	Wednesday, February 10, 1999	1:30 p.m.
LB 610	Wednesday, February 10, 1999	1:30 p.m.
LB 611	Wednesday, February 10, 1999	1:30 p.m.
LB 652	Wednesday, February 10, 1999	1:30 p.m.
LB 313	Wednesday, February 10, 1999	1:30 p.m.
LB 577	Wednesday, February 10, 1999	1:30 p.m.
LB 798	Wednesday, February 10, 1999	1:30 p.m.

LB 838	Wednesday, February 10, 1999	1:30 p.m.
LB 218	Thursday, February 11, 1999	1:30 p.m.
LB 223	Thursday, February 11, 1999	1:30 p.m.
LB 255	Thursday, February 11, 1999	1:30 p.m.
LB 512	Thursday, February 11, 1999	1:30 p.m.
LB 649	Thursday, February 11, 1999	1:30 p.m.
LB 850	Thursday, February 11, 1999	1:30 p.m.
LB 852	Thursday, February 11, 1999	1:30 p.m.
LB 75	Friday, February 12, 1999	1:30 p.m.
LB 79	Friday, February 12, 1999	1:30 p.m.
LB 159	Friday, February 12, 1999	1:30 p.m.
LB 309	Friday, February 12, 1999	1:30 p.m.
LB 343	Friday, February 12, 1999	1:30 p.m.
LB 466	Friday, February 12, 1999	1:30 p.m.
LB 500	Friday, February 12, 1999	1:30 p.m.
LB 621	Friday, February 12, 1999	1:30 p.m.
LB 633	Friday, February 12, 1999	1:30 p.m.
LB 751	Friday, February 12, 1999	1:30 p.m.
LB 509	Friday, February 12, 1999	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Agriculture

LB 730	Tuesday, February 9, 1999	1:30 p.m.
LB 842	Tuesday, February 9, 1999	1:30 p.m.
LB 405	Tuesday, February 9, 1999	1:30 p.m.

Tuesday, February 9, 1999 1:30 p.m.
 Director, Department of Agriculture
 Merlyn Carlson

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Thompson asked unanimous consent to have her name added as cointroducer to LB 148, LB 307, and LB 485. No objections. So ordered.

Messrs. Bruning, Baker, Quandahl, Jensen, and Mrs. Crosby asked unanimous consent to have their names added as cointroducers to LB 881. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 49 and LB 513. No objections. So ordered.

Mr. Tyson asked unanimous consent to have his name added as cointroducer

to LB 822. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 149. No objections. So ordered.

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 229. No objections. So ordered.

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 120. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 17. No objections. So ordered.

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 513. No objections. So ordered.

VISITORS

Visitors to the Chamber were 19 students and sponsors from Villa Marie School, Waverly; Janet Koranda from Fremont; former Senator Arlene Nelson from Grand Island; and former Senator David Bernard-Stevens from North Platte.

The Doctor of the Day was Lynne Holz from Lincoln.

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Hilgert, the Legislature adjourned until 9:00 a.m., Wednesday, February 3, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY – FEBRUARY 3, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 3, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Dr. John Williams, Bethany Baptist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Bromm, Byars, Dierks, Hartnett, Landis, Schmitt, Vrtiska, Wickersham, and Mrs. Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 417, before line 23, insert:

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 24 was adopted.

The Journal for the nineteenth day was approved as corrected.

**STANDING COMMITTEE REPORT
Nebraska Retirement Systems**

The Nebraska Retirement Systems Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Investment Council
Carol Kontor
W. Don Nelson
Greg Stine

Vote: Aye: Senators Stuhr, C. Peterson, Bourne, Bruning, and Crosby: Nay:
None. Absent: Senator Wickersham.

(Signed) Elaine Stuhr, Chairperson

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 195. Placed on Select File.
LEGISLATIVE BILL 66. Placed on Select File.
LEGISLATIVE BILL 168. Placed on Select File.
LEGISLATIVE BILL 243. Placed on Select File.
LEGISLATIVE BILL 227. Placed on Select File.

LEGISLATIVE BILL 437. Placed on Select File as amended.
E & R amendment to LB 437:
AM7024

1 1. On page 1, line 4, strike "sections 77-3442 and
2 77-3443" and insert "section 77-3442".

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING **Nebraska Retirement Systems**

LB 537	Wednesday, February 10, 1999	12:00 noon
LB 497	Wednesday, February 10, 1999	12:00 noon
LB 687	Wednesday, February 10, 1999	12:00 noon

(Signed) Elaine Stuhr, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 669A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation relating to the provisions of Legislative Bill 669, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 32A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 32, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 66A. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation relating to the provisions of Legislative Bill 66, Ninety-sixth Legislature, First Session, 1999.

MOTION - Approve Appointments

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 422: Michael Wescott, M.D. - Nebraska Board of Emergency Medical Services.

Voting in the affirmative, 29:

Baker	Crosby	Janssen	Pederson, D.	Schrock
Bourne	Cudaback	Jensen	Peterson, C.	Smith
Brashear	Dierks	Jones	Price	Stuhr
Bruning	Engel	Kristensen	Quandahl	Suttle
Connealy	Hartnett	Matzke	Schellpeper	Thompson
Coordsen	Hudkins	Pedersen, Dw.	Schimek	

Voting in the negative, 0.

Present and not voting, 12:

Bohlke	Hilgert	Preister	Redfield	Tyson
Brown	Kremer	Raikes	Robak	Wehrbein
Chambers	Lynch			

Excused and not voting, 8:

Beutler	Byars	Landis	Vrtiska	Wickersham
Bromm	Kiel	Schmitt		

The appointment was confirmed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 68A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 119A. Title read. Considered.

Mrs. Crosby offered the following amendment:

AM0167

- 1 1. Insert the following new section:
- 2 "Sec. 2. There is hereby appropriated (1) \$2,339 from
- 3 the General Fund and \$3,661 from federal funds for FY1999-00 and
- 4 (2) \$2,817 from the General Fund Fund and \$4,383 from federal funds
- 5 for FY2000-01 to the Department of Health and Human Services
- 6 Finance and Support, for Program 348, to aid in carrying out the
- 7 provisions of Legislative Bill 119, Ninety-sixth Legislature, First
- 8 Session, 1999.
- 9 No expenditures for permanent and temporary salaries and
- 10 per diems for state employees shall be made from funds appropriated
- 11 in this section."
- 12 2. Renumber the remaining sections accordingly.

The Crosby amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 243A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 149. Title read. Considered.

The Standing Committee amendment, AM0007, found on page 272, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mrs. Bohlke offered the following amendment:

AM0164

- 1 1. On page 9, line 18, after "(a)" insert "for state aid
- 2 calculated for school fiscal year 1998-99, each district's, and for
- 3 state aid calculated for school fiscal year 1999-2000 and each
- 4 school fiscal year thereafter,".
- 5 2. On page 10, line 5, after "(b)" insert "for state aid
- 6 calculated for school fiscal year 1998-99, for each district, and
- 7 for state aid calculated for school fiscal year 1999-2000 and each
- 8 school fiscal year thereafter,".
- 9 3. On page 14, lines 21 and 22, strike the new matter;
- 10 and in line 24 after the period insert "For the calculation of
- 11 state aid for school fiscal year 1999-2000 and for each school
- 12 fiscal year thereafter, the average formula cost per student in
- 13 each cost grouping shall not be recalculated for the final
- 14 calculation of state aid pursuant to section 79-1065.".

The Bohlke amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

Advanced to E & R for review with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Messrs. Wehrbein and Coordsen asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS **Banking, Commerce and Insurance**

LEGISLATIVE BILL 162. Indefinitely postponed.

LEGISLATIVE BILL 290. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Revenue

LEGISLATIVE BILL 87. Placed on General File as amended.

(Standing Committee amendment, AM0157, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) William R. Wickersham, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 323. Placed on General File.

(Signed) David M. Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS **Natural Resources**

LB 701	Friday, February 12, 1999 (cancel)	1:30 p.m.
LB 701	Thursday, February 11, 1999 (rescheduled)	1:30 p.m.
LB 748	Friday, February 12, 1999 (cancel)	1:30 p.m.
LB 748	Friday, February 26, 1999 (rescheduled)	1:30 p.m.
LB 863	Friday, February 12, 1999 (cancel)	1:30 p.m.

LB 863 Friday, February 26, 1999 (rescheduled) 1:30 p.m.

(Signed) Ed Schrock, Chairperson

Health and Human Services

LB 115 Wednesday, February 17, 1999 1:30 p.m.
 LB 199 Wednesday, February 17, 1999 1:30 p.m.
 LB 324 Wednesday, February 17, 1999 1:30 p.m.
 LB 574 Wednesday, February 17, 1999 1:30 p.m.

LB 241 Thursday, February 18, 1999 1:30 p.m.
 LB 242 Thursday, February 18, 1999 1:30 p.m.
 LB 750 Thursday, February 18, 1999 1:30 p.m.

LB 559 Friday, February 19, 1999 1:30 p.m.
 LB 616 Friday, February 19, 1999 1:30 p.m.

LB 494 Wednesday, February 24, 1999 1:30 p.m.
 LB 523 Wednesday, February 24, 1999 1:30 p.m.
 LB 698 Wednesday, February 24, 1999 1:30 p.m.
 LB 757 Wednesday, February 24, 1999 1:30 p.m.

LB 644 Thursday, February 25, 1999 1:30 p.m.
 LB 797 Thursday, February 25, 1999 1:30 p.m.
 LB 799 Thursday, February 25, 1999 1:30 p.m.

LB 220 Friday, February 26, 1999 (rescheduled) 1:30 p.m.
 LB 629 Friday, February 26, 1999 1:30 p.m.
 LB 800 Friday, February 26, 1999 1:30 p.m.

(Signed) Jim Jensen, Chairperson

Revenue

LB 271 Wednesday, February 10, 1999 2:30 p.m.
 LB 392 Wednesday, February 10, 1999 2:30 p.m.
 LB 635 Wednesday, February 10, 1999 2:30 p.m.

LB 214 Thursday, February 11, 1999 1:30 p.m.
 LB 171 Thursday, February 11, 1999 1:30 p.m.
 LB 456 Thursday, February 11, 1999 1:30 p.m.
 LB 648 Thursday, February 11, 1999 1:30 p.m.
 LB 772 Thursday, February 11, 1999 1:30 p.m.
 LB 557 Thursday, February 11, 1999 1:30 p.m.

LB 383 Friday, February 12, 1999 1:30 p.m.
 LB 384 Friday, February 12, 1999 1:30 p.m.
 LB 395 Friday, February 12, 1999 1:30 p.m.

LB 854	Friday, February 12, 1999	1:30 p.m.
LB 400	Friday, February 12, 1999	1:30 p.m.
LB 667	Friday, February 12, 1999	1:30 p.m.
LB 382	Wednesday, February 17, 1999	2:30 p.m.
LB 471	Wednesday, February 17, 1999	2:30 p.m.
LB 539	Wednesday, February 17, 1999	2:30 p.m.
LB 807	Wednesday, February 17, 1999	2:30 p.m.
LB 630	Wednesday, February 17, 1999	2:30 p.m.
LB 600	Thursday, February 18, 1999	1:30 p.m.
LB 601	Thursday, February 18, 1999	1:30 p.m.
LB 636	Thursday, February 18, 1999	1:30 p.m.
LB 710	Thursday, February 18, 1999	1:30 p.m.
LB 848	Thursday, February 18, 1999	1:30 p.m.
LB 418	Friday, February 19, 1999	1:30 p.m.
LB 420	Friday, February 19, 1999	1:30 p.m.
LB 853	Friday, February 19, 1999	1:30 p.m.
LB 419	Friday, February 19, 1999	1:30 p.m.
LB 502	Friday, February 19, 1999	1:30 p.m.
LB 760	Friday, February 19, 1999	1:30 p.m.
LB 166	Wednesday, February 24, 1999	2:30 p.m.
LB 505	Wednesday, February 24, 1999	2:30 p.m.
LB 36	Wednesday, February 24, 1999	2:30 p.m.
LB 132	Thursday, February 25, 1999	1:30 p.m.
LB 706	Thursday, February 25, 1999	1:30 p.m.
LB 294	Thursday, February 25, 1999	1:30 p.m.
LB 520	Thursday, February 25, 1999	1:30 p.m.
LB 562	Thursday, February 25, 1999	1:30 p.m.
LB 645	Thursday, February 25, 1999	1:30 p.m.
LB 677	Thursday, February 25, 1999	1:30 p.m.
LB 881	Friday, February 26, 1999	1:30 p.m.
LB 285	Friday, February 26, 1999	1:30 p.m.
LB 777	Friday, February 26, 1999	1:30 p.m.
LB 535	Friday, February 26, 1999	1:30 p.m.
LB 666	Friday, February 26, 1999	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 293A. Introduced by Matzke, 47; Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 293, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 291A. Introduced by C. Peterson, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 291, Ninety-sixth Legislature, First Session, 1999; to provide for transfers; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 40. Title read. Considered.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM0095, found on page 407, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 46. Title read. Considered.

Mr. Raikes asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM0091, found on page 408, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 49. Title read. Considered.

The Standing Committee amendment, AM0094, found on page 408, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 511. Title read. Considered.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So

ordered.

The Standing Committee amendment, AM0132, found on page 408, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 280. Title read. Considered.

The Standing Committee amendment, AM0144, found on page 408, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 60	Wednesday, February 10, 1999	1:30 p.m.
LB 234	Wednesday, February 10, 1999	1:30 p.m.
LB 266	Wednesday, February 10, 1999	1:30 p.m.
LB 158	Wednesday, February 10, 1999	1:30 p.m.
LB 117	Wednesday, February 10, 1999	1:30 p.m.
LB 802	Wednesday, February 10, 1999	1:30 p.m.
LB 289	Thursday, February 11, 1999	1:30 p.m.
LB 844	Thursday, February 11, 1999	1:30 p.m.
LB 401	Thursday, February 11, 1999	1:30 p.m.
LB 712	Thursday, February 11, 1999	1:30 p.m.
LB 438	Friday, February 12, 1999	1:30 p.m.
LB 416	Friday, February 12, 1999	1:30 p.m.
LB 417	Friday, February 12, 1999	1:30 p.m.
LB 578	Friday, February 12, 1999	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENT - Print in Journal

Ms. Schimek filed the following amendment to LB 59:
AM0180

- 1 1. On page 2, line 6, strike "thirty", show as stricken,
- 2 and insert "fifty"; and in line 11 strike "thirty" and insert
- 3 "fifty".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 120 and LB 407. No objections. So ordered.

VISITORS

Visitors to the Chamber were J. J. Perryman, James Simons, Janice Collins-Brooks, and Channing Bunch; and Senator Bruning's mother, Mary, from Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Mrs. Brown, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY – FEBRUARY 4, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 4, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Stu Kerns, Zion Presbyterian Church In America, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, Robak, Ms. Price, Messrs. Byars, Cudaback, Hilgert, Janssen, Landis, Lynch, Matzke, Schmitt, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

UNANIMOUS CONSENT - Members Excused

Messrs. Wehrbein, Chambers, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 340. Placed on General File.

LEGISLATIVE BILL 632. Placed on General File.

LEGISLATIVE BILL 161. Placed on General File as amended.

Standing Committee amendment to LB 161:

AM0135

- 1 1. On page 3, line 12, strike the new matter and
- 2 reinstate the stricken matter beginning with "with" through "less";
- 3 in line 15 after the first stricken "and" insert "or to"; reinstate

4 the stricken matter beginning with "fertilizer" in line 15 through
5 the period in line 18; and in line 18 after "less" insert "if the
6 equipment is not required to be placarded pursuant to section
7 75-364".

8 2. On page 6, line 23, reinstate the stricken matter and
9 strike the new matter.

LEGISLATIVE BILL 514. Placed on General File as amended.

Standing Committee amendment to LB 514:

AM0172

1 1. Strike section 2 and insert the following new
2 section:

3 "Sec. 2. (1) The Legislature finds that the Public
4 Service Commission confronts issues of unusual technical and legal
5 complexity in its duties with regard to the regulation of
6 telecommunications. Such issues require members to consult with
7 commission staff and agents, including expert consultants hired by
8 the commission, for the purposes of education, gathering of
9 technical information, and informed debate within the context of an
10 executive staff session. Meetings of this nature need to be held
11 in closed sessions for the protection of the public interest. If
12 an executive staff session is convened pursuant to this section,
13 the requirements of sections 84-1408 to 84-1414 shall be deemed to
14 have been satisfied.

15 (2) In addition to the reasons set forth in section
16 84-1410, a meeting may be closed for purposes of an executive staff
17 session upon a finding that at least two of the following
18 conditions are met:

19 (a) The commission has allowed or required sworn
20 testimony in the hearing prior to the point at which the vote to
21 move to a closed executive staff session has been proposed;

22 (b) The matter under consideration by the commission
23 involves a technical, economic, or scientific issue on which the
24 commission has received or requires testimony from experts that are
1 beyond the expertise of members of the commission or general
2 members of the public;

3 (c) Any party participating in the hearing filed written
4 testimony at or prior to the time of the hearing; or

5 (d) The matter under consideration by the commission
6 involves an issue of unusual legal complexity.

7 (3) An executive staff session convened pursuant to this
8 section may be continued from time to time without public notice,
9 however, no formal action shall be taken except in an open session
10 pursuant to section 84-1410. For purposes of this subsection,
11 formal action has the definition found in section 84-1410."

(Signed) Curt Bromm, Chairperson

Education

LEGISLATIVE BILL 372. Indefinitely postponed.

LEGISLATIVE BILL 373. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 90. Placed on Select File as amended.

E & R amendment to LB 90:

AM7025

- 1 1. On page 1, line 2, strike beginning with "60-1906"
- 2 through "to"; in line 3 after the second "to" insert "custody and
- 3 disposition of"; and strike beginning with "to" in line 4 through
- 4 the first semicolon in line 5.

LEGISLATIVE BILL 268. Placed on Select File as amended.

E & R amendment to LB 268:

AM7030

- 1 1. On page 4, line 23; after "to" insert "subdivision".

LEGISLATIVE BILL 473. Placed on Select File as amended.

E & R amendment to LB 473:

AM7026

- 1 1. On page 1, lines 6 and 7, strike "a term" and insert
- 2 "terms"; and in line 7 strike "increase fees" and insert "provide,
- 3 change, and eliminate powers and duties of the Director of
- 4 Agriculture".
- 5 2. On page 5, line 5, strike "shall include", show as
- 6 stricken, and insert "includes".
- 7 3. On page 19, line 9, after "actions" insert an
- 8 underscored comma.

LEGISLATIVE BILL 474. Placed on Select File as amended.

E & R amendment to LB 474:

AM7028

- 1 1. On page 2, line 23, insert an underscored comma after
- 2 "(53)".
- 3 2. On page 9, line 25, before "(3)" insert "subsection".
- 4 3. On page 14, line 7, strike "agency" and insert
- 5 "authority".

LEGISLATIVE BILL 212. Placed on Select File.

LEGISLATIVE BILL 32. Placed on Select File as amended.

E & R amendment to LB 32:

AM7029

- 1 1. On page 1, line 1, after the first "to" insert "the".

LEGISLATIVE BILL 232. Placed on Select File.

LEGISLATIVE BILL 669. Placed on Select File.

LEGISLATIVE BILL 64. Placed on Select File.

LEGISLATIVE BILL 106. Placed on Select File.

LEGISLATIVE BILL 68A. Placed on Select File.

LEGISLATIVE BILL 119A. Placed on Select File as amended.

E & R amendment to LB 119A:

AM7027

- 1 1. In the Crosby amendment, AM0167, on page 1, line 4,
2 strike the second occurrence of "Fund".

LEGISLATIVE BILL 243A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARINGS Transportation

LB 707	Tuesday, February 16, 1999	1:30 p.m.
LB 761	Tuesday, February 16, 1999	1:30 p.m.
LB 762	Tuesday, February 16, 1999	1:30 p.m.
LB 763	Tuesday, February 16, 1999	1:30 p.m.
LB 764	Tuesday, February 16, 1999	1:30 p.m.
LB 446	Tuesday, February 16, 1999	1:30 p.m.
 LB 124	 Monday, February 22, 1999	 1:30 p.m.
LB 252	Monday, February 22, 1999	1:30 p.m.
LB 595	Monday, February 22, 1999	1:30 p.m.
LB 662	Monday, February 22, 1999	1:30 p.m.
LB 794	Monday, February 22, 1999	1:30 p.m.
LB 855	Monday, February 22, 1999	1:30 p.m.
 LB 460	 Tuesday, February 23, 1999	 1:30 p.m.
LB 547	Tuesday, February 23, 1999	1:30 p.m.
LB 809	Tuesday, February 23, 1999	1:30 p.m.
LB 147	Tuesday, February 23, 1999	1:30 p.m.
LB 345	Tuesday, February 23, 1999	1:30 p.m.
LB 588	Tuesday, February 23, 1999	1:30 p.m.
LB 589	Tuesday, February 23, 1999	1:30 p.m.
LB 704	Tuesday, February 23, 1999	1:30 p.m.

(Signed) Curt Bromm, Chairperson

Education

LB 93	Tuesday, February 16, 1999	1:30 p.m.
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LB 413	Tuesday, February 16, 1999	1:30 p.m.
LB 528	Tuesday, February 16, 1999	1:30 p.m.
LB 602	Tuesday, February 16, 1999	1:30 p.m.
LB 653	Tuesday, February 16, 1999	1:30 p.m.
LB 726	Tuesday, February 16, 1999	1:30 p.m.
LB 727	Tuesday, February 16, 1999	1:30 p.m.
LB 542	Monday, February 22, 1999	1:30 p.m.
LB 543	Monday, February 22, 1999	1:30 p.m.
LB 714	Monday, February 22, 1999	1:30 p.m.
LB 814	Monday, February 22, 1999	1:30 p.m.
LB 815	Monday, February 22, 1999	1:30 p.m.
LB 816	Monday, February 22, 1999	1:30 p.m.
LB 169	Tuesday, February 23, 1999	1:30 p.m.
LB 304	Tuesday, February 23, 1999	1:30 p.m.
LB 388	Tuesday, February 23, 1999	1:30 p.m.
LB 452	Tuesday, February 23, 1999	1:30 p.m.
LB 564	Tuesday, February 23, 1999	1:30 p.m.
LB 779	Tuesday, February 23, 1999	1:30 p.m.
LB 329	Monday, March 1, 1999	1:30 p.m.
LB 646	Monday, March 1, 1999	1:30 p.m.
LB 688	Monday, March 1, 1999	1:30 p.m.
LB 713	Monday, March 1, 1999	1:30 p.m.
LB 715	Monday, March 1, 1999	1:30 p.m.
LB 716	Monday, March 1, 1999	1:30 p.m.
LB 449	Tuesday, March 2, 1999	1:30 p.m.
LB 486	Tuesday, March 2, 1999	1:30 p.m.
LB 544	Tuesday, March 2, 1999	1:30 p.m.
LB 684	Tuesday, March 2, 1999	1:30 p.m.
LB 782	Tuesday, March 2, 1999	1:30 p.m.
LB 857	Tuesday, March 2, 1999	1:30 p.m.
LB 415	Monday, March 8, 1999	1:30 p.m.
LB 487	Monday, March 8, 1999	1:30 p.m.
LB 634	Monday, March 8, 1999	1:30 p.m.
LB 758	Monday, March 8, 1999	1:30 p.m.
LB 769	Monday, March 8, 1999	1:30 p.m.
LB 810	Monday, March 8, 1999	1:30 p.m.
LB 811	Monday, March 8, 1999	1:30 p.m.
LB 385	Tuesday, March 9, 1999	1:30 p.m.
LB 483	Tuesday, March 9, 1999	1:30 p.m.
LB 451	Tuesday, March 9, 1999	1:30 p.m.
LB 817	Tuesday, March 9, 1999	1:30 p.m.
LR 20CA	Tuesday, March 9, 1999	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to child support; to eliminate the child support task force which was to complete its work on or before December 31, 1997; and to outright repeal section 42-382, 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, 33:

Baker	Coordsen	Jones	Preister	Smith
Beutler	Crosby	Kremer	Price	Stuhr
Bourne	Dierks	Kristensen	Quandahl	Thompson
Bromm	Engel	Matzke	Raikes	Tyson
Brown	Hartnett	Pedersen, Dw.	Redfield	Vrtiska
Bruning	Hudkins	Pederson, D.	Schellpeper	Wickersham
Connealy	Jensen	Peterson, C.		

Voting in the negative, 0.

Present and not voting, 2:

Brashear Suttle

Excused and not voting, 14:

Bohlke	Cudaback	Kiel	Robak	Schrock
Byars	Hilgert	Landis	Schimek	Wehrbein
Chambers	Janssen	Lynch	Schmitt	

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

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-145.04, Reissue Revised Statutes of Nebraska; to eliminate a fee relating to workplace safety that was to be paid in 1994, 1995, and 1996; to harmonize provisions; to repeal the original section; and to outright repeal sections 48-447 to 48-449, 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, 37:

Baker	Crosby	Jensen	Peterson, C.	Schmitt
Beutler	Cudaback	Jones	Preister	Schrock
Bourne	Dierks	Kremer	Price	Smith
Bromm	Engel	Kristensen	Quandahl	Stuhr
Brown	Hartnett	Matzke	Raikes	Tyson
Bruning	Hilgert	Pedersen, Dw.	Redfield	Vrtiska
Connealy	Hudkins	Pederson, D.	Schellpeper	Wickersham
Coordsen	Janssen			

Voting in the negative, 0.

Present and not voting, 3:

Brashear	Suttle	Thompson
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Excused and not voting, 9:

Bohlke	Chambers	Landis	Robak	Wehrbein
Byars	Kiel	Lynch	Schimek	

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

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to labor; to amend sections 48-1305, 60-328, and 60-488, Reissue Revised Statutes of Nebraska; to delete references to the Division of Employment of the Department of Labor which was eliminated in 1984; and to repeal the original sections.

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

Voting in the affirmative, 41:

Baker	Crosby	Jensen	Peterson, C.	Schrock
Beutler	Cudaback	Jones	Preister	Smith
Bourne	Dierks	Kremer	Price	Stuhr
Brashear	Engel	Kristensen	Quandahl	Suttle
Bromm	Hartnett	Lynch	Raikes	Thompson
Brown	Hilgert	Matzke	Redfield	Tyson
Bruning	Hudkins	Pedersen, Dw.	Schellpeper	Vrtiska
Connealy	Janssen	Pederson, D.	Schmitt	Wickersham
Coordsen				

Voting in the negative, 0.

Excused and not voting, 8:

Bohlke	Chambers	Landis	Schimek	Wehrbein
Byars	Kiel	Robak		

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

LEGISLATIVE BILL 4.

A BILL FOR AN ACT relating to drainage districts; to eliminate provisions relating to reports required to be submitted in 1997; and to outright repeal section 31-378, 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, 40:

Baker	Coordsen	Janssen	Peterson, C.	Schrock
Beutler	Crosby	Jensen	Preister	Smith
Bourne	Cudaback	Jones	Price	Stuhr
Brashear	Dierks	Kremer	Quandahl	Suttle
Bromm	Engel	Kristensen	Raikes	Thompson
Brown	Hartnett	Matzke	Redfield	Tyson
Bruning	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Connealy	Hudkins	Pederson, D.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 8:

Bohlke	Chambers	Landis	Schimek	Wehrbein
Byars	Kiel	Robak		

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

LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to schools; to eliminate a duty that was to be completed by October 15, 1997; and to outright repeal section 79-1240, Revised Statutes Supplement, 1998.

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

Voting in the affirmative, 41:

Baker	Coordsen	Janssen	Pederson, D.	Schmitt
Beutler	Crosby	Jensen	Peterson, C.	Schrock
Bourne	Cudaback	Jones	Preister	Smith
Brashear	Dierks	Kremer	Price	Stuhr
Bromm	Engel	Kristensen	Quandahl	Suttle
Brown	Hartnett	Lynch	Raikes	Tyson
Bruning	Hilgert	Matzke	Redfield	Vrtiska
Byars	Hudkins	Pedersen, Dw.	Schellpeper	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 1:

Thompson

Excused and not voting, 7:

Bohlke	Kiel	Robak	Schimek	Wehrbein
Chambers	Landis			

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

LEGISLATIVE BILL 6.

A BILL FOR AN ACT relating to dead animals; to amend section 54-725, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1998; to transfer a section to the Nebraska Criminal Code; and to repeal the original sections.

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

Voting in the affirmative, 42:

Baker	Connealy	Hudkins	Pedersen, Dw.	Schellpeper
Beutler	Coordsen	Janssen	Pederson, D.	Schmitt
Bourne	Crosby	Jensen	Peterson, C.	Schrock
Brashear	Cudaback	Jones	Preister	Smith
Bromm	Dierks	Kremer	Price	Stuhr
Brown	Engel	Kristensen	Quandahl	Suttle
Bruning	Hartnett	Lynch	Raikes	Thompson
Byars	Hilgert	Matzke	Redfield	Tyson

Vrtiska Wickersham

Voting in the negative, 0.

Excused and not voting, 7:

Bohlke	Kiel	Robak	Schimek	Wehrbein
Chambers	Landis			

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

LEGISLATIVE BILL 7.

A BILL FOR AN ACT relating to lobbyists; to repeal an interim filing requirement; and to outright repeal section 49-1483.04, 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, 42:

Baker	Coordsen	Jensen	Peterson, C.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bourne	Cudaback	Kremer	Price	Stuhr
Brashear	Dierks	Kristensen	Quandahl	Suttle
Bromm	Engel	Lynch	Raikes	Thompson
Brown	Hartnett	Matzke	Redfield	Tyson
Bruning	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Connealy	Janssen			

Voting in the negative, 0.

Excused and not voting, 7:

Bohlke	Kiel	Robak	Schimek	Wehrbein
Chambers	Landis			

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

LEGISLATIVE BILL 8.

A BILL FOR AN ACT relating to marriage; to amend sections 42-406 and 42-408, Reissue Revised Statutes of Nebraska; to repeal a provision governing marriages and divorces prior to April 8, 1913; to harmonize provisions; to repeal the original sections; and to outright repeal section

42-401, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 43:

Baker	Coordsen	Jensen	Preister	Smith
Beutler	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schmitt	Wehrbein
Byars	Hudkins	Pederson, D.	Schrock	Wickersham
Connealy	Janssen	Peterson, C.		

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke	Kiel	Landis	Robak	Schimek
Chambers				

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

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to transition of employees; to eliminate an obsolete section; and to outright repeal section 43-1322, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 43:

Baker	Connealy	Janssen	Preister	Schrock
Beutler	Coordsen	Jensen	Price	Smith
Bohlke	Crosby	Jones	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Brashear	Dierks	Lynch	Redfield	Tyson
Bromm	Engel	Matzke	Schellpeper	Vrtiska
Brown	Hartnett	Pedersen, Dw.	Schimek	Wehrbein
Bruning	Hilgert	Pederson, D.	Schmitt	Wickersham
Byars	Hudkins	Peterson, C.		

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Thompson

Excused and not voting, 4:

Chambers Kiel Landis Robak

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

LEGISLATIVE BILL 10.

A BILL FOR AN ACT relating to the Task Force on Electronic Access to State Government Information; to repeal provisions governing the task force which ceased to exist on December 31, 1997; and to outright repeal section 50-117, 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, 45:

Baker	Connealy	Janssen	Peterson, C.	Schmitt
Beutler	Coordsen	Jensen	Preister	Schrock
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Robak	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schellpeper	Wehrbein
Byars	Hudkins	Pederson, D.	Schimek	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 3:

Chambers Kiel Landis

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

LEGISLATIVE BILL 11.

A BILL FOR AN ACT relating to the Task Force on Unfunded Mandates; to

repeal provisions governing the task force which terminated on December 31, 1996; and to outright repeal section 50-443, 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, 46:

Baker	Coordsen	Jensen	Preister	Schrock
Beutler	Crosby	Jones	Price	Smith
Bohlke	Cudaback	Kremer	Quandahl	Stuhr
Bourne	Dierks	Kristensen	Raikes	Suttle
Brashear	Engel	Lynch	Redfield	Thompson
Bromm	Hartnett	Matzke	Robak	Tyson
Brown	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Bruning	Hudkins	Pederson, D.	Schimek	Wehrbein
Byars	Janssen	Peterson, C.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Kiel Landis

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

LEGISLATIVE BILL 12.

A BILL FOR AN ACT relating to appropriations; to repeal appropriations for prior fiscal years; and to outright repeal sections 90-507 to 90-510, Reissue Revised Statutes of Nebraska, and sections 90-503 to 90-506 and 90-511 to 90-525, Revised Statutes Supplement, 1998.

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:

Baker	Byars	Hilgert	Matzke	Redfield
Beutler	Connealy	Hudkins	Pedersen, Dw.	Robak
Bohlke	Coordsen	Janssen	Pederson, D.	Schellpeper
Bourne	Crosby	Jensen	Peterson, C.	Schimek
Brashear	Cudaback	Jones	Preister	Schmitt
Bromm	Dierks	Kremer	Price	Schrock
Brown	Engel	Kristensen	Quandahl	Smith
Bruning	Hartnett	Lynch	Raikes	Stuhr

Suttle	Tyson	Vrtiska	Wehrbein	Wickersham
Thompson				

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 13.

A BILL FOR AN ACT relating to cash funds; to repeal provisions governing money in certain funds on January 1, 1997; and to outright repeal sections 68-724 and 71-2618.01, Reissue Revised Statutes of Nebraska, and section 83-129.01, Revised Statutes Supplement, 1998.

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:

Baker	Coordsen	Jones	Preister	Schrock
Beutler	Crosby	Kremer	Price	Smith
Bohlke	Cudaback	Kristensen	Quandahl	Stuhr
Bourne	Dierks	Landis	Raikes	Suttle
Brashear	Engel	Lynch	Redfield	Thompson
Bromm	Hartnett	Matzke	Robak	Tyson
Brown	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Bruning	Hudkins	Pederson, D.	Schimek	Wehrbein
Byars	Janssen	Peterson, C.	Schmitt	Wickersham
Connealy	Jensen			

Voting in the negative, 0.

Excused and not voting, 2:

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

LEGISLATIVE BILL 62. With Emergency.

A BILL FOR AN ACT relating to trusts; to amend sections 30-3503, 30-3508, 30-3518, and 30-3519, Revised Statutes Supplement, 1998; to change provisions relating to the Nebraska Uniform Custodial Trust Act; to require compliance with the Nebraska Uniform Prudent Investor Act; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Coordsen	Jensen	Peterson, C.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kremer	Price	Stuhr
Bourne	Dierks	Kristensen	Quandahl	Suttle
Brashear	Engel	Landis	Raikes	Thompson
Bromm	Hartnett	Lynch	Redfield	Tyson
Brown	Hilgert	Matzke	Schellpeper	Vrtiska
Bruning	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Byars	Janssen	Pederson, D.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 2:

Chambers Kiel

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 107.

A BILL FOR AN ACT relating to credit unions; to amend sections 12-1102, 12-1107, 21-1761, 21-1770, and 21-1799, Reissue Revised Statutes of Nebraska; to change powers of credit unions as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Coordsen	Jones	Preister	Schrock
Beutler	Crosby	Kremer	Price	Smith
Bohlke	Cudaback	Kristensen	Quandahl	Stuhr
Bourne	Dierks	Landis	Raikes	Suttle
Brashear	Engel	Lynch	Redfield	Thompson
Bromm	Hartnett	Matzke	Robak	Tyson
Brown	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Bruning	Hudkins	Pederson, D.	Schimek	Wehrbein
Byars	Janssen	Peterson, C.	Schmitt	Wickersham
Connealy	Jensen			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Kiel

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

LEGISLATIVE BILL 172. With Emergency.

A BILL FOR AN ACT relating to grain warehouses; to amend section 88-527, Revised Statutes Supplement, 1998; to change inspection procedures; 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, 46:

Baker	Coordsen	Jensen	Preister	Schrock
Beutler	Crosby	Jones	Price	Smith
Bohlke	Cudaback	Kremer	Quandahl	Stuhr
Bourne	Dierks	Kristensen	Raikes	Suttle
Brashear	Engel	Landis	Redfield	Thompson
Bromm	Hartnett	Matzke	Robak	Tyson
Brown	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Bruning	Hudkins	Pederson, D.	Schimek	Wehrbein
Byars	Janssen	Peterson, C.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 2:

Chambers Kiel

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 198.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3102, 2-3105, 2-3107, and 2-3108, Reissue Revised Statutes of Nebraska; to change provisions relating to soil and plant analysis laboratories; 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:

Baker	Coordsen	Jones	Preister	Schrock
Beutler	Crosby	Kremer	Price	Smith
Bohlke	Cudaback	Kristensen	Quandahl	Stuhr
Bourne	Dierks	Landis	Raikes	Suttle
Brashear	Engel	Lynch	Redfield	Thompson
Bromm	Hartnett	Matzke	Robak	Tyson
Brown	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Bruning	Hudkins	Pederson, D.	Schimek	Wehrbein
Byars	Janssen	Peterson, C.	Schmitt	Wickersham
Connealy	Jensen			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Kiel

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

LEGISLATIVE BILL 33. With Emergency.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Reissue Revised Statutes of Nebraska; to change provisions relating to references to the code; 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:

Baker	Coordsen	Jones	Preister	Schrock
Beutler	Crosby	Kremer	Price	Smith
Bohlke	Cudaback	Kristensen	Quandahl	Stuhr
Bourne	Dierks	Landis	Raikes	Suttle
Brashear	Engel	Lynch	Redfield	Thompson
Bromm	Hartnett	Matzke	Robak	Tyson
Brown	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Bruning	Hudkins	Pederson, D.	Schimek	Wehrbein
Byars	Janssen	Peterson, C.	Schmitt	Wickersham
Connealy	Jensen			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Kiel

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 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-326 and 77-2704.31, Reissue Revised Statutes of Nebraska; to correct internal references; 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:

Baker	Coordsen	Jones	Preister	Schrock
Beutler	Crosby	Kremer	Price	Smith
Bohlke	Cudaback	Kristensen	Quandahl	Stuhr
Bourne	Dierks	Landis	Raikes	Suttle
Brashear	Hartnett	Lynch	Redfield	Tyson
Bromm	Hilgert	Matzke	Robak	Vrtiska
Bruning	Hudkins	Pedersen, Dw.	Schellpeper	Wehrbein
Byars	Janssen	Pederson, D.	Schimek	Wickersham
Connealy	Jensen	Peterson, C.	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Brown Engel Thompson

Excused and not voting, 2:

Chambers Kiel

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

LEGISLATIVE BILL 35.

A BILL FOR AN ACT relating to occupation tax; to amend section 21-329, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Crosby	Jones	Preister	Schrock
Beutler	Cudaback	Kremer	Price	Smith
Bohlke	Dierks	Kristensen	Quandahl	Stuhr
Bourne	Engel	Landis	Raikes	Suttle
Brashear	Hartnett	Lynch	Redfield	Thompson
Bromm	Hilgert	Matzke	Robak	Tyson
Bruning	Hudkins	Pedersen, Dw.	Schellpeper	Vrtiska
Byars	Janssen	Pederson, D.	Schimek	Wehrbein
Connealy	Jensen	Peterson, C.	Schmitt	Wickersham
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 2:

Chambers Kiel

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

LEGISLATIVE BILL 81. With Emergency.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3227, Reissue Revised Statutes of Nebraska; to change provisions relating to investments; 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, 45:

Baker	Connealy	Janssen	Pederson, D.	Schmitt
Beutler	Coordsen	Jensen	Peterson, C.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kremer	Price	Suttle
Brashear	Dierks	Kristensen	Quandahl	Thompson
Bromm	Engel	Landis	Raikes	Tyson
Brown	Hartnett	Lynch	Redfield	Vrtiska
Bruning	Hilgert	Matzke	Schellpeper	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schimek	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Robak Schrock

Excused and not voting, 2:

Chambers Kiel

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 103.

A BILL FOR AN ACT relating to the Department of Water Resources; to amend sections 46-161, 46-174, and 46-561, Reissue Revised Statutes of Nebraska; to change provisions relating to approval of boundary changes as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Byars	Hilgert	Lynch	Raikes
Beutler	Connealy	Hudkins	Matzke	Redfield
Bohlke	Coordsen	Janssen	Pedersen, Dw.	Robak
Bourne	Crosby	Jensen	Pederson, D.	Schellpeper
Brashear	Cudaback	Jones	Peterson, C.	Schimek
Bromm	Dierks	Kremer	Preister	Schmitt
Brown	Engel	Kristensen	Price	Schrock
Bruning	Hartnett	Landis	Quandahl	Smith

Stuhr	Thompson	Vrtiska	Wehrbein	Wickersham
Suttle	Tyson			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Kiel

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

LEGISLATIVE BILL 128.

A BILL FOR AN ACT relating to cities and villages; to amend sections 17-207 and 17-505, Reissue Revised Statutes of Nebraska; to increase the fine a city of the second class or a village may impose for the violation of an ordinance; to eliminate provisions relating to ordinances; 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, 46:

Baker	Coordsen	Jensen	Peterson, C.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kremer	Price	Stuhr
Bourne	Dierks	Kristensen	Quandahl	Suttle
Brashear	Engel	Landis	Raikes	Thompson
Bromm	Hartnett	Lynch	Redfield	Tyson
Brown	Hilgert	Matzke	Schellpeper	Vrtiska
Bruning	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Byars	Janssen	Pederson, D.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 2:

Chambers Kiel

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

LEGISLATIVE BILL 137.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Supplement, 1998; to exclude job application materials from public record requirements; 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, 46:

Baker	Coordsen	Jones	Preister	Schrock
Beutler	Crosby	Kremer	Price	Smith
Bohlke	Cudaback	Kristensen	Quandahl	Stuhr
Bourne	Dierks	Landis	Raikes	Suttle
Brashear	Engel	Lynch	Redfield	Thompson
Bromm	Hilgert	Matzke	Robak	Tyson
Brown	Hudkins	Pedersen, Dw.	Schellpeper	Vrtiska
Bruning	Janssen	Pederson, D.	Schimek	Wehrbein
Byars	Jensen	Peterson, C.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 2:

Chambers Kiel

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

LEGISLATIVE BILL 143. With Emergency.

A BILL FOR AN ACT relating to motor fuel tax; to amend sections 66-503, 66-676, 66-682, and 66-738, Reissue Revised Statutes of Nebraska; to change permit provisions, tax provisions, and funding; to eliminate a task force; to provide operative dates; to repeal the original sections; to outright repeal section 66-740, 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, 46:

Baker	Coordsen	Jensen	Peterson, C.	Schmitt
Beutler	Crosby	Jones	Preister	Schrock
Bohlke	Cudaback	Kremer	Price	Smith
Bourne	Dierks	Kristensen	Quandahl	Stuhr
Brashear	Engel	Landis	Raikes	Suttle
Bromm	Hartnett	Lynch	Redfield	Thompson
Brown	Hilgert	Matzke	Robak	Tyson
Bruning	Hudkins	Pedersen, Dw.	Schellpeper	Vrtiska
Byars	Janssen	Pederson, D.	Schimek	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 1:

Wehrbein

Excused and not voting, 2:

Chambers Kiel

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 62, 107, 172, 198, 33, 34, 35, 81, 103, 128, 137, and 143.

GENERAL FILE

LEGISLATIVE BILL 32A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 66A. 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.

LEGISLATIVE BILL 669A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 291A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 293A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 140A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 57A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 47. Mr. Beutler withdrew his amendment, FA3, found on page 366.

Mr. Brashear withdrew his amendment, AM0083, found on page 368.

Mr. Brashear renewed his pending amendment, AM0131, found on page 398.

The Brashear amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 68. E & R amendment, AM7009, found on page 384, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 59. E & R amendment, AM7011, found on page 391, was adopted.

Ms. Schimek renewed her pending amendment, AM0180, found on page 437.

The Schimek amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Baker offered the following amendment:

FA9

Add new section:

This act shall terminate on October 30, 2002.

SPEAKER KRISTENSEN PRESIDING

Mr. Baker moved for a call of the house. The motion prevailed with 26 ayes,

1 nay, and 22 not voting.

Ms. Schimek requested a roll call vote on the Baker amendment.

Voting in the affirmative, 22:

Baker	Cudaback	Jensen	Peterson, C.	Smith
Brashear	Dierks	Jones	Quandahl	Stuhr
Bromm	Hartnett	Kremer	Redfield	Tyson
Byars	Hilgert	Matzke	Schmitt	Vrtiska
Coordsen	Janssen			

Voting in the negative, 26:

Beutler	Connealy	Kristensen	Preister	Schrock
Bohlke	Crosby	Landis	Price	Suttle
Bourne	Engel	Lynch	Raikes	Thompson
Brown	Hudkins	Pedersen, Dw.	Robak	Wehrbein
Bruning	Kiel	Pederson, D.	Schimek	Wickersham
Chambers				

Absent and not voting, 1:

Schellpeper

The Baker amendment lost with 22 ayes, 26 nays, and 1 absent and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 403. E & R amendment, AM7010, found on page 391, was adopted.

Advanced to E & R for engrossment.

Mrs. Robak, Messrs. Schellpeper, Lynch, Tyson, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 298. E & R amendment, AM7012, found on page 392, was adopted.

Mr. Coordsen renewed his pending amendment, AM0140, found on page 413.

The Coordsen amendment lost with 13 ayes, 19 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:

AM0139

- 1 1. In the E & R amendments, AM7012, Strike amendment 2.
- 2 2. On page 3, line 28, strike "the" and insert "any
- 3 standing committee".
- 4 3. On page 4, line 1, strike "Government" through
- 5 "Committee"; in line 2 strike the second occurrence of "the" and
- 6 insert "its"; and strike beginning with "as" in line 2 through
- 7 "act" in line 3.

The Beutler amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 258. E & R amendment, AM7015, found on page 402, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 260. E & R amendment, AM7016, found on page 402, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 326. E & R amendment, AM7013, found on page 402, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 287. E & R amendment, AM7014, found on page 402, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 19. Advanced to E & R for engrossment.

LEGISLATIVE BILL 23. Advanced to E & R for engrossment.

LEGISLATIVE BILL 24. Advanced to E & R for engrossment.

LEGISLATIVE BILL 102. Advanced to E & R for engrossment.

LEGISLATIVE BILL 228. Advanced to E & R for engrossment.

LEGISLATIVE BILL 48. Advanced to E & R for engrossment.

LEGISLATIVE BILL 72. E & R amendment, AM7017, found on page 403, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 291. E & R amendment, AM7019, found on page 410, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 259. E & R amendment, AM7020, found on page 411, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 170. Advanced to E & R for engrossment.

LEGISLATIVE BILL 191. E & R amendment, AM7018, found on page 411, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 202. Mr. Beutler offered the following amendment:
FA11
Strike section 3.

Mr. Vrtiska asked unanimous consent to pass over LB 202. No objections. So ordered.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 278. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 363. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS Health and Human Services

LB 735	Wednesday, March 3, 1999	1:30 p.m.
LB 783	Wednesday, March 3, 1999	1:30 p.m.
LB 818	Wednesday, March 3, 1999	1:30 p.m.
LB 522	Thursday, March 4, 1999	1:30 p.m.
LB 708	Thursday, March 4, 1999	1:30 p.m.
LB 240	Wednesday, March 10, 1999	1:30 p.m.
LB 781	Wednesday, March 10, 1999	1:30 p.m.
LB 856	Wednesday, March 10, 1999	1:30 p.m.
LB 819	Thursday, March 11, 1999	1:30 p.m.

LB 868	Thursday, March 11, 1999	1:30 p.m.
LB 871	Thursday, March 11, 1999	1:30 p.m.
LB 736	Friday, March 12, 1999	1:30 p.m.
LB 742	Friday, March 12, 1999	1:30 p.m.

(Signed) Jim Jensen, Chairperson

STANDING COMMITTEE REPORT **Health and Human Services**

The Health and Human Services Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

NHHS, Health & Human Services

Ron Ross, Director

NHHS, Regulation & Licensure

Richard Nelson, Director

NHHS, Chief Medical Officer

Richard Raymond, M.D.

NHHS, Finance & Support

Jeffrey Elliott, Director

VOTE: Aye: Senators Jensen, Byars, Dierks, Price, Suttle, Thompson, and Tyson. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 4, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bunger, Charles K. - Omaha; City of Omaha Administration
Cutshall & Associates

Cutshall & Associates - Lincoln; Louis F. Davis, Jr.

Itkin, Laurie - Kansas City, MO; Sprint

Moody, Randall - Lincoln; Nebraska Alliance for Rural Education

O'Hara & Associates, Inc.

O'Hara & Associates, Inc. - Lincoln; Handgun Control, Inc.

Oxton, Neil - Lincoln; American Association of Retired Persons

Skochdopole, R. A. - Omaha; American Society of Composers, Authors & Publishers; MultiState Associates, Inc. on behalf of AirTouch Communications

Sommermeier, Mary E. - Lincoln; League of Nebraska Municipalities

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 4, 1999, at 10:45 a.m., were the following bills: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 62, 107, 172, 198, 33, 34, 35, 81, 103, 128, 137, and 143.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 243:
AM0160

- 1 1. On page 2, line 27, after "year" insert "and the
- 2 amount of tuition credits granted shall not exceed the state
- 3 appropriation available for the tuition assistance program".

Messrs. Bromm and Beutler filed the following amendment to LB 270:
AM0151

- 1 1. Insert the following new section:
- 2 "Section 1. Section 66-1518, Revised Statutes
- 3 Supplement, 1998, is amended to read:
- 4 66-1518. (1) The Environmental Quality Council shall
- 5 adopt and promulgate rules and regulations governing reimbursements
- 6 authorized under the Petroleum Release Remedial Action Act. Such
- 7 rules and regulations shall include:
- 8 (a) Procedures regarding the form and procedure for
- 9 application for payment or reimbursement from the fund, including
- 10 the requirement for timely filing of applications;
- 11 (b) Procedures for the requirement of submitting cost
- 12 estimates for phases or stages of remedial actions, procurement
- 13 requirements to be followed by responsible persons, and
- 14 requirements for reuse of fixtures and tangible personal property
- 15 by responsible persons during a remedial action;
- 16 (c) Procedures for investigation of claims for payment or
- 17 reimbursement;
- 18 (d) Procedures for determining the amount and type of
- 19 costs that are eligible for payment or reimbursement from the fund;
- 20 (e) Procedures for auditing persons who have received
- 21 payments from the fund;
- 22 (f) Procedures for reducing reimbursements made for a
- 23 remedial action for failure by the responsible person to comply
- 24 with applicable statutory or regulatory requirements.
- 1 Reimbursement may be reduced as much as one hundred percent; and
- 2 (g) Other procedures necessary to carry out the act.
- 3 (2) Such rules and regulations shall take into account
- 4 the recommendations for rules and regulations developed by the

5 technical advisory committee established pursuant to section
6 81-15,189.

7 (3) The Director of Environmental Quality shall (a)
8 estimate the cost to complete remedial action at each petroleum
9 contaminated site where the responsible party has been ordered by
10 the department to begin remedial action, and, based on such
11 estimates, determine the total cost that would be incurred in
12 completing all remedial actions ordered; (b) determine the total
13 estimated cost of all approved remedial actions; (c) determine the
14 total dollar amount of all pending claims for payment or
15 reimbursement; (d) determine the total of all funds available for
16 reimbursement of pending claims; and (e) include the determinations
17 made pursuant to this subsection in the department's annual report
18 to the Legislature.

19 (4) The Department of Environmental Quality shall make
20 available to the public a current schedule of reasonable rates for
21 equipment, services, material, and personnel commonly used for
22 remedial action. The department shall consider the schedule of
23 reasonable rates in reviewing all costs for the remedial action
24 which are submitted in a plan. The rates shall be used to
25 determine the amount of reimbursement for the eligible and
26 reasonable costs of the remedial action, except that (a) the
27 reimbursement for the costs of the remedial action shall not exceed
1 the actual eligible and reasonable costs incurred by the
2 responsible person or his or her designated representative and (b)
3 reimbursement may be made for costs which exceed or are not
4 included on the schedule of reasonable rates if the application for
5 such reimbursement is accompanied by sufficient evidence for the
6 department to determine and the department does determine that such
7 costs are reasonable.

8 (5) The Department of Environmental Quality and the
9 Department of Insurance, in consultation with interested parties,
10 shall report to the Legislature on or before October 1, ~~1998~~ 1999,
11 on the availability and cost of private insurance to insure the
12 damages for which payment may be made from the fund."

13 2. On page 11, line 11, after "sections" insert
14 "66-1518,".

15 3. Renumber the remaining sections accordingly.

Mr. Bourne filed the following amendment to LB 323:

AM0175

1 1. Strike beginning with "(a)" on page 2, line 24,
2 through "(5)" on page 3, line 2.

3 2. On page 3, line 6, strike "(6)" and insert "(5)"; and
4 strike beginning with "In" in line 19 through line 23.

5 3. On page 4, line 5, strike the first comma and insert
6 "and"; and strike beginning with the second comma in line 5 through
7 "section" in line 10.

Mr. Landis filed the following amendment to LB 211:

FA10

After the new language add, "during the hours the building is open to the public."

Mr. Wickersham filed the following amendment to LB 437:

AM0194

(Amendments to Standing Committee amendments, AM0129)

1 1. Insert the following new sections:

2 "Sec. 18. Pursuant to a request by an elected county
 3 fair board, the county board of any county may levy an additional
 4 levy of three and five-tenths cents on each one hundred dollars of
 5 taxable valuation, or any part thereof, for the purpose of capital
 6 construction on and renovation, repair, improvement, and
 7 maintenance of the county fairgrounds, over and above the
 8 operational tax levy authorized in section 2-229. Such levy shall
 9 not exceed the amount actually required for such work. In counties
 10 having a population of more than sixty thousand inhabitants but not
 11 more than three hundred fifty thousand inhabitants and also
 12 containing a city of the primary class, such additional levy or any
 13 part thereof may be levied for the purpose of capital construction
 14 on and renovation, repair, improvement, and maintenance of the
 15 county fairgrounds.

16 Sec. 23. Section 2-256, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 2-256. (1) The board of directors shall annually elect
 19 from its membership a chairperson and such other officers as may be
 20 necessary. The term of office for members of the board shall be
 21 for three years, except that the term of the members of the board
 22 first taking office shall be for one, two, or three years as
 23 determined by lot.

1 (2) The bylaws adopted by a county agricultural society
 2 shall state whether the board of directors of the county
 3 agricultural society will nominate candidates for membership on the
 4 board from districts or from the county at large. The members of
 5 the board shall be elected by the registered voters of the entire
 6 county whether the candidates are nominated from districts or from
 7 the county at large. If nominating districts are used, the board
 8 of directors shall divide the county into districts of
 9 substantially equal population. Such districts shall be
 10 consecutively numbered. The boundaries and numbering of such
 11 districts shall be designated at least three months prior to the
 12 annual meeting.

13 (3) If the county agricultural society replaces an
 14 existing county fair board as provided in section 19 of this act,
 15 the county fair board shall remain in existence until the county
 16 agricultural society has its first annual meeting. After the first
 17 annual meeting of the county agricultural society, any existing
 18 county fair board shall cease to exist."

- 19 2. On page 12, line 9, strike "county agricultural
 20 society" and insert "previous board".
 21 3. On page 20, line 22, before "and" insert "2-256,".
 22 4. Renumber the remaining sections and correct internal
 23 references accordingly.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 20A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 20, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 202A. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 202, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 148. Placed on General File as amended.

Standing Committee amendment to LB 148:

AM0150

- 1 1. On page 5, line 19, after the second comma insert
 2 "consumers,".

(Signed) Jim Jensen, Chairperson

Education

LEGISLATIVE BILL 152. Placed on General File as amended.

Standing Committee amendment to LB 152:

AM0123

- 1 1. On page 2, lines 3 and 4 and 14 through 16, strike
 2 the new matter; in line 6 after "child" insert "who is"; in line 7
 3 after "age" insert "or who is younger than seven years of age and
 4 is enrolled in any public school"; and in line 12 after the period
 5 insert "Any person with legal or actual charge or control of a
 6 child younger than seven years of age who is enrolled in a public
 7 school may discontinue the enrollment of such child pursuant to the
 8 policy of the school board. All school boards shall adopt policies
 9 allowing discontinuation of the enrollment of students younger than
 10 seven years of age and specifying the procedures therefor.".

(Signed) Ardyce L. Bohlke, Chairperson

Transportation

LEGISLATIVE BILL 359. Placed on General File.

(Signed) Curt Bromm, Chairperson

Natural Resources

LEGISLATIVE BILL 92. Placed on General File as amended.

Standing Committee amendment to LB 92:

AM0177

1 1. On page 4, strike beginning with line 1 through
2 "days" in line 3 and insert "series of two or more water wells
3 completed and pumped into a common carrier as part of a single site
4 plan for irrigation purposes".

5 2. On page 6, strike line 28 and show the old matter as
6 stricken.

7 3. On page 7, strike lines 1 through 8 and insert
8 "(5)(a) For a series of two or more water wells completed
9 and pumped into a common carrier as part of a single site plan for
10 irrigation purposes, the director shall collect in advance a
11 registration fee of thirty dollars and the fee required by section
12 46-1224 for each of the first two such wells registered under
13 section 46-602.

14 (b) Any additional water wells which are part of a series
15 registered under this subsection shall not have to pay a new well
16 registration fee."

17 4. On page 9, strike beginning with line 4 through the
18 period in line 10 and insert "series of two or more water wells
19 completed and pumped into a common carrier, as defined in section
20 46-601.01, as part of a single site plan for irrigation purposes,
21 the fee set pursuant to this subsection shall be collected for each
22 of the first two such water wells registered."

(Signed) Ed Schrock, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 253. Placed on General File.

LEGISLATIVE BILL 369. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Smith asked unanimous consent to have his name added as cointroducer to LB 881. No objections. So ordered.

Mrs. Suttle asked unanimous consent to have her name added as cointroducer

to LB 359. No objections. So ordered.

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 841. No objections. So ordered.

VISITORS

Visitors to the Chamber were Karen Anderson and Don Nightengale from Scottsbluff-Gering; George Chikos, Kent Wimmer, and Jack Fulton from Scottsbluff; and Ron Wollen from Wilcox.

The Doctor of the Day was Kari Hutson from Lincoln.

ADJOURNMENT

At 11:47 a.m., on a motion by Mr. Bourne, the Legislature adjourned until 9:00 a.m., Monday, February 8, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY – FEBRUARY 8, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 8, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Greg Hall, First United Methodist Church, Blair, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Matzke and Wickersham who were excused; and Mmes. Bohlke, Kiel, Messrs. Brashear, Bromm, and Cudaback who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 149. Placed on Select File as amended.
E & R amendment to LB 149:
AM7036

- 1 1. On page 6, line 7, strike "subsection" and insert
- 2 "subdivision".
- 3 2. On page 10, line 9, reinstate the stricken matter and
- 4 after the reinstated matter insert "or the".
- 5 3. On page 28, line 27, strike "the".
- 6 4. On page 33, line 11, strike "reserve"; and in line 19
- 7 strike "of each year" and show as stricken.
- 8 5. On page 39, line 3, after "1" insert "of each year".

LEGISLATIVE BILL 40. Placed on Select File as amended.
E & R amendment to LB 40:

AM7031

- 1 1. On page 1, line 4, strike "sections" and insert
- 2 "section".

LEGISLATIVE BILL 46. Placed on Select File as amended.
E & R amendment to LB 46:

AM7034

- 1 1. On page 1, line 1, strike "28-1820" and insert
- 2 "23-1820".
- 3 2. On page 2, line 24, strike the comma and show as
- 4 stricken.

LEGISLATIVE BILL 49. Placed on Select File as amended.
E & R amendment to LB 49:

AM7032

- 1 1. On page 1, line 3, strike "a"; and in line 4 strike
- 2 "penalty" and insert "penalties; to harmonize provisions".
- 3 2. On page 3, line 5, strike "he or she" and insert
- 4 "such person".

LEGISLATIVE BILL 511. Placed on Select File as amended.
E & R amendment to LB 511:

AM7033

- 1 1. In the Standing Committee amendment, AM0132, on page
- 2 1, lines 2 and 3, strike "individuals" and insert "any individual".
- 3 2. On page 1, line 4, after the semicolon insert "to
- 4 harmonize provisions;".

LEGISLATIVE BILL 280. Placed on Select File as amended.
E & R amendment to LB 280:

AM7035

- 1 1. On page 1, line 2, strike "77-2704.21" and insert
- 2 "77-2704.09"; and strike lines 3 and 4 and insert "redefine durable
- 3 medical equipment for purposes of sales and use tax exemption; to
- 4 provide an operative".

LEGISLATIVE BILL 32A. Placed on Select File.

LEGISLATIVE BILL 66A. Placed on Select File as amended.
E & R amendment to LB 66A:

AM7037

- 1 1. On page 2, line 1, strike "1999-00" and insert
- 2 "FY1999-00".

LEGISLATIVE BILL 669A. Placed on Select File.
LEGISLATIVE BILL 291A. Placed on Select File.
LEGISLATIVE BILL 293A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 47, 57A, and 140A.

Enrollment and Review Change to LB 47

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

ER9006

1. On page 1, lines 2 and 4, "section" has been struck and "sections" inserted; in line 2 "and 84-1411" has been inserted after "24-1204"; and in line 3 "teleconferencing" has been struck and "telephone conferences; to eliminate obsolete language; to harmonize provisions" inserted.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 134. Placed on General File.

LEGISLATIVE BILL 163. Placed on General File.

LEGISLATIVE BILL 315. Placed on General File.

LEGISLATIVE BILL 350. Placed on General File.

LEGISLATIVE BILL 839. Placed on General File.

LEGISLATIVE BILL 41. Indefinitely postponed.

LEGISLATIVE BILL 348. Indefinitely postponed.

LEGISLATIVE RESOLUTION 7CA. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 795. Placed on General File.

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Public Employees Retirement Systems

Anna Sullivan, Director

VOTE: Aye: Senators Stuhr, Crosby, Bourne, and Wickersham. Nay: None.
Absent: Senators C. Peterson and Bruning.

(Signed) Elaine Stuhr, Chairperson

Appropriations

LEGISLATIVE BILL 465. Placed on General File.

LEGISLATIVE BILL 846. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

Revenue

LEGISLATIVE BILL 194. Placed on General File as amended.

Standing Committee amendment to LB 194:

AM0198

1 1. Insert the following new sections:

2 "Sec. 10. Section 77-202.01, Revised Statutes
3 Supplement, 1998, is amended to read:

4 77-202.01. (1) Any organization or society seeking a tax
5 exemption provided in subdivisions (1)(b) and (1)(c) of section
6 77-202 for any real or tangible personal property, except real
7 property used for cemetery purposes, shall apply for exemption to
8 the county assessor on or before December 31 of the year preceding
9 the year for which the exemption is sought on forms prescribed by
10 the Property Tax Administrator. The county assessor shall examine
11 the application and recommend either taxable or exempt for the real
12 property or tangible personal property to the county board of
13 equalization on or before February 1 following.

14 (2) Any organization or society which fails to file an
15 exemption application on or before December 31 may apply on or
16 before June 30 to the county assessor. The organization or society
17 shall also file in writing a request with the county board of
18 equalization for a waiver so that the county assessor may consider
19 the application for exemption. The county board of equalization
20 shall grant the waiver upon a finding that good cause exists for
21 the failure to make application on or before December 31. When the
22 waiver is granted, the county assessor shall examine the
23 application and recommend either taxable or exempt for the real
24 property or tangible personal property to the county board of
1 equalization and shall assess a penalty against the ~~organization or~~
2 ~~society property~~ of ten percent of the tax that would have been
3 assessed had the waiver been denied or one hundred dollars,
4 whichever is less, for each calendar month or fraction thereof for
5 which the filing of the exemption application missed the December
6 31 deadline. The penalty shall be collected and distributed in the
7 same manner as a tax on the property and interest shall be assessed
8 at the rate specified in section 45-104.01, as such rate may from
9 time to time be adjusted by the Legislature, from the date the tax
10 would have been delinquent until paid. The penalty shall also
11 become a lien in the same manner as a tax pursuant to section
12 77-203.

13 Sec. 32. Section 77-1802, Reissue Revised Statutes of

14 Nebraska, is amended to read:

15 77-1802. (1) The county treasurer shall, not less than
16 four nor more than six weeks prior to the first Monday of March in
17 each year, make out a list of all real property subject to sale and
18 the amount of all delinquent taxes against each item, describing
19 the property as it is described on the tax list, with an
20 accompanying notice stating that so much of such property described
21 in the list as may be necessary for that purpose will, on the first
22 Monday of March next thereafter, be sold by such county treasurer
23 at public auction at his or her office for the taxes, interest, and
24 costs thereon.

25 (2) In lieu of publication, beginning January 1, 2000,
26 the county treasurer may notify by mail any taxpayer whose real
27 estate taxes are delinquent not less than four nor more than six
1 weeks prior to the first Monday in March. Such notice shall be
2 sent to the last-known address of the record owner of each parcel
3 on which the taxes are delinquent. The notice shall describe the
4 property on which the taxes are delinquent, state the rate at which
5 interest is accruing, and state that such property will be sold by
6 the county treasurer at public auction at his or her office for
7 taxes, interest, and costs on the following first Monday in March.

8 Sec. 33. Section 77-5007, Revised Statutes Supplement,
9 1998, is amended to read:

10 77-5007. The commission has the power and duty to hear
11 and determine appeals of:

12 (1) Decisions of any county board of equalization
13 equalizing the value of individual tracts, lots, or parcels of real
14 property so that all real property is assessed uniformly and
15 proportionately;

16 (2) Decisions of any county board of equalization
17 granting or denying tax-exempt status for real or personal property
18 or an exemption from motor vehicle taxes and fees;

19 (3) Decisions of the Property Tax Administrator
20 determining the taxable property of a railroad company, car
21 company, public service entity, or air carrier within the state;

22 (4) Decisions of the Property Tax Administrator
23 determining adjusted valuation pursuant to section 79-1016;

24 (5) Decisions of any county board of equalization on the
25 valuation of personal property or any penalties imposed under
26 sections 77-1233.04 to 77-1233.06;

27 (6) Decisions of any county board of equalization on
1 claims that a levy is or is not for an unlawful or unnecessary
2 purpose or in excess of the requirements of the county;

3 (7) Decisions of any county board of equalization
4 granting or rejecting an application for a homestead exemption;

5 (8) Decisions of the Department of Motor Vehicles
6 determining the taxable value of motor vehicles pursuant to section
7 60-3005;

8 (9) Decisions of the Property Tax Administrator made

9 under section 77-1330:

10 (10) Any other decision of any county board of
11 equalization; and

12 (11) ~~(40)~~ Any other decision of the Property Tax
13 Administrator."

14 2. On page 7, strike line 12 and insert "list of all
15 real property and the taxable tangible personal property in a".

16 3. On page 8, lines 17 and 18, strike "such organization
17 or society", show as stricken, and insert "the property"; and in
18 line 21 after the period insert "The penalty shall be collected and
19 distributed in the same manner as a tax on the property and
20 interest shall be assessed at the rate specified in section
21 45-104.01, as such rate may from time to time be adjusted by the
22 Legislature, from the date the tax would have been delinquent until
23 paid. The penalty shall also become a lien in the same manner as a
24 tax pursuant to section 77-203.".

25 4. On page 22, line 2, strike "manuals and".

26 5. On page 28, line 19, strike "August 1", show as
27 stricken, and insert "July 26".

1 6. On page 33, line 7, strike "and" and after the last
2 comma insert "and 77-1802,"; in line 8 after the last comma insert
3 "77-202.01,"; and in line 11 strike "and" and after the third comma
4 insert "and 77-5007,".

5 7. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

NOTICE OF COMMITTEE HEARINGS Education

LB 451 Tuesday, March 9, 1999 (canceled) 1:30 p.m.

LB 541 Tuesday, March 9, 1999 (rescheduled) 1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Approve Appointments

Mrs. Stuhr moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointments found on page 429: Carol Kontor, W. Don Nelson, and Greg Stine - Nebraska Investment Council.

Voting in the affirmative, 36:

Baker	Crosby	Jensen	Pederson, D.	Schimek
Beutler	Dierks	Jones	Peterson, C.	Schmitt
Bourne	Engel	Kremer	Price	Smith
Brown	Hartnett	Kristensen	Quandahl	Stuhr
Bruning	Hilgert	Landis	Raikes	Suttle
Byars	Hudkins	Lynch	Redfield	Thompson
Connealy	Janssen	Pedersen, Dw.	Robak	Tyson
Coordsen				

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Preister	Schellpeper	Schrock	Vrtiska
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Excused and not voting, 8:

Bohlke	Bromm	Kiel	Wehrbein	Wickersham
Brashear	Cudaback	Matzke		

The appointments were confirmed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 20A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 202A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 2 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 422. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 211. Title read. Considered.

Mr. Landis renewed his pending amendment, FA10, found on page 469.

The Landis amendment lost with 5 ayes, 26 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Tyson offered the following amendment:

FA12

Strike the new language on page 2, line 17, and insert the following

"(3) No person shall smoke in any State Building"

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

The Tyson amendment was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:

FA13

Strike the Tyson amendment and substitute the following:

"No person shall smoke in any building owned by, leased to, or leased from the State of Nebraska"

Mr. Beutler moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

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

Voting in the affirmative, 21:

Baker	Connealy	Hilgert	Raikes	Stuhr
Beutler	Crosby	Jensen	Robak	Suttle
Brown	Dierks	Preister	Schmitt	Thompson
Bruning	Engel	Price	Smith	Tyson
Chambers				

Voting in the negative, 22:

Bohlke	Hartnett	Kremer	Pederson, D.	Schimek
Bourne	Hudkins	Kristensen	Peterson, C.	Schrock
Bromm	Janssen	Landis	Quandahl	Vrtiska
Byars	Jones	Lynch	Redfield	Wehrbein
Coordsen	Kiel			

Present and not voting, 1:

Pedersen, Dw.

Excused and not voting, 5:

Brashear	Cudaback	Matzke	Schellpeper	Wickersham
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The Beutler amendment lost with 21 ayes, 22 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 6 nays, 10 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Engel filed the following amendment to LB 77:
AM0159

- 1 1. On page 2, strike beginning with "may" in line 15
- 2 through "state" in line 16 and insert "shall provide an exemption
- 3 for the same distance, up to fifty miles, into each state party to
- 4 an agreement".

Mr. Beutler filed the following amendment to LB 286:
AM0233

- 1 1. Insert the following new section:
- 2 "Section 1. Section 2-3214, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-3214. (1) District directors shall be elected as
- 5 provided in section 32-513. Elections shall be conducted as
- 6 provided in the Election Act. Registered voters residing within
- 7 the district shall be eligible for nomination as candidates for any
- 8 at-large position or, in those districts that have established
- 9 subdistricts, as candidates from the subdistrict within which they
- 10 reside.
- 11 (2) The board of directors may choose to: (a) Nominate
- 12 candidates from subdistricts and from the district at large who
- 13 shall be elected by the registered voters of the entire district;
- 14 (b) nominate and elect each candidate from the district at large;
- 15 or (c) nominate and elect candidates from subdistricts of
- 16 ~~substantially equal population~~ except that any at-large candidate
- 17 would be nominated and elected by the registered voters of the
- 18 entire district. Unless the board of directors determines that the
- 19 nomination and election of all directors will be at large, the
- 20 board shall ~~strive to~~ divide the district into subdistricts of
- 21 ~~substantially equal population. ; except that no subdistrict shall~~
- 22 ~~have a population greater than three times the population of any~~
- 23 ~~other subdistrict within the district.~~ Such subdistricts shall be
- 24 consecutively numbered and shall be established with due regard to
- 1 all factors including, but not limited to, the location of works of
- 2 improvement and the distribution of population and taxable values
- 3 within the district. The boundaries and numbering of such
- 4 subdistricts shall be designated at least six months prior to the
- 5 primary election. Unless the district has been divided into
- 6 subdistricts, ~~with substantially equal population~~, all directors
- 7 shall be elected by the registered voters of the entire district
- 8 and all registered voters shall vote on the candidates representing

9 each subdistrict and any at-large candidates. If a district has
 10 been divided into subdistricts, ~~with substantially equal~~
 11 ~~population~~, the board of directors may determine that directors
 12 shall be elected only by the registered voters of the subdistrict
 13 except that an at-large director may be elected by registered
 14 voters of the entire district.

15 (3) Except in districts which have chosen to have a
 16 single director serve from each subdistrict, the number of
 17 subdistricts for a district shall equal a number which is one less
 18 than a majority of directors for the district. In districts which
 19 have chosen to have a single director serve from each subdistrict,
 20 the number of subdistricts shall equal a number which is equal to
 21 the total number of directors of the district or which is one less
 22 than the total number of directors for the district if there is an
 23 at-large candidate. If the number of directors to be elected
 24 exceeds the number of subdistricts or if the term of the at-large
 25 director expires in districts which have chosen to have a single
 26 director serve from each subdistrict, candidates may file as a
 27 candidate from the district at large. Registered voters may each
 1 cast a number of votes not larger than the total number of
 2 directors to be elected.

3 (4) Elected directors shall take their oath of office in
 4 the same manner provided for county officials.

5 (5) At least six months prior to the primary election,
 6 the board of directors may choose to have a single director serve
 7 from each subdistrict.

8 (6) The board of directors shall certify to the Secretary
 9 of State and the election commissioners or county clerks the number
 10 of directors to be elected at each election and the length of their
 11 terms as provided in section 32-404."

12 2. On page 2, line 28, after "Original" insert "section
 13 2-3214, Reissue Revised Statutes of Nebraska, and".

14 3. On page 3, line 1, strike "is" and insert "are".

15 4. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 774. Placed on General File as amended.

Standing Committee amendment to LB 774:

AM0211

1 1. Strike original sections 1 and 4 and insert the
 2 following new section:

3 "Sec. 3. There is hereby created the Community
 4 Redevelopment Analysis Fund. The fund shall be under the direction
 5 of the Department of Economic Development. The department shall,
 6 from the fund, reimburse applying cities or villages for the fees
 7 paid by them for the use of the cost-benefit analysis model,
 8 developed and approved as provided in sections 77-5101 to 77-5105.

- 9 for projects using funds authorized by section 18-2147. Any money
 10 in the fund available for investment shall be invested by the state
 11 investment officer pursuant to the Nebraska Capital Expansion Act
 12 and the Nebraska State Funds Investment Act."
 13 2. On page 11, line 9, strike "4" and insert "3"; and in
 14 line 21 strike "18-2103,".
 15 3. Renumber the remaining sections accordingly.

LEGISLATIVE RESOLUTION 21CA. Placed on General File as amended.

Standing Committee amendment to LR 21CA:

AM0210

- 1 1. On page 2, line 25, after the first occurrence of
 2 "by" insert "charitable".
 3 2. On page 3, line 5, after "property" insert "of the
 4 same character".

(Signed) D. Paul Hartnett, Chairperson

Natural Resources

LEGISLATIVE BILL 784. Placed on General File.

LEGISLATIVE BILL 789. Placed on General File.

(Signed) Ed Schrock, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 359A. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 359, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 514A. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 514, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

LEGISLATIVE BILL 386A. Introduced by Bohlke, 33; Price, 26; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 386, Ninety-sixth Legislature, First Session, 1999.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 606	Wednesday, February 17, 1999	1:30 p.m.
LB 530	Wednesday, February 17, 1999	1:30 p.m.

Wednesday, February 17, 1999	1:30 p.m.
Natural Resources Commission	
Dayle Williamson	

LB 236	Thursday, February 18, 1999	1:30 p.m.
LB 823	Thursday, February 18, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 366. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 379. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 17. Title read. Considered.

The Standing Committee amendment, AM0040, found on page 419, was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 333. Title read. Considered.

Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM0148, found on page 421, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and

not voting.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Messrs. Vrtiska and Kristensen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 307. Title read. Considered.

The Standing Committee amendment, AM0149, found on page 422, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Hartnett filed the following amendment to LB 362:

FA15

On page 5, line 12 strike "77-3443" and insert "77-3442"

Mr. Bruning filed the following amendment to LB 340:

AM0235

- 1 1. On page 3, line 4, strike "displayed and being" and
- 2 show as stricken.

Mr. Bourne filed the following amendment to LB 323:

AM0220

- 1 1. On page 3, strike beginning with "In" in line 19
- 2 through line 23.
- 3 2. On page 4, line 5, strike the first comma and insert
- 4 "and"; and strike beginning with the second comma in line 5 through
- 5 "section" in line 10.

STANDING COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 101. Placed on General File as amended.

Standing Committee amendment to LB 101:

AM0213

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Biopower Steering Committee is
- 4 established. The committee may study the feasibility of generating

5 electricity from the use of biomass and agricultural crops and of
 6 supporting a demonstration project which may include a gasification
 7 component. The project would include, but not be limited to, use
 8 of biomass fuel which is farm-grown biomass or residue from
 9 agricultural or wood-product activities. The committee may collect
 10 information which may be used by all of Nebraska's public utilities
 11 to develop biopower electricity projects, including, but not
 12 limited to, the exploration of how the use of instate resources for
 13 electricity production might benefit the rural economy, an economic
 14 analysis of benefits to Nebraska from the use of instate rather
 15 than out-of-state resources, and the potential to reduce gaseous
 16 emissions.

17 The committee shall be appointed by September 15, 1999,
 18 and shall consist of: (1) Three representatives from the Nebraska
 19 Power Association, one public interest representative, and one
 20 environmental interest representative, all appointed by the
 21 chairperson of the Committee on Natural Resources; (2) two
 22 agricultural representatives appointed by the chairperson of the
 23 Committee on Agriculture; (3) a representative of the State Energy
 24 Office appointed by the Governor; (4) the Director of Economic
 1 Development or his or her designee; (5) a representative of the
 2 Game and Parks Commission appointed by the Governor; (6) the
 3 chairperson of the Committee on Agriculture; and (7) the
 4 chairperson of the Committee on Natural Resources.

5 The Biopower Steering Committee shall seek federal and
 6 other grant funds and resources from Nebraska's public utilities
 7 and from other public and private sources to carry out any study
 8 and to implement any demonstration project which may be undertaken.
 9 The Biopower Development Cash Fund is created. Funds received by
 10 the committee shall be remitted to the State Treasurer for credit
 11 to the Biopower Development Cash Fund. Any money in the fund
 12 available for investment shall be invested by the state investment
 13 officer pursuant to the Nebraska Capital Expansion Act and the
 14 Nebraska State Funds Investment Act.

15 The committee shall report its findings to the Committee
 16 on Natural Resources by December 1 each year.

17 The Biopower Steering Committee terminates on December
 18 31, 2003."

(Signed) Ed Schrock, Chairperson

NOTICE OF COMMITTEE HEARINGS

Education

LB 688	Monday, March 1, 1999 (canceled)	1:30 p.m.
LB 668	Monday, March 1, 1999	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 535. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LR 11CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were 10 students, teachers, and principal from Kenwood Schools, Kearney; 106 third grade students and teachers from Meadowlane Elementary School, Lincoln; members of the Nebraska Bankers' Leadership Program from across Nebraska; and 23 students and sponsor from Nebraska High Schools Family Consumer Career Leader of America.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Tuesday, February 9, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY – FEBRUARY 9, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 9, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Francis Schmidt, St. Luke's United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Matzke who was excused; and Messrs. Beutler, Bromm, Coordsen, Dierks, Engel, Landis, Dw. Pedersen, D. Pederson, Wehrbein, Wickersham, Mmes. Brown, Kiel, Robak, Stuhr, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 19, 23, 24, 48, 59, 68, 72, 102, 228, 258, 260, 287, 291, 298, 326, and 403.

Enrollment and Review Change to LB 68

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

ER9005

1. In the E & R Amendments, AM7009, amendment number 5 has been struck.

Enrollment and Review Change to LB 258

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

ER9007

1. On page 19, line 2; and page 20, line 25, "shall mean" has been struck, shown as stricken, and "means" inserted.

2. On page 28, line 4, "organization" has been struck and "organizations" inserted.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Members Excused

Mr. Vrtiska and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Approve Appointments

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 466: Ron Ross - Director, NHHS, Health & Human Services; Richard Nelson - Director, NHHS, Regulation & Licensure; Richard Raymond - M.D., NHHS, Chief Medical Officer; and Jeffrey Elliott - Director, NHHS, Finance & Support.

Voting in the affirmative, 29:

Baker	Crosby	Jensen	Peterson, C.	Schmitt
Bohlke	Cudaback	Kremer	Preister	Schrock
Bourne	Engel	Kristensen	Price	Smith
Bruning	Hartnett	Landis	Quandahl	Suttle
Byars	Hilgert	Lynch	Redfield	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schellpeper	

Voting in the negative, 1:

Chambers

Present and not voting, 9:

Beutler	Dierks	Jones	Raikes	Tyson
Brashear	Janssen	Pederson, D.	Thompson	

Excused and not voting, 10:

Bromm	Coordsen	Matzke	Schimek	Vrtiska
Brown	Kiel	Robak	Stuhr	Wickersham

The appointments were confirmed with 29 ayes, 1 nay, 9 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 68A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 119A. E & R amendment, AM7027, found on page 442, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 291A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 293A. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 37. Indefinitely postponed.

LEGISLATIVE BILL 53. Indefinitely postponed.

LEGISLATIVE BILL 58. Indefinitely postponed.

LEGISLATIVE BILL 123. Indefinitely postponed.

LEGISLATIVE BILL 136. Indefinitely postponed.

LEGISLATIVE BILL 221. Indefinitely postponed.

LEGISLATIVE BILL 325. Indefinitely postponed.

LEGISLATIVE BILL 491. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Judiciary

LEGISLATIVE BILL 689. Placed on General File.

LEGISLATIVE BILL 100. Placed on General File as amended.

Standing Committee amendment to LB 100:

AM0078

- 1 1. On page 3, after line 18 insert the following new
- 2 subsection:
- 3 "(c) Nothing in this section affects or prevents any
- 4 proceeding to enforce any mortgage, pledge, or other lien upon the
- 5 real property described in the affidavit."

LEGISLATIVE BILL 251. Indefinitely postponed.

LEGISLATIVE BILL 490. Indefinitely postponed.

LEGISLATIVE BILL 872. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 27. Introduced by C. Peterson, 35; Bohlke, 33; Kristensen, 37; Schrock, 38; Jones, 43; Schmitt, 41; Kremer, 34.

WHEREAS, the Wood River Flood Control Project will divert Wood River flood water around the southern edge of Grand Island and carry the flood water from the Wood River to the Platte River; and

WHEREAS, \$11,800,000 was authorized for the Wood River Flood Control Project through the 1996 Water Resources Development Act, which was to include \$6,040,000 in federal funds; and

WHEREAS, in 1998, the Omaha District of the Army Corps of Engineers revised its estimates for the project to \$17,353,000, including \$9,969,000 to be contributed by the federal government. Since the cost increase is greater than twenty percent, congressional legislation to reauthorize the project is required; and

WHEREAS, an estimated 1,755 home and business structures in southern Grand Island, with a total value of \$219 million, would be protected by the flood control project; and

WHEREAS, the flood control project would also protect 5,385 acres of irrigated farmland and 7,000 to 8,000 acres of grassland; and

WHEREAS, the Nebraska Legislature proposes to the Congress of the United States that procedures be instituted for congressional legislation to include appropriate authorization for the Wood River Flood Control Project in Grand Island, Nebraska; and

WHEREAS, prompt action is essential to decrease future flooding risks, the Nebraska Legislature requests the support and assistance of Congress in permitting this flood control project to move forward in a timely manner.

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

1. That the Nebraska Legislature requests that the Congress of the United States appropriate the necessary funds to complete the Wood River Flood Control Project.

2. That the Clerk of the Legislature shall send copies of this resolution to the Secretary of State, to the Nebraska Congressional Delegation, to the Clerk of the United States House of Representatives, and to the Secretary of the United States Senate.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 27 was referred to the Reference Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 28. Introduced by Dierks, 40; Jones, 43; Schellpeper, 18.

WHEREAS, Nebraska feeds the world with abundant production of grain and livestock; and

WHEREAS, these agricultural products move to the consumer through the investments in facilities and handling equipment provided by local grain elevators and feed mills; and

WHEREAS, grain elevators and feed mills assist their farmer-producers in providing to the domestic and worldwide consumer a quality product; and

WHEREAS, the prosperity of our state's farmers and ranchers, grain elevators and feed mills, and rural communities and larger cities are closely tied together; and

WHEREAS, the Nebraska Grain and Feed Association has been serving the industry for over one hundred two years with a mission to proactively enhance the Nebraska grain and feed industry through effective communication with members, and to advocate the best interests of those members through representation, promotion, education, and the delivery of vital services; and

WHEREAS, the annual meeting, convention, and trade show of the Nebraska Grain and Feed Association is being held February 10 and 11, 1999.

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

1. That the week of February 8-14, 1999, is Nebraska Country Elevator Week.

2. That the Legislature urges all the citizens of Nebraska to join in recognizing and congratulating the Nebraska Grain and Feed Association and its membership, as one of the state's oldest trade associations, for the role the association and its members have played in our state's and nation's economy.

Laid over.

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 72:
AM0243

1 1. On page 2, line 21, after "all" insert
2 "investigative"; and strike beginning with "but" in line 22 through
3 "deliberations" in line 23, show the old matter as stricken, and
4 insert "Alternate grand jurors shall be permitted to question
5 witnesses, review evidence, and participate in all discussions,
6 deliberations, and voting of the grand jury which occur prior to
7 the conclusion of presentation of evidence. When the grand jury
8 has determined that no additional evidence is necessary for its
9 investigation, the alternate grand jurors shall be separated from
10 the regular grand jurors and shall not participate in any further
11 discussions, deliberations, or voting of the grand jury".

GENERAL FILE

LEGISLATIVE BILL 396. Title read. Considered.

The Standing Committee amendment, AM0155, found on page 422, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Messrs. Bruning, Tyson, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 91. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 363. Placed on Select File.

LEGISLATIVE BILL 20A. Placed on Select File.

LEGISLATIVE BILL 202A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 170, 191, 259, and 278.

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Tuesday, February 23, 1999
Nebraska Department of Insurance
Tim Wagner

1:30 p.m.

(Signed) David M. Landis, Chairperson

Transportation

Tuesday, February 23, 1999
Nebraska Information Technology Commission
Dr. Douglas Christensen
Senator J. Robert Kerrey
Hod Kosman
Gary Kuck
Lt. Governor Dave Maurstad
Dr. Dennis Smith
Joyce Wrenn

1:00 p.m.

Department of Roads
John L. Craig, State Engineer

State Highway Commission
John L. Craig
Doug Leafgreen

Department of Motor Vehicles
Edward D. Wimes, Director

LB 74	Monday, March, 8, 1999	1:30 p.m.
LB 302	Monday, March, 8, 1999	1:30 p.m.
LB 358	Monday, March, 8, 1999	1:30 p.m.
LB 765	Monday, March, 8, 1999	1:30 p.m.
LB 820	Monday, March, 8, 1999	1:30 p.m.
LB 756	Monday, March, 8, 1999	1:30 p.m.
LB 344	Monday, March, 8, 1999	1:30 p.m.
LB 129	Tuesday, March 9, 1999	1:30 p.m.
LB 525	Tuesday, March 9, 1999	1:30 p.m.
LB 398	Tuesday, March 9, 1999	1:30 p.m.
LB 641	Tuesday, March 9, 1999	1:30 p.m.
LB 133	Tuesday, March 9, 1999	1:30 p.m.
LB 146	Tuesday, March 9, 1999	1:30 p.m.
LB 303	Tuesday, March 9, 1999	1:30 p.m.
LB 546	Tuesday, March 9, 1999	1:30 p.m.
LB 869	Monday, March 15, 1999	1:30 p.m.
LB 829	Monday, March 15, 1999	1:30 p.m.
LB 767	Monday, March 15, 1999	1:30 p.m.
LB 229	Tuesday, March 16, 1999	1:30 p.m.
LB 393	Tuesday, March 16, 1999	1:30 p.m.
LB 587	Tuesday, March 16, 1999	1:30 p.m.
LB 688	Tuesday, March 16, 1999	1:30 p.m.
LB 796	Tuesday, March 16, 1999	1:30 p.m.

(Signed) Curt Bromm, Chairperson

Natural Resources

Friday, February 26, 1999 1:30 p.m.
Department of Water Resources
Roger Patterson

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 362. Title read. Considered.

Mr. Hartnett renewed his pending amendment, FA15, found on page 485.

The Hartnett amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 87. Title read. Considered.

PRESIDENT MAURSTAD PRESIDING

The Standing Committee amendment, AM0157, printed separately and referred to on page 433, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 682. Placed on General File.

(Signed) David M. Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 188	Tuesday, March 2, 1999	1:30 p.m.
LB 264	Tuesday, March 2, 1999	1:30 p.m.
LB 292	Tuesday, March 2, 1999	1:30 p.m.
LB 300	Tuesday, March 2, 1999	1:30 p.m.
LB 361	Tuesday, March 2, 1999	1:30 p.m.
LB 768	Tuesday, March 2, 1999	1:30 p.m.
LB 504	Tuesday, March 2, 1999	1:30 p.m.
LB 584	Tuesday, March 2, 1999	1:30 p.m.
LB 733	Tuesday, March 2, 1999	1:30 p.m.
LB 780	Tuesday, March 2, 1999	1:30 p.m.

(Signed) Curt Bromm, Chairperson

Judiciary

LB 131	Wednesday, February 17, 1999	1:30 p.m.
LB 284	Wednesday, February 17, 1999	1:30 p.m.
LB 476	Wednesday, February 17, 1999	1:30 p.m.
LB 130	Wednesday, February 17, 1999	1:30 p.m.
LB 299	Wednesday, February 17, 1999	1:30 p.m.
LB 516	Wednesday, February 17, 1999	1:30 p.m.
LB 638	Wednesday, February 17, 1999	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR **Committee**
27 Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 323. Title read. Considered.

Mr. Bourne withdrew his amendment, AM0175, found on page 468.

Mr. Bourne renewed his pending amendment, AM0220, found on page 485.

The Bourne amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 340. Title read. Considered.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bruning renewed his pending amendment, AM0235, found on page 485.

The Bruning amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not

voting, and 6 excused and not voting.

LEGISLATIVE BILL 632. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 161. Title read. Considered.

The Standing Committee amendment, AM0135, found on page 439, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 422. Placed on Select File as amended.

E & R amendment to LB 422:

AM7039

- 1 1. On page 2, line 20, strike the comma.

LEGISLATIVE BILL 211. Placed on Select File as amended.

E & R amendment to LB 211:

AM7038

- 1 1. In lieu of the Tyson amendment, FA12, on page 2,
- 2 strike line 17 and insert the following new subsection:
- 3 "(3) No person shall smoke in any state building.".
- 4 2. On page 1, lines 2 and 3, strike "the State Capitol"
- 5 and insert "any state".

(Signed) Adrian M. Smith, Chairperson

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

LEGISLATIVE BILL 238. Placed on General File.

LEGISLATIVE BILL 432. Placed on General File.

LEGISLATIVE BILL 84. Placed on General File as amended.

Standing Committee amendment to LB 84:

AM0206

- 1 1. On page 2, lines 2 and 3, strike "which includes" and
- 2 insert "consisting of"; in line 17 after the period insert "Section
- 3 12-501 does not apply to the state veteran cemetery system."; and
- 4 in line 23 after the period insert "The rules and regulations shall
- 5 include requirements for proof of residency, cost of burial if any,

6 and standards for cemeteries, including decorations and
7 headstones."

LEGISLATIVE BILL 297. Placed on General File as amended.

Standing Committee amendment to LB 297:

AM0221

- 1 1. On page 3, lines 22 and 28, strike "shall" and insert
- 2 "may".

LEGISLATIVE BILL 461. Placed on General File as amended.

Standing Committee amendment to LB 461:

AM0222

- 1 1. On page 4, line 2, strike "primary public".

LEGISLATIVE RESOLUTION 14CA. Placed on General File as amended.

Standing Committee amendment to LR 14CA:

AM0197

- 1 1. On page 2, strike beginning with "Candidates" in line
- 2 4 through "each" in line 5 and insert "Each".

LEGISLATIVE BILL 104. Indefinitely postponed.

LEGISLATIVE BILL 208. Indefinitely postponed.

LEGISLATIVE BILL 296. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 436. Placed on General File as amended.

Standing Committee amendment to LB 436:

AM0196

- 1 1. Strike original section 11.
- 2 2. On page 2, line 13, after "meetings" insert an
- 3 underscored period; and strike beginning with "at" in line 13
- 4 through line 16 and show the old matter as stricken.
- 5 3. On page 17, line 8, after the second comma insert
- 6 "and"; and in lines 8 and 9 strike "and 46-656.66,".
- 7 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 566. Placed on General File as amended.

Standing Committee amendment to LB 566:

AM0161

- 1 1. Insert the following new section:
- 2 "Section 1. Section 18-2442, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2442. Before any agency shall enter into any contract
- 5 for the construction, reconstruction, remodeling, building,
- 6 alteration, maintenance, repair, extension, or improvement of any

7 project, power plant or system, or irrigation works, or any part or
8 section thereof, for the use of the agency, or for the purchase of
9 any materials, machinery, or apparatus to be used in such
10 construction, reconstruction, remodeling, building, alteration,
11 maintenance, repair, extension, or improvement, such agency shall
12 cause estimates of the cost thereof to be made by some competent
13 engineer or engineers. If such estimated cost shall exceed the sum
14 of fifty one hundred thousand dollars, no such contract shall be
15 entered into without advertising for sealed bids, except that with
16 respect to contracts entered into by an agency in the exercise of
17 its rights and powers, relating to radioactive material or the
18 energy therefrom or to any technologically complex or unique
19 equipment contracts, or relating to any maintenance or repair
20 contracts, if such engineer or engineers shall certify that by
21 reason of the nature of the subject matter of the contract
22 compliance with this section would be impractical and not in the
23 public interest, and the engineer's certification is approved by a
24 two-thirds vote of the board, then sections 18-2442 to 18-2444
1 shall not apply, and the agency shall advertise notice of its
2 intention to enter into such contract, the general nature of the
3 proposed work, and the name of the person to be contacted for
4 additional information by anyone interested in contracting for such
5 work. Any contract for which the board has approved such
6 engineer's certificate shall be advertised in three issues not less
7 than seven days between issues in one or more newspapers of general
8 circulation in the municipality or county where the principal
9 office or place of business of the agency is located, or if no
10 newspaper is so published then in a newspaper qualified to carry
11 legal notices having general circulation therein, and in such
12 additional newspapers or trade or technical periodicals as may be
13 selected by the board in order to give proper notice of its
14 intention to enter into such contract, and any such contract shall
15 not be entered into prior to twenty days after the last
16 advertisement. With respect to contracts in excess of fifty one
17 hundred thousand dollars entered into for the purchase of any
18 materials, machinery, or apparatus to be used in the construction,
19 reconstruction, remodeling, building, alteration, maintenance,
20 repair, extension, or improvement of any power plant or system, or
21 irrigation works, or any part or section thereof when the contract
22 does not include onsite labor for the installation thereof, if,
23 after advertising for sealed bids, no responsive bids are received
24 or if the board of directors of such agency determines that all
25 bids received are in excess of the fair market value of the subject
26 matter of such bids, then the provisions of sections 18-2442 to
27 18-2444 shall not apply. Notwithstanding any other provision of
1 sections 18-2442 to 18-2444, an agency may purchase used equipment
2 and materials on a negotiated basis without advertising or sealed
3 bidding upon certification by an engineer that such equipment is or
4 such materials are in compliance with standards established by the

- 5 board. A written statement containing such certification shall be
 6 submitted to the board by the engineer for the board's approval."
 7 2. On page 4, line 22, after "section" insert "18-2442,
 8 Reissue Revised Statutes of Nebraska, and section"; and in line 23
 9 strike "is" and insert "are".
 10 3. Renumber the remaining sections accordingly.

(Signed) Ed Schrock, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

LB 404	Tuesday, February 16, 1999	1:30 p.m.
LB 463	Tuesday, February 16, 1999	1:30 p.m.
LB 402	Tuesday, February 16, 1999	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

General Affairs

LB 658	Monday, February 22, 1999	1:30 p.m.
LB 659	Monday, February 22, 1999	1:30 p.m.
LB 184	Monday, February 22, 1999	1:30 p.m.
LB 560	Monday, February 22, 1999	1:30 p.m.
LB 647	Monday, February 22, 1999	1:30 p.m.
LB 267	Monday, March 1, 1999	1:30 p.m.
LB 431	Monday, March 1, 1999	1:30 p.m.
LB 529	Monday, March 1, 1999	1:30 p.m.
LB 501	Monday, March 1, 1999	1:30 p.m.
LB 719	Monday, March 1, 1999	1:30 p.m.
LB 196	Monday, March 8, 1999	1:30 p.m.
LB 678	Monday, March 8, 1999	1:30 p.m.
LB 281	Monday, March 8, 1999	1:30 p.m.
LB 790	Monday, March 8, 1999	1:30 p.m.
LB 127	Monday, March 8, 1999	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 29. Introduced by Jensen, 20; Wickersham, 49; Wehrbein, 2.

WHEREAS, the State of Nebraska settled its litigation against the tobacco industry on November 23, 1998; and

WHEREAS, the state lawsuit was brought for violation of state law under state law theories, and the state lawsuit did not make any federal claims; and

WHEREAS, the state bore all the risk and expense in the litigation brought in state court and settled without any assistance from the federal government; and

WHEREAS, the settlement results from the state's determination to achieve objectives leading to reduced youth smoking and reduced access to tobacco products; and

WHEREAS, the federal government through the Health Care Financing Administration has asserted that it is entitled to a significant share of the state settlement on the basis that the settlement funds represent in part the federal share of Medicaid costs; and

WHEREAS, the federal government asserts that it is authorized and obligated, under the federal Social Security Act, to collect its share of any settlement funds attributable to Medicaid; and

WHEREAS, the federal government previously chose not to exercise its option to engage in litigation on behalf of federal claims; and

WHEREAS, on January 19, 1999, the President of the United States announced an initiative to make federal claims against the tobacco industry on behalf of Medicare costs; and

WHEREAS, the state is entitled to all of the settlement funds negotiated in the tobacco settlement agreement without any federal claim; and

WHEREAS, the state has passed legislation to allocate settlement funds for the preservation of the health of its citizens and should not be threatened with the seizure of such settlement funds by any entity.

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

1. That the Legislature hereby petitions the Congress of the United States and the executive branch of the federal government to prohibit federal recoupment of state tobacco settlement recoveries.

2. That official copies of this resolution be prepared and forwarded to the Speaker of the United States House of Representatives and President of the United States Senate and to all members of the Nebraska delegation to the Congress of the United States with the request that it be officially entered into the Congressional Record as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 839A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 839, Ninety-sixth Legislature, First Session, 1999.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 50. No objections. So ordered.

Messrs. Bromm and Jones asked unanimous consent to have their names added as cointroducers to LB 235. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 148 and LB 758. No objections. So ordered.

Mr. Connealy asked unanimous consent to have his name added as cointroducer to LB 229. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Delta Kappa Gamma from across the state and Senator Kristensen's mother, Mary Lou Kristensen; a group of Agricultural Producers in Agri-Business in the LEAD Program from across the state; and Ervin and Pearl Bergt and Ron Bohaty from Schuyler.

The Doctor of the Day was Dr. Chris Tomhave from Lincoln.

ADJOURNMENT

At 11:51 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, February 10, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY – FEBRUARY 10, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 10, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Bromm, Connealy, Coordsen, Cudaback, Landis, Lynch, Matzke, Dw. Pedersen, Raikes, Schmitt, Wickersham, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 68A, 119A, 291A, and 293A.

(Signed) Adrian M. Smith, Chairperson

**NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems**

LB 82	Wednesday, February 17, 1999	12:00 noon
LB 538	Wednesday, February 17, 1999	12:00 noon
LB 545	Wednesday, February 17, 1999	12:00 noon

(Signed) Elaine Stuhr, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 29 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 876	Monday, February 22, 1999	1:30 p.m.
LB 877	Monday, February 22, 1999	1:30 p.m.
LB 878	Monday, February 22, 1999	1:30 p.m.
LB 879	Monday, February 22, 1999	1:30 p.m.
LB 880	Monday, February 22, 1999	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 26 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 26.

MOTION - Approve Appointment

Mrs. Stuhr moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointment found on page 475: Anna Sullivan - Director, Public Employees Retirement Systems.

Voting in the affirmative, 36:

Baker	Connealy	Jones	Price	Smith
Beutler	Coordsen	Kiel	Quandahl	Stuhr
Bohlke	Crosby	Kremer	Raikes	Thompson
Bourne	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Lynch	Schellpeper	Vrtiska
Bruning	Hudkins	Pederson, D.	Schimek	Wehrbein
Byars	Janssen	Peterson, C.	Schrock	Wickersham
Chambers				

Voting in the negative, 0.

Present and not voting, 5:

Hartnett	Hilgert	Jensen	Preister	Suttle
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Excused and not voting, 8:

Brashear	Cudaback	Matzke	Robak	Schmitt
Bromm	Landis	Pedersen, Dw.		

The appointment was confirmed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 202. Mr. Beutler withdrew his amendment, FA11, found on page 465.

Mrs. Kiel offered the following amendment:

AM0223

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 81-1289, Revised Statutes
- 3 Supplement, 1998, is amended to read:
- 4 81-1289. The Legislature finds that there is a need to:
- 5 (1) Stimulate local economic development efforts
- 6 statewide;
- 7 (2) Build an environment to engage in more effective
- 8 economic development;
- 9 (3) Encourage entrepreneurship and business expansion;
- 10 (4) Create employment and employment opportunities; ~~and~~
- 11 (5) Help create and develop local conditions to encourage
- 12 and enable people to remain in communities and to provide a labor
- 13 pool of properly trained and educated employees; ~~and~~
- 14 (6) Assist neighborhood associations and small
- 15 communities continue their positive impacts on the vitality,
- 16 cohesiveness, and continued viability of urban and rural
- 17 communities throughout the state.
- 18 Sec. 2. Section 81-1290, Revised Statutes Supplement,
- 19 1998, is amended to read:
- 20 81-1290. The purposes of the Partnerships for Economic
- 21 Development Act are to:
- 22 (1) Strengthen neighborhoods, rural communities, and
- 23 counties by enhancing their ability to develop community and
- 24 economic development plans through self-defined regions and
- 1 multicomunity cooperation;
- 2 (2) Encourage collaboration within local areas of the
- 3 state among neighborhoods, communities, counties, agencies,
- 4 economic development providers, and the private sector to further
- 5 enhance their collective community and economic development
- 6 efforts; ~~and~~
- 7 (3) Coordinate the use of existing programs and funds
- 8 more efficiently and effectively in support of new programs and
- 9 initiatives; ~~and~~
- 10 (4) Revitalize declining neighborhoods and rural
- 11 communities, maintain the integrity of stable, viable neighborhoods
- 12 and rural communities, and strengthen existing neighborhoods and

13 rural communities.

14 Sec. 3. Section 81-1291, Revised Statutes Supplement,
15 1998, is amended to read:

16 81-1291. The Department of Economic Development shall
17 provide grants of up to twenty-five thousand dollars to entities
18 for the purposes specified in section 81-1290. The department may
19 provide grants to the types of entities specified in the rules and
20 regulations which shall include communities, counties, agencies,
21 economic development providers, and not-for-profit corporations and
22 entities. To be eligible for a grant, the applicant must (1)
23 demonstrate that the grant funds will be used for a multi-area or
24 multicomunity project, (2) document a match equivalent in money or
25 in kind equal to twenty-five percent of the grant funds requested,
26 and (3) document goals for the project for which grant funds are
27 requested. Grant funds may only be administered by an entity
1 eligible to receive grants.

2 The Department of Economic Development shall provide
3 neighborhood and community development grants of up to ten thousand
4 dollars to entities for the purposes specified in section 81-1290.
5 The department may provide grants to the types of entities
6 specified in the rules and regulations which shall include
7 neighborhood associations and small communities. To be eligible
8 for a grant, the applicant shall:

9 (1) Demonstrate that the grant funds will be used for a
10 neighborhood or community project;

11 (2) Document goals for the project for which grant funds
12 are requested; and

13 (3) Document a match equivalent in money or in kind of:

14 (a) Twenty-five percent for a maximum grant of five
15 thousand dollars;

16 (b) Twenty-six to forty-nine percent for a maximum grant
17 of seven thousand five hundred dollars; and

18 (c) Fifty percent or more for a maximum grant of ten
19 thousand dollars.

20 A recipient of a grant shall not use the grant funds to
21 replace other funding for administrative support of the recipient
22 or for the planning of a project or administrative costs relating
23 to the planning of a project. A recipient may not use more than
24 ten percent of the grant funds for expenses incurred in
25 administering the grant. A recipient of a grant may not receive
26 more than one grant under this section for the same project, and a
27 project may not receive more than one grant in any one year.

1 For purposes of this section, project means any activity
2 designed to promote neighborhood and community development and the
3 capacity of areas or communities to engage in competition for
4 economic development generally or for categories of economic
5 development and does not include any activity primarily designed to
6 contribute to only one specific proposed business enterprise."

7 2. On page 2, line 5, strike "section" and insert

- 8 "sections 81-1289 to 81-1291 and"; and in line 6 strike "is" and
 9 insert "are".
 10 3. Renumber the remaining sections accordingly.

Mrs. C. Peterson, Messrs. Schellpeper, Coordsen, Raikes, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

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

Mrs. Kiel requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Beutler	Byars	Janssen	Price	Suttle
Bohlke	Connealy	Kiel	Robak	Thompson
Bourne	Hilgert	Lynch	Schimek	Vrtiska
Bruning	Hudkins	Preister	Smith	

Voting in the negative, 23:

Baker	Cudaback	Kristensen	Quandahl	Stuhr
Bromm	Dierks	Matzke	Raikes	Tyson
Chambers	Engel	Pedersen, Dw.	Schellpeper	Wehrbein
Coordsen	Jones	Pederson, D.	Schrock	Wickersham
Crosby	Kremer	Peterson, C.		

Present and not voting, 4:

Brown	Hartnett	Jensen	Schmitt
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Absent and not voting, 1:

Redfield

Excused and not voting, 2:

Brashear	Landis
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The Kiel amendment lost with 19 ayes, 23 nays, 4 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Vrtiska requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Bohlke	Coordsen	Hudkins	Price	Schrock
Bourne	Cudaback	Janssen	Redfield	Smith
Bromm	Dierks	Jones	Robak	Stuhr
Bruning	Engel	Kiel	Schellpeper	Vrtiska
Byars	Hartnett	Kremer	Schimek	Wickersham
Connealy	Hilgert	Peterson, C.	Schmitt	

Voting in the negative, 16:

Baker	Jensen	Matzke	Preister	Thompson
Beutler	Kristensen	Pedersen, Dw.	Quandahl	Tyson
Chambers	Lynch	Pederson, D.	Suttle	Wehrbein
Crosby				

Present and not voting, 2:

Brown	Raikes
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Excused and not voting, 2:

Brashear	Landis
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Advanced to E & R for engrossment with 29 ayes, 16 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 202A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 20. Advanced to E & R for engrossment.

LEGISLATIVE BILL 20A. Advanced to E & R for engrossment.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 317. E & R amendment, AM7022, found on page 416, was adopted.

Advanced to E & R for engrossment.

PRESIDENT MAURSTAD PRESIDING

LEGISLATIVE BILL 77. Mr. Engel renewed his pending amendment, AM0159, found on page 481.

Mr. Engel withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 10. Advanced to E & R for engrossment.

LEGISLATIVE BILL 61. E & R amendment, AM7023, found on page 416, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 195. Advanced to E & R for engrossment.

LEGISLATIVE BILL 66. Advanced to E & R for engrossment.

LEGISLATIVE BILL 66A. E & R amendment, AM7037, found on page 474, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 168. Advanced to E & R for engrossment.

LEGISLATIVE BILL 227. Advanced to E & R for engrossment.

LEGISLATIVE BILL 437. E & R amendment, AM7024, found on page 430, was adopted.

Mr. Wickersham withdrew his amendment, AM0194, found on page 469.

Mr. Wickersham offered the following amendment:

AM0273

(Amendments to Standing Committee amendments, AM0129)

1 1. Insert the following new sections:

2 "Sec. 18. Pursuant to a request by an elected county
3 fair board, the county board of any county may levy an additional
4 levy of three and five-tenths cents on each one hundred dollars of
5 taxable valuation, or any part thereof, for the purpose of capital
6 construction on and renovation, repair, improvement, and
7 maintenance of the county fairgrounds, over and above the
8 operational tax levy authorized in section 2-229. Such levy shall
9 not exceed the amount actually required for such work. In counties
10 having a population of more than sixty thousand inhabitants but not
11 more than three hundred fifty thousand inhabitants and also
12 containing a city of the primary class, such additional levy or any
13 part thereof may be levied for the purpose of capital construction
14 on and renovation, repair, improvement, and maintenance of the
15 county fairgrounds. The additional levy shall be subject to
16 section 77-3443.

17 Sec. 23. Section 2-256, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 2-256. (1) The board of directors shall annually elect
20 from its membership a chairperson and such other officers as may be
21 necessary. The term of office for members of the board shall be
22 for three years, except that the term of the members of the board
23 first taking office shall be for one, two, or three years as
1 determined by lot.

2 (2) The bylaws adopted by a county agricultural society

3 shall state whether the board of directors of the county
4 agricultural society will nominate candidates for membership on the
5 board from districts or from the county at large. The members of
6 the board shall be elected by the registered voters of the entire
7 county whether the candidates are nominated from districts or from
8 the county at large. If nominating districts are used, the board
9 of directors shall divide the county into districts of
10 substantially equal population. Such districts shall be
11 consecutively numbered. The boundaries and numbering of such
12 districts shall be designated at least three months prior to the
13 annual meeting.

14 (3) If the county agricultural society replaces an
15 existing county fair board as provided in section 19 of this act,
16 the county fair board shall remain in existence until the county
17 agricultural society has its first annual meeting. After the first
18 annual meeting of the county agricultural society, any existing
19 county fair board shall cease to exist.

20 Sec. 24. Section 2-259, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 2-259. Pursuant to a request by a county agricultural
23 society, the county board of any county may levy an additional levy
24 of three and five-tenths cents on each one hundred dollars of
25 taxable valuation, or any part thereof, for the purpose of capital
26 construction on and renovation, repair, improvement, and
27 maintenance of the county fairgrounds, over and above the
1 operational tax levy authorized in section 2-257. Such levy shall
2 not exceed the amount actually required for such work. In counties
3 having a population of more than sixty thousand inhabitants but not
4 more than three hundred fifty thousand inhabitants and also
5 containing a city of the primary class, such additional levy or any
6 part thereof may be levied for the purpose of capital construction
7 on and renovation, repair, improvement, and maintenance of the
8 county fairgrounds or the Nebraska State Fairgrounds. The
9 additional levy shall be subject to section 77-3443.".

10 2. On page 12, line 9, strike "county agricultural
11 society" and insert "previous board".

12 3. On page 20, line 22, before "and" insert "2-256,
13 2-259,".

14 4. Renumber the remaining sections and correct internal
15 references accordingly.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 20 present
and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

Mr. Wickersham asked unanimous consent to be excused until he returns. No
objections. So ordered.

LEGISLATIVE BILL 268. E & R amendment, AM7030, found on page 441, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 473. E & R amendment, AM7026, found on page 441, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 474. E & R amendment, AM7028, found on page 441, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 212. Advanced to E & R for engrossment.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 32. E & R amendment, AM7029, found on page 441, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 32A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 232. Advanced to E & R for engrossment.

LEGISLATIVE BILL 669. Advanced to E & R for engrossment.

LEGISLATIVE BILL 669A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 64. Advanced to E & R for engrossment.

LEGISLATIVE BILL 106. Advanced to E & R for engrossment.

LEGISLATIVE BILL 40. E & R amendment, AM7031, found on page 473, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 46. E & R amendment, AM7034, found on page 474, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 49. E & R amendment, AM7032, found on page 474, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 511. E & R amendment, AM7033, found on page 474, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 280. E & R amendment, AM7035, found on page 474, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 363. Advanced to E & R for engrossment.

LEGISLATIVE BILL 422. E & R amendment, AM7039, found on page 498, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 90. E & R amendment, AM7025, found on page 441, was adopted.

Mr. Bromm offered the following amendment:

AM0288

(Amendments to Standing Committee amendments, AM0089)

- 1 1. On page 4, line 9, after "to" insert "each of" and
- 2 strike "owner" and insert "owners"; in line 14 after the period
- 3 insert "No fees for the storage of a motor vehicle held in custody
- 4 for investigatory purposes shall be assessed against the registered
- 5 owner of the vehicle for any period before the certified letter is
- 6 mailed pursuant to this section. However, the state or local law
- 7 enforcement agency may petition the court for restitution of the
- 8 reasonable cost of storage incurred prior to the time the certified
- 9 letter was sent if a registered owner of the vehicle is convicted
- 10 of any felony or misdemeanor for which the law enforcement agency
- 11 took the vehicle into custody for investigatory purposes.".

The Bromm amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS Government, Military and Veterans Affairs

LB 572	Wednesday, February 17, 1999	1:30 p.m.
LB 250	Wednesday, February 17, 1999	1:30 p.m.
LB 526	Wednesday, February 17, 1999	1:30 p.m.
LB 654	Wednesday, February 17, 1999	1:30 p.m.

LB 327	Wednesday, February 17, 1999	1:30 p.m.
LR 8CA	Thursday, February 18, 1999	1:30 p.m.
LR 18CA	Thursday, February 18, 1999	1:30 p.m.
LB 729	Thursday, February 18, 1999	1:30 p.m.
LB 723	Thursday, February 18, 1999	1:30 p.m.
LB 279	Friday, February 19, 1999	1:30 p.m.
LB 571	Friday, February 19, 1999	1:30 p.m.
LB 434	Friday, February 19, 1999	1:30 p.m.
LB 858	Friday, February 19, 1999	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LB 109	Wednesday, March 3, 1999	2:30 p.m.
LB 336	Wednesday, March 3, 1999	2:30 p.m.
LB 453	Wednesday, March 3, 1999	2:30 p.m.
LB 605	Thursday, March 4, 1999	1:30 p.m.
LB 183	Thursday, March 4, 1999	1:30 p.m.
LB 843	Thursday, March 4, 1999	1:30 p.m.
LB 125	Thursday, March 4, 1999	1:30 p.m.
LB 836	Thursday, March 4, 1999	1:30 p.m.
LB 670	Thursday, March 4, 1999	1:30 p.m.
LB 357	Wednesday, March 10, 1999	2:30 p.m.
LB 770	Wednesday, March 10, 1999	2:30 p.m.

(Signed) William R. Wickersham, Chairperson

Executive Board

LR 15CA	Thursday, February 18, 1999	12:00 noon
LB 154	Thursday, February 18, 1999	12:00 noon
LB 515	Thursday, February 18, 1999	12:00 noon
LR 6CA	Friday, February 19, 1999	12:00 noon
LR 12CA	Friday, February 19, 1999	12:00 noon
LB 534	Friday, February 19, 1999	12:00 noon
LR 2CA	Thursday, February 25, 1999	12:00 noon
LR 4CA	Thursday, February 25, 1999	12:00 noon
LR 5CA	Thursday, February 25, 1999	12:00 noon
LR 9CA	Thursday, February 25, 1999	12:00 noon

(Signed) George Coordsen, Chairperson

Natural Resources

LB 808	Friday, February 19, 1999	1:30 p.m.
LB 116	Friday, February 19, 1999	1:30 p.m.
LB 339	Friday, February 19, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Transportation

Tuesday, February 23, 1999	1:00 p.m.
Nebraska Information Technology Commission	
Mayor Greg Adams	
Eric Brown	
L. Merrill Bryan Jr.	

LB 29	Monday, March 1, 1999	1:30 p.m.
LB 177	Monday, March 1, 1999	1:30 p.m.
LB 207	Monday, March 1, 1999	1:30 p.m.
LB 643	Monday, March 1, 1999	1:30 p.m.
LB 697	Monday, March 1, 1999	1:30 p.m.
LB 275	Monday, March 1, 1999	1:30 p.m.
LB 792	Monday, March 1, 1999	1:30 p.m.
LB 556	Monday, March 1, 1999	1:30 p.m.
LB 485	Monday, March 1, 1999	1:30 p.m.

(Signed) Curt Bromm, Chairperson

AMENDMENT - Print in Journal

Mr. Coordsen filed the following amendment to LB 17:

AM0241

(Amendments to Standing Committee amendments, AM0040)

- 1 1. On page 1, line 13, after "(2)" insert "Mental health
- 2 medical records means medical records or parts thereof created by
- 3 or under the direction or supervision of a licensed psychiatrist, a
- 4 licensed psychologist, or a mental health practitioner licensed or
- 5 certified pursuant to sections 71-1,295 to 71-1,338;
- 6 (3)"; in line 14 strike "(3)" and insert "(4)"; and in
- 7 line 17 strike "(4)" and insert "(5)".
- 8 2. Strike beginning with "unless" on page 1, line 23,
- 9 through "treatment" on page 2, line 1, and insert ", except that
- 10 mental health medical records may be withheld if any treating
- 11 physician, psychologist, or mental health practitioner determines
- 12 in his or her professional opinion that release of the records
- 13 would not be in the best interest of the patient unless the release
- 14 is required by court order".

RESOLUTION

LEGISLATIVE RESOLUTION 30. Introduced by Thompson, 14.

PURPOSE: There are three grant committees administered by the Nebraska Commission on Law Enforcement and Criminal Justice which are responsible for the distribution of juvenile justice funds, and a merger of the three committees and the transfer of the duties of the committees to the Department of Health and Human Services Office of Juvenile Services should be considered in order to reduce fragmentation and improve the efficiency of the juvenile justice system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR	Committee
29	Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

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

LEGISLATIVE BILL 163A. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, Ninety-sixth Legislature, First Session, 1999.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 366. Placed on Select File.

LEGISLATIVE BILL 379. Placed on Select File as amended.

E & R amendment to LB 379:

AM7041

- 1 1. On page 10, line 25, strike the first occurrence of
- 2 "prescription" and insert "prescriptions".

LEGISLATIVE BILL 17. Placed on Select File as amended.

E & R amendment to LB 17:

AM7040

- 1 1. In the Standing Committee amendment, AM0040, on page
- 2 2, line 11, strike "(1)" and insert "(a)"; in line 13 strike "(2)"
- 3 and insert "(b)"; in line 14 strike "(3)" and insert "(c)"; and in
- 4 line 17 strike "(4)" and insert "(d)".

LEGISLATIVE BILL 333. Placed on Select File as amended.

E & R amendment to LB 333:

AM7042

- 1 1. On page 1, line 4, strike "to create a penalty;".
- 2 2. On page 3, line 7, strike "subsection" and insert
- 3 "subdivision".

LEGISLATIVE BILL 307. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS**Education****LEGISLATIVE BILL 67.** Placed on General File as amended.

Standing Committee amendment to LB 67:

AM0086

- 1 1. Strike section 2 and insert the following new
- 2 sections:
- 3 "Section 1. Section 85-1503, Revised Statutes
- 4 Supplement, 1998, is amended to read:
- 5 85-1503. For purposes of sections 85-1501 to 85-1540,
- 6 unless the context otherwise requires:
- 7 (1) Community college shall mean an educational
- 8 institution operating and offering programs pursuant to such
- 9 sections;
- 10 (2) Community college area shall mean an area established
- 11 by section 85-1504;
- 12 (3) Board shall mean the Community College Board of
- 13 Governors for each community college area;
- 14 (4) Full-time equivalent student shall mean, in the
- 15 aggregate, the equivalent of a registered student who in a
- 16 twelve-month period is enrolled in (a) thirty semester credit hours
- 17 or forty-five quarter credit hours of classroom, laboratory,
- 18 clinical, practicum, or independent study course work or

19 cooperative work experience or (b) nine hundred contact hours of
20 classroom or laboratory course work for which credit hours are not
21 offered or awarded. Avocational and recreational community service
22 programs or courses shall not be included in determining full-time
23 equivalent students or student enrollment;

24 (5) Contact hour shall mean an educational activity
1 consisting of sixty minutes minus break time and required time to
2 change classes;

3 (6) Credit hour shall mean the unit used to ascertain the
4 educational value of course work offered by the institution to
5 students enrolling for such course work, earned by such students
6 upon successful completion of such course work, and for which
7 tuition is charged. A credit hour may be offered and earned in any
8 of several instructional delivery systems, including, but not
9 limited to, classroom hours, laboratory hours, clinical hours,
10 practicum hours, cooperative work experience, and independent
11 study. A credit hour shall consist of a minimum of: (a) Ten
12 quarter or fifteen semester classroom contact hours per term of
13 enrollment; (b) twenty quarter or thirty semester academic transfer
14 and academic support laboratory hours per term of enrollment; (c)
15 thirty quarter or forty-five semester vocational laboratory hours
16 per term of enrollment; (d) thirty quarter or forty-five semester
17 clinical or practicum contact hours per term of enrollment; or (e)
18 forty quarter or sixty semester cooperative work experience contact
19 hours per term of enrollment. An institution may include in a
20 credit hour more classroom, laboratory, clinical, practicum, or
21 cooperative work experience hours than the minimum required in this
22 subdivision. The institution shall publish in its catalog, or
23 otherwise make known to the student in writing prior to the student
24 enrolling or paying tuition for any courses, the number of credit
25 or contact hours offered in each such course. Such published
26 credit or contact hour offerings shall be used to determine whether
27 a student is a full-time equivalent student pursuant to subdivision
1 (4) of this section;

2 (7) Classroom hour shall mean a minimum of fifty minutes
3 of formalized instruction on campus or off campus in which a
4 qualified instructor applying any combination of instructional
5 methods such as lecture, directed discussion, demonstration, or the
6 presentation of audiovisual materials is responsible for providing
7 an educational experience to students;

8 (8) Laboratory hour shall mean a minimum of fifty minutes
9 of educational activity on campus or off campus in which students
10 conduct experiments, perfect skills, or practice procedures under
11 the direction of a qualified instructor;

12 (9) Clinical hour shall mean a minimum of fifty minutes
13 of educational activity on campus or off campus during which the
14 student is assigned practical experience under constant supervision
15 at a health-related agency, receives individual instruction in the
16 performance of a particular function, and is observed and critiqued

17 in the repeat performance of such function. Adjunct professional
18 personnel, who may or may not be paid by the college, may be used
19 for the directed supervision of students and for the delivery of
20 part of the didactic phase of the experience;

21 (10) Practicum hour shall mean a minimum of fifty minutes
22 of educational activity on campus or off campus during which the
23 student is assigned practical experiences, receives individual
24 instruction in the performance of a particular function, and is
25 observed and critiqued by an instructor in the repeat performance
26 of such function. Adjunct professional personnel, who may or may
27 not be paid by the college, may be used for the directed
1 supervision of the students;

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

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

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

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

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

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

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

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

18 (19) Reported aid equivalent student shall mean a
 19 full-time equivalent student subject to the following limitations:

20 (a) The number of credit hours which can be counted for
 21 each student per semester or quarter shall be limited to eighteen
 22 credit hours;

23 (b) For students enrolled for more than eighteen credit
 24 hours, credit hours for each course shall be prorated as the
 25 eighteen-credit-hour limit is to the student's total credit hours
 26 for the semester or quarter;

27 (c) The credit-hour limit for a special instructional
 1 term shall be prorated on the same ratio that a fifteen-week term
 2 is to eighteen semester credit hours or a ten-week term is to
 3 eighteen quarter credit hours; and

4 (d) The number of credit and contact hours which shall be
 5 counted by any community college area in which a tribally
 6 controlled community college is located shall include credit and
 7 contact hours awarded by such tribally controlled community college
 8 to students for which such institution received no federal
 9 reimbursement pursuant to the Tribally Controlled Community College
 10 Assistance Act, Public Law 95-471 as reauthorized by Public Law
 11 99-428;

12 (20) Reported aid equivalent total shall mean the total
 13 of all reported aid equivalents accumulated in a community college
 14 area in any fiscal year;

15 (21) Reimbursable educational unit shall mean a reported
 16 aid equivalent student multiplied by (a) for a general academic
 17 transfer course or an academic support course, a factor of one, (b)
 18 for a Class 1 course, a factor of one and fifty-hundredths, (c) for
 19 a Class 2 course, a factor of one and eight-tenths for fiscal year
 20 1995-96 and for the three-year averages, a factor of one and
 21 nine-tenths for fiscal year 1996-97 and for the three-year
 22 averages, and a factor of two for fiscal year 1997-98 and each
 23 fiscal year thereafter and for the three-year averages, (d) for a
 24 tribally controlled community college general academic transfer
 25 course or academic support course, a factor of two, (e) for a
 26 tribally controlled community college Class 1 course, a factor of
 27 three, and (f) for a tribally controlled community college Class 2
 1 course, a factor of three and six-tenths for fiscal year 1995-96
 2 and for the three-year averages, a factor of three and eight-tenths
 3 for fiscal year 1996-97 and for the three-year averages, and a
 4 factor of four for fiscal year 1997-98 and each fiscal year
 5 thereafter and for the three-year averages;

6 (22) Reimbursable educational unit total shall mean the

7 total of all reimbursable educational units accumulated in a
8 community college area in any fiscal year;

9 (23) Special instructional term shall mean any term which
10 is less than fifteen weeks for community colleges using semesters
11 or ten weeks for community colleges using quarters;

12 (24) Tribally controlled community college shall mean an
13 educational institution operating and offering programs pursuant to
14 the Tribally Controlled Community College Assistance Act, Public
15 Law 95-471 as reauthorized by Public Law 99-428; and

16 (25) Tribally controlled community college state aid
17 amount shall mean the quotient of the amount of state aid to be
18 distributed pursuant to sections 85-1536 and 85-1537 for the
19 current fiscal year to a community college area in which a tribally
20 controlled community college is located divided by the average of
21 the reimbursable educational unit totals for such community college
22 area for the immediately preceding three fiscal years, with such
23 quotient then multiplied by the average reimbursable educational
24 units derived pursuant to subdivision (19)(d) of this section for
25 the immediately preceding three fiscal years.

26 Sec. 3. Section 85-1536.01, Revised Statutes Supplement,
27 1998, is amended to read:

1 85-1536.01. (1) The Community College Property Tax
2 Relief and Equalization Program is created. The Legislature
3 recognizes the need for a state and local partnership for the
4 funding of community colleges. The Legislature also understands
5 that some community college areas have a better ability than other
6 areas to raise revenue through property taxes because of larger and
7 growing valuation bases.

8 (2) It is the intent of the Legislature to appropriate
9 funds beginning with fiscal year 1998-99 to provide property tax
10 relief to those areas that (a) have levied the maximum allowable
11 property tax levy as described in subsection (1) of section 85-1517
12 and cannot generate forty percent of their operating revenue or (b)
13 do not receive forty percent of their operating revenue from state
14 aid pursuant to subdivisions (1)(a) and (b) of section 85-1536 and
15 levy the maximum allowable property tax levy as described in
16 subsection (1) of section 85-1517 or the greater of a minimum levy
17 of six and three-tenths cents per one hundred dollars of valuation
18 for fiscal year 1998-99 and fiscal year 1999-00 and five and
19 three-tenths cents per one hundred dollars of valuation for fiscal
20 year 2000-01 and all subsequent fiscal years or a levy that raises
21 forty percent of its operating revenue.

22 (3) Each eligible community college area which qualifies
23 pursuant to subdivision (2)(a) of this section shall receive funds
24 equal to the difference between the property tax revenue raised and
25 forty percent of its operating revenue. Each eligible community
26 college area which qualifies pursuant to subdivision (2)(b) of this
27 section shall receive funds equal to the difference between state
1 aid pursuant to subdivisions (1)(a) and (b) of section 85-1536 and

2 forty percent of its operating revenue, and any community college
3 area which raises in excess of forty percent of its operating
4 revenue from property tax shall have such excess serve as an offset
5 to payments received from this program. Any community college area
6 which qualifies under both subdivisions (2)(a) and (b) of this
7 section shall receive funds as calculated for both subdivisions.
8 The base year for calculating forty percent of operating revenue
9 shall be fiscal year 1997-98, with future adjustments reflecting
10 increases equal to two percent plus the percentage increase, if
11 any, in full-time equivalent students eligible for state aid from
12 the second year to the first year preceding the year for which the
13 aid is being determined.

14 Any community college area which had an operational
15 property tax levy that was one hundred thirty-five percent or more
16 of the statewide average operational community college property tax
17 levy for fiscal year 1997-98 shall, for purposes of state aid
18 distribution beginning in fiscal year 1999-2000 and for each fiscal
19 year thereafter, have added to its fiscal year 1997-98 base year
20 revenue three-fourths of its unused budget authority as established
21 under section 13-521 for fiscal year 1998-99. Each community
22 college area shall submit its levy and valuation certification to
23 the Department of Administrative Services by September 20 each
24 year. After verifying valuations and general fund revenue amounts
25 established from FTE-REU audits, which general fund revenue amounts
26 are derived from the uniform budget form, the department shall
27 distribute funds to those community college areas that have
1 qualified for property tax relief and equalization. If the
2 Legislature fails to appropriate adequate funds for the program,
3 the funds appropriated shall be apportioned on a pro rata basis to
4 the areas that qualify.

5 (4) The department shall distribute the total of such
6 appropriated and allocated funds to the boards in nine as nearly as
7 possible equal monthly payments between the fifth and twentieth day
8 of each month beginning in October of each year.

9 Sec. 4. Original sections 85-1503, 85-1536, and
10 85-1536.01, Revised Statutes Supplement, 1998, are repealed."

11 2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 596. Placed on General File as amended.

Standing Committee amendment to LB 596:

AM0282

1 1. On page 2, line 21, after "County" insert "as such
2 precincts existed on July 1, 1975".

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 514. Title read. Considered.

The Standing Committee amendment, AM0172, found on page 440, was considered.

Mr. Chambers moved to bracket LB 514 until April 2, 2000.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers withdrew his motion to bracket.

The Standing Committee amendment lost with 0 ayes, 28 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Bromm offered the following amendment:
FA17
Strike Section 2.

The Bromm amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Pending.

UNANIMOUS CONSENT - Members Excused

Mrs. Kiel and Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

MOTION - Place LB 231 on General File

Mr. Beutler renewed his pending motion, found on page 417, to raise LB 231 to the floor notwithstanding the vote of the committee to indefinitely postpone.

Messrs. Hilgert, Kristensen, Landis, Raikes, and Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler withdrew his motion to raise LB 231 to the floor.

STANDING COMMITTEE REPORT Agriculture

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

Nebraska Department of Agriculture
Merlyn Carlson, Director

VOTE: Aye: Senators Cudaback, Dierks, Robak, Schellpeper, and Schrock.

Nay: None. Absent: Senators Chambers, Hilgert, and Vrtiska.

(Signed) Merton L. Dierks, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 350A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 350, Ninety-sixth Legislature, First Session, 1999.

AMENDMENTS - Print in Journal

Mrs. C. Peterson, Messrs. Hilgert, and Schmitt filed the following amendment to LB 211:

AM0279

(Amendments to E & R amendments, AM7038)

- 1 1. On page 1, line 3, strike "state building" and insert
- 2 "building owned or controlled by the state unless authorized by the
- 3 governing body or agency having jurisdiction over the building,
- 4 except that smoking shall be prohibited in the State Capitol
- 5 building".

Mr. Hartnett filed the following amendment to LB 362:

AM0289

- 1 1. On page 6, line 9, strike "counties" and insert
- 2 "local governing authorities"; and in line 24 strike "county
- 3 boards" and insert "local governing authorities".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 310. No objections. So ordered.

VISITORS

Visitors to the Chamber were a Leadership Kearney group from Kearney; 54 seniors and sponsors from Elkhorn High School; Whitney and Rebecca Schroeder from Curtis; Youth Advisory Board from Sarpy County; and 41 seniors and teacher from Nebraska Christian High School, Central City.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Quandahl, the Legislature adjourned until 9:00 a.m., Thursday, February 11, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY – FEBRUARY 11, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 11, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Casey Karges, United Methodist Church, Gretna, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Lynch, and Mrs. Kiel who were excused; and Messrs. Beutler, Chambers, Dierks, Matzke, Preister, Vrtiska, Wickersham, and Mrs. Brown who were excused until they arrive.

PRESIDENT MAURSTAD PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 396. Placed on Select File as amended.

E & R amendment to LB 396:

AM7045

- 1 1. On page 1, line 8; and page 67, line 6, after
- 2 "8-101.01," insert "8-355,".
- 3 2. On page 1, line 11, after "banks" insert "and
- 4 building and loan associations"; in line 14 after the first
- 5 occurrence of "to" insert "extending"; and in line 16 strike
- 6 "banker's banks," and after the second comma insert "banker's
- 7 banks,".
- 8 3. On page 6, line 6, strike "2" and insert "5".

9 4. On page 18, line 13, strike "days" and insert
10 "days".

LEGISLATIVE BILL 91. Placed on Select File.

LEGISLATIVE BILL 362. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

MESSAGE FROM THE GOVERNOR

February 10, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 62, 107, 172, 198, 33, 34, 35, 81, 103, 128, 137, and 143 were received in my office on February 4, 1999.

These bills were signed by me on February 10, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

GENERAL FILE

LEGISLATIVE BILL 514. Considered.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Dw. Pedersen moved the previous question. The question is, "Shall the debate now close?" The motion failed with 17 ayes, 15 nays, and 17 not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 514A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations

Tuesday, February 23, 1999 1:30 p.m.
 Agency 18 - Department of Agriculture (Potato Board and Poultry/Egg)
 Agency 39 - Nebraska Brand Committee
 Agency 56 - Nebraska Wheat Board
 Agency 57 - Nebraska Oil and Gas Commission
 Agency 61 - Dairy Industry Development Board
 Agency 86 - Nebraska Dry Bean Board
 Agency 88 - Nebraska Corn Board
 Agency 92 - Nebraska Grain Sorghum Board
 Agency 55 - Natural Resources Commission

Wednesday, February 24, 1999 1:30 p.m.
 Agency 19 - Department of Banking
 Agency 22 - Department of Insurance
 Agency 30 - State Electrical Board
 Agency 36 - Nebraska Racing Commission
 Agency 40 - Motor Vehicle Dealers Licensing Board
 Agency 45 - Board of Barber Examiners
 Agency 53 - Real Estate Appraisers Board
 Agency 58 - Board of Engineers and Architects
 Agency 59 - Board of Geologists
 Agency 63 - Board of Public Accountancy
 Agency 73 - Board of Landscape Architects
 Agency 74 - Power Review Board

Thursday, February 25, 1999 1:30 p.m.
 Agency 23 - Department of Labor
 Agency 37 - Worker's Compensation Commission
 Agency 75 - Nebraska Investment Council
 Agency 77 - Commission on Industrial Relations
 Agency 85 - Employees Retirement Board

(Signed) Roger R. Wehrbein, Chairperson

Health and Human Services

LR 29 Friday, February 19, 1999 1:30 p.m.

(Signed) Jim Jensen, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 331. Placed on General File.

LEGISLATIVE BILL 95. Indefinitely postponed.

LEGISLATIVE BILL 257. Indefinitely postponed.
LEGISLATIVE BILL 342. Indefinitely postponed.
LEGISLATIVE BILL 619. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

GENERAL FILE

LEGISLATIVE BILL 148. Title read. Considered.

The Standing Committee amendment, AM0150, found on page 470, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 20, 20A, 61, 66, 66A, 77, 168, 195, 202, 202A, 227, 317, and LR 10.

Enrollment and Review Change to LB 317

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

ER9008

1. Original sections 1 and 2 have been renumbered as sections 2 and 3, respectively.

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARINGS

Business and Labor

LB 444	Monday, February 22, 1999	1:30 p.m.
LB 691	Monday, February 22, 1999	1:30 p.m.
LB 753	Monday, February 22, 1999	1:30 p.m.

LB 164	Monday, March 1, 1999	1:30 p.m.
LB 215	Monday, March 1, 1999	1:30 p.m.
LB 216	Monday, March 1, 1999	1:30 p.m.
LB 174	Monday, March 8, 1999	1:30 p.m.
LB 135	Monday, March 8, 1999	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

MESSAGES FROM THE GOVERNOR

February 8, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Power Review Board:

APPOINTEE:

Mark Hunzeker, 2340 Sheridan Blvd., Lincoln, NE 68502

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

February 8, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been reappointed to the Climate Assessment Response Committee:

APPOINTEES:

Stanley Heng, Military, 1300 Military Rd., Lincoln, NE 68508
Dave Vogler, Policy Research, PO Box 94601, Lincoln, NE 68509
Dayle Williamson, Natural Resources Commission, PO Box 94876,

Lincoln, NE 68509

The aforementioned names are respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

February 8, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Climate Assessment Response Committee:

APPOINTEES:

Richard Nelson, HHSS - Licensure and Regulation, PO Box 95007,
Lincoln, NE 68509

Roger Patterson, Water Resources, PO Box 94676, Lincoln, NE 68509

Greg Ibach, Agriculture, PO Box 94647, Lincoln, NE 68509

The aforementioned names are respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

February 8, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed Administrator of the Office of Juvenile Services:

APPOINTEE:

Mark Martin, HHSS, PO Box 95044, Lincoln, NE 68509

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

February 8, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of Banking:

APPOINTEE:
Sam Baird, 1313 N Kansas St., Superior, NE 68978

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

February 8, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
as Director of Revenue:

APPOINTEE:
Mary Jane Egr, 152 N Union St., Alexandria, VA 22314

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

GENERAL FILE

LEGISLATIVE BILL 152. Title read. Considered.

The Standing Committee amendment, AM0123, found on page 470, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 359. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Vrtiska and Ms. Redfield asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 359A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 253. Title read. Considered.

Advanced to E & R for review with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 369. Title read. Considered.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 134. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 163. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 163A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 703. Placed on General File as amended.

Standing Committee amendment to LB 703:

AM0193

1 1. Insert the following new sections:
2 "Sec. 6. Section 24-710.10, Revised Statutes Supplement,
3 1998, is amended to read:
4 24-710.10. The minimum accrual rate is thirty-five
5 dollars until adjusted pursuant to this section. Commencing June
6 30, 1999, the retirement board shall annually adjust the minimum
7 accrual rate to reflect the cumulative change in the National
8 Consumer Price Index for Urban Wage Earners and Clerical Workers
9 published by the Bureau of Labor Statistics of the United States
10 Department of Labor from the last adjustment of the minimum accrual
11 rate.

12 Sec. 15. Section 79-947.04, Revised Statutes Supplement,
13 1998, is amended to read:
14 79-947.04. The minimum accrual rate is eighteen dollars
15 until adjusted pursuant to this section. Commencing June 30, 1999,
16 the retirement board shall annually adjust the minimum accrual rate
17 to reflect the cumulative change in the National Consumer Price
18 Index for Urban Wage Earners and Clerical Workers published by the
19 Bureau of Labor Statistics of the United States Department of Labor
20 from the last adjustment of the minimum accrual rate.

21 Sec. 17. Section 81-2027.06, Revised Statutes
22 Supplement, 1998, is amended to read:

23 81-2027.06. The minimum accrual rate is thirty dollars
24 until adjusted pursuant to this section. Commencing June 30, 1999,
1 the retirement board shall annually adjust the minimum accrual rate
2 to reflect the cumulative change in the National Consumer Price
3 Index for Urban Wage Earners and Clerical Workers published by the
4 Bureau of Labor Statistics of the United States Department of Labor
5 from the last adjustment of the minimum accrual rate."

6 2. On page 15, line 2; page 26, line 22; and page 28,
7 line 12, before "Consumer" insert "National".

8 3. On page 15, line 4, after the period insert "If the
9 consumer price index used in this section and section 24-710.10 is
10 discontinued or replaced, a substitute index published by the
11 United States Department of Labor shall be selected by the board
12 which shall be a reasonable representative measurement of the cost
13 of living for retired employees."; and in line 21 strike "Service"
14 and insert "Code".

15 4. On page 16, strike beginning with "Existing" in line
16 1 through line 2 and show as stricken.

17 5. On page 26, line 24, after the period insert "If the
18 consumer price index used in this section and section 79-947.04 is
19 discontinued or replaced, a substitute index published by the
20 United States Department of Labor shall be selected by the board
21 which shall be a reasonable representative measurement of the cost
22 of living for retired employees.".

23 6. On page 28, line 14, after the period insert "If the
24 consumer price index used in this section and section 81-2027.06 is
25 discontinued or replaced, a substitute index published by the
26 United States Department of Labor shall be selected by the board
27 which shall be a reasonable representative measurement of the cost
1 of living for retired employees.".

2 7. On page 46, line 14, before "24-710.11" insert
3 "24-711.10,"; and in line 15 before "79-947.05" insert "79-447.04,"
4 and before "81-2027.07" insert "81-2027.06,".

5 8. Renumber the remaining sections accordingly.

(Signed) Elaine Stuhr, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 60. Placed on General File.

LEGISLATIVE BILL 117. Indefinitely postponed.

LEGISLATIVE BILL 118. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Health and Human Services

LEGISLATIVE BILL 380. Placed on General File as amended.

Standing Committee amendment to LB 380:

AM0246

1 1. On page 2, line 27, strike "if" and insert "after
2 taking into account such additional factors as whether (1)"; and in
3 line 28 after the comma insert "(2)".

4 2. On page 3, line 2, after "and" insert "(3)".

LEGISLATIVE BILL 411. Placed on General File as amended.

(Standing Committee amendment, AM0272, may be found in the Bill Books.
The amendment has been printed separately and is on file in the Bill Room -
Room 1102.)

LEGISLATIVE BILL 440. Placed on General File as amended.

Standing Committee amendment to LB 440:

AM0301

1 1. On page 2, line 11; and page 5, line 19, after

2 "height" insert "unless such building or structure, or the
3 remodeling or repairing thereof, provides for the employment
4 housing, or assembly of twenty or more persons".

LEGISLATIVE BILL 519. Placed on General File as amended.

Standing Committee amendment to LB 519:

AM0126

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Sections 1 to 8 of this act shall be known
4 and may be cited as the Community-Based Neurobehavioral Action Plan
5 Act.

6 Sec. 2. It is the intent of the Legislature that the
7 planning and implementation of community-based neurobehavioral
8 rehabilitation programs which provide behavior management services,
9 associated neurobehavioral services, independent living services,
10 caregiver support services, activity and vocational services, and
11 psychosocial rehabilitation services for individuals with
12 disabilities whose primary disability results from brain or head
13 injuries, regardless of age, is necessary to promote the health and
14 welfare of such individuals and their families.

15 Sec. 3. For purposes of the Community-Based
16 Neurobehavioral Action Plan Act:

17 (1) Activity and vocational services means services which
18 are intended to provide routine structure and activity in a
19 vocational setting to enhance the adaptive behavioral capability of
20 individuals with disabilities whose primary disability results from
21 brain or head injuries and who as a consequence of the disabilities
22 are unable to pursue competitive employment. Activity and
23 vocational services shall include such services provided and
24 coordinated through appropriately structured adult day care, work
1 activity, vocational training, and sheltered employment settings
2 with an intended goal of enhancing the individual's long-term
3 potential for vocational activity;

4 (2) Associated neurobehavioral services means any service
5 necessary or essential to enhance the adaptive capability of a
6 person with a history of brain or head injuries. Examples of such
7 services include but are not limited to behavior management, visual
8 rehabilitation, occupational therapy, epilepsy treatment and
9 control, and use of assistive technology devices;

10 (3) Behavior management services means behavioral
11 manipulation or modification of the behavior of individuals with
12 disabilities whose primary disability results from brain or head
13 injuries which (a) enhances behavioral capabilities to acquire or
14 demonstrate psychosocial adaptive behavior, (b) teaches such
15 individuals to learn or acquire new skills or information, (c)
16 provides systematic observation and supervision to sustain the
17 safety, health, or well-being of such individuals, and (d) enhances
18 other sensory, cognitive, or behavioral capabilities which enable

19 such individuals to compensate for their functional limitations.
20 Behavior management services may be provided individually or to
21 groups. Assistive technology devices may be used;

22 (4) Community-based neurobehavioral rehabilitation means
23 the provision of behavior management and associated neurobehavioral
24 services to provide independent living services, activity and
25 vocational services, and psychosocial rehabilitation services in
26 community-based settings to individuals with disabilities whose
27 primary disability results from brain or head injuries;

1 (5) Department means the State Department of Education;

2 (6) Independent living services means the behavioral
3 manipulation or modification of the environment and includes the
4 use of assistive technology devices and assistive technology
5 services to enhance the independent living capability of
6 individuals with disabilities whose primary disability results from
7 brain or head injuries;

8 (7) Individuals with disabilities whose primary
9 disability results from brain or head injuries means individuals:

10 (a) Who have acquired brain or head injuries resulting
11 directly or indirectly from closed or penetrating brain or head
12 trauma, infection, febrile condition, anoxia, vascular lesion,
13 toxin, metabolic condition, or spinal cord injury and whose brain
14 or head injuries are not primarily related to congenital or
15 degenerative conditions, chemical dependency, or aging processes;
16 and

17 (b) Who have permanent or temporary impairment of mental,
18 cognitive, behavioral, or physical functioning which directly or
19 indirectly results in impairment in attention, cognition, language
20 function, memory, conduct, behavior, motor function, or any other
21 neuropsychological or cognitive behavioral function that did not
22 occur as a result of perinatal factors or developmental anomaly;

23 (8) Neurobehavioral rehabilitation case counselors means
24 credentialed individuals who have no less than a master's degree in
25 vocational rehabilitation counseling, counseling psychology, school
26 psychology, or guidance and counseling, who are responsible for
27 developing and implementing planned, systematic behavior management
1 services for individuals with disabilities whose primary disability
2 results from brain or head injuries, and who have received
3 additional specialized training for such responsibilities; and

4 (9) Psychosocial rehabilitation services means the
5 community-based psychosocial rehabilitation services intended (a)
6 to reduce the likelihood that individuals with disabilities whose
7 primary disability results from brain or head injuries will develop
8 aberrant or otherwise undesirable behavioral adaptations, (b) to
9 reduce inactivity, and (c) to provide age-appropriate psychosocial
10 interactions and activities.

11 Sec. 4. The Community-Based Neurobehavioral
12 Rehabilitation Advisory Board is created to provide, in an advisory
13 capacity, advice and recommendations to the State Department of

14 Education in applying for federal grants, the completion of a
15 statewide needs and resource assessment, and the development of a
16 statewide action plan and reports as required by the
17 Community-Based Neurobehavioral Action Plan Act. In developing
18 recommendations, the board shall consult with federal, state, and
19 local governmental agencies, with citizen groups, and with other
20 private entities. The board shall be composed of at least nine and
21 not more than fifteen members including:

22 (1) The Administrator of the Special Populations Office
23 of the State Department of Education or his or her designee;

24 (2) The director of the Division of Rehabilitation or his
25 or her designee;

26 (3) The Administrator of the Department of Health and
27 Human Services, maternal and child health, children with special
1 health care needs program;

2 (4) Representatives of public and nonprofit private
3 health-related organizations;

4 (5) Representatives of other disability advisory or
5 planning groups in the state;

6 (6) Members of an organization or foundation representing
7 traumatic brain injury survivors in the state;

8 (7) Representatives of injury control programs at the
9 state or local level if such programs exist; and

10 (8) A substantial number of individuals who are survivors
11 of traumatic brain injury or the family members of such
12 individuals.

13 The members of the board shall be appointed by the
14 Commissioner of Education within sixty days after the effective
15 date of this act. Any vacancy occurring on the board shall be
16 filled from the same category and in the same manner as the
17 original appointment was made.

18 Members of the board shall be reimbursed for their actual
19 and necessary expenses pursuant to sections 81-1174 to 81-1177 from
20 the funds appropriated under section 7 of this act. The board
21 shall select a chairperson and such other officers as it deems
22 necessary to perform its functions and shall establish rules and
23 regulations to govern its procedures.

24 Sec. 5. The statewide needs and resource assessment
25 shall include, but not be limited to, an assessment of the full
26 spectrum of care and services from initial acute treatment through
27 community reintegration for individuals of all ages having
1 traumatic brain injury. The statewide action plan shall include,
2 but not be limited to, the development of a comprehensive,
3 community-based system of care that encompasses physical,
4 psychological, educational, vocational, and social aspects of
5 traumatic brain injury services and addresses the needs of the
6 individual having traumatic brain injury as well as family members.
7 A report of the statewide needs and resources assessment and the
8 statewide action plan shall be made to the Legislature, the State

9 Department of Education, and the Department of Health and Human
10 Services by December 31, 1999.

11 Sec. 6. To carry out section 5 of this act, the
12 department shall have the power and authority to enter into
13 contract for the completion of the needs and resource assessment,
14 the development of the statewide action plan, and technical and
15 administrative assistance necessary to ensure the completion of
16 both. The department shall take into consideration the
17 recommendation of the advisory board prior to entering into
18 contract under this section. The total amount of funds expended
19 shall be limited to the total amount of federal grant and state
20 matching funds received under the Community-Based Neurobehavioral
21 Action Plan Act.

22 Sec. 7. It is the intent of the Legislature to make a
23 one-time appropriation of \$37,500 of general funds in FY1999-00 for
24 the completion of the statewide needs and resource assessment,
25 development of the statewide action plan, and technical and
26 administrative support for the completion of both, to be treated as
27 state funds for the purpose of applying for and accepting federal
1 grant funds made available on a two-to-one, federal-to-state,
2 matching basis.

3 Sec. 8. The Community-Based Neurobehavioral Action Plan
4 Act terminates on July 31, 2000.

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

LEGISLATIVE BILL 308. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Mr. Byars filed the following amendment to LB 194:

AM0304

(Amendments to Standing Committee amendments, AM0198)

- 1 1. Strike section 32.
- 2 2. On page 5, strike beginning with "line" in line 1
- 3 through "in" in line 2.
- 4 3. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 148A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 148, Ninety-sixth Legislature, First Session, 1999.

ANNOUNCEMENT

Mr. Bromm announced the Transportation Committee will hold an executive session Friday, February 12, 1999, at 8:30 a.m., in Room 2022.

VISITORS

Visitors to the Chamber were a group of Missionaries from The Church of Jesus Christ of Latter-Day Saints; and Senator Dw. Pedersen's nephew, Michael Pedersen, and Tim Callahan from Omaha, Margarete, Michaela, and Alena Ebner from Austria.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Friday, February 12, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY – FEBRUARY 12, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 12, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor James McRenalds, First Christian Church, Pawnee City, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Lynch, and D. Pederson who were excused; and Messrs. Hilgert, Landis, and Mrs. Kiel 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**

Correctly Engrossed

The following bills were correctly engrossed: LBs 212, 268, 437, 473, and 474.

Enrollment and Review Change to LB 437

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

ER9009

1. In the Standing Committee amendment, AM0129, on page 12, line 14, "20" has been struck and "21" inserted.
2. On page 1, line 3, "2-256, 2-259," has been inserted after the third comma.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 475. Placed on General File.

LEGISLATIVE BILL 360. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 12, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Abboud, Chris - Lincoln; Kelley, Lehan & Hall, P.C.
Clemens, Lisa - Minneapolis, MN; Cargill, Incorporated
Crosby, Guenzel, Davis, Kessner & Kuester
Wade, Rick G. - Lincoln; Alliance of American Insurers
Cutshall & Associates
Cutshall & Associates - Lincoln; Duncan Aviation, Inc.; Nebraska
Vocational Association
Fellows, Sally A. - Omaha; League of Women Voters of Nebraska
Fisher, Dan - Lincoln; BPO ELKS, USA
Goc, John J. - Lincoln; Nebraska Chapter of the Appraisal Institute; Nebraska
Keno Operators
Hallstrom, Robert/Brandt Horan Hallstrom Sedlacek
Hallstrom, Robert J. - Syracuse; The Ambassador Group
Mueller, William J./Ruth & Mueller LLC
Mueller, William J. - Lincoln; Nebraska Court Reporters Association
Radcliffe and Associates
Radcliffe, Walter H. - Lincoln; Father Flanagan's Boys' Home
Ruth, Larry L./Ruth & Mueller LLC
Ruth, Larry L. - Lincoln; Nebraska Court Reporters Association
Smoller, Jodi M. - Northbrook, IL; Allstate Insurance Company
Stilmock, Gerald/Brandt Horan Hallstrom Sedlacek
Stilmock, Gerald M. - Syracuse; The Ambassador Group
Thompson, Dale - McCook; American Association of Retired Persons

REPORTS

The following reports were received by the Legislature:

Energy Office, Nebraska
Annual Report

Environmental Quality, Department of

Program #518 - no activity

Program #523, Small Town Grants Program Report

Investment Finance Authority, Nebraska (NIFA)

State Revolving Fund Revenue Bonds Quarterly Report

Community Development Loan Notes Series A and B Quarterly Report

Single Family Housing Revenue Bonds Quarterly Report

Labor, Department of

State Labor Area Summary

Legislative Program Evaluation Committee

State Foster Care Review Board Compliance Report

Roads, Department of

Nebraska Public Transportation Biennial Report for 1997 and 1998

MOTION - Approve Appointment

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointment found on page 524: Merlyn Carlson, Director - Nebraska Department of Agriculture.

Voting in the affirmative, 32:

Beutler	Connealy	Kristensen	Redfield	Smith
Bohlke	Coordsen	Matzke	Robak	Stuhr
Bourne	Crosby	Preister	Schellpeper	Tyson
Brashear	Dierks	Price	Schimek	Vrtiska
Brown	Engel	Quandahl	Schmitt	Wehrbein
Bruning	Jensen	Raikes	Schrock	Wickersham
Byars	Kremer			

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Baker	Cudaback	Janssen	Pedersen, Dw.	Suttle
Bromm	Hudkins	Jones	Peterson, C.	Thompson

Excused and not voting, 6:

Hartnett	Kiel	Landis	Lynch	Pederson, D.
Hilgert				

The appointment was confirmed with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 83.

A BILL FOR AN ACT relating to emergency management; to ratify the Emergency Management Assistance Compact.

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

Voting in the affirmative, 41:

Baker	Connealy	Jones	Quandahl	Smith
Beutler	Coordsen	Kremer	Raikes	Stuhr
Bohlke	Crosby	Kristensen	Redfield	Suttle
Bourne	Dierks	Matzke	Robak	Thompson
Brashear	Engel	Pedersen, Dw.	Schellpeper	Tyson
Bromm	Hudkins	Peterson, C.	Schimek	Vrtiska
Bruning	Janssen	Preister	Schmitt	Wehrbein
Byars	Jensen	Price	Schrock	Wickersham
Chambers				

Voting in the negative, 0.

Present and not voting, 2:

Brown Cudaback

Excused and not voting, 6:

Hartnett	Kiel	Landis	Lynch	Pederson, D.
Hilgert				

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

LEGISLATIVE BILL 121.

A BILL FOR AN ACT relating to the Barber Act; to amend section 71-208.04, Reissue Revised Statutes of Nebraska, and section 71-223.01, Revised Statutes Supplement, 1998; to change provisions relating to surety bonds and sanitation inspections; and to repeal the original sections.

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

procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Baker	Chambers	Jensen	Quandahl	Smith
Beutler	Connealy	Jones	Raikes	Stuhr
Bohlke	Coordsen	Kremer	Redfield	Suttle
Bourne	Crosby	Kristensen	Robak	Thompson
Brashear	Dierks	Matzke	Schellpeper	Tyson
Bromm	Engel	Pedersen, Dw.	Schimek	Vrtiska
Brown	Hilgert	Peterson, C.	Schmitt	Wehrbein
Bruning	Hudkins	Preister	Schrock	Wickersham
Byars	Janssen	Price		

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 5:

Hartnett	Kiel	Landis	Lynch	Pederson, D.
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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 165 with 39 ayes, 2 nays, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 165. With Emergency.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-657, 48-660.01, 77-3904, 77-3905, 77-3906, 77-3907, and 77-3908, Reissue Revised Statutes of Nebraska, and sections 77-3902 and 77-3903, Revised Statutes Supplement, 1998; to provide for default liens under the Uniform State Tax Lien Registration and Enforcement Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Baker	Chambers	Jensen	Price	Smith
Beutler	Connealy	Jones	Quandahl	Stuhr
Bohlke	Coordsen	Kremer	Raikes	Suttle
Bourne	Crosby	Kristensen	Redfield	Thompson
Brashear	Dierks	Landis	Robak	Tyson
Bromm	Engel	Matzke	Schellpeper	Vrtiska
Brown	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Bruning	Hudkins	Peterson, C.	Schmitt	Wickersham
Byars	Janssen	Preister	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 4:

Hartnett	Kiel	Lynch	Pederson, D.
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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 178.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-1,238 and 71-1,240, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Supplement, 1998; to change and eliminate provisions relating to athletic trainers; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-1,239, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 43:

Baker	Byars	Hudkins	Pedersen, Dw.	Schellpeper
Beutler	Chambers	Janssen	Peterson, C.	Schimek
Bohlke	Connealy	Jensen	Preister	Schmitt
Bourne	Coordsen	Jones	Price	Smith
Brashear	Crosby	Kremer	Quandahl	Stuhr
Bromm	Dierks	Kristensen	Raikes	Suttle
Brown	Engel	Landis	Redfield	Thompson
Bruning	Hilgert	Matzke	Robak	Tyson

Vrtiska Wehrbein Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Schrock

Excused and not voting, 4:

Hartnett Kiel Lynch Pederson, D.

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

LEGISLATIVE BILL 293.

A BILL FOR AN ACT relating to oil and gas wells; to create a fund; and to provide duties for the Nebraska Oil and Gas Conservation Commission relating to inactive wells.

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:

Baker	Chambers	Janssen	Preister	Schrock
Beutler	Connealy	Jensen	Price	Smith
Bohlke	Coordsen	Jones	Quandahl	Stuhr
Bourne	Crosby	Kremer	Raikes	Suttle
Brashear	Cudaback	Kristensen	Redfield	Thompson
Bromm	Dierks	Landis	Robak	Tyson
Brown	Engel	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Peterson, C.	Schmitt	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Hartnett Kiel Lynch Pederson, D.

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

MOTION - Return LB 293A to Select File

Mr. Matzke moved to return LB 293A to Select File for the following specific amendment:

FA18

Strike the enacting clause.

Mr. Matzke withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 293A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 293, Ninety-sixth Legislature, First Session, 1999.

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, 0.

Voting in the negative, 44:

Baker	Connealy	Jensen	Price	Smith
Beutler	Coordsen	Jones	Quandahl	Stuhr
Bohlke	Crosby	Kremer	Raikes	Suttle
Bourne	Cudaback	Kristensen	Redfield	Thompson
Brashear	Dierks	Landis	Robak	Tyson
Bromm	Engel	Matzke	Schellpeper	Vrtiska
Brown	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Bruning	Hudkins	Peterson, C.	Schmitt	Wickersham
Byars	Janssen	Preister	Schrock	

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Hartnett	Kiel	Lynch	Pederson, D.
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 47.

A BILL FOR AN ACT relating to the Judicial Resources Commission; to amend sections 24-1204 and 84-1411, Revised Statutes Supplement, 1998; to authorize use of telephone conferences; to eliminate obsolete language; 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:

Baker	Chambers	Janssen	Price	Smith
Beutler	Connealy	Jensen	Quandahl	Stuhr
Bohlke	Coordsen	Jones	Raikes	Suttle
Bourne	Crosby	Kremer	Redfield	Thompson
Brashear	Cudaback	Kristensen	Robak	Tyson
Bromm	Dierks	Landis	Schellpeper	Vrtiska
Brown	Engel	Pedersen, Dw.	Schimek	Wehrbein
Bruning	Hilgert	Peterson, C.	Schmitt	Wickersham
Byars	Hudkins	Preister	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 4:

Hartnett Kiel Lynch Pederson, D.

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

MOTION - Return LB 57 to Select File

Mr. Chambers moved to return LB 57 to Select File for his specific amendment, FA4, found on page 367.

Mr. Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 57.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.22, 60-311.23, and 60-315.01, Reissue Revised Statutes of Nebraska; to change provisions relating to Nebraska Cornhusker Spirit Plates; to change provisions relating to license plate fees; 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, 41:

Baker	Connealy	Jensen	Preister	Smith
Beutler	Coordsen	Jones	Price	Stuhr
Bohlke	Crosby	Kremer	Raikes	Suttle
Bourne	Dierks	Kristensen	Redfield	Thompson
Brashear	Engel	Landis	Robak	Tyson
Bromm	Hilgert	Matzke	Schellpeper	Vrtiska
Brown	Hudkins	Pedersen, Dw.	Schmitt	Wehrbein
Bruning	Janssen	Peterson, C.	Schrock	Wickersham
Byars				

Voting in the negative, 2:

Chambers Schimek

Present and not voting, 2:

Cudaback Quandahl

Excused and not voting, 4:

Hartnett Kiel Lynch Pederson, D.

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

LEGISLATIVE BILL 57A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 57, Ninety-sixth Legislature, First Session, 1999.

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

Voting in the affirmative, 41:

Baker	Connealy	Jensen	Preister	Schrock
Beutler	Coordsen	Jones	Price	Smith
Bohlke	Crosby	Kremer	Raikes	Stuhr
Bourne	Dierks	Kristensen	Redfield	Thompson
Brashear	Engel	Landis	Robak	Tyson
Bromm	Hilgert	Matzke	Schellpeper	Vrtiska
Brown	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Bruning	Janssen	Peterson, C.	Schmitt	Wickersham
Byars				

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Cudaback Quandahl Suttle

Excused and not voting, 4:

Hartnett Kiel Lynch Pederson, D.

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

MOTION - Return LB 270 to Select File

Mr. Bromm moved to return LB 270 to Select File for the Bromm-Beutler specific amendment, AM0151, found on page 467.

The Bromm motion to return prevailed with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 270. The Bromm-Beutler specific amendment, AM0151, found on page 467, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

The Standing Committee amendment, AM0177, found on page 471, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:

FA19

On page 7, line 11 strike "General Fund" and insert "Water Well Decommissioning Fund"

The Beutler amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 9 present and not voting,

and 5 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 83, 121, 165, 178, 293, 47, 57, and 57A.

AMENDMENT - Print in Journal

Mr. Baker filed the following amendment to LB 184:

AM0176

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 9-1,101, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 9-1,101. (1) The Nebraska Bingo Act, the Nebraska County
6 and City Lottery Act, the Nebraska Lottery and Raffle Act, the
7 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
8 Raffle Act, and section 9-701 shall be administered and enforced by
9 the Charitable Gaming Division of the Department of Revenue, which
10 division is hereby created. The Department of Revenue shall make
11 annual reports to the Governor, Legislature, Auditor of Public
12 Accounts, and Attorney General on all tax revenue received,
13 expenses incurred, and other activities relating to the
14 administration and enforcement of such acts.

15 (2) The Charitable Gaming Operations Fund is hereby
16 created. Any money in the fund available for investment shall be
17 invested by the state investment officer pursuant to the Nebraska
18 Capital Expansion Act and the Nebraska State Funds Investment Act.

19 (3) Forty percent of the taxes collected pursuant to
20 sections ~~9-239~~, 9-344, ~~9-429~~, and 9-648 shall be available to the
21 Charitable Gaming Division for administering and enforcing the acts
22 listed in subsection (1) of this section and section 81-8,128. The
23 remaining sixty percent, along with any portion of the forty
24 percent not used by the division in its administration and
1 enforcement of such acts or section 81-8,128, shall be transferred
2 to the General Fund.

3 (4) The Tax Commissioner shall employ investigators who
4 shall be vested with the authority and power of a law enforcement
5 officer to carry out the laws of this state administered by the Tax
6 Commissioner or the Department of Revenue.

7 (5) The Charitable Gaming Division may charge a fee for
8 publications and listings it produces. The fee shall not exceed
9 the cost of publication and distribution of such items. The
10 division may also charge a fee for making a copy of any record in
11 its possession equal to the actual cost per page. The division
12 shall remit the fees to the State Treasurer for credit to the
13 Charitable Gaming Operations Fund.

14 Sec. 2. Section 9-217, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 9-217. Profit shall mean the gross receipts collected
17 from one or more bingo games, less reasonable sums necessarily and
18 actually expended for prizes, ~~taxes~~, license and permit fees, bingo
19 equipment, the cost of renting or leasing a premises for the
20 conduct of bingo, and other allowable expenses.

21 Sec. 3. Section 9-230.01, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 9-230.01. (1) A qualifying nonprofit organization may
24 apply to the department for a permit to conduct a special event
25 bingo in conjunction with a special event at which bingo is not the
26 primary function. Such special event bingo shall be exempt from
27 (a) the licensing requirements found in the Nebraska Bingo Act for
1 Class I and Class II licenses; and (b) the record-keeping and
2 reporting requirements found in the act for licensed organizations;
3 ~~; and (c) any tax on the gross receipts derived from the conduct of~~
4 ~~bingo as provided in the act for licensed organizations.~~

5 (2) A qualifying nonprofit organization may apply for and
6 obtain two special event bingo permits per calendar year, not to
7 exceed a total of four days in duration. An application for a
8 permit shall be made, on a form prescribed by the department, at
9 least ten days prior to the desired starting date of the special
10 event bingo. The form shall be accompanied by a permit fee of
11 fifteen dollars and shall contain:

12 (a) The name and address of the nonprofit organization
13 applying for the permit;

14 (b) Sufficient facts relating to the nature of the
15 organization to enable the department to determine if the
16 organization is eligible for the permit;

17 (c) The date, time, place, duration, and nature of the
18 special event at which the special event bingo will be conducted;

19 (d) The name, address, and telephone number of the
20 individual who will be in charge of the special event bingo; and

21 (e) Any other information which the department deems
22 necessary.

23 (3) An organization must have a permit issued by the
24 department before it can conduct a special event bingo. The permit
25 shall be clearly posted and visible to all participants at the
26 special event bingo.

27 (4) Special event bingo shall be subject to the following
1 restrictions:

2 (a) Special event bingo shall be conducted only within
3 the county in which the qualifying nonprofit organization has its
4 principal office;

5 (b) Only reusable hard bingo cards or shutter cards shall
6 be sold, rented, leased, or used at a special event bingo.
7 Disposable paper bingo cards may not be used at a special event
8 bingo. The cards as well as other bingo equipment necessary to

9 conduct bingo may be obtained from any source;

10 (c) No bingo card used at a special event bingo shall be
11 sold, rented, or leased for more than twenty-five cents per card;

12 (d) No single prize shall be offered or awarded at a
13 special event bingo which exceeds twenty-five dollars in value;

14 (e) A special event bingo shall be conducted by
15 individuals who are at least eighteen years of age. The qualifying
16 nonprofit organization may permit individuals under eighteen years
17 of age to play special event bingo when no alcoholic beverages are
18 served, sold, or consumed in the immediate vicinity of where the
19 special event bingo is conducted;

20 (f) No wage, commission, or salary shall be paid to any
21 person in connection with the conduct of a special event bingo; and

22 (g) The gross receipts from the conduct of a special
23 event bingo shall be used solely for the awarding of prizes and
24 reasonable and necessary expenses associated with the conduct of
25 the special event bingo such as the permit fee and the purchase or
26 rental of bingo cards or other equipment needed to conduct bingo.
27 The remaining receipts shall be used solely for a lawful purpose.

1 Sec. 4. Section 9-239, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 9-239. (1) The department shall collect a state tax of
4 three percent on the gross receipts received from the conducting of
5 bingo within the state. The tax shall be remitted to the
6 department. The department shall remit the tax to the State
7 Treasurer for credit to the Charitable Gaming Operations Fund. The
8 tax shall be remitted quarterly, not later than thirty days after
9 the close of the preceding quarter, together with any other reports
10 as may be required by the department.

11 (2) Until January 1, 1999, any city or village is hereby
12 directed to impose a tax of one percent on the gross receipts
13 received from the conducting of bingo within such city or village.
14 Until January 1, 1999, where bingo is conducted on an excursion or
15 dinner train or outside the limits of any incorporated city or
16 village, the county in which such bingo is conducted shall impose a
17 tax of one percent on the gross receipts from the conducting of
18 bingo on an excursion or dinner train or outside the corporate
19 limits of such city or village. Such tax shall be credited to the
20 general fund of the county, city, or village which issued a permit
21 for the conducting of bingo pursuant to section 9-226. Such tax
22 shall be remitted to the clerk of the political subdivision
23 imposing the tax, and the clerk shall remit the tax to the
24 treasurer of such subdivision. The tax shall be remitted
25 quarterly, not later than thirty days after the close of the
26 preceding quarter, together with such reports as may be required by
27 the political subdivision imposing the tax. The proceeds from the
1 tax shall be used to pay for the costs of regulation and
2 enforcement of the Nebraska Bingo Act.

3 (3) Unless otherwise provided in the act, no occupation

4 tax on any receipts derived from the conduct of bingo shall be
5 levied, assessed, or collected from any licensee under the act by
6 any county, township, district, city, village, or other
7 governmental subdivision or body having power to levy, assess, or
8 collect such tax.

9 Sec. 5. Section 9-255.04, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 9-255.04. (1) No expense shall be incurred or amounts
12 paid in connection with the conduct of bingo by a licensed
13 organization except those which are reasonable and necessary.

14 (2) A licensed organization shall not spend more than
15 fourteen percent of its bingo gross receipts to pay the expenses of
16 conducting bingo. The actual cost of (a) license and local permit
17 fees, (b) ~~any taxes authorized by the Nebraska Bingo Act~~, (c) bingo
18 prizes other than promotional prizes, ~~(d)~~ (c) the purchase, rental,
19 or lease of bingo equipment, and ~~(e)~~ (d) the rental or lease of a
20 premises for the conduct of bingo as prescribed by the department
21 in rules and regulations shall not be included in determining
22 compliance with the expense limitation contained in this section.

23 (3) A licensed organization which is also licensed to
24 conduct a lottery by the sale of pickle cards pursuant to the
25 Nebraska Pickle Card Lottery Act may allocate a portion of the
26 expenses associated with the conduct of its bingo occasions to its
27 lottery by the sale of pickle cards conducted at such bingo
1 occasions. Such allocation shall be based upon the percentage that
2 pickle card gross proceeds derived from the sale of pickle cards at
3 the bingo occasions represents to the total of bingo gross receipts
4 and pickle card gross proceeds derived from such bingo occasions
5 for the previous annual period July 1 through June 30. An
6 organization licensed to conduct bingo that has not been previously
7 licensed shall determine such allocation based upon the percentage
8 that pickle card gross proceeds derived from the sale of pickle
9 cards at the bingo occasions represents to the total of bingo gross
10 receipts and pickle card gross proceeds derived from such bingo
11 occasions for the initial three consecutive calendar months of
12 operation.

13 (4) The total amount of expenses that may be allocated to
14 the organization's lottery by the sale of pickle cards shall be
15 subject to the limitations on bingo expenses as provided for in the
16 Nebraska Bingo Act with respect to the fourteen-percent expense
17 limitation and the fair-market-value limitation on the purchase,
18 rental, or lease of bingo equipment and the rental or lease of a
19 premises for the conduct of bingo. No portion of the eight percent
20 of the definite profit of a pickle card unit as allowed by section
21 9-347 to pay the allowable expenses of operating a lottery by the
22 sale of pickle cards shall be used to pay any expenses associated
23 with the sale of pickle cards at a bingo occasion.

24 (5) All persons paid for working at a bingo occasion,
25 including pickle card sellers but excluding concession workers,

26 shall be paid only by a check written from the licensed
27 organization's bingo checking account and shall not receive any
1 other compensation or payment for working at a bingo occasion from
2 any other source. Such wages shall be at an hourly or occasion
3 rate and shall be included in the amount allowed by the expense
4 limitation provided in subsection (2) of this section. No person
5 shall receive any compensation or payment from a licensed
6 organization based upon a percentage of the organization's bingo
7 gross receipts or profit.

8 (6) No expenses associated with the conduct of bingo may
9 be paid directly from the licensed organization's pickle card
10 checking account. A licensed organization may transfer funds from
11 its pickle card checking account to its bingo checking account as
12 permitted by subsection (3) of this section by a check drawn on the
13 pickle card checking account or by electronic funds transfer as
14 provided only by section 9-347.

15 Sec. 6. Section 9-404, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 9-404. Allowable expenses shall mean:

18 (1) All costs associated with the purchasing, printing,
19 or manufacturing of any items to be used or distributed to
20 participants such as tickets;

21 (2) All office expenses;

22 (3) All promotional expenses;

23 (4) ~~The tax on gross proceeds prescribed in section~~
24 ~~9-429;~~

25 (5) All license and permit fees prescribed by the
26 Nebraska Lottery and Raffle Act;

27 (6) ~~(5)~~ Any tax or fee imposed pursuant to section 9-433;
1 and

2 (7) ~~(6)~~ Any fee paid to any person associated with the
3 operation of any lottery or raffle.

4 Sec. 7. Original sections 9-1,101, 9-217, 9-230.01,
5 9-239, 9-255.04, and 9-404, Reissue Revised Statutes of Nebraska,
6 are repealed.

7 Sec. 8. The following sections are outright repealed:

8 Sections 9-240 and 9-429, Reissue Revised Statutes of Nebraska."

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 479. Placed on General File.

LEGISLATIVE BILL 14. Indefinitely postponed.

LEGISLATIVE BILL 89. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

COMMUNICATION

February 12, 1999

President Dave Maustad and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members:

I herewith resign my appointment as a member to the Nebraska Retirement Systems Committee. Pursuant to statutory section 50-416.01, the chair of the Appropriations Committee shall serve as a member of the Retirement Systems Committee. Inasmuch as the total committee membership is limited to six members, my appointment has placed the total membership in excess of that number. Therefore, by submitting this letter of resignation, the Retirement Committee membership will be corrected.

Sincerely,
(Signed) LaVon Crosby
Senator, District 29

cc: Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 315. Title read. Considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Brashear moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Advanced to E & R for review with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 350. Title read. Considered.

Messrs. Vrtiska, Dierks, Coordsen, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 350A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 839. Title read. Considered.

Mr. Beutler offered the following amendment:

FA20

At the end of line 4, page 3 add the following:

"As soon as the same may be legally paid under the Constitution of Nebraska after January 1, 2003, each county judge shall receive an annual salary in an amount equal to ninety two and one half percent of the Supreme Court"

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 839A. Title read. Considered.

SPEAKER KRISTENSEN PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 795. Title read. Considered.

Mr. Jones asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

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

LEGISLATIVE BILL 234. Placed on General File as amended. (Standing Committee amendment, AM0249, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 802. Placed on General File as amended. Standing Committee amendment to LB 802:
AM0320

1. On page 16, line 22, strike "an"; and reinstate the

2 stricken matter in lines 22, 23, and 25 through 27.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 214. Placed on General File.

LEGISLATIVE BILL 86. Placed on General File as amended.

Standing Committee amendment to LB 86:

AM0297

1 1. Strike original section 4 and insert the following
2 new sections:

3 "Section 1. The Nebraska Budget Act Advisory Board is
4 created. The board consists of not less than seven and not more
5 than eleven members appointed by the Governor for a term comprising
6 the period of the board's existence. Members shall be reimbursed
7 for their actual and necessary expenses as provided in sections
8 81-1174 to 81-1177.

9 Members of the board shall represent local government
10 governing bodies, professional public administrators, and private
11 sector accountants whose practice includes performing financial
12 audits of local governments. At least one member shall represent
13 schools, one shall represent municipalities, one shall represent
14 counties, and one shall represent other types of political
15 subdivisions which are required to file annual budgets under the
16 act.

17 The board shall hold hearings and offer advice to the
18 auditor in administering compliance with the Nebraska Budget Act,
19 developing forms for submission of budget information to the
20 auditor, including forms prescribed in section 13-504, and
21 developing uniform financial reporting standards and electronic
22 filing of budgets and audits sufficient to enable statewide
23 analysis of public spending and taxes.

24 The board terminates on July 1, 2000.

1 Sec. 2. Section 13-501, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-501. Sections 2-958, 3-504, 12-914, 13-501 to 13-512,
4 13-515, 16-702, 16-706, 16-718, 17-702, 17-703, 17-708, 17-711,
5 17-715, 17-718, 18-1006, 19-1302, 23-132, 23-904, 23-920, 23-3519,
6 23-3552, 31-513, 35-509, 39-1621, 39-1634, 46-543, 46-544, 71-1611,
7 79-1083, 79-10,126, and 79-1225 and section 1 of this act shall be
8 known and may be cited as the Nebraska Budget Act.

9 Sec. 3. Section 13-504, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 13-504. (1) Each governing body shall prepare in writing
12 and file with its secretary or clerk, in the year of its
13 organization and each year thereafter, not later than the first day
14 of August of each year on forms prescribed and furnished by the

15 auditor, following consultation with representatives of such
16 governing bodies or as otherwise authorized by state law, a
17 proposed budget statement containing the following information,
18 except as provided by state law:

19 (a) For the immediate two prior fiscal years, the revenue
20 from all sources, including motor vehicle taxes, other than revenue
21 received from personal and real property taxation, allocated to
22 each of the several funds and separately stated as to each such
23 source, and for each fund: The unencumbered cash balance of such
24 fund at the beginning and end of the year; the amount received by
25 taxation of personal and real property allocated to each fund; and
26 the amount of actual expenditure for each fund;

27 (b) For the current fiscal year, actual and estimated
1 revenue from all sources, including motor vehicle taxes, allocated
2 to each of the several funds and separately stated as to each such
3 source, and for each fund: The actual unencumbered cash balance
4 available for such fund at the beginning of the year; the amount
5 received from personal and real property taxation allocated to each
6 fund; and the amount of actual and estimated expenditure, whichever
7 is applicable. ~~For fiscal year 1997-98 only, the estimated~~
8 ~~receipts for motor vehicle taxes shall be no less than seventy~~
9 ~~percent of the receipts from motor vehicle taxes in the prior~~
10 ~~fiscal year.~~ Such statement shall contain the cash reserve for
11 each such fund for each fiscal year and shall note whether or not
12 such reserve is encumbered. Such cash reserve projections shall be
13 based upon the actual experience of prior years. The cash reserve
14 shall not exceed fifty percent of the total budget adopted for such
15 fund exclusive of capital outlay items;

16 (c) For the immediately ensuing fiscal year, an estimate
17 of revenue from all sources, including motor vehicle taxes, other
18 than revenue to be received from taxation of personal and real
19 property, separately stated as to each such source, to be allocated
20 to each of the several funds, and for each fund: The actual or
21 estimated unencumbered cash balances, whichever is applicable, to
22 be available at the beginning of the year; the amounts proposed to
23 be expended during the year; and the amount of cash reserve, based
24 on actual experience of prior years, which cash reserve shall not
25 exceed fifty percent of the total budget adopted exclusive of
26 capital outlay items;

27 (d) A statement setting out separately the amount sought
1 to be raised from the levy of a tax on the taxable value of real
2 property (i) for the purpose of paying the principal or interest on
3 bonds issued by the governing body and (ii) for all other purposes;

4 (e) A uniform summary of the proposed budget statement
5 which shall include a separate total for each fund, including each
6 proprietary function fund included in a separate proprietary budget
7 statement prepared pursuant to the Municipal Proprietary Function
8 Act, and a grand total of all funds maintained by the governing
9 body; and

10 (f) For municipalities, a list of the proprietary
11 functions which are not included in the budget statement. Such
12 proprietary functions shall have a separate budget statement which
13 is approved by the city council or village board as provided in the
14 Municipal Proprietary Function Act.

15 (2) Any governing body required by a final order of a
16 court, the State Board of Equalization and Assessment, the Tax
17 Commissioner, the Tax Equalization and Review Commission, or the
18 Property Tax Administrator from which no appeal is taken to
19 reimburse property taxes to a taxpayer may certify to the county
20 clerk of the county in which any part of the political subdivision
21 is situated, not later than September 10, an itemized estimate of
22 the amount necessary to be expended to reimburse the property
23 taxes. Such amounts shall be levied by the county board of
24 equalization. The taxes shall be collected by the county treasurer
25 at the same time and in the same manner as county taxes are
26 collected and, when collected, shall be paid to the treasurer of
27 the political subdivision and used to cover the reimbursement of
1 the property taxes.

2 Any governing body which submits an itemized estimate
3 shall establish a property tax reimbursement fund. Taxes collected
4 pursuant to this section shall be credited to such fund to cover
5 the reimbursement of the property taxes.

6 The authority conferred by this section shall apply only
7 to reimbursements made during fiscal years 1993-94 through
8 1999-2000.

9 (3) The actual or estimated unencumbered cash balance of
10 each fund required to be included in the budget statement by this
11 section shall include deposits and investments of the political
12 subdivision as well as any funds held by the county treasurer for
13 the political subdivision and shall be accurately stated on the
14 proposed budget statement.

15 (4) The political subdivision shall correct any material
16 errors in the budget statement detected by the auditor or by other
17 sources.

18 Sec. 7. Section 13-518, Revised Statutes Supplement,
19 1998, is amended to read:

20 13-518. For purposes of sections 13-518 to 13-522:

21 (1) Allowable growth means (a) for governmental units
22 other than community colleges, the percentage increase in taxable
23 valuation in excess of the base limitation established under
24 section 77-3446, if any, due to improvements to real property as a
25 result of new construction, additions to existing buildings, any
26 improvements to real property which increase the value of such
27 property, and any increase in valuation due to annexation and any
1 personal property valuation over the prior year and (b) for
2 community colleges, the percentage increase in excess of the base
3 limitation, if any, in full-time equivalent students from the
4 second year to the first year preceding the year for which the

5 budget is being determined;

6 (2) Capital improvements means (a) acquisition of real
7 property or (b) acquisition, construction, or extension of any
8 improvements on real property;

9 (3) Governing body has the same meaning as in section
10 13-503;

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

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

24 (6) Restricted funds means (a) property tax, excluding
25 ~~any amounts required to pay interest and principal on bonded~~
26 ~~indebtedness and any amounts refunded to taxpayers,~~ (b) payments in
27 lieu of property taxes, (c) local option sales taxes, (d) motor
1 vehicle taxes, (e) state aid, ~~(e)~~ (f) transfers of surpluses from
2 any user fee, permit fee, or regulatory fee if the fee surplus is
3 transferred to fund a service or function not directly related to
4 the fee and the costs of the activity funded from the fee, and ~~(f)~~
5 (g) any funds excluded from restricted funds for the prior year
6 because they were budgeted for capital improvements but which were
7 not spent and are not expected to be spent for capital
8 improvements; and

9 (7) State aid means:

10 (a) For all governmental units, state aid paid pursuant
11 to sections 60-305.15 and 77-3523;

12 (b) For municipalities, state aid to municipalities paid
13 pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3007,
14 77-27,136, and 77-27,139.04 and insurance premium tax paid to
15 municipalities;

16 (c) For counties, state aid to counties paid pursuant to
17 sections 39-2501 to 39-2520, 47-119.01, 60-3001 to 60-3007,
18 77-27,136, and 77-3618 and insurance premium tax paid to counties;

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

21 (e) For natural resources districts, state aid to natural
22 resources districts paid pursuant to section 77-27,136; and

23 (f) For educational service units, state aid appropriated
24 under section 79-1241.

25 Sec. 8. Section 13-520, Revised Statutes Supplement,
26 1998, is amended to read:

27 13-520. The limitations in section 13-519 shall not
 1 apply to (1) restricted funds budgeted for capital improvements,
 2 (2) restricted funds expended from a qualified sinking fund for
 3 acquisition or replacement of tangible personal property with a
 4 useful life of five years or more, (3) restricted funds pledged to
 5 retire bonded indebtedness or used to pay other financial
 6 instruments that are approved and agreed to before July 1, 1999, in
 7 the same manner as bonds by a governing body created under section
 8 35-501, (4) restricted funds budgeted in support of a service which
 9 is the subject of an interlocal cooperation agreement or a
 10 modification of an existing agreement whether operated by one of
 11 the parties to the agreement or an independent joint entity, (5)
 12 restricted funds budgeted to pay for repairs to infrastructure
 13 damaged by a natural disaster which is declared a disaster
 14 emergency pursuant to the Emergency Management Act, or (6)
 15 restricted funds budgeted to pay for judgments, except judgments or
 16 orders from the Commission of Industrial Relations, obtained
 17 against a governmental unit which require or obligate a
 18 governmental unit to pay such judgment, to the extent such judgment
 19 is not paid by liability insurance coverage of a governmental unit.

20 Sec. 9. Section 18-2805, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 18-2805. (1) At least thirty days prior to the start of
 23 the fiscal year of each proprietary function, a proposed
 24 proprietary budget statement shall be prepared in writing and filed
 25 with the municipal clerk containing the following information:

26 (a) For the immediate two prior fiscal years, the revenue
 27 from all sources, the unencumbered cash balance at the beginning
 1 and end of the year, the amount received by taxation, and the
 2 amount of actual expenditure;

3 (b) For the current fiscal year, actual and estimated
 4 revenue from all sources separately stated as to each such source,
 5 the actual unencumbered cash balance available at the beginning of
 6 the year, the amount received from taxation, and the amount of
 7 actual and estimated expenditure, whichever is applicable;

8 (c) For the immediately ensuing fiscal year, an estimate
 9 of revenue from all sources separately stated as to each such
 10 source, the actual or estimated unencumbered cash balance,
 11 whichever is applicable, to be available at the beginning of the
 12 year, the amounts proposed to be expended during the fiscal year,
 13 and the amount of cash reserve based on actual experience of prior
 14 years; and

15 (d) A uniform summary of the proposed budget statement
 16 which shall include a total of all funds maintained for the
 17 proprietary function.

18 (2) Such statement shall contain the estimated cash
 19 reserve for each fiscal year and shall note whether or not such
 20 reserve is encumbered. The cash reserve projections shall be based
 21 upon the actual experience of prior years.

22 (3) ~~Within three years after June 10, 1993, each~~ Each
 23 proprietary budget statement shall be filed on forms prescribed and
 24 furnished by the Auditor of Public Accounts following consultation
 25 with representatives of such governing bodies as operate
 26 proprietary functions subject to the provisions of the Municipal
 27 Proprietary Function Act.

1 Sec. 14. Sections 1, 2, 7, 8, 14, 16, and 18 of this act
 2 become operative on their effective date. The other sections of
 3 this act become operative on July 1, 1999.

4 Sec. 16. Original section 13-501, Reissue Revised
 5 Statutes of Nebraska, and sections 13-518 and 13-520, Revised
 6 Statutes Supplement, 1998, are repealed.

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

9 2. On page 3, strike lines 14 through 25 and insert the
 10 following new subsection:

11 "(2) Upon approval by the governing body, the budget
 12 shall be filed with the auditor. The auditor may review the budget
 13 for errors in mathematics, improper accounting, and noncompliance
 14 with the provisions of the Nebraska Budget Act or sections 13-518
 15 to 13-522. If the auditor detects such errors, he or she shall
 16 immediately notify the governing body of such errors. The
 17 governing body shall correct any such error as provided in section
 18 13-511. Warrants for the payment of expenditures provided in the
 19 budget adopted under this section shall be valid notwithstanding
 20 any errors or noncompliance for which the auditor has notified the
 21 governing body."

22 3. On page 6, strike lines 26 through 28 and insert:

23 "(4) Within thirty days after the adoption of the budget
 24 under section 13-506, a governing body may, or within thirty days
 25 after notification of an error by the auditor, a governing body
 26 shall."

27 4. On page 14, line 12, after "sections" insert
 1 "13-504," and strike "13-522" and insert "18-2805".

2 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 381. Indefinitely postponed.

LEGISLATIVE BILL 694. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Education

LEGISLATIVE BILL 272. Placed on General File as amended.

Standing Committee amendment to LB 272:

AM0228

1 1. On page 4, line 3, strike "county" and show as
 2 stricken; and in line 4 strike "school administrator or" and show
 3 the old matter as stricken.

4 2. On page 12, reinstate the stricken matter beginning
 5 with "the" in line 23 through "with" in line 25.

- 6 3. On page 19, strike beginning with "county" in line 22
7 through "the" in line 23 and show the old matter as stricken; and
8 in line 23 strike "schools of" and show as stricken and before
9 "school" insert "primary high".
- 10 4. On page 25, line 2, after the last "the" insert
11 "primary high"; in line 21 strike "in a Class I district" and show
12 as stricken; and in line 22 strike "administrator of the school"
13 and insert "superintendent of the primary high school district".
- 14 5. On page 26, line 1, strike "or administrator of a",
15 show the old matter as stricken, and insert "of the primary high";
16 and strike beginning with "for" in line 20 through "districts" in
17 line 21 and show as stricken.
- 18 6. On page 39, line 14, strike "superintendent", show as
19 stricken, and insert "clerk".
- 20 7. On page 69, line 8, after "clerk" insert ", county
21 assessor".
- 22 8. On page 74, line 25, strike "may, at its option,"
23 show as stricken, and insert "shall".
- 24 9. On page 81, line 8, strike "book" and show as
1 stricken; and in line 9 before "in" insert "record".
- 2 10. On page 83, line 6, reinstate the stricken
3 "superintendent" and after the reinstated "superintendent" insert
4 "of the primary high school district"; and in line 7 strike the new
5 matter.
- 6 11. On page 84, lines 17 and 19, after "committee"
7 insert "or designee".
- 8 12. On page 85, line 4, after the stricken "maintained"
9 insert "superintendent of the primary high".
- 10 13. On page 88, line 6, after "supervisors" insert "or
11 designee"; in line 12 after "board" insert "or designee"; and in
12 line 13 after "public" insert ", private, denominational, and
13 parochial".
- 14 14. On page 91, line 16, reinstate the stricken
15 "superintendent" and strike "school" and insert "of the primary
16 high school district"; in line 26 strike "school" and show as
17 stricken; and in line 28 reinstate the stricken "superintendent"
18 and after the reinstated "superintendent" insert "of the primary
19 high school district".
- 20 15. On page 93, line 11, after "marriage" insert
21 "pursuant to section 49-1499.01".
- 22 16. On page 106, line 13, reinstate the stricken
23 "subsection" and after the reinstated "subsection" insert "(1) of
24 this section".
- 25 17. On page 108, line 24, after "returned" insert "from
26 the school district".
- 27 18. On page 110, line 11, strike "treasurer" and insert
1 "assessor".
- 2 19. On page 116, line 28, strike "each of the
3 directors", show as stricken, and insert "the school board

4 secretary".

5 20. On page 118, lines 8 and 9 and 14; and page 120,
6 lines 2 and 8, strike "treasurer and county clerk", show the old
7 matter as stricken, and insert "assessor".

8 21. On page 122, lines 8 and 17, strike "or
9 administrator"; and in line 8 after "the" insert "primary high".

10 22. On page 123, line 7, strike "school district" and
11 insert "high school district and its affiliated territory"; in
12 lines 10 and 18 strike "either" and show as stricken; in lines 11
13 and 12 strike "or a Nebraska Professional Administrative and
14 Supervisory Certificate," and insert an underscored comma; and in
15 lines 19 and 20 strike "or a Nebraska Professional Administrative
16 and Supervisory Certificate," and insert an underscored period.

17 23. On page 124, line 2, strike "2001" and insert
18 "2000".

LEGISLATIVE BILL 28. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LR 10:

AM0293

1 1. Strike the last "WHEREAS".

2 2. Strike the first RESOLVED paragraph and insert the
3 following new paragraph:

4 "1. That the Legislature hereby petitions the Congress
5 of the United States to propose to the states an amendment to
6 Article 1, section 2, of the United States Constitution that would
7 increase the length of the terms of office for members of the House
8 of Representatives from two years to three years with one-half of
9 the members' terms expiring at the same time."

Mr. Wehrbein filed the following amendment to LB 243:

AM0312

1 1. On page 2, line 27, after "year" insert ", and the
2 amount of tuition credits granted shall not exceed nine hundred
3 thousand dollars during any fiscal year".

Mr. Wehrbein filed the following amendment to LB 243:

AM0314

1 1. On page 2, line 27, after "year" insert ", and the
2 amount of tuition credits granted shall not exceed one million
3 seventy-three thousand dollars during fiscal year 1999-00 or nine
4 hundred thousand dollars during any subsequent fiscal year".

Mr. Wehrbein filed the following amendment to LB 243:

AM0316

- 1 1. On page 2, line 7, strike "one hundred" and insert
- 2 "seventy-five"; in line 20 reinstate the stricken matter and strike
- 3 "the"; in line 21 strike the new matter; and in line 27 after
- 4 "year" insert ", and the amount of tuition credits granted shall
- 5 not exceed eight hundred thousand dollars during any fiscal year".

Mr. Wehrbein filed the following amendment to LB 243A:
AM0313

- 1 1. On page 2, line 1, strike "\$862,900" and insert
- 2 "\$350,000"; and in line 2 strike "\$933,545" and insert "\$350,000".

Mr. Wehrbein filed the following amendment to LB 243A:
AM0315

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Laws 1997, LB 389, section 124, is amended to
- 3 read:
- 4 Sec. 124. AGENCY NO. 31 -- MILITARY DEPARTMENT
- 5 Program No. 548 - Tuition Assistance
- 6 FY1997-98 FY1998-99
- 7 GENERAL FUND 600,000 600,000
- 8 PROGRAM TOTAL 600,000 600,000
- 9 There is included in the appropriation to this program
- 10 for FY1997-98 \$600,000 General Funds for state aid, which shall
- 11 only be used for such purpose. There is included in the
- 12 appropriation to this program for FY1998-99 \$600,000 General Funds
- 13 for state aid, which shall only be used for such purpose.
- 14 The unexpended General Fund balance existing on June 30,
- 15 1999, is hereby reappropriated.
- 16 Sec. 3. Original Laws 1997, LB 389, section 124, is
- 17 repealed."
- 18 2. On page 2, line 1, strike "\$862,900" and insert
- 19 "\$350,000"; and in line 2 strike "\$933,545" and insert "\$350,000".
- 20 3. Insert underscoring in original section 1.
- 21 4. Renumber the remaining sections accordingly.

Mr. Wehrbein filed the following amendment to LB 243A:
AM0317

- 1 1. On page 2, line 1, strike "\$862,900" and insert
- 2 "\$250,000"; and in line 2 strike "\$933,545" and insert "\$250,000".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative appointments:

Baird, Sam, Director - Department of Banking -- Banking, Commerce and Insurance

Egr, Mary Jane, Director - Department of Revenue -- Revenue

Heng, Stanley - Climate Assessment Response Committee -- Agriculture

Hunzeker, Mark - Nebraska Power Review Board -- Natural Resources

Ibach, Greg - Climate Assessment Response Committee -- Agriculture

Martin, Mark, Administrator - Office of Juvenile Services -- Health and Human Services

Nelson, Richard - Climate Assessment Response Committee -- Agriculture

Patterson, Roger - Climate Assessment Response Committee -- Agriculture

Vogler, Dave - Climate Assessment Response Committee -- Agriculture

Williamson, Dayle - Climate Assessment Response Committee -- Agriculture

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 1999, at 10:45 a.m., were the following bills: LBs 83, 121, 165, 178, 293, 47, 57, and 57A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducers

Mr. Quandahl asked unanimous consent to have his name added as cointroducer to LB 315, LB 350, and LB 839. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 839. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 476. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kathie Reichstein from Beatrice and Mildred Conkling from Lincoln; 100 eighth grade students and teachers from Beatrice Middle School; Don and Jane Ingraham from Scottsbluff; and Senator Kremer's family, Herb and Ardys Roszhart, and Ken and Bev Kremer, from Aurora, and Norm and Beth Stucky from Jefferson City, Missouri.

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Bourne, the Legislature adjourned until 9:00 a.m., Tuesday, February 16, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY – FEBRUARY 16, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 16, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Reverend Naomi Hull, St. Paul's United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett and Lynch who were excused; and Messrs. Beutler, Brashear, Dierks, Jensen, Landis, Dw. Pedersen, Wickersham, Mmes. Kiel, C. Peterson, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 87. Placed on Select File as amended.
E & R amendment to LB 87:

AM7046

- 1 1. In the Standing Committee amendments, AM0157:
- 2 a. On page 3, line 20; page 14, line 14; and page 15,
- 3 line 17, strike the comma;
- 4 b. On page 4, line 23, after "77-3443" insert an
- 5 underscored comma;

- 6 c. On page 5, line 7, strike "proposed tax" and insert
 7 "proposal"; and in line 14 strike "those municipalities" and insert
 8 "each municipality";
- 9 d. On page 7, lines 2 and 6; and page 9, lines 21 and
 10 24, strike "in" and insert "of";
- 11 e. On page 11, line 7, after "agreement" insert
 12 "creating the joint public agency";
- 13 f. On page 13, line 9; and page 17, line 10, strike
 14 "members" and insert "representatives";
- 15 g. On page 17, line 17, strike the last comma;
- 16 h. On page 22, line 12, strike "members or" and after
 17 "representatives" insert "or agents"; and in line 16 after "state"
 18 insert an underscored comma;
- 19 i. On page 28, lines 23 and 24, strike "Joint Public
 20 Agency Act" and insert "act";
- 21 j. On page 29, strike the matter beginning with
 22 "political" in line 3 through "located" in line 5 and insert "area
 23 served by the joint public agency"; strike line 7 and insert "area
 24 served by the joint public agency"; and in lines 16 and 17 strike
 1 "political subdivisions" and insert "public agencies";
- 2 k. On page 36, line 2, after "or" insert "by";
- 3 l. On page 38, line 1, strike "the act", show as
 4 stricken, and insert "either of such acts"; and in line 2 strike
 5 "define" and insert "defined";
- 6 m. On page 56, line 15; page 58, line 26; and page 66,
 7 line 10, strike "and" and insert "or the";
- 8 n. On page 63, line 2; and page 64, line 4, after
 9 "grants" insert "for";
- 10 o. On page 64, line 11; and page 73, line 21, after "or"
 11 insert "the";
- 12 p. On page 105, line 11, after "township" insert an
 13 underscored comma; and in line 14 after "repairs" insert an
 14 underscored comma; and
- 15 q. On page 135, line 4, reinstate the stricken
 16 "created".
- 17 2. On page 1, strike beginning with "the" in line 1
 18 through "State" in line 10 and insert "government; to amend
 19 sections 13-303, 13-318, 13-319, 13-903, 13-2004, 13-2025.01,
 20 14-102, 14-1805, 16-6,110, 17-174, 18-2704, 19-3801, 23-2809,
 21 23-3637, 29-215, 35-514.02, 35-1204, 37-334, 39-2114, 46-1502,
 22 47-603, 48-193, 51-201, 58-202, 58-219, 58-239, 58-503, 60-335,
 23 72-1403, 73-101, 74-1305, 77-2704.15, 79-1233, 81-829.39, 81-8,210,
 24 81-8,239.01, 81-8,303, 81-1164, and 81-2216, Reissue Revised
 25 Statutes of Nebraska, and sections 13-520, 13-2401, 18-1716,
 26 70-628.04, 77-3442, 79-1028, 79-1204, 81-1117, 81-1391, 84-1202,
 27 and 84-1411, Revised Statutes Supplement, 1998; to adopt the Joint
 1 Public Agency Act".

LEGISLATIVE BILL 323. Placed on Select File as amended.

E & R amendment to LB 323:

AM7043

- 1 1. On page 3, line 17, strike the comma.
- 2 2. On page 4, line 14, strike "and" and insert an
- 3 underscored comma; and in line 15 after "increases" insert an
- 4 underscored comma.

LEGISLATIVE BILL 340. Placed on Select File.

LEGISLATIVE BILL 632. Placed on Select File as amended.

E & R amendment to LB 632:

AM7044

- 1 1. On page 11, lines 5 and 6, strike "Chapter 87,
- 2 article 3", show as stricken, and insert "the Uniform Deceptive
- 3 Trade Practices Act".

LEGISLATIVE BILL 161. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 32, 32A, 40, 46, 49, 64, 106, 232, 280, 363, 511, 669, and 669A.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 813. Placed on General File as amended.

Standing Committee amendment to LB 813:

AM0262

- 1 1. On page 4, line 17, reinstate the stricken "delays".
- 2 2. On page 31, strike beginning with "The" in line 22
- 3 through the period in line 24.
- 4 3. On page 90, line 19, strike "section" and show as
- 5 stricken.

(Signed) Ardyce L. Bohlke, Chairperson

Health and Human Services

LEGISLATIVE BILL 226. Placed on General File as amended.

Standing Committee amendment to LB 226:

AM0335

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) The Legislature finds that many
- 4 controlled substances have useful and legitimate medical and
- 5 scientific purposes and are necessary to maintain the health and
- 6 general welfare of the people of Nebraska. Principles of quality

7 medical practice dictate that the people of Nebraska have access to
8 appropriate and effective pain relief.

9 (2) The Legislature finds that the appropriate
10 application of up-to-date knowledge and treatment modalities can
11 serve to improve the quality of life for those patients who suffer
12 from pain. The Legislature therefor encourages physicians to view
13 effective pain management as a part of quality medical practice for
14 all patients with pain, acute or chronic, including those patients
15 who experience pain as a result of terminal illness.

16 (3) The Legislature finds that a physician should be able
17 to administer a controlled substance in excess of the recommended
18 dosage for the treatment of pain so long as such dosage is not
19 administered for the purpose of causing, or the purpose of
20 assisting in causing, death for any reason and so long as it
21 conforms to policies and guidelines for the treatment of pain
22 adopted by the Board of Examiners in Medicine and Surgery.

23 (4) The Legislature finds that a health care facility,
24 hospice, or third-party payor should not forbid or restrict the use
1 of controlled substances appropriately administered for the
2 treatment of pain.

3 Sec. 2. A physician licensed under the Uniform Licensing
4 Law who administers a controlled substance in excess of the
5 recommended dosage for the treatment of pain shall not be subject
6 to discipline under sections 71-147 to 71-161.20 or criminal
7 prosecution under the Uniform Controlled Substances Act when: (1)
8 In the judgment of the physician, appropriate pain management
9 warrants such dosage; (2) the controlled substance is not
10 administered for the purpose of causing, or the purpose of
11 assisting in causing, death for any reason; and (3) the
12 administration of the controlled substance conforms to policies and
13 guidelines for the treatment of pain adopted by the Board of
14 Examiners in Medicine and Surgery.

15 (3) The Board of Examiners in Medicine and Surgery shall
16 adopt policies and guidelines for the treatment of pain to ensure
17 that physicians who are engaged in the appropriate treatment of
18 pain are not subject to disciplinary action, and the board shall
19 consider policies and guidelines developed by national
20 organizations with expertise in pain management for this purpose."

(Signed) Jim Jensen, Chairperson

NOTICE OF COMMITTEE HEARING **Nebraska Retirement Systems**

LB 155	Wednesday, February 24, 1999	12:00 noon
LB 246	Wednesday, February 24, 1999	12:00 noon

(Signed) Elaine Stuhr, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 148A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 465. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 846. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 194. Title read. Considered.

The Standing Committee amendment, AM0198, found on page 476, was considered.

Mr. Byars renewed his pending amendment, AM0304, found on page 540, to the Standing Committee amendment.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Byars amendment was adopted with 27 ayes, 14 nays, 4 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 368. Indefinitely postponed.

LEGISLATIVE BILL 517. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 15	Wednesday, February 24, 1999	1:30 p.m.
LB 746	Wednesday, February 24, 1999	1:30 p.m.
LB 786	Wednesday, February 24, 1999	1:30 p.m.
LB 851	Wednesday, February 24, 1999	1:30 p.m.
LB 656	Wednesday, February 24, 1999	1:30 p.m.
LB 870	Wednesday, February 24, 1999	1:30 p.m.
LB 822	Thursday, February 25, 1999	1:30 p.m.
LB 747	Thursday, February 25, 1999	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Agriculture

LB 531	Tuesday, February 23, 1999	1:30 p.m.
LB 532	Tuesday, February 23, 1999	1:30 p.m.
LB 533	Tuesday, February 23, 1999	1:30 p.m.
LB 776	Tuesday, February 23, 1999	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

ANNOUNCEMENT

Mr. Hartnett asks unanimous consent to permit the Urban Affairs Committee to begin the hearing scheduled for Tuesday, February 23, 1999, at 2:30 p.m. rather than 1:30 p.m. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 84A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 84, Ninety-sixth Legislature, First Session, 1999.

GENERAL FILE

LEGISLATIVE BILL 784. Title read. Considered.

Mr. Schrock offered the following amendment:

FA21

Strike the word "of" on page 12, line 18, and insert the word "or" after the word "facility."

The Schrock amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

MRS. CROSBY PRESIDING

LEGISLATIVE BILL 789. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 101. Title read. Considered.

The Standing Committee amendment, AM0213, found on page 485, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS **Judiciary**

LEGISLATIVE BILL 375. Placed on General File.

LEGISLATIVE BILL 407. Placed on General File.

LEGISLATIVE BILL 612. Placed on General File.

LEGISLATIVE BILL 51. Placed on General File as amended.

Standing Committee amendment to LB 51:

AM0059

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. Section 29-901, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 29-901. Any bailable defendant shall be ordered released
- 6 from custody pending judgment on his or her personal recognizance
- 7 unless the judge determines in the exercise of his or her
- 8 discretion that such a release will not reasonably assure the
- 9 appearance of the defendant as required. When such determination
- 10 is made, the judge shall either in lieu of or in addition to such a

11 release impose the first of the following conditions of release
12 which will reasonably assure the appearance of the person for trial
13 or, if no single condition gives that assurance, any combination of
14 the following conditions:

15 (1) Place the defendant in the custody of a designated
16 person or organization agreeing to supervise the defendant;

17 (2) Place restrictions on the travel, association, or
18 place of abode of the defendant during the period of such release;

19 (3) Require, at the option of any bailable defendant,
20 either of the following:

21 ~~(a)~~ (a)(i) The execution of an appearance bond in a
22 specified amount and the deposit with the clerk of the court in
23 cash of a sum not to exceed ten percent of the amount of the bond,
24 ninety percent of such deposit to be returned to the defendant upon
1 the performance of the appearance or appearances and ten percent to
2 be retained by the clerk as appearance bond costs, except that when
3 no charge is subsequently filed against the defendant or if the
4 charge or charges which are filed are dropped before the appearance
5 of the defendant which the bond was to assure, the entire deposit
6 shall be returned to the defendant. If the bond is subsequently
7 reduced by the court after the original bond has been posted, no
8 additional appearance bond costs shall be retained by the clerk.
9 The difference in the appearance bond costs between the original
10 bond and the reduced bond shall be returned to the defendant. In
11 no event shall the deposit be less than twenty-five dollars;

12 (ii) Whenever jurisdiction is transferred from a court
13 requiring an appearance bond under this subdivision to another
14 state court, the transferring court shall transfer the ninety
15 percent of the deposit remaining after the appearance bond costs
16 have been retained. No further costs shall be levied or collected
17 by the court acquiring jurisdiction; or

18 (b)(i) The execution of a bail bond with such surety or
19 sureties as shall seem proper to the judge or, in lieu of such
20 surety or sureties, at the option of such person, a cash deposit of
21 such sum so fixed, conditioned for his or her appearance before the
22 proper court, to answer the offense with which he or she may be
23 charged and to appear at such times thereafter as may be ordered by
24 the proper court. The cash deposit shall be returned to the
25 defendant upon the performance of all appearances;

26 (ii) If the amount of bail is deemed insufficient by the
27 court before which the offense is pending, the court may order an
1 increase of such bail and the defendant shall provide the
2 additional undertaking, written or cash, to secure his or her
3 release. All recognizances in criminal cases shall be in writing
4 and be continuous from term to term until final judgment of the
5 court in such cases and shall also extend, when the court has
6 suspended execution of sentence for a limited time, as provided in
7 section 29-2202, or, when the court has suspended execution of
8 sentence to enable the defendant to apply for a writ of error to

9 the Supreme Court or Court of Appeals, as provided in section
 10 29-2301, until the period of suspension has expired. When two or
 11 more indictments or informations are returned against the same
 12 person at the same term of court, the recognizance given may be
 13 made to include all offenses charged therein. Each surety on such
 14 recognizance shall be required to justify under oath in a sum twice
 15 the amount of such recognizance and give the description of real
 16 estate owned by him or her of a value above encumbrance equal to
 17 the amount of such justification and shall name all other cases
 18 pending in which he or she is a surety. No one shall be accepted
 19 as surety on recognizance aggregating a sum in excess of his or her
 20 equity in the real estate, but such recognizance shall not
 21 constitute a lien on the real estate described therein until
 22 judgment is entered thereon against such surety; or
 23 (4) Impose any other condition deemed reasonably
 24 necessary to assure appearances as required, including a condition
 25 requiring that the defendant return to custody after specified
 26 hours."

LEGISLATIVE BILL 54. Placed on General File as amended.

Standing Committee amendment to LB 54:

AM0340

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Any person who serves as an interpreter for
 4 persons unable to communicate the English language in court
 5 proceedings or probation services as provided in subsection (6) of
 6 section 29-2259 shall meet the standards adopted by the Supreme
 7 Court. Such standards shall require that interpreters demonstrate
 8 the ability to interpret effectively, accurately, and impartially,
 9 both receptively and expressively, using any necessary special
 10 vocabulary. Any person appointed to interpret for deaf and hard of
 11 hearing persons shall be a qualified interpreter as defined in
 12 subdivision (6) of section 20-151.
 13 Sec. 2. Section 20-159, Reissue Revised Statutes of
 14 Nebraska, is amended to read:
 15 20-159. A qualified interpreter appointed pursuant to
 16 sections 20-150 to 20-159 is entitled to a fee for professional
 17 services and other relevant expenses as approved by the governing
 18 body of the appointing authority. When appropriate, the appointing
 19 authority may use fee guidelines established by a recognized
 20 registry of interpreters for the deaf and hard of hearing. When
 21 the qualified interpreter is appointed by a court, the fee shall be
 22 paid out of the general fund of the county in which such
 23 proceedings take place General Fund with funds appropriated to the
 24 Supreme Court for that purpose. When the qualified interpreter is
 1 appointed by an appointing authority other than a court, the fee
 2 shall be paid out of funds available to the governing body of the
 3 appointing authority.

4 Sec. 3. Section 25-2406, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 25-2406. The fees and expenses of an interpreter shall
7 be fixed and ordered paid by the judge before whom such proceeding
8 takes place in accordance with a fee schedule established by the
9 Supreme Court, and be paid out of the general fund of the county in
10 which such proceeding takes place General Fund with funds
11 appropriated to the Supreme Court for that purpose.

12 Sec. 4. Section 29-2259, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 29-2259. (1) The salaries, actual and necessary
15 expenses, and expenses incident to the conduct and maintenance of
16 the office shall be paid by the state. Actual and necessary
17 expenses shall be paid as provided in sections 81-1174 to 81-1177.

18 (2) The salaries and actual and necessary travel expenses
19 of the probation service shall be paid by the state. Actual and
20 necessary expenses shall be paid as provided in sections 81-1174 to
21 81-1177.

22 (3) Except as provided in sections 29-2262 and
23 29-2262.04, the costs of drug testing and equipment incident to the
24 electronic surveillance of individuals on probation shall be paid
25 by the state.

26 (4) The expenses incident to the conduct and maintenance
27 of the principal office within each probation district shall in the
1 first instance be paid by the county in which it is located, but
2 such county shall be reimbursed for such expenses by all other
3 counties within the probation district to the extent and in the
4 proportions determined by the Supreme Court based upon population,
5 number of investigations, and probation cases handled or upon such
6 other basis as the Supreme Court deems fair and equitable.

7 (5) Each county shall provide office space and necessary
8 facilities for probation officers performing their official duties
9 and shall bear the costs incident to maintenance of such offices
10 other than salaries, travel expenses, and data processing and word
11 processing hardware and software that is provided on the state
12 computer network.

13 (6) The cost of interpreter services for deaf and hard of
14 hearing persons and for persons unable to communicate the English
15 language shall be paid by the state with money appropriated to the
16 Supreme Court. Interpreter services shall include auxiliary aids
17 for deaf and hard of hearing persons as defined in section 20-151
18 and interpreters to assist persons unable to communicate the
19 English language as defined in section 25-2402. Interpreter
20 services shall be provided under this section for the purposes of
21 conducting a presentence investigation and for ongoing supervision
22 by a probation officer of such persons placed on probation.

23 (7) The probation administrator shall prepare a budget
24 and request for appropriations for the office and shall submit such
25 request to the Supreme Court and with its approval to the

- 26 appropriate authority in accordance with law.
 27 Sec. 5. Original sections 20-159, 25-2406, and 29-2259,
 1 Reissue Revised Statutes of Nebraska, are repealed."

LEGISLATIVE BILL 50. Indefinitely postponed.

LEGISLATIVE BILL 203. Indefinitely postponed.

LEGISLATIVE BILL 218. Indefinitely postponed.

LEGISLATIVE BILL 255. Indefinitely postponed.

LEGISLATIVE BILL 439. Indefinitely postponed.

LEGISLATIVE BILL 649. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 689. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 100. Title read. Considered.

The Standing Committee amendment, AM0078, found on page 491, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 682. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 238. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 432. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 84. Title read. Considered.

The Standing Committee amendment, AM0206, found on page 498, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Messrs. Brashear, Bromm, and Preister asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 297. Title read. Considered.

The Standing Committee amendment, AM0221, found on page 499, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Ms. Schimek offered the following amendment:
AM0108

- 1 1. On page 4, line 3, strike "State Capitol Environs"
- 2 and insert "Capitol".

The Schimek amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 514. Placed on Select File as amended.
E & R amendment to LB 514:
AM7047

- 1 1. Because of the adoption of the Bromm amendment, FA17,
- 2 renumber original sections 3 to 9 as 2 to 8, respectively.
- 3 2. On page 1, strike beginning with "to" in line 5
- 4 through the semicolon in line 6.

LEGISLATIVE BILL 514A. Placed on Select File.

LEGISLATIVE BILL 148. Placed on Select File as amended.
E & R amendment to LB 148:
AM7048

- 1 1. On page 2, line 23, strike "provide" and insert
- 2 "provides".
- 3 2. On page 5, line 12, strike "3" and insert "4".
- 4 3. On page 6, line 21, after "that" insert "each"; and
- 5 in line 22 strike "programs" and insert "program".

LEGISLATIVE BILL 152. Placed on Select File.

LEGISLATIVE BILL 359. Placed on Select File as amended.
E & R amendment to LB 359:
AM7049

- 1 1. On page 1, line 4, after "define" insert "and"
- 2 redefine".

LEGISLATIVE BILL 359A. Placed on Select File.

LEGISLATIVE BILL 253. Placed on Select File.

LEGISLATIVE BILL 369. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 422.

(Signed) Adrian M. Smith, Chairperson

MOTION - Print in Journal

Mrs. Crosby filed the following motion to LB 468:
Withdraw LB 468.

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 350A:
AM0344

- 1 1. Insert the following new section:
- 2 "Sec. 4. There is hereby appropriated \$32,599 from the
- 3 Compensation Court Cash Fund for FY2000-01 to the Nebraska Workers'
- 4 Compensation Court, for Program 526, to aid in carrying out the
- 5 provisions of Legislative Bill 350, Ninety-sixth Legislature, First
- 6 Session, 1999.
- 7 Total expenditures for permanent and temporary salaries
- 8 and per diems from funds appropriated in this section shall not
- 9 exceed \$30,282 for FY2000-01."

Mr. Beutler filed the following amendment to LB 100:
AM0356

- 1 1. On page 3, line 7, after the second "recorded" insert
- 2 "by the claiming successor".

Mr. Beutler filed the following amendment to LB 100:
AM0354

- 1 1. On page 3, line 4, strike "and"; and in line 6 after
- 2 "property" insert "and
- 3 (7) the claiming successor is the spouse of the decedent
- 4 and the only claiming successor or the state inheritance taxes
- 5 relating to the transfer have been paid in full or have been
- 6 determined by the county not to be owing".

Mr. Beutler filed the following amendment to LB 100:

AM0355

- 1 1. On page 4, line 9, strike "and" and show as stricken;
- 2 and in line 11 after "property" insert "; and
- 3 (5) the claiming successor is the spouse of the decedent
- 4 and the only claiming successor or the state inheritance taxes
- 5 relating to the transfer have been paid in full or have been
- 6 determined by the county not to be owing".

Mr. Beutler filed the following amendment to LB 101:

AM0353

(Amendments to Standing Committee amendments, AM0213)

- 1 1. On page 2, line 4, after the period insert "Committee
- 2 members shall be reimbursed for actual and necessary expenses as
- 3 provided in sections 81-1174 to 81-1177."

BILL ON FIRST READING

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

LEGISLATIVE BILL 92A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 92, Ninety-sixth Legislature, First Session, 1999.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 52	Wednesday, February 24, 1999	1:30 p.m.
LB 76	Wednesday, February 24, 1999	1:30 p.m.
LB 391	Wednesday, February 24, 1999	1:30 p.m.
LB 597	Wednesday, February 24, 1999	1:30 p.m.
LB 599	Wednesday, February 24, 1999	1:30 p.m.
LB 248	Thursday, February 25, 1999	1:30 p.m.
LB 277	Thursday, February 25, 1999	1:30 p.m.
LB 312	Thursday, February 25, 1999	1:30 p.m.
LB 406	Thursday, February 25, 1999	1:30 p.m.
LB 408	Thursday, February 25, 1999	1:30 p.m.
LB 451	Thursday, February 25, 1999	1:30 p.m.
LB 567	Thursday, February 25, 1999	1:30 p.m.
LB 69	Friday, February 26, 1999	1:30 p.m.
LB 558	Friday, February 26, 1999	1:30 p.m.
LB 399	Friday, February 26, 1999	1:30 p.m.
LB 513	Friday, February 26, 1999	1:30 p.m.
LB 151	Wednesday, March 3, 1999	1:30 p.m.

LB 435	Wednesday, March 3, 1999	1:30 p.m.
LB 467	Wednesday, March 3, 1999	1:30 p.m.
LB 861	Wednesday, March 3, 1999	1:30 p.m.
LB 189	Wednesday, March 3, 1999	1:30 p.m.
LB 837	Wednesday, March 3, 1999	1:30 p.m.
LB 263	Thursday, March 4, 1999	1:30 p.m.
LB 70	Thursday, March 4, 1999	1:30 p.m.
LB 111	Thursday, March 4, 1999	1:30 p.m.
LB 222	Wednesday, March 10, 1999	1:30 p.m.
LB 295	Wednesday, March 10, 1999	1:30 p.m.
LB 565	Wednesday, March 10, 1999	1:30 p.m.
LB 593	Wednesday, March 10, 1999	1:30 p.m.
LB 598	Wednesday, March 10, 1999	1:30 p.m.
LB 613	Wednesday, March 10, 1999	1:30 p.m.
LB 623	Wednesday, March 10, 1999	1:30 p.m.
LB 690	Wednesday, March 10, 1999	1:30 p.m.
LB 724	Wednesday, March 10, 1999	1:30 p.m.
LB 527	Thursday, March 11, 1999	1:30 p.m.
LB 865	Thursday, March 11, 1999	1:30 p.m.
LB 866	Thursday, March 11, 1999	1:30 p.m.
LB 867	Thursday, March 11, 1999	1:30 p.m.
LB 316	Thursday, March 11, 1999	1:30 p.m.
LB 524	Thursday, March 11, 1999	1:30 p.m.
LB 450	Friday, March 12, 1999	1:30 p.m.
LB 617	Friday, March 12, 1999	1:30 p.m.
LB 622	Friday, March 12, 1999	1:30 p.m.
LB 651	Friday, March 12, 1999	1:30 p.m.
LB 734	Friday, March 12, 1999	1:30 p.m.
LB 759	Friday, March 12, 1999	1:30 p.m.
LB 824	Friday, March 12, 1999	1:30 p.m.
LB 160	Wednesday, March 17, 1999	1:30 p.m.
LB 254	Wednesday, March 17, 1999	1:30 p.m.
LB 282	Wednesday, March 17, 1999	1:30 p.m.
LB 341	Wednesday, March 17, 1999	1:30 p.m.
LB 591	Wednesday, March 17, 1999	1:30 p.m.
LB 614	Wednesday, March 17, 1999	1:30 p.m.
LB 615	Wednesday, March 17, 1999	1:30 p.m.
LB 661	Wednesday, March 17, 1999	1:30 p.m.
LB 699	Wednesday, March 17, 1999	1:30 p.m.
LB 700	Wednesday, March 17, 1999	1:30 p.m.
LB 840	Wednesday, March 17, 1999	1:30 p.m.
LB 201	Thursday, March 18, 1999	1:30 p.m.

LB 265	Thursday, March 18, 1999	1:30 p.m.
LB 655	Thursday, March 18, 1999	1:30 p.m.
LB 108	Thursday, March 18, 1999	1:30 p.m.
LB 481	Thursday, March 18, 1999	1:30 p.m.
LB 722	Thursday, March 18, 1999	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 451. No objections. So ordered.

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 608. No objections. So ordered.

Mr. Cudaback asked unanimous consent to have his name added as cointroducer to LB 252, LB 253, LB 595, and LB 855. No objections. So ordered.

Mr. Smith asked unanimous consent to have his name added as cointroducer to LB 84. No objections. So ordered.

VISITORS

Visitors to the Chamber were the Leadership Tomorrow Class from Aurora and Merrick County.

The Doctor of the Day was Dr. William Butz from Lincoln.

ADJOURNMENT

At 12:06 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, February 17, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY – FEBRUARY 17, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 17, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Dave Umbstead, First Church of God, McCook, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Brashear who was excused; and Mmes. Bohlke, Kiel, Robak, Messrs. Coordsen, Kristensen, Landis, Matzke, Dw. Pedersen, D. Pederson, Preister, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 134. Placed on Select File.

LEGISLATIVE BILL 163. Placed on Select File as amended.
E & R amendment to LB 163:
AM7050

- 1 1. On page 1, line 5, after the semicolon insert "to
- 2 harmonize provisions;"
- 3 2. On page 2, line 12, strike "isubutane" and insert
- 4 "isobutane".

LEGISLATIVE BILL 163A. Placed on Select File.

LEGISLATIVE BILL 92. Placed on Select File as amended.

E & R amendment to LB 92:

AM7051

- 1 1. In the Standing Committee amendments, AM0177, on page
- 2 1, line 2, strike "days" and insert "the comma"; and in line 15
- 3 strike "have to pay" and insert "be subject to".
- 4 2. On page 5, strike beginning with the first comma in
- 5 line 26 through "and" in line 27, show the old matter as stricken,
- 6 and insert "through".

LEGISLATIVE BILL 315. Placed on Select File.

LEGISLATIVE BILL 350. Placed on Select File.

LEGISLATIVE BILL 350A. Placed on Select File.

LEGISLATIVE BILL 839. Placed on Select File.

LEGISLATIVE BILL 839A. Placed on Select File.

Correctly Reengrossed

The following bill was correctly reengrossed: LB 270.

Enrollment and Review Change to LB 270

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

ER9010

1. The Bromm-Beutler amendment, AM0151, has been incorporated into the Final Reading copy.
2. On page 1, line 2, "66-1518," has been inserted after "sections"; and in line 3 "to require a report;" has been inserted after the semicolon.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 27. Placed on General File.

(Signed) Floyd P. Vrtiska, Chairperson

ANNOUNCEMENT

Mr. Cudaback designates LB 314 as his priority bill.

AMENDMENT - Print in Journal

Mr. Jensen filed the following amendment to LB 333:

AM0359

- 1 1. Strike sections 1, 2, and 4.
- 2 2. On page 2, line 13, strike "facility" and insert
- 3 "pharmacy"; in line 15 after "pharmacist" insert ", except that

- 4 drugs and devices dispensed to residents of a long-term care
- 5 facility shall be destroyed on the site of the long-term care
- 6 facility"; strike beginning with the first "for" in line 19 through
- 7 "destruction" in line 20; in lines 24 and 26 after "The" insert
- 8 "dispensed"; in line 26 strike "is" and insert "shall be"; and in
- 9 line 28 strike "an" and insert "the".
- 10 3. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORT **Business and Labor**

The Business and Labor Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Department of Labor
Fernando Lecuona III, Commissioner

VOTE: Aye: Senators Hilgert, Preister, Redfield, Schimek, Vrtiska, and Dierks. Nay: None. Present, not voting: Senator Chambers. Absent: None.

(Signed) Floyd P. Vrtiska, Chairperson

GENERAL FILE

LEGISLATIVE BILL 774. Title read. Considered.

The Standing Committee amendment, AM0211, found on page 482, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Messrs. Bruning and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE RESOLUTION 21CA. Read. Considered.

The Standing Committee amendment, AM0210, found on page 483, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SPEAKER KRISTENSEN PRESIDING

Mr. Coordsen moved to indefinitely postpone LR 21CA.

Laid over.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 28 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 28.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 461. Title read. Considered.

The Standing Committee amendment, AM0222, found on page 499, was considered.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA22

Amend Committee Amendment

Strike "public".

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARING
Health and Human Services

Thursday, February 25, 1999
HHS 1999 State Plan:

Community Services Block Grant

1:30 p.m.

Adm. of HHS Office of Juvenile Services
Mark Martin

(Signed) Jim Jensen, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 226. Corrected Standing Committee amendment:
AM0365

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) The Legislature finds that many
- 4 controlled substances have useful and legitimate medical and
- 5 scientific purposes and are necessary to maintain the health and
- 6 general welfare of the people of Nebraska. Principles of quality
- 7 medical practice dictate that the people of Nebraska have access to
- 8 appropriate and effective pain relief.
- 9 (2) The Legislature finds that the appropriate
- 10 application of up-to-date knowledge and treatment modalities can
- 11 serve to improve the quality of life for those patients who suffer
- 12 from pain. The Legislature therefor encourages physicians to view
- 13 effective pain management as a part of quality medical practice for
- 14 all patients with pain, acute or chronic, including those patients
- 15 who experience pain as a result of terminal illness.
- 16 (3) The Legislature finds that a physician should be able
- 17 to administer a controlled substance in excess of the recommended
- 18 dosage for the treatment of pain so long as such dosage is not
- 19 administered for the purpose of causing, or the purpose of
- 20 assisting in causing, death for any reason and so long as it
- 21 conforms to policies and guidelines for the treatment of pain
- 22 adopted by the Board of Examiners in Medicine and Surgery.
- 23 (4) The Legislature finds that a health care facility,
- 1 hospice, or third-party payor should not forbid or restrict the use
- 2 of controlled substances appropriately administered for the
- 3 treatment of pain.
- 4 Sec. 2. A physician licensed under the Uniform Licensing
- 5 Law who administers a controlled substance in excess of the
- 6 recommended dosage for the treatment of pain shall not be subject
- 7 to discipline under sections 71-147 to 71-161.20 or criminal
- 8 prosecution under the Uniform Controlled Substances Act when: (1)
- 9 In the judgment of the physician, appropriate pain management
- 10 warrants such dosage; (2) the controlled substance is not
- 11 administered for the purpose of causing, or the purpose of
- 12 assisting in causing, death for any reason; and (3) the
- 13 administration of the controlled substance conforms to policies and
- 14 guidelines for the treatment of pain adopted by the Board of
- 15 Examiners in Medicine and Surgery.
- 16 Sec. 3. The Board of Examiners in Medicine and Surgery

17 shall adopt policies and guidelines for the treatment of pain to
18 ensure that physicians who are engaged in the appropriate treatment
19 of pain are not subject to disciplinary action, and the board shall
20 consider policies and guidelines developed by national
21 organizations with expertise in pain management for this purpose.".

(Signed) Jim Jensen, Chairperson

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 568. Indefinitely postponed.

LEGISLATIVE BILL 737. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Mr. Dierks filed the following amendment to LB 379:

AM0264

1 1. Insert the following new sections:
2 "Sec. 2. Section 28-412, Revised Statutes Supplement,
3 1998, is amended to read:
4 28-412. It shall be unlawful for any duly licensed
5 practicing physician to prescribe, or for any duly licensed
6 practicing physician, physician assistant, dentist, or
7 veterinarian, to administer, in any manner or form, any cocaine,
8 alpha or beta eucaine, morphine, or opium, or any salt, compound,
9 or derivative of any of the foregoing substances, or any
10 preparation, product, or compound, containing any of the foregoing
11 substances or any of their salts, compounds, or derivatives, for,
12 or to, any person addicted to the habitual use of cocaine, alpha or
13 beta eucaine, morphine, or opium, or any salt, compound, or
14 derivative of any of the foregoing substances, or any preparation,
15 product, or compound containing any of the foregoing substances or
16 any of their salts, compounds, or derivatives, except that a
17 reputable and duly licensed practicing physician may personally
18 administer to a patient who is a habitual user of such drugs, or
19 any of them, necessary doses thereof, when it has been in good
20 faith determined by two reputable and duly licensed practicing
21 physicians, in consultation, to be absolutely necessary in the
22 medical treatment of such patient, in which case, the physician
23 administering such drugs, or any of them, shall make and keep a
24 record in writing of the name and address of the person to whom
1 such drugs, or any of them, were administered, the date
2 administered, the form and quantity of drug administered, the name
3 and address of the consulting physician, and the date and place of
4 consultation. Such record shall be retained and preserved within
5 the State of Nebraska, and the county where administered, for a

6 period of at least seven years, and shall always be open for
7 inspection by the Department of Health and Human Services
8 Regulation and Licensure, state, county and city health officers,
9 county attorneys, grand juries, and all officers of the law, and by
10 agents appointed by them, or any of them, for the purpose of making
11 an inspection. The record shall be made at the time of each
12 administration of such drugs, or any of them, and a copy of the
13 record shall, within five days after each administration of such
14 drugs, or any of them, as in this section provided, be filed with
15 the county attorney of the county in which the administering took
16 place, by the physician administering the drugs, or any of them,
17 and shall have affixed thereto the signature and address of the
18 administering physician.

19 Any person violating any of the provisions or
20 requirements of this section or any part thereof shall be guilty of
21 a Class IV felony.

22 Sec. 3. Section 28-415, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 28-415. (1) Whenever a manufacturer sells or dispenses a
25 narcotic drug and whenever a wholesaler sells or dispenses a
26 narcotic drug in a package prepared by him or her, he or she shall
27 securely affix to each package in which the drug is contained a
1 label showing in legible English the name and address of the vendor
2 and the quantity, kind, and form of narcotic drug contained
3 therein. No person, except an apothecary for the purpose of
4 filling a prescription under ~~this article~~ the Uniform Controlled
5 Substances Act, shall alter, deface, or remove any label so
6 affixed.

7 (2) Whenever an apothecary sells or dispenses any
8 narcotic drug on a prescription issued by a physician, physician
9 assistant, dentist, podiatrist, or veterinarian, he or she shall
10 affix to the container in which such drug is sold or dispensed a
11 label in accordance with the requirements stated in subdivisions
12 (4)(f) and (g) of section 28-414. No person shall alter, deface,
13 or remove any label so affixed."

14 2. On page 3, line 15, after the first comma insert
15 "physician assistant".

16 3. On page 11, line 10, strike "section" and insert
17 "sections 28-415 and"; and in line 11 strike "section 28-401" and
18 insert "sections 28-401 and 28-412".

19 4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE**LEGISLATIVE RESOLUTION 14CA.** Read. Considered.**MR. WICKERSHAM PRESIDING**

The Standing Committee amendment, AM0197, found on page 499, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment:

FA23

Page 2, line 6, strike "of the same political party status"

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Ms. Schimek requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 32:

Baker	Connealy	Jones	Peterson, C.	Schmitt
Beutler	Coordsen	Kiel	Preister	Schrock
Bohlke	Cudaback	Kristensen	Price	Suttle
Bourne	Hartnett	Matzke	Raikes	Thompson
Brown	Hilgert	Pedersen, Dw.	Robak	Vrtiska
Bruning	Hudkins	Pederson, D.	Schellpeper	Wickersham
Chambers	Janssen			

Voting in the negative, 12:

Bromm	Jensen	Quandahl	Schimek	Stuhr
Byars	Kremer	Redfield	Smith	Tyson
Crosby	Lynch			

Excused and not voting, 5:

Brashear	Dierks	Engel	Landis	Wehrbein
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The Chambers amendment was adopted with 32 ayes, 12 nays, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 36 ayes, 8 nays, and 5 excused and not voting.

Ms. Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 63. Placed on General File.

LEGISLATIVE BILL 346. Placed on General File.

LEGISLATIVE BILL 552. Placed on General File.

LEGISLATIVE BILL 550. Placed on General File as amended.
Standing Committee amendment to LB 550:

AM0364

- 1 1. On page 118, strike lines 11 through 16.
- 2 2. On page 203, line 18, strike "licensee" and insert
- 3 "licensor".
- 4 3. On page 231, line 7, strike "officer" and insert
- 5 "office".
- 6 4. On page 267, lines 2 and 3, strike "or (c)"; and in
- 7 line 24 strike "(a)".
- 8 5. On page 269, strike lines 4 through 9.
- 9 6. On page 280, line 12, strike "Supplements" and insert
- 10 "Supplement"; and in line 15 after "Code" insert ", are repealed."

(Signed) David M. Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 795. Placed on Select File as amended.
E & R amendment to LB 795:

AM7052

- 1 1. On page 4, line 6, after the semicolon insert "and";
- 2 in line 11 strike "; and", show as stricken, and insert an
- 3 underscored period; and in line 12 strike "(ix)" and show as
- 4 stricken.
- 5 2. On page 6, line 21, strike "said", show as stricken,
- 6 and insert "the".
- 7 3. On page 7, line 26, after the semicolon insert "and".
- 8 4. On page 8, line 3, strike "; and", show as stricken,
- 9 and insert an underscored period; and in line 4 strike "(ix)" and
- 10 show as stricken.
- 11 5. On page 10, line 3, after the semicolon insert "and";
- 12 in line 4 strike "level" and insert "levels"; in line 8 strike "
- 13 and", show as stricken, and insert an underscored period; and in
- 14 line 9 strike "(i)" and show as stricken.
- 15 6. On page 12, line 9, after the semicolon insert "and";
- 16 in line 14 strike "; and", show as stricken, and insert an
- 17 underscored period; and in line 15 strike "(i)" and show as
- 18 stricken.
- 19 7. On page 16, line 5, after the semicolon insert "and";
- 20 in line 10 strike "; and", show as stricken, and insert an

- 21 underscored period; and in line 11 strike "(ix)" and show as
22 stricken.
- 23 8. On page 18, line 27, after the semicolon insert
24 "and".
- 1 9. On page 19, line 5, strike "; and", show as stricken,
2 and insert an underscored period; and in line 6 strike "(ix)" and
3 show as stricken.
- 4 10. On page 21, line 22, after the semicolon insert
5 "and"; and in line 28 strike "; and", show as stricken, and insert
6 an underscored period.
- 7 11. On page 22, line 1, strike "(ix)" and show as
8 stricken.
- 9 12. On page 24, line 25, after the semicolon insert
10 "and".
- 11 13. On page 25, line 3, strike "; and", show as
12 stricken, and insert an underscored period; and in line 4 strike
13 "(ix)" and show as stricken.
- 14 14. On page 26, line 14, strike "class", show as
15 stricken, and insert "classes".
- 16 15. On page 27, line 22, after the semicolon insert
17 "and"; in line 27 strike "; and", show as stricken, and insert an
18 underscored period; and in line 28 strike "(ix)" and show as
19 stricken.
- 20 16. On page 32, line 10, reinstate the stricken matter;
21 in line 23 after the semicolon insert "and"; and in line 28 strike
22 "; and", show as stricken, and insert an underscored period.
- 23 17. On page 33, line 1, strike "(ix)" and show as
24 stricken.
- 25 18. On page 35, line 12, after the semicolon insert
26 "and"; in line 19 strike "; and", show as stricken, and insert an
27 underscored period; in line 20 strike "(ix)" and show as stricken;
1 and in line 28 after "defined" insert "benefit".
- 2 19. On page 37, line 26, after the semicolon insert
3 "and".
- 4 20. On page 38, line 3, strike "; and", show as
5 stricken, and insert an underscored period; and in line 4 strike
6 "(i)" and show as stricken.
- 7 21. On page 40, line 13, after the semicolon insert
8 "and"; in line 18 strike "; and", show as stricken, and insert an
9 underscored period; and in line 19 strike "(i)" and show as
10 stricken.

LEGISLATIVE BILL 148A. Placed on Select File.

LEGISLATIVE BILL 465. Placed on Select File.

LEGISLATIVE BILL 846. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

ANNOUNCEMENTS

The Banking, Commerce and Insurance Committee designates LB 550 as its priority bill.

Mrs. Robak designates LB 355 as her priority bill.

STANDING COMMITTEE REPORT Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Department of Economic Development
Lynn Allan Wenstrand, Director

VOTE: Aye: Senators Landis, Tyson, Bourne, Bruning, Byars, Jensen, Kremer, and Schmitt. Nay: None. Absent: None.

(Signed) David M. Landis, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 86A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 86, Ninety-sixth Legislature, First Session, 1999.

STANDING COMMITTEE REPORT Education

LEGISLATIVE BILL 314. Placed on General File as amended.

Standing Committee amendment to LB 314:

AM0328

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Hardship Fund is created. Money in the
- 4 fund shall be distributed to districts pursuant to section 2 of
- 5 this act. The fund shall consist of any money not distributed as
- 6 temporary mitigation funds pursuant to section 79-1072.01 and other
- 7 funds appropriated by the Legislature. The Legislature shall
- 8 annually appropriate sufficient funds to maintain the amount not
- 9 distributed as temporary mitigation funds pursuant to section
- 10 79-1072.01 as the beginning balance in the fund at the beginning of
- 11 each fiscal year. Money in the fund available for investment shall

12 be invested by the state investment officer pursuant to the
13 Nebraska Capital Expansion Act and the Nebraska State Funds
14 Investment Act.

15 Sec. 2. (1) A school district may apply to the
16 Commissioner of Education, in a manner prescribed by the
17 commissioner, for money from the Hardship Fund if one or more
18 unexpected discrete occurrences cause the district financial
19 distress. Such occurrences include, but are not limited to:

20 (a) One or more new special education students or one or
21 more new disabling conditions of a special education student
22 causing special education expenditures to increase by ten percent
23 over the prior school fiscal year's special education expenditures,
24 but not less than three times the cost grouping cost per student in
1 the standard cost grouping in the current school fiscal year;

2 (b) The opening of a group home causing expenditures to
3 increase by ten percent over the prior school fiscal year's special
4 education expenditures but not less than three times the cost
5 grouping cost per student in the standard cost grouping for the
6 current school fiscal year; and

7 (c) Clerical errors by public officials that are
8 affecting the funding available to the district.

9 (2) If the district will receive reimbursement from
10 another source for the costs that are being covered by money
11 received from the Hardship Fund, the district shall reimburse the
12 fund in a manner to be determined by the commissioner. For money
13 received from the fund that will cover reimbursable special
14 education costs, one-third of the reimbursed amount will be
15 subtracted from the special education reimbursements each year for
16 the three years following receipt of such funds. Money received
17 from the fund shall be included in the special education allowance
18 under the Tax Equity and Educational Opportunities Support Act,
19 except that if the district will be reimbursed for those costs and
20 the district will repay the fund, the amount of repayment shall not
21 be included in the allowance.

22 (3) The commissioner shall notify the district of his or
23 her decision within thirty days after receiving the application.
24 The commissioner may award any amount of available money from the
25 fund he or she deems appropriate with any repayment conditions that
26 he or she deems appropriate and consistent with this section. The
27 commissioner may also refuse to award any money under this section
1 in response to a particular request.

2 (4) Before money is distributed to a district under this
3 section, the president of the school board shall sign an agreement
4 stating that:

5 (a) The costs for which money is being distributed are as
6 accurate as can be determined at that point;

7 (b) The events were unexpected; and

8 (c) The district will make any required repayments to the
9 fund.

10 (5) Up to two-thirds of the money appropriated to the
 11 fund shall be available to be awarded for requests received between
 12 July 1 to December 31 of each fiscal year. The remainder of the
 13 appropriation shall be available to be awarded for requests
 14 received between January 1 to June 30 of each fiscal year.

15 (6) Nothing in this section guarantees an award of money
 16 from the Hardship Fund to any district. Money from the fund shall
 17 be paid as a lump sum to each district receiving funds and shall be
 18 limited to a one-year impact per unexpected discrete occurrence."

(Signed) Ardyce L. Bohlke, Chairperson

MESSAGE FROM THE GOVERNOR

February 17, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 83, 121, 165, 178, 293, 47, 57, and 57A were received in my office on February 12, 1999.

These bills were signed by me on February 17, 1999, and delivered to the Secretary of State.

Sincerely,
 (Signed) Mike Johanns
 Governor

NOTICE OF COMMITTEE HEARINGS Nebraska Retirement Systems

Wednesday, February 24, 1999
 Public Employees Retirement Board
 Action Plan

12:00 noon

(Signed) Elaine Stuhr, Chairperson

Government, Military and Veterans Affairs

LB 421	Wednesday, February 24, 1999	1:30 p.m.
LB 96	Wednesday, February 24, 1999	1:30 p.m.
LB 157	Wednesday, February 24, 1999	1:30 p.m.
LB 377	Wednesday, February 24, 1999	1:30 p.m.
LB 409	Wednesday, February 24, 1999	1:30 p.m.

LB 579	Thursday, February 25, 1999	1:30 p.m.
LB 580	Thursday, February 25, 1999	1:30 p.m.
LB 581	Thursday, February 25, 1999	1:30 p.m.
LB 582	Thursday, February 25, 1999	1:30 p.m.
LB 311	Friday, February 26, 1999	1:30 p.m.
LB 695	Friday, February 26, 1999	1:30 p.m.
LB 433	Friday, February 26, 1999	1:30 p.m.
LB 206	Wednesday, March 3, 1999	1:30 p.m.
LB 510	Wednesday, March 3, 1999	1:30 p.m.
LB 692	Wednesday, March 3, 1999	1:30 p.m.
LB 457	Wednesday, March 3, 1999	1:30 p.m.
LB 604	Thursday, March 4, 1999	1:30 p.m.
LB 430	Thursday, March 4, 1999	1:30 p.m.
LB 204	Thursday, March 4, 1999	1:30 p.m.
LB 821	Thursday, March 4, 1999	1:30 p.m.
LB 859	Wednesday, March 10, 1999	1:30 p.m.
LB 276	Wednesday, March 10, 1999	1:30 p.m.
LB 506	Wednesday, March 10, 1999	1:30 p.m.
LB 801	Wednesday, March 10, 1999	1:30 p.m.
LB 775	Wednesday, March 10, 1999	1:30 p.m.
LB 156	Thursday, March 11, 1999	1:30 p.m.
LB 455	Thursday, March 11, 1999	1:30 p.m.
LB 847	Thursday, March 11, 1999	1:30 p.m.
LB 499	Thursday, March 11, 1999	1:30 p.m.
LB 718	Thursday, March 11, 1999	1:30 p.m.
LB 230	Friday, March 12, 1999	1:30 p.m.
LB 426	Friday, March 12, 1999	1:30 p.m.
LB 642	Friday, March 12, 1999	1:30 p.m.
LB 349	Friday, March 12, 1999	1:30 p.m.
LB 717	Wednesday, March 17, 1999	1:30 p.m.
LB 731	Wednesday, March 17, 1999	1:30 p.m.
LB 754	Wednesday, March 17, 1999	1:30 p.m.
LB 696	Wednesday, March 17, 1999	1:30 p.m.
LB 563	Thursday, March 18, 1999	1:30 p.m.
LB 803	Thursday, March 18, 1999	1:30 p.m.
LB 728	Thursday, March 18, 1999	1:30 p.m.
LB 830	Thursday, March 18, 1999	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 436. Title read. Considered.

The Standing Committee amendment, AM0196, found on page 499, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 566. Title read. Considered.

The Standing Committee amendment, AM0161, found on page 499, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 67. Title read. Considered.

The Standing Committee amendment, AM0086, found on page 518, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Messrs. Jones and Bromm asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 596. Title read. Considered.

The Standing Committee amendment, AM0282, found on page 523, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

Ms. Redfield asked unanimous consent to have her name added as cointroducer to LB 299. No objections. So ordered.

Mmes. Crosby, Robak, and Mr. Dw. Pedersen asked unanimous consent to have their names added as cointroducers to LB 653. No objections. So ordered.

Mr. Cudaback asked unanimous consent to have his name added as cointroducer to LB 314. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dr. Valeric Borisovich Golubev, Dr. Andrey Vitalyevich Ilin, Dr. Gennadiy Lvovich Kupryashin, Dr. Konstantin Moiseyevich Plotkin, Dr. Yekaterina Nikolayevna Rakhmanova, and Dr. Vera Borisovna Romanovskaya from Russia, and interpreters, Ms. Asta Aristov and Ms. Irina Klahn; Darwin Scott, Sherri, and Kimberly Umbstead from McCook; Nadine de Bacco and Suzi Baird from Gering; members of VIP Chadron from the 49th District; former Senator Jerry Willhoft from Central City; and LaRae Worden from Norfolk, Carol Reed, Jeanne Saathoff, and Sharon Mason from Kearney.

The Doctor of the Day was Dr. Richard Hanisch from St. Paul.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Thursday, February 18, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY – FEBRUARY 18, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 18, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Sister Joy Connealy, Sisters of Notre Dame, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Brashear who was excused; and Messrs. Bromm, Byars, Dierks, Hilgert, Matzke, Dw. Pedersen, D. Pederson, Schrock, Wehrbein, Mmes. Brown, Kiel, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

ANNOUNCEMENT

Mrs. Kiel designates LB 829 as her priority bill.

**STANDING COMMITTEE REPORT
Banking, Commerce and Insurance**

LEGISLATIVE BILL 424. Placed on General File as amended.
Standing Committee amendment to LB 424:
AM0379

- 1 1. On page 4, strike beginning with "which" in line 15
- 2 through "include" in line 16 and insert "including"; in line 24
- 3 after the semicolon insert "and"; and in lines 27 and 28 strike "
- 4 and" and insert an underscored period.
- 5 2. On page 5, strike lines 1 through 3.
- 6 3. On page 7, line 15, after "any" insert "additional";

7 and in line 16 strike "solely".

(Signed) David M. Landis, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Withdraw LB 468

Mrs. Crosby renewed her pending motion, found on page 585, to withdraw LB 468.

The Crosby motion to withdraw prevailed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 84A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 92A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 331. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 703. Title read. Considered.

The Standing Committee amendment, AM0193, found on page 535, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Wickersham and Mrs. Stuhr offered the following amendment:
AM0401

- 1 1. On page 16, line 3, strike "treasurer of the" and
- 2 show as stricken; and in line 4 after "shall" insert "designate its
- 3 treasurer or an equivalent official, including the State Treasurer,
- 4 to".
- 5 2. On page 17, line 22, after "(12)" insert "If a county
- 6 has not established a deferred compensation plan pursuant to this
- 7 section, each individual may require that the county enter into an

8 agreement with the individual to defer a portion of such
 9 individual's compensation and place it under the management and
 10 supervision of the state deferred compensation plan created
 11 pursuant to sections 84-1504 to 84-1506. If such an agreement is
 12 made, the county shall designate the State Treasurer as custodian
 13 of such deferred compensation funds, and such deferred compensation
 14 funds shall become a part of the trust administered by the Public
 15 Employees Retirement Board pursuant to sections 84-1504 to 84-1506.
 16 (13)".

17 3. On page 45, line 15, after "state" insert "or
 18 county"; and in line 25 strike "or", show as stricken, and insert
 19 an underscored comma and after "agency" insert ", or the county".

20 4. On page 46, strike lines 5 through 11 and insert
 21 "(8) For purposes of this section, individual means (a)
 22 any state employee, whether employed on a permanent or temporary
 23 basis, full-time or part-time; (b) a person under contract
 24 providing services to the state who is not employed by the
 1 University of Nebraska or any of the state colleges or community
 2 colleges and who has entered into a contract with the state to have
 3 compensation deferred prior to the effective date of this act; and
 4 (c) any county employee designated as a permanent part-time or
 5 full-time employee or elected official whose employer does not
 6 offer a deferred compensation plan and who has entered into an
 7 agreement pursuant to section 48-1401."

The Wickersham-Stuhr amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS Health and Human Services

LEGISLATIVE BILL 324. Placed on General File.

(Signed) Jim Jensen, Chairperson

Transportation

LEGISLATIVE BILL 356. Placed on General File.

LEGISLATIVE BILL 446. Placed on General File.

LEGISLATIVE BILL 762. Indefinitely postponed.

LEGISLATIVE BILL 763. Indefinitely postponed.

LEGISLATIVE BILL 764. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

Friday, February 26, 1999 1:30 p.m.

Agency 28 - Department of Veterans Affairs
Agency 38 - Commission on Status of Women
Agency 68 - Mexican-American Commission
Agency 70 - Foster Care Review Board
Agency 76 - Commission on Indian Affairs

Monday, March 1, 1999 1:30 p.m.

Agency 66 - Board of Examiners Abstracters
Agency 41 - Real Estate Commission
Agency 24 - Department of Motor Vehicles
Agency 90 - Nebraska Railway Council
Agency 27 - Department of Roads

Tuesday, March 2, 1999 1:30 p.m.

Agency 13 - Department of Education
Agency 82 - Commission on Hearing Impaired
Agency 34 - Nebraska Library Commission
Agency 69 - Nebraska Arts Council

LB 489 Tuesday, March 2, 1999 1:30 p.m.

Wednesday, March 3, 1999 1:30 p.m.

Agency 14 - Public Service Commission
Agency 15 - Board of Pardons and Parole
Agency 11 - Attorney General
Agency 94 - Commission on Public Advocacy
Agency 5 - Supreme Court
Agency 67 - Equal Employment Opportunity Commission

Thursday, March 4, 1999 1:30 p.m.

Agency 32 - Educational Lands and Funds
Agency 62 - Board of Examiners Land Surveyors
Agency 93 - Tax Equalization and Review Commission
Agency 16 - Department of Revenue
Agency 87 - Political Accountability/Disclosure Commission
Agency 65 - Department of Administrative Services

LB 873 Thursday, March 4, 1999 1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

ANNOUNCEMENT

The Natural Resources Committee designates LB 530 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 60. Title read. Considered.

Mr. Chambers offered the following amendment:

FA24

Page 2, line 8, strike "to canvass" and show as stricken; insert, "for the sole purpose of canvassing"

The Chambers amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 380. Title read. Considered.

MR. CUDABACK PRESIDING

The Standing Committee amendment, AM0246, found on page 536, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 411. Title read. Considered.

The Standing Committee amendment, AM0272, printed separately and referred to on page 536, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 495. Placed on General File as amended.

Standing Committee amendment to LB 495:

AM0390

1. On page 3, line 15, strike "six" and insert "four".

(Signed) Ardyce L. Bohlke, Chairperson

Natural Resources

LEGISLATIVE BILL 530. Placed on General File.

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be

confirmed by the Legislature and suggests a record vote.

Natural Resources Commission
Dayle Williamson, Director

VOTE: Aye: Senators Bohlke, Bromm, Bruning, Hudkins, Jones, Preister, Schrock, and Stuhr. Nay: None. Absent: None

(Signed) Ed Schrock, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 333A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 333, Ninety-sixth Legislature, First Session, 1999; and to reduce an appropriation.

RESOLUTION

LEGISLATIVE RESOLUTION 31. Introduced by Raikes, 25.

WHEREAS, the Burlington Northern Railroad Company has property located in Lancaster County, Nebraska, which will be maintained as an addition to the Jack Sinn Wildlife Management Area for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Burlington Northern Santa Fe Railroad Company.

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

1. That the Legislature approves the gift from the Burlington Northern Railroad Company to the Game and Parks Commission of all of the real estate described as follows:

Parcel 1. A portion of lot 28, irregular tracts in the northeast quarter of section 5, township 12, range 7 east of the 6th principal meridian, Lancaster County, Nebraska, more particularly described as follows: Referring to the north quarter corner of said section 5, thence south along the west line of the northeast quarter, a distance of 1,160 feet to the point of beginning; thence southeasterly a deflection of 81 degrees, 41 minutes left, a distance of 477.2 feet; thence southeasterly a deflection of 27 degrees, 50 minutes right, a distance of 452.8 feet; thence northeasterly a deflection of 97 degrees, 10 minutes left, a distance of 485.9 feet; thence southeasterly a deflection of 91 degrees, 10 minutes right, a distance of 260 feet, more or less, to the west

right-of-way line of the Chicago and Northwestern Railroad tracks; thence southeasterly along said right-of-way line, a distance of 621.9 feet, more or less; thence westerly perpendicular to the said right-of-way, a distance of 15 feet; thence southeasterly and continuing along said railroad right-of-way a distance of 992 feet, more or less, to the south line of the northeast quarter of the said section; thence west along the south line of the northeast quarter of the said section, a distance of 1,480.2 feet, more or less, to the center of the said section; thence north along the west line of the said northeast quarter, a distance of 1,668.9 feet, more or less, to the point of beginning.

Parcel 2. A portion of lots 28, irregular tracts, in the northeast quarter of section 5, township 12 north, range 7 east of the 6th principal meridian, Lancaster County, Nebraska, more particularly described as follows: A parcel of land being part of lots 17 and 21 of irregular tracts as previously described in irregular tract descriptions book 7, in the northeast quarter of section 5, township 12 north, range 7 east of the 6th principal meridian, Lancaster County, Nebraska, being described as follows: Beginning at the southeast corner of the northeast quarter of said section 5, and assuming the east line of said northeast quarter to have a bearing of north 00 degrees, 00 minutes, 00 seconds east; thence south 88 degrees, 42 minutes, 36 seconds west on the south line of said northeast quarter, a distance of 1,019.32 feet to a point on the east line of the abandoned Chicago and Northwestern Railroad right-of-way; thence north 07 degrees, 41 minutes, 19 seconds west of said east line, a distance of 1,007.32 feet; thence south 82 degrees, 18 minutes, 41 seconds west continuing on said east line, a distance of 15 feet; thence north 07 degrees, 41 minutes, 19 seconds west continuing on said east line a distance of 329.19 feet to the northwest corner of a parcel of land previously described and recorded by instrument number 92-8489, this also being the northwest corner of lot 30 of irregular tracts as previously described in irregular tract descriptions book 14, page 3610, this being the true point of beginning; thence north 07 degrees, 41 minutes, 19 seconds west continuing on said east line, a distance of 237.51 feet to a point on the centerline of a creek; thence along the centerline of said creek as follows: South 89 degrees, 15 minutes, 37 seconds east 133.55 feet, north 54 degrees, 32 minutes, 29 seconds east 204.67 feet, north 10 degrees, 46 minutes, 51 seconds east 223.92 feet, north 27 degrees, 35 minutes, 46 seconds west 137.27 feet, north 52 degrees, 23 minutes, 03 seconds west 231.74 feet, south 10 degrees, 00 minutes, 52 seconds west 139.29 feet, north 88 degrees, 22 minutes, 07 seconds west 69.06 feet, north 38 degrees, 38 minutes, 15 seconds west 124.47 feet to a point on the east line of the said abandoned Chicago and Northwestern Railroad right-of-way; thence north 07 degrees, 41 minutes, 19 seconds west on said east line, a distance of 33.75 feet to a point on the west line of the northeast quarter of the northeast quarter of said section 5; thence north 00 degrees, 08 minutes, 05 seconds west on said west line, a distance of 682.57 feet to the northwest corner of said northeast quarter of the northeast quarter, this also being the northwest corner of said lot 21, of irregular tracts; thence north 88 degrees, 13 minutes, 02 seconds east on the north line of said section 5, a distance of 514.07 feet to the northwest corner of a parcel of land previously described and recorded by instrument number 74-7003, this also being the northwest corner of lot 20, of irregular tracts as

previously described in irregular tract descriptions book 7; thence south 01 degrees, 52 minutes, 16 seconds east on the west line of said parcel, a distance of 394.27 feet to the southwest corner of said parcel; thence south 78 degrees, 48 minutes, 23 seconds east on the south line of said parcel, a distance of 636.33 feet to a point on the west line of U.S. Highway No. 77; thence south 02 degrees, 59 minutes, 30 seconds east on said west line, a distance of 767.31 feet; thence south 09 degrees, 26 minutes, 54 seconds west continuing on said west line, a distance of 304.18 feet; thence south 01 degrees, 38 minutes, 39 seconds east continuing on said west line, a distance of 100.11 feet to a point on the north line of a parcel of land previously described and recorded by instrument number 92-8489, this also being the north line of said lot 30; thence north 81 degrees, 27 minutes, 45 seconds west on said north line, a distance of 1041.68 feet to the true point of beginning.

Parcel 3. Part of the abandoned Chicago and Northwestern Railroad right-of-way, located in the northeast quarter of section 5, township 12 north, range 7 east of the 6th principal meridian, Lancaster County, Nebraska, described as follows: Beginning at the southeast corner of said northeast quarter, and assuming the east line of said northeast quarter to have a bearing of north 00 degrees, 00 minutes, 00 seconds east; thence south 88 degrees, 42 minutes, 36 seconds west on the south line of said northeast quarter, a distance of 1019.32 feet to a point on the east line of said abandoned Chicago and Northwestern Railroad right-of-way, said point being the true point of beginning, thence on said east line as follows: North 07 degrees, 41 minutes, 19 seconds west 1007.29 feet, south 82 degrees, 18 minutes, 41 seconds west 15 feet, north 07 degrees, 41 minutes, 19 seconds west 566.7 feet to the centerline of a creek; thence north 68 degrees, 29 minutes, 31 seconds west on said centerline, a distance of 114.55 feet to the west line of said abandoned Chicago and Northwestern Railroad right-of-way; thence on said west line as follows: South 07 degrees, 41 minutes, 19 seconds east 622.58 feet; south 82 degrees, 18 minutes, 41 seconds west 15 feet; south 07 degrees, 41 minutes, 19 seconds east 992.71 feet to a point on the south line of said northeast quarter; thence north 88 degrees, 42 minutes, 36 seconds east on said south line, a distance of 130.81 feet to the true point of beginning, containing 4.35 acres, more or less. This parcel is also known as lot 7, irregular tracts in the northeast quarter of section 5, township 12 north, range 7 west of the 6th principal meridian, Lancaster County, Nebraska.

2. That such approval is granted with the understanding that the land described shall be designated a wildlife management area and accepted by the Game and Parks Commission.

Laid over.

AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LB 243:
AM0397

- 1 1. On page 2, line 7, strike "one hundred" and insert
- 2 "seventy-five"; in line 20 reinstate the stricken matter and strike

- 3 "the"; in line 21 strike the new matter; and in line 27 after
- 4 "year" insert ", and the amount of tuition credits granted shall
- 5 not exceed nine hundred thousand dollars during any fiscal year".

Mr. Jones filed the following amendment to LB 92:

AM0369

- 1 1. On page 7, after line 13 insert the following new
- 2 subsection:
- 3 "(7) This section terminates on January 1, 2005."

GENERAL FILE

LEGISLATIVE BILL 440. Title read. Considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, AM0301, found on page 536, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 519. Title read. Considered.

The Standing Committee amendment, AM0126, found on page 537, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA25

Amend Committee Amendments (AM0126)

Page 1, line 14, strike the period and add, "and is a matter of statewide concern."

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

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 475. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 479. Title read. Considered.

Messrs. Dierks and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

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

Advanced to E & R for review with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 234. Title read. Considered.

The Standing Committee amendment, AM0249, printed separately and referred to on page 560, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 802. Title read. Considered.

The Standing Committee amendment, AM0320, found on page 560, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 214. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 86. Title read. Considered.

The Standing Committee amendment, AM0297, found on page 561, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

Mrs. Stuhr designates LB 495 as her priority bill.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 272A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 272, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 774A. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 774, Ninety-sixth Legislature, First Session, 1999.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 250. Placed on General File.

LEGISLATIVE BILL 416. Placed on General File.

LEGISLATIVE BILL 417. Placed on General File.

LEGISLATIVE BILL 578. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Health and Human Services

LEGISLATIVE BILL 199. Placed on General File as amended.

Standing Committee amendment to LB 199:

AM0294

- 1 1. On page 4, line 4, after the period insert "A
- 2 hospital as defined in section 71-2017.01 which is eligible to have
- 3 swing beds shall only be eligible for a grant or loan guarantee for
- 4 conversion to assisted-living services within the current annual
- 5 calendar established by the department under this subsection if
- 6 such hospital has first notified in writing all other nursing
- 7 facilities within a twenty-mile radius of such hospital of the
- 8 intent to submit a proposal for such a grant or loan guarantee
- 9 within the current annual calendar and no nursing facility so
- 10 notified responds in writing to the hospital within thirty days
- 11 after such notice that it intends to submit a proposal in the
- 12 current annual calendar. Such hospital shall file a copy of the
- 13 intent to submit a proposal with the department and shall file a
- 14 copy of any response from another nursing facility with the

15 department. If a nursing facility responds to a hospital notice
 16 that it intends to submit a proposal for such a grant or loan
 17 guarantee but does not, within the current annual calendar, submit
 18 such a proposal or if it submits and then withdraws such a
 19 proposal, the hospital's proposal shall be eligible for a grant or
 20 loan guarantee for conversion to assisting-living service either
 21 within the current annual calendar or within the next annual
 22 calendar unless another nursing facility within a twenty-mile
 23 radius of the hospital has responded that it intends to submit a
 24 proposal in the current annual calendar and submits such a proposal
 1 on a timely basis and does not withdraw it from consideration."

LEGISLATIVE BILL 498. Placed on General File as amended.

Standing Committee amendment to LB 498:

AM0343

1 1. Strike original section 1 and insert the following
 2 new sections:
 3 "Section 1. (1) For purposes of this section:
 4 (a) Automated external defibrillator means a device that:
 5 (i) Is capable of recognizing the presence or absence of
 6 ventricular fibrillation or rapid ventricular tachycardia and is
 7 capable of determining, without intervention of an operator,
 8 whether defibrillation should be performed; and
 9 (ii) Automatically charges and requests delivery of an
 10 electrical impulse to an individual's heart when it has identified
 11 a condition for which defibrillation should be performed;
 12 (b) Health care facility means an institution subject to
 13 licensing under sections 71-2017 to 71-2029; and
 14 (c) Health care professional means any person who is
 15 licensed, certified, or registered by the Department of Health and
 16 Human Services Regulation and Licensure and who is authorized
 17 within his or her scope of practice to use an automated external
 18 defibrillator.
 19 (2) No person other than a health care professional shall
 20 use an automated external defibrillator for emergency care or
 21 treatment unless:
 22 (a) The user of the defibrillator has received
 23 appropriate training in the use of the defibrillator as established
 24 by the Department of Health and Human Services Regulation and
 1 Licensure; and
 2 (b) The defibrillator is maintained and tested according
 3 to the manufacturer's guidelines.
 4 (3) Except for the action or omission of a health care
 5 professional acting in such capacity or in a health care facility,
 6 no person who delivers emergency care or treatment using an
 7 automated external defibrillator as prescribed in subsection (2) of
 8 this section shall be liable in any civil action to respond in
 9 damages as a result of his or her acts of commission or omission
 10 arising out of and in the course of rendering such care or

11 treatment in good faith. Nothing in this subsection shall be
 12 deemed to (a) grant immunity for any willful, wanton, or grossly
 13 negligent acts of commission or omission or (b) limit the immunity
 14 provisions for certain health care professionals as provided in
 15 section 71-5194.

16 Sec. 4. Since an emergency exists, this act takes effect
 17 when passed and approved according to law."

LEGISLATIVE BILL 574. Placed on General File as amended.

Standing Committee amendment to LB 574:

AM0386

- 1 1. On page 2, line 24, after "Agreement" insert a comma.
- 2 2. On page 4, line 4, strike the first comma and insert
- 3 a semicolon; in line 8 strike the second comma and insert a
- 4 semicolon; in line 12 strike "subdivision" and insert "clause"; in
- 5 line 17 strike "subdivision" and insert "definition"; in line 21
- 6 strike the comma; and in line 26 strike "when" and insert "where".
- 7 3. On page 5, line 3, strike "(2)" and insert "(2)(b)";
- 8 in lines 15 and 16 strike the comma and insert a parenthesis; and
- 9 in line 18 strike "subsections" and insert "subsection".
- 10 4. On page 6, line 2, strike "this subdivision" and
- 11 insert "any of subdivisions (9)(a) through (9)(c) of this section".
- 12 5. On page 7, line 14, strike "subdivision" and insert
- 13 "subdivision (2)(b)(i)"; and in lines 25 and 26 strike "inflation
- 14 adjustment" and insert "Inflation Adjustment".
- 15 6. On page 8, line 9, strike "this subdivision" and
- 16 insert "subdivision (2) of this section".

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Mrs. Suttle filed the following amendment to LB 366:

AM0405

- 1 1. On page 9, line 8, strike "and" and insert "or".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 841. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 519. No objections. So ordered.

VISITORS

Visitors to the Chamber were 16 fourth grade students and teacher from St. John Lutheran School, Seward; 10 students in the Experiential Learning Program and teacher from Lincoln High School, Lincoln; Steve, Stephen, and

Kelly Lowe from Kearney; Greg Denver from Scottsbluff; members of Leadership Tomorrow from Hall County and Leadership Hastings; and Senator Chuck Hagel.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Friday, February 19, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY – FEBRUARY 19, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 19, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Father Lloyd A. Gnirk, Pius X High School, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear and Matzke who were excused; and Messrs. Coordsen, Wehrbein, and Mrs. Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 142. Placed on General File as amended.

Standing Committee amendment to LB 142:

AM0404

- 1 1. On page 2, line 21, strike "Twenty-five" and insert
- 2 "Twenty-two"; in line 22 strike "fifty" and insert "sixty"; in line
- 3 23 strike "twenty-five" and insert "eighteen"; and in line 25
- 4 strike "fifty" and insert "forty".

(Signed) William R. Wickersham, Chairperson

Judiciary

LEGISLATIVE BILL 205. Placed on General File as amended.

Standing Committee amendment to LB 205:

AM0201

- 1 1. On page 2, line 27, reinstate the stricken matter.
- 2 2. On page 2, line 28; and page 3, lines 1 through 3,
- 3 strike the new matter.
- 4 3. On page 3, line 21, strike "the handgun that" and
- 5 insert "a handgun of the same make and model as the handgun which".

LEGISLATIVE BILL 319. Placed on General File as amended.

Standing Committee amendment to LB 319:

AM0192

- 1 1. Strike original section 2 and insert the following
- 2 new section:
- 3 "Sec. 2. (1) Any person twenty-one years of age or older
- 4 or a corporation, partnership, or limited liability company that
- 5 satisfies the requirements of subsection (2) of this section shall
- 6 have the same power as a sheriff to execute any service of process
- 7 or order.
- 8 (2) Any person or entity may exercise the powers provided
- 9 in subsection (1) of this section if such person or entity (a) is
- 10 not a party to the action, (b) is not related to a party to the
- 11 action, (c) does not have an interest in the action, (d) is not a
- 12 public official employed by the county where service is made whose
- 13 duties include service of process, and (e) furnishes a good and
- 14 sufficient corporate surety bond in the sum of fifteen thousand
- 15 dollars, such bond being conditioned upon such person or entity
- 16 faithfully and truly performing the duties of process server.
- 17 (3) Evidence of the corporate surety bond shall be
- 18 provided to the clerk of each court in which such person or entity
- 19 executes service of process or orders. Such person or entity is
- 20 not required to furnish more than one bond to execute service of
- 21 process or orders in any state court in the State of Nebraska.
- 22 When service of process is made by such person or entity authorized
- 23 by this section, proof of such service of process shall be shown by
- 24 an affidavit.
- 1 (4) The cost of service of process is taxable as a court
- 2 cost, and when service of process is made by such person or entity
- 3 other than a sheriff the cost taxable as a court cost is the lesser
- 4 of the actual amount incurred for service of process or orders or
- 5 the statutory fee set for sheriffs in section 33-117."

LEGISLATIVE BILL 320. Placed on General File as amended.

Standing Committee amendment to LB 320:

AM0202

- 1 1. On page 2, line 10, strike "shall" and insert "may".

LEGISLATIVE BILL 31. Indefinitely postponed.**LEGISLATIVE BILL 122.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

MESSAGE FROM THE GOVERNOR

February 8, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Central Inter. Low-Level Radioactive Waste:

APPOINTEES:

Craig W. Zeisler, Rural Route, Naper, NE 68755
F. Gregory Hayden, 5001 Deer Creek Cr., Lincoln, NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 19, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Canuteson, Elizabeth A. - Kansas City, MO; Sprint PCS
Didier, Genenne - David City; Brain Injury Association of Nebraska Inc.
Fischer, Gary L. - Omaha; Family Housing Advisory Services, Inc.
Mueller, William J./Ruth & Mueller LLC
Mueller, William J. - Lincoln; Nebraska Academy of Eye Physicians and Surgeons
O'Hara & Associates, Inc.
O'Hara & Associates, Inc. - Lincoln; Alliance of Automobile Manufacturers
Ottosen, Howard W. - Lincoln; Nebraska League of Women Voters
Ruth, Larry L./Ruth & Mueller LLC
Ruth, Larry L. - Lincoln; Nebraska Academy of Eye Physicians and Surgeons

REPORTS

The following reports were received by the Legislature:

Environmental Quality, Department of

Litter Reduction and Recycling Grant Program Annual Report

Roads, Department of

Highway Cash and Roads Operation Cash Funds for January 1999

AMENDMENT - Print in Journal

Mr. Bruning filed the following amendment to LB 445:

AM0306

1. Insert the following new section:

"Sec. 5. Section 60-682.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-682.01. (1) Except as provided in subsection (2) of this section, any ~~Any~~ person who operates a vehicle in violation of any maximum speed limit established for any highway or freeway is guilty of a traffic infraction and upon conviction shall be fined:

(a) Ten dollars for traveling one to five miles per hour over the authorized speed limit;

(b) Twenty-five dollars for six to ten miles per hour over the authorized speed limit;

(c) Seventy-five dollars for traveling eleven to fifteen miles per hour over the authorized speed limit;

(d) One hundred twenty-five dollars for traveling sixteen to twenty miles per hour over the authorized speed limit; and

(e) Two hundred dollars for traveling twenty-one miles per hour or more over the authorized speed limit.

(2)(a) Any person convicted of exceeding the maximum speed limit of seventy-five miles per hour on the National System of Interstate and Defense Highways between the cities of Omaha and Lincoln by five miles per hour or more but less than ten miles per hour shall be fined three hundred dollars.

(b) Any person convicted of exceeding the maximum speed limit of seventy-five miles per hour on the National System of Interstate and Defense Highways between the cities of Omaha and Lincoln by ten miles per hour or more shall be fined five hundred dollars.

(c) The Department of Roads shall erect and maintain suitable signs along the National System of Interstate and Defense Highways between the cities of Omaha and Lincoln in such number and at such locations as the department deems necessary to give adequate notice of the fines established pursuant to this subsection.

(2) (3) The fines prescribed in subsection (1) and (2) of this section shall be doubled if the

12 violation occurs within a maintenance, repair, or construction zone
 13 established pursuant to section 60-6,188. For purposes of this
 14 subsection, maintenance, repair, or construction zone means (a) the
 15 portion of a highway identified by posted or moving signs as being
 16 under maintenance, repair, or construction or (b) the portion of a
 17 highway identified by maintenance, repair, or construction zone
 18 speed limit signs displayed pursuant to section 60-6,188. The
 19 maintenance, repair, or construction zone starts at the location of
 20 the first sign identifying the maintenance, repair, or construction
 21 zone and continues until a posted or moving sign indicates that the
 22 maintenance, repair, or construction zone has ended.

23 (3) (4) The fines prescribed in ~~subsection (4)~~
 24 ~~subsections (1) and (2)~~ of this section shall be doubled if the
 25 violation occurs within a school crossing zone as defined in
 26 section 60-658.01."

27 2. On page 6, line 15, strike "5 and 9" and insert "6
 1 and 10".

2 3. On page 8, lines 16, 19, and 20, reinstate the
 3 stricken matter; and in lines 20 through 24 strike the new matter.

4 4. On page 11, lines 4 and 16; page 12, lines 9 and 20;
 5 page 13, lines 13 and 26; page 18, line 24; page 19, line 8; page
 6 20, lines 2 and 13; and page 21, lines 8 and 21, strike "9" and
 7 insert "10".

8 5. On page 24, line 20, after the first comma insert
 9 "60-682.01,".

10 6. Renumber the remaining sections accordingly.

MOTIONS - Approve Appointments

Mr. Vrtiska moved the adoption of the report of the Business and Labor
 Committee for the following appointment found on page 591: Fernando
 Lecuona III, Commissioner - Department of Labor.

Voting in the affirmative, 38:

Baker	Cudaback	Jones	Preister	Schmitt
Bohlke	Dierks	Kremer	Quandahl	Schrock
Bourne	Engel	Kristensen	Raikes	Smith
Brown	Hartnett	Landis	Redfield	Stuhr
Bruning	Hilgert	Lynch	Robak	Thompson
Byars	Hudkins	Pedersen, Dw.	Schellpeper	Vrtiska
Connealy	Janssen	Pederson, D.	Schimek	Wickersham
Crosby	Jensen	Peterson, C.		

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Chambers	Price	Suttle	Tyson
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Excused and not voting, 6:

Brashear	Coordsen	Kiel	Matzke	Wehrbein
Bromm				

The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following appointment found on page 599: Lynn Allan Wenstrand, Director - NE Department of Economic Development.

Voting in the affirmative, 33:

Bohlke	Cudaback	Kremer	Preister	Schmitt
Bourne	Dierks	Kristensen	Quandahl	Schrock
Bromm	Engel	Landis	Redfield	Smith
Brown	Hilgert	Lynch	Robak	Suttle
Bruning	Hudkins	Pedersen, Dw.	Schellpeper	Thompson
Connealy	Janssen	Pederson, D.	Schimek	Vrtiska
Crosby	Jensen	Peterson, C.		

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Baker	Byars	Jones	Raikes	Tyson
Beutler	Hartnett	Price	Stuhr	Wickersham

Excused and not voting, 5:

Brashear	Coordsen	Kiel	Matzke	Wehrbein
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The appointment was confirmed with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 194. Placed on Select File as amended.

E & R amendment to LB 194:

AM7057

- 1 1. In the Standing Committee amendment, AM0198, on page
- 2 3, line 26, strike "to", show as stricken, and insert "and".
- 3 2. On page 1, line 4, after the fourth comma insert
- 4 "77-202.01,"; in line 7 strike "and" and after the last comma

5 insert "and 77-5007,"; and in line 10 after "provide" insert "and
6 change powers and" and after "Administrator" insert "and the Tax
7 Equalization and Review Commission".

8 3. On page 5, line 19, after "board" insert "of
9 equalization".

10 4. On page 9, line 4, strike "defined" and insert
11 "described"; and in line 5 strike "(c)" and insert "(1)(c)" and
12 after "and" insert "the".

13 5. On page 10, line 1, strike the comma and strike
14 "and"; and in line 3 strike the comma.

15 6. On page 12, line 7, strike "requests" and insert
16 "request".

17 7. On page 21, line 20, after "issue" insert an
18 underscored comma and strike the commas; and in line 21 after
19 "revise" insert an underscored comma.

20 8. On page 22, line 6, after "Administrator" insert an
21 underscored comma; in line 10 strike "statutes" and insert "laws";
22 and in line 15 strike "statutes" and insert "laws, rules".

23 9. On page 23, line 3, after "or" insert "county".

24 10. On page 24, line 6, after "county" insert an
1 underscored comma and strike the first comma; and in line 26 strike
2 the semicolon and insert an underscored comma.

3 11. On page 25, line 1, after the first "the" insert
4 "county"; in line 3 strike "above," and insert "in this
5 subsection,"; and in line 23 strike the comma.

6 12. On page 29, line 2, after "order" insert an
7 underscored comma.

8 13. On page 31, line 18, after "of" insert "a". -

LEGISLATIVE BILL 784. Placed on Select File as amended.

E & R amendment to LB 784:

AM7053

1 1. On page 1, line 4, strike "council and the director"
2 and insert "Environmental Quality Council and the Director of
3 Environmental Quality".

4 2. On page 12, lines 23 and 24, strike the new matter.

LEGISLATIVE BILL 789. Placed on Select File.

LEGISLATIVE BILL 101. Placed on Select File.

LEGISLATIVE BILL 689. Placed on Select File as amended.

E & R amendment to LB 689:

AM7054

1 1. Insert the following new sections:

2 "Sec. 12. Section 30-2620.01, Reissue Revised Statutes
3 of Nebraska, is amended to read:

4 30-2620.01. The reasonable fees and costs of an
5 attorney, a guardian ad litem, a physician, and a visitor appointed
6 by the court for the person alleged to be incapacitated shall be

7 allowed, disallowed, or adjusted by the court and may be paid from
 8 the estate of the ward if the ward possesses an estate or, if not,
 9 shall be paid by the county in which the proceedings are brought or
 10 by the petitioner as costs of the action. An action under sections
 11 30-2601 to 30-2661 may be initiated or defended in forma pauperis
 12 in accordance with sections 25-2301 to 25-2310 and sections 2 and 3
 13 of this act. The court may assess attorney's fees and costs
 14 against the petitioner upon a showing that the action was frivolous
 15 in accordance with sections 25-824 to 25-824.03.

16 Sec. 13. Section 30-2643, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 30-2643. The reasonable fees and costs of an attorney, a
 19 guardian ad litem, a physician, a conservator, a special
 20 conservator, and a visitor appointed by the court for the person to
 21 be protected shall be allowed, disallowed, or adjusted by the court
 22 and may be paid from the estate of the protected person if the
 23 protected person possesses an estate or, if not, shall be paid by
 24 the county in which the proceedings are brought or by the
 1 petitioner as costs of the action. An action under sections
 2 30-2601 to 30-2661 may be initiated or defended in forma pauperis
 3 in accordance with sections 25-2301 to 25-2310 and sections 2 and 3
 4 of this act. The court may assess attorney's fees and costs
 5 against the petitioner upon a showing that the action was frivolous
 6 in accordance with sections 25-824 to 25-824.03."

7 2. On page 1, line 2, strike "and 25-2310" and insert
 8 "25-2310, 30-2620.01, and 30-2643"; and in line 4 after the first
 9 semicolon insert "to define terms; to harmonize provisions;"

10 3. On page 6, line 7, strike "and 25-2310" and insert
 11 "25-2310, 30-2620.01, and 30-2643".

12 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 100. Placed on Select File.

LEGISLATIVE BILL 682. Placed on Select File.

LEGISLATIVE BILL 238. Placed on Select File.

LEGISLATIVE BILL 432. Placed on Select File.

LEGISLATIVE BILL 84. Placed on Select File.

LEGISLATIVE BILL 297. Placed on Select File as amended.

E & R amendment to LB 297:

AM7058

1 1. On page 1, line 1, strike "state capitol" and insert
 2 "the State Capitol".

3 2. On page 3, line 23, after "structure" insert an
 4 underscored comma.

LEGISLATIVE BILL 774. Placed on Select File as amended.

E & R amendment to LB 774:

AM7055

1 1. On page 1, line 2, strike "18-2103,"; and in lines 4

- 2 and 5 strike "to redefine terms;"
- 3 2. On page 8, line 4, strike the semicolon, show as
- 4 stricken, and insert an underscored comma; and in line 13 strike
- 5 the comma and show as stricken.

LEGISLATIVE BILL 461. Placed on Select File as amended.

E & R amendment to LB 461:

AM7056

- 1 1. On page 5, strike lines 19 through 27 and show the
- 2 old matter as stricken.

LEGISLATIVE RESOLUTION 14CA. Placed on Select File.**LEGISLATIVE BILL 436.** Placed on Select File as amended.

E & R amendment to LB 436:

AM7064

- 1 1. On page 1, line 2, after the first comma insert "and"
- 2 and strike "and 46-656.66,"; in line 6 strike "a duty to adopt" and
- 3 insert "provisions relating to"; in line 7 after "regulations"
- 4 insert "and appeals"; and strike beginning with the first "to" in
- 5 line 7 through the first semicolon in line 9.
- 6 2. On page 6, line 7, after the semicolon insert "and";
- 7 in line 11 strike "; and", show as stricken, and insert an
- 8 underscored period; and in line 12 strike "(ix)" and show as
- 9 stricken.
- 10 3. On page 10, line 7, strike "agreement", show as
- 11 stricken, and insert "agreements".

LEGISLATIVE BILL 566. Placed on Select File as amended.

E & R amendment to LB 566:

AM7059

- 1 1. In the Standing Committee amendments, AM0161, on page
- 2 1, line 18, strike the first "or" and insert ", relating".
- 3 2. On page 1, line 1, strike "power and irrigation
- 4 districts" and insert "bidding"; in line 2 after "section" insert
- 5 "18-2442, Reissue Revised Statutes of Nebraska, and section"; in
- 6 line 4 after "purchases" insert "by certain public corporations and
- 7 public power and irrigation districts"; and in line 5 strike
- 8 "section" and insert "sections".
- 9 3. On page 2, line 19, strike "or", show as stricken,
- 10 and insert an underscored comma; and in line 20 strike "or" and
- 11 insert ", or to any".

LEGISLATIVE BILL 67. Placed on Select File as amended.

E & R amendment to LB 67:

AM7061

- 1 1. In the Standing Committee amendment, AM0086, on page
- 2 9, line 18, strike "1999-2000" and insert "1999-00".
- 3 2. On page 1, lines 1 and 2, strike "section 85-1536"

- 4 and insert "sections 85-1503, 85-1536, and 85-1536.01"; in line 2
- 5 after the semicolon insert "to redefine a term;" in line 3 after
- 6 "calculation" insert "and distribution" and after the semicolon
- 7 insert "to harmonize provisions;"; and in line 4 strike "section"
- 8 and insert "sections".

LEGISLATIVE BILL 596. Placed on Select File as amended.

E & R amendment to LB 596:

AM7060

- 1 1. On page 2, line 8, strike the underscored comma.

LEGISLATIVE BILL 84A. Placed on Select File.

LEGISLATIVE BILL 92A. Placed on Select File.

LEGISLATIVE BILL 331. Placed on Select File as amended.

E & R amendment to LB 331:

AM7063

- 1 1. On page 6, line 27, strike the semicolon.

(Signed) Adrian M. Smith, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 19.

A BILL FOR AN ACT relating to court fees; to amend section 33-107.02, Reissue Revised Statutes of Nebraska; to change fee provisions; and to repeal the original section.

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

Voting in the affirmative, 44:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Bromm	Dierks	Kristensen	Redfield	Thompson
Brown	Engel	Landis	Robak	Tyson
Bruning	Hartnett	Lynch	Schellpeper	Vrtiska
Byars	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Chambers	Hudkins	Pederson, D.	Schmitt	

Voting in the negative, 0.

Present and not voting, 2:

Price Wickersham

Excused and not voting, 3:

Brashear Kiel Matzke

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

LEGISLATIVE BILL 23.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1563.01, Reissue Revised Statutes of Nebraska; to change an exemption provision; and to repeal the original section.

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

Voting in the affirmative, 44:

Baker	Connealy	Janssen	Preister	Smith
Beutler	Coordsen	Jensen	Quandahl	Stuhr
Bohlke	Crosby	Jones	Raikes	Suttle
Bourne	Cudaback	Kremer	Redfield	Thompson
Bromm	Dierks	Kristensen	Robak	Tyson
Brown	Engel	Landis	Schellpeper	Vrtiska
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hilgert	Pederson, D.	Schmitt	Wickersham
Chambers	Hudkins	Peterson, C.	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Lynch Price

Excused and not voting, 3:

Brashear Kiel Matzke

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

LEGISLATIVE BILL 24.

A BILL FOR AN ACT relating to divorce; to amend section 42-362, Reissue Revised Statutes of Nebraska; to provide for appointment of counsel; 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, 45:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Bromm	Dierks	Kristensen	Redfield	Thompson
Brown	Engel	Landis	Robak	Tyson
Bruning	Hartnett	Lynch	Schellpeper	Vrtiska
Byars	Hilgert	Pedersen, Dw.	Schimiek	Wehrbein
Chambers	Hudkins	Pederson, D.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Quandahl

Excused and not voting, 3:

Brashear Kiel Matzke

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

LEGISLATIVE BILL 59. With Emergency.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-15,163 and 81-15,164, Reissue Revised Statutes of Nebraska; to change provisions relating to a waste reduction and recycling fee; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 81-1566.01, 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, 41:

Baker	Bruning	Cudaback	Kremer	Peterson, C.
Beutler	Byars	Dierks	Kristensen	Preister
Bohlke	Chambers	Engel	Landis	Price
Bourne	Connealy	Hartnett	Lynch	Raikes
Bromm	Coordsen	Hudkins	Pedersen, Dw.	Robak
Brown	Crosby	Jones	Pederson, D.	Schellpeper

Schimek	Smith	Suttle	Tyson	Wehrbein
Schmitt	Stuhr	Thompson	Vrtiska	Wickersham
Schrock				

Voting in the negative, 4:

Hilgert	Janssen	Quandahl	Redfield
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Present and not voting, 1:

Jensen

Excused and not voting, 3:

Brashear	Kiel	Matzke
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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 102.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-723, Reissue Revised Statutes of Nebraska; to change appraisers' fees provisions; and to repeal the original section.

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

Voting in the affirmative, 44:

Baker	Coordsen	Jensen	Price	Smith
Beutler	Crosby	Jones	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Bromm	Dierks	Kristensen	Redfield	Thompson
Brown	Engel	Landis	Robak	Tyson
Bruning	Hartnett	Pedersen, Dw.	Schellpeper	Vrtiska
Byars	Hilgert	Pederson, D.	Schimek	Wehrbein
Chambers	Hudkins	Peterson, C.	Schmitt	Wickersham
Connealy	Janssen	Preister	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Bohlke	Lynch
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Excused and not voting, 3:

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

LEGISLATIVE BILL 170.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-137, Reissue Revised Statutes of Nebraska; to change provisions relating to installment loan lending limits; 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, 46:

Baker	Coordsen	Jensen	Preister	Schrock
Beutler	Crosby	Jones	Price	Smith
Bohlke	Cudaback	Kremer	Quandahl	Stuhr
Bourne	Dierks	Kristensen	Raikes	Suttle
Bromm	Engel	Landis	Redfield	Thompson
Brown	Hartnett	Lynch	Robak	Tyson
Bruning	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Byars	Hudkins	Pederson, D.	Schimek	Wehrbein
Chambers	Janssen	Peterson, C.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Excused and not voting, 3:

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

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 191. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-392 and 44-1525, Reissue Revised Statutes of Nebraska; to authorize the sale of insurance by banks, trust companies, and similar companies; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 42:

Baker	Coordsen	Jones	Quandahl	Smith
Bohlke	Crosby	Kremer	Raikes	Stuhr
Bourne	Cudaback	Kristensen	Redfield	Suttle
Bromm	Dierks	Pedersen, Dw.	Robak	Thompson
Brown	Hartnett	Pederson, D.	Schellpeper	Tyson
Bruning	Hilgert	Peterson, C.	Schimek	Vrtiska
Byars	Hudkins	Preister	Schmitt	Wehrbein
Chambers	Janssen	Price	Schrock	Wickersham
Connealy	Jensen			

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Engel	Lynch
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Excused and not voting, 4:

Brashear	Kiel	Landis	Matzke
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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 228. With Emergency.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-910 and 81-8,219, Reissue Revised Statutes of Nebraska; to provide for political subdivision and state liability for certain claims; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

Baker	Coordsen	Jensen	Preister	Schrock
Bohlke	Crosby	Jones	Price	Smith
Bourne	Cudaback	Kremer	Quandahl	Stuhr
Bromm	Dierks	Kristensen	Raikes	Suttle
Brown	Engel	Landis	Redfield	Thompson
Bruning	Hartnett	Lynch	Robak	Tyson
Byars	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Chambers	Hudkins	Pederson, D.	Schimek	Wehrbein
Connealy	Janssen	Peterson, C.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Brashear Kiel Matzke

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 258 with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 258.

A BILL FOR AN ACT relating to insurance; to amend sections 44-214, 44-219, and 44-6001 to 44-6026, Reissue Revised Statutes of Nebraska; to change provisions relating to the Insurers Risk-Based Capital Act; to rename the act; to provide for applicability of the act to health organizations; 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, 45:

Baker	Connealy	Janssen	Preister	Schrock
Beutler	Coordsen	Jones	Price	Smith
Bohlke	Crosby	Kremer	Quandahl	Stuhr
Bourne	Cudaback	Kristensen	Raikes	Suttle
Bromm	Dierks	Landis	Redfield	Thompson
Brown	Engel	Lynch	Robak	Tyson
Bruning	Hartnett	Pedersen, Dw.	Schellpeper	Vrtiska
Byars	Hilgert	Pederson, D.	Schimek	Wehrbein
Chambers	Hudkins	Peterson, C.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 3:

Brashear Kiel Matzke

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 259 with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 259.

A BILL FOR AN ACT relating to insurance; to amend sections 44-122, 44-211, 44-787, 44-1992, 44-19,114 to 44-19,116, 44-2906, 44-4320, 44-5020, 44-5103, 44-5905, 44-6122, and 48-1,113, Reissue Revised Statutes of Nebraska; to change and provide filing requirements; to change provisions relating to incorporation; to change health insurance provisions; to change title insurance agent provisions; to change calculations for certain payments; to redefine a term; to change and eliminate provisions relating to examinations; to provide for use of the word mutual by reorganized stock insurers; to harmonize provisions; to repeal the original sections; and to outright repeal section 44-138, 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, 46:

Baker	Coorsden	Jensen	Preister	Schrock
Beutler	Crosby	Jones	Price	Smith
Bohlke	Cudaback	Kremer	Quandahl	Stuhr
Bourne	Dierks	Kristensen	Raikes	Suttle
Bromm	Engel	Landis	Redfield	Thompson
Brown	Hartnett	Lynch	Robak	Tyson
Bruning	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Byars	Hudkins	Pederson, D.	Schimek	Wehrbein
Chambers	Janssen	Peterson, C.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Excused and not voting, 3:

Brashear	Kiel	Matzke
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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 260 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 260.

A BILL FOR AN ACT relating to insurance; to amend sections 44-150, 44-2627, 44-2628, 44-3902, 44-3904, 44-3905, 44-4005.01, 44-4005.04, 44-4010, 44-4013, 44-4015, 44-4019, 44-4028, 44-4041, and 44-5504, Reissue Revised Statutes of Nebraska; to change provisions relating to licensing of agents, brokers, and agencies; to change and eliminate provisions relating to signatures and countersignatures; to harmonize provisions; to repeal the original sections; and to outright repeal section 44-4415, 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, 46:

Baker	Coordsen	Jensen	Preister	Schrock
Beutler	Crosby	Jones	Price	Smith
Bohlke	Cudaback	Kremer	Quandahl	Stuhr
Bourne	Dierks	Kristensen	Raikes	Suttle
Bromm	Engel	Landis	Redfield	Thompson
Brown	Hartnett	Lynch	Robak	Tyson
Bruning	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Byars	Hudkins	Pederson, D.	Schimek	Wehrbein
Chambers	Janssen	Peterson, C.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Excused and not voting, 3:

Brashear	Kiel	Matzke
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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 278. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,115,

Revised Statutes Supplement, 1998; to revise the powers of credit unions; 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, 45:

Baker	Coordsen	Jensen	Preister	Schrock
Beutler	Crosby	Jones	Price	Smith
Bohlke	Cudaback	Kremer	Quandahl	Stuhr
Bourne	Dierks	Kristensen	Raikes	Suttle
Bromm	Engel	Landis	Redfield	Thompson
Bruning	Hartnett	Lynch	Robak	Tyson
Byars	Hilgert	Pedersen, Dw.	Schellpeper	Vrtiska
Chambers	Hudkins	Pederson, D.	Schimek	Wehrbein
Connealy	Janssen	Peterson, C.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 3:

Brashear Kiel Matzke

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 287.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 23-1601 and 79-1225, Reissue Revised Statutes of Nebraska, and section 77-1759, Revised Statutes Supplement, 1998; to change provisions relating to the collection and distribution of tax proceeds; to provide duties; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 42:

Baker	Bruning	Crosby	Hartnett	Jensen
Beutler	Byars	Cudaback	Hilgert	Jones
Bourne	Connealy	Dierks	Hudkins	Kremer
Bromm	Coordsen	Engel	Janssen	Kristensen

Landis	Preister	Robak	Schrock	Tyson
Lynch	Price	Schellpeper	Smith	Vrtiska
Pedersen, Dw.	Quandahl	Schimek	Stuhr	Wehrbein
Pederson, D.	Raikes	Schmitt	Thompson	Wickersham
Peterson, C.	Redfield			

Voting in the negative, 0.

Present and not voting, 4:

Bohlke	Brown	Chambers	Suttle
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Excused and not voting, 3:

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

LEGISLATIVE BILL 298.

A BILL FOR AN ACT relating to state government; to require reports of boards, commissions, and similar entities as prescribed; and to provide duties.

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, 35:

Baker	Crosby	Jensen	Preister	Schmitt
Beutler	Cudaback	Jones	Price	Schrock
Bourne	Engel	Kremer	Quandahl	Smith
Brown	Hartnett	Lynch	Raikes	Suttle
Bruning	Hilgert	Pedersen, Dw.	Robak	Thompson
Byars	Hudkins	Pederson, D.	Schellpeper	Wehrbein
Connealy	Janssen	Peterson, C.	Schimek	Wickersham

Voting in the negative, 9:

Bromm	Coordsen	Kristensen	Redfield	Tyson
Chambers	Dierks	Landis	Stuhr	

Present and not voting, 2:

Bohlke	Vrtiska
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Excused and not voting, 3:

Brashear	Kiel	Matzke
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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 326 with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 326.

A BILL FOR AN ACT relating to insurance; to amend sections 44-322, 44-516, 44-522, 44-523, 44-6105, 44-6106, 44-6108, 44-6116, and 60-304, Reissue Revised Statutes of Nebraska, and section 81-1021, Revised Statutes Supplement, 1998; to change filing provisions, cancellation requirements, demutualization procedures, and motor vehicle license plate requirements; to require a statement of allowable benefits; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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:

Baker	Connealy	Janssen	Preister	Smith
Beutler	Coordsen	Jensen	Price	Stuhr
Bohlke	Crosby	Jones	Quandahl	Suttle
Bourne	Cudaback	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Landis	Schellpeper	Vrtiska
Bruning	Hartnett	Lynch	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins	Peterson, C.	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Pederson, D. Robak

Excused and not voting, 3:

Brashear Kiel Matzke

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 403.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1503, 2-1547, 2-1584, 2-1596, 2-4901, and 23-320.01, Reissue Revised Statutes of Nebraska, and sections 77-1363 and 85-162.03, Revised Statutes Supplement, 1998; to change references to the names of federal services to reflect their new names; 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:

Baker	Connealy	Janssen	Preister	Schrock
Beutler	Coordsen	Jensen	Price	Smith
Bohlke	Crosby	Jones	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Bromm	Dierks	Kristensen	Redfield	Thompson
Brown	Engel	Landis	Robak	Tyson
Bruning	Hartnett	Pedersen, Dw.	Schellpeper	Vrtiska
Byars	Hilgert	Pederson, D.	Schimek	Wehrbein
Chambers	Hudkins	Peterson, C.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Brashear Kiel Matzke

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

LEGISLATIVE BILL 291.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.03, 60-305.16, and 60-311, Reissue Revised Statutes of Nebraska; to change provisions relating to registration of fleet vehicles; 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, 44:

Baker	Connealy	Jones	Price	Smith
Beutler	Coordsen	Kremer	Quandahl	Stuhr
Bohlke	Crosby	Kristensen	Raikes	Suttle
Bourne	Cudaback	Landis	Redfield	Thompson
Bromm	Dierks	Lynch	Robak	Tyson
Brown	Hartnett	Pedersen, Dw.	Schellpeper	Vrtiska
Bruning	Hilgert	Pederson, D.	Schimek	Wehrbein
Byars	Hudkins	Peterson, C.	Schmitt	Wickersham
Chambers	Janssen	Preister	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Engel Jensen

Excused and not voting, 3:

Brashear Kiel Matzke

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

LEGISLATIVE BILL 291A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 291, Ninety-sixth Legislature, First Session, 1999; to provide for transfers; 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, 44:

Baker	Connealy	Janssen	Preister	Schrock
Beutler	Coordsen	Jensen	Price	Smith
Bohlke	Crosby	Kremer	Quandahl	Stuhr
Bourne	Cudaback	Kristensen	Raikes	Suttle
Bromm	Dierks	Landis	Redfield	Thompson
Brown	Engel	Lynch	Robak	Tyson
Bruning	Hartnett	Pedersen, Dw.	Schellpeper	Wehrbein
Byars	Hilgert	Pederson, D.	Schimek	Wickersham
Chambers	Hudkins	Peterson, C.	Schmitt	

Voting in the negative, 0.

Present and not voting, 2:

Jones Vrtiska

Excused and not voting, 3:

Brashear Kiel Matzke

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 LB 72 to Select File

Mr. Chambers moved to return LB 72 to Select File for his specific amendment, AM0243, found on page 493.

The Chambers motion to return prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 72. The Chambers specific amendment, AM0243, found on page 493, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 396. E & R amendment, AM7045, found on page 527, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 91. Advanced to E & R for engrossment.

LEGISLATIVE BILL 323. E & R amendment, AM7043, found on page 575, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 340. Advanced to E & R for engrossment.

LEGISLATIVE BILL 161. Advanced to E & R for engrossment.

LEGISLATIVE BILL 152. Advanced to E & R for engrossment.

LEGISLATIVE BILL 253. Advanced to E & R for engrossment.

LEGISLATIVE BILL 369. Advanced to E & R for engrossment.

LEGISLATIVE BILL 134. Advanced to E & R for engrossment.

LEGISLATIVE BILL 163. E & R amendment, AM7050, found on page 589, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 163A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 92. E & R amendment, AM7051, found on page 589, was adopted.

Mr. Jones withdrew his amendment, AM0369, found on page 613.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 795. E & R amendment, AM7052, found on page 597, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 465. Advanced to E & R for engrossment.

LEGISLATIVE BILL 846. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Members Excused

Messrs. Vrtiska and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 236. Placed on General File.

LEGISLATIVE BILL 788. Placed on General File.

LEGISLATIVE BILL 273. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 440A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 440, Ninety-sixth Legislature, First Session, 1999.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Hayden, F. Gregory - Central Interstate Low-Level Radioactive Waste Co. --
 Natural Resources
 Zeisler, Craig W. - Central Interstate Low-Level Radioactive Waste Co. --
 Natural Resources

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

ANNOUNCEMENT

Mr. Dw. Pedersen designates LB 865 as his priority bill.

NOTICE OF COMMITTEE HEARINGS Banking, Commerce and Insurance

LB 553	Monday, March 1, 1999	1:30 p.m.
LB 554	Monday, March 1, 1999	1:30 p.m.
LB 626	Monday, March 1, 1999	1:30 p.m.
LB 862	Monday, March 1, 1999	1:30 p.m.
LB 181	Tuesday, March 2, 1999	1:30 p.m.
LB 397	Tuesday, March 2, 1999	1:30 p.m.
LB 478	Tuesday, March 2, 1999	1:30 p.m.
LB 551	Tuesday, March 2, 1999	1:30 p.m.
LB 18	Monday, March 8, 1999	1:30 p.m.
LB 709	Monday, March 8, 1999	1:30 p.m.

(Signed) David M. Landis, Chairperson

Appropriations

Monday, March 8, 1999	1:30 p.m.
Agency 47 - Educational Telecommunications Commission	
LB 507	Monday, March 8, 1999
LB 650	Monday, March 8, 1999
Monday, March 8, 1999	1:30 p.m.
Agency 48 - Coordinating Commission for Postsecondary Education	
Agency 50 - Nebraska State Colleges	
Tuesday, March 9, 1999	1:30 p.m.
Agency 83 - Community Colleges	
Agency 51 - University of Nebraska	

Wednesday, March 10, 1999 1:30 p.m.
 Agency 17 - Department of Aeronautics
 Agency 35 - Liquor Control Commission
 Agency 78 - Commission on Law Enforcement and Criminal Justice
 Agency 64 - Nebraska State Patrol
 Agency 46 - Department of Correctional Services

Thursday, March 11, 1999 1:30 p.m.
 Agency 29 - Department of Water Resources
 Agency 52 - State Board of Agriculture (State Fair Board)
 Agency 60 - Nebraska Ethanol Board
 Agency 84 - Department of Environmental Quality

LB 685 Thursday, March 11, 1999 1:30 p.m.

Thursday, March 11, 1999 1:30 p.m.
 Agency 18 - Department of Agriculture

LB 347 Monday, March 15, 1999 1:30 p.m.
 LB 721 Monday, March 15, 1999 1:30 p.m.

Monday, March 15, 1999 1:30 p.m.
 Agency 20 - Department of Health and Human Services-Regulation
 Agency 25 - Department of Health and Human Services-Services
 Agency 26 - Department of Health and Human Services-Finance

LB 663 Tuesday, March 16, 1999 1:30 p.m.
 LB 664 Tuesday, March 16, 1999 1:30 p.m.
 LB 665 Tuesday, March 16, 1999 1:30 p.m.

Tuesday, March 16, 1999 1:30 p.m.
 Agency 31 - Military Department
 Agency 33 - Game and Parks Commission
 Agency 21 - State Fire Marshal
 Agency 54 - Nebraska State Historical Society
 Agency 72 - Department of Economic Development
 Agency 95 - Rural Development Commission

Wednesday, March 17, 1999 1:30 p.m.
 Agency 7 - Governor
 Agency 8 - Lieutenant Governor
 Agency 9 - Secretary of State
 Agency 10 - State Auditor
 Agency 12 - State Treasurer

LB 239 Wednesday, March 17, 1999 1:30 p.m.
 LB 683 Wednesday, March 17, 1999 1:30 p.m.
 LB 805 Wednesday, March 17, 1999 1:30 p.m.
 LB 875 Wednesday, March 17, 1999 1:30 p.m.

Wednesday, March 17, 1999
Agency 3 - Legislative Council

1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

AMENDMENTS - Print in Journal

Messrs. Beutler, Engel, and Wehrbein filed the following amendment to
LB 148:

AM0419

1. Insert the following new sections:

"Sec. 10. The Lifespan Respite Care Cash Fund is created. The fund shall include revenue transferred from the Nebraska Health Care Trust Fund pursuant to section 71-7612. The Lifespan Respite Care Cash Fund shall be used to carry out the purposes of sections 1 to 9 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 11. Section 71-7612, Revised Statutes Supplement, 1998, is amended to read:

71-7612. (1) The Department of Health and Human Services Finance and Support shall administer the distribution of the money in the Nebraska Health Care Trust Fund as provided in this section.

(2) The department shall:

(a) Direct the State Treasurer to transfer the first forty million dollars placed in the fund, plus interest accruing prior to the transfer, to the Nursing Facility Conversion Cash Fund;

(b) Direct the State Treasurer to transfer the next twenty-five million dollars placed in the Nebraska Health Care Trust Fund, plus interest accruing prior to the transfer, to the Children's Health Insurance Cash Fund; ~~and~~

(c) Beginning January 15, 1999, direct the State Treasurer to transfer only the ~~interest investment income~~ accruing on the money in the Nebraska Health Care Trust Fund in excess of the first sixty-five million dollars placed in the fund to the Excellence in Health Care Trust Fund and the annual transfers into the Lifespan Respite Care Cash Fund;

(d) On September 15, 1999, direct the State Treasurer to transfer five hundred thousand dollars to the Lifespan Respite Care Cash Fund; and

(e) Beginning July 1, 2000, and every July 1 thereafter, direct the State Treasurer to transfer from the investment earnings five hundred thousand dollars to the Lifespan Respite Care Cash Fund.

(3) If there is an unanticipated reduction in federal medicaid funds pursuant to the generation of revenue from governmental nursing facilities as described in section 71-7607,

16 the department may use money placed in the Nebraska Health Care
17 Trust Fund for medicaid expenses where the unanticipated reduction
18 occurred.

19 Sec. 12. Original section 71-7612, Revised Statutes
20 Supplement, 1998, is repealed."

21 2. Insert underscoring in sections 1 to 9.

Messrs. Beutler, Engel, and Wehrbein filed the following amendment to
LB 148A:

AM0431

- 1 1. On page 2, in lines 2 and 3 strike "General" and
- 2 insert "Lifespan Respite Care Cash".

Mr. Wehrbein filed the following amendment to LB 359:

AM0409

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 71-4727, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-4727. The commission may employ any ~~other~~ employees,
- 5 including interpreters, it considers necessary to carry out the
- 6 purposes of sections 71-4720 to 71-4732.
- 7 Sec. 2. Section 71-4728, Revised Statutes Supplement,
- 8 1998, is amended to read:
- 9 71-4728. The commission shall serve as the principal
- 10 state agency responsible for monitoring public policies and
- 11 implementing programs which shall improve the quality and
- 12 coordination of existing services for deaf or hard of hearing
- 13 persons and promote the development of new services when necessary.
- 14 To perform this function the commission shall:
- 15 (1) Inventory services available for meeting the problems
- 16 of persons with a hearing loss and assist such persons in locating
- 17 and securing such services;
- 18 (2) Prepare and maintain a statewide list of persons
- 19 qualified in various types of interpreting and make this
- 20 information available to local, state, and federal agencies;
- 21 (3) Promote the training of interpreters for deaf or hard
- 22 of hearing persons;
- 23 (4) Provide counseling to deaf or hard of hearing persons
- 24 or refer such persons to private or governmental agencies which
- 1 provide counseling services;
- 2 (5) Conduct a voluntary census of deaf or hard of hearing
- 3 persons in Nebraska and compile a current registry;
- 4 (6) Promote expanded adult educational opportunities for
- 5 deaf or hard of hearing persons;
- 6 (7) Serve as an agency for the collection of information
- 7 concerning deaf or hard of hearing persons and for the dispensing
- 8 of such information to interested persons by collecting studies,
- 9 compiling bibliographies, gathering information, and conducting
- 10 research with respect to the education, training, counseling,

11 placement, and social and economic adjustment of deaf or hard of
12 hearing persons and with respect to the causes, diagnosis,
13 treatment, and methods of prevention of impaired hearing;

14 (8) Appoint advisory or special committees when
15 appropriate for indepth investigations and study of particular
16 problems and receive reports of findings and recommendations;

17 (9) Assess and monitor programs for services to deaf or
18 hard of hearing persons and make recommendations to those state
19 agencies providing such services regarding changes necessary to
20 improve the quality and coordination of the services;

21 (10) Make recommendations to the Governor and the
22 Legislature with respect to modification in existing services or
23 establishment of additional services for deaf or hard of hearing
24 persons;

25 (11) Promote awareness and understanding of the rights of
26 deaf or hard of hearing persons;

27 (12) Promote statewide communication services for deaf or
1 hard of hearing persons; ~~and~~

2 (13) Assist deaf or hard of hearing persons in accessing
3 comprehensive mental health, alcoholism, and drug abuse services;
4 ~~and~~

5 (14) Provide qualified interpreters in public and private
6 settings for the benefit of deaf or hard of hearing persons, if
7 qualified private-practice interpreters are not available, and
8 establish and collect reasonable fees for such interpreter
9 services.

10 Sec. 3. Section 71-4732, Revised Statutes Supplement,
11 1998, is amended to read:

12 71-4732. There is hereby created a Commission for the
13 Deaf and Hard of Hearing Fund to consist of such funds as the
14 Legislature shall appropriate, ~~and~~ any funds received under section
15 71-4731, or any fees collected for interpreter services as provided
16 in section 71-4728. The fund shall be used to administer sections
17 71-4720 to 71-4732, except that money in the fund from fees
18 collected for interpreter services shall be used only for expenses
19 related to the provision of such services. Any money in the fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the
22 Nebraska State Funds Investment Act. Any money in the Commission
23 for the Hearing Impaired Fund on September 13, 1997, shall be
24 transferred to the Commission for the Deaf and Hard of Hearing
25 Fund."

26 2. On page 5, line 27, strike "sections" and insert
27 "section 71-4727, Reissue Revised Statutes of Nebraska, and
1 sections 71-4728, 71-4732,".

2 3. Renumber the remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 19, 23, 24, 59, 102, 170, 191, 228, 258, 259, 260, 278, 287, 298, 326, 403, 291, and 291A.

GENERAL FILE

LEGISLATIVE BILL 86A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

MR. CUDABACK PRESIDING

LEGISLATIVE BILL 272. Title read. Considered.

The Standing Committee amendment, AM0228, found on page 566, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 272A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SPEAKER KRISTENSEN PRESIDING

LEGISLATIVE BILL 813. Title read. Considered.

The Standing Committee amendment, AM0262, found on page 575, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Bohlke offered the following amendment:
AM0347

- 1 1. On page 67, line 23, after "the" insert "total
- 2 general fund budget of expenditures".

The Bohlke amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mrs. Bohlke offered the following amendment:

AM0188

1. Insert the following new sections:

"Sec. 54. Section 79-1601, Reissue Revised Statutes of Nebraska, is amended to read:

79-1601. (1) Except as provided in subsections (2) through ~~(5)~~ (6) of this section, all private, denominational, and parochial schools in the State of Nebraska and all teachers employed or giving instruction in such schools shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. All private, denominational, and parochial schools shall have adequate equipment and supplies, shall be graded the same, and shall have courses of study for each grade conducted in such schools substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

(2) All private, denominational, or parochial schools shall either comply with the accreditation or approval requirements prescribed in section 79-318 or, for those schools which elect not to meet accreditation or approval requirements, the requirements prescribed in section 79-318 and subsections (2) through ~~(5)~~ (6) of this section. Standards and procedures for approval and accreditation shall be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, and health and safety factors in buildings and grounds. Rules and regulations which govern standards and procedures for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsections (2) through ~~(5)~~ (6) of this section, not to meet state accreditation or approval requirements shall be based upon evidence that such schools offer a program of instruction leading to the acquisition of basic skills in the language arts, mathematics, science, social studies, and health. Such rules and regulations may include a provision for the visitation of such schools and regular achievement testing of students attending such schools in order to insure that such schools are offering instruction in the basic skills listed in this subsection. Any arrangements for visitation or testing shall be made through a parent representative of each such school. The results of such testing may be used as evidence that such schools are offering instruction in such basic skills but shall not be used to measure, compare, or evaluate the competency of students at such schools.

21 (3) The provisions of subsections (3) through ~~(5)~~ (6) of
22 this section shall apply to any private, denominational, or
23 parochial school in the State of Nebraska which elects not to meet
24 state accreditation or approval requirements. Elections pursuant
25 to such subsections shall be effective when a statement is received
26 by the Commissioner of Education signed by the parents or legal
27 guardians of all children attending such private, denominational,
1 or parochial school, stating that (a) the requirements for approval
2 and accreditation required by law and the rules and regulations
3 adopted and promulgated by the State Board of Education violate
4 sincerely held religious beliefs of the parents or legal guardians,
5 (b) an authorized representative of such parents or legal guardians
6 will at least annually submit to the Commissioner of Education the
7 information necessary to prove that the requirements of
8 subdivisions ~~(i) through (iii) of this subsection~~ (4)(a) through
9 (c) are satisfied, (c) the school offers the courses of instruction
10 required by subsections (2), ~~and~~ (3), ~~and~~ (4) of this section, and
11 (d) the parents or legal guardians have satisfied themselves that
12 individuals monitoring instruction at such school are qualified to
13 monitor instruction in the basic skills as required by subsections
14 (2), ~~and~~ (3), ~~and~~ (4) of this section and that such individuals
15 have demonstrated an alternative competency to monitor instruction
16 or supervise children pursuant to subsections (3) through ~~(5)~~ (6)
17 of this section.

18 (4) Each such private, denominational, or parochial
19 school shall ~~(i)~~ (a) meet minimum requirements relating to health,
20 fire, and safety standards prescribed by state law and the rules
21 and regulations of the State Fire Marshal, ~~(ii)~~ (b) report
22 attendance pursuant to section 79-201, and ~~(iii)~~ (c) maintain a
23 sequential program of instruction designed to lead to basic skills
24 in the language arts, mathematics, science, social studies, and
25 health. The State Board of Education shall establish procedures
26 for receiving information and reports required by subsections (3)
27 through ~~(5)~~ (6) of this section from authorized parent
1 representatives who may act as agents for parents or legal
2 guardians of students attending such school and for individuals
3 monitoring instruction in the basic skills required by this
4 subsection.

5 ~~(4)~~ (5) Individuals employed by schools which elect not
6 to meet state accreditation or approval requirements shall not be
7 required to meet the certification requirements prescribed in
8 sections 79-801 to 79-816 but shall either (a) take appropriate
9 subject matter components of a nationally recognized teacher
10 competency examination designated by the State Board of Education
11 as (i) including the appropriate subject matter areas for purposes
12 of satisfying the requirements of ~~subsection~~ subsections (3) ~~and~~
13 (4) of this section and (ii) a nationally recognized examination or
14 (b) offer evidence of competence to provide instruction in the
15 basic skills required by ~~subsection~~ subsections (3) ~~and~~ (4) of this

16 section pursuant to informal methods of evaluation which shall be
17 developed by the State Board of Education. Such evidence may
18 include educational transcripts, diplomas, and other information
19 regarding the formal educational background of such individuals.
20 Information concerning test results, transcripts, diplomas, and
21 other evidence of formal education may be transmitted to the State
22 Department of Education by authorized representatives of parents or
23 legal guardians. The results of such testing or alternative
24 evaluation of individuals who monitor the instruction of students
25 attending such schools may be used as evidence of whether or not
26 such schools are offering adequate instruction in the basic skills
27 prescribed in subsections (2), ~~and (3), and (4)~~ of this section but
1 shall not be used to prohibit any such school from employing such
2 individuals. Failure of a monitor, who is tested for the purpose
3 of satisfying in whole or in part the requirements of subsections
4 (3) through ~~(5)~~ (6) of this section, to attain a score equal to or
5 exceeding both the state or national average score or rating on
6 appropriate subject matter components of recognized teacher
7 competency examinations designated by the State Board of Education
8 may be by itself sufficient proof that such school does not offer
9 adequate instruction in the basic skills prescribed in ~~subsection~~
10 subsections (3) and (4) of this section.

11 ~~(5)~~ (6) The demonstration of competency to monitor
12 instruction in a private, denominational, or parochial school which
13 has elected not to meet state accreditation or approval
14 requirements shall in no way constitute or be construed to grant a
15 license, permit, or certificate to teach in the State of Nebraska.
16 Any school which elects not to meet state accreditation or approval
17 requirements and does not meet the requirements of subsections (2)
18 through ~~(5)~~ (6) of this section shall not be deemed a school for
19 purposes of section 79-201, and the parents or legal guardians of
20 any children attending such school shall be subject to prosecution
21 pursuant to such section or any statutes relating to habitual
22 truancy.

23 Sec. 55. Section 79-1602, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-1602. Any person who, as an authorized representative
26 of a parent or legal guardian, transmits information required by
27 subsections (3) through ~~(5)~~ (6) of section 79-1601 knowing such
1 information to be false shall be guilty of a Class IIIA
2 misdemeanor.

3 Any person who knowingly gives false information to an
4 authorized representative of a parent or legal guardian, knowing
5 that such information is intended to be transmitted to the State
6 Board of Education, shall be guilty of a Class IIIA misdemeanor.

7 Sec. 57. Section 85-607, Revised Statutes Supplement,
8 1998, is amended to read:

9 85-607. No publicly funded college or university in this
10 state shall prohibit the admission of any child educated in any

11 school which elects to meet the requirements of subsections (2)
12 through ~~(5)~~ (6) of section 79-1601 if the child is qualified for
13 admission as shown by testing results."

14 2. On page 11, lines 4 and 13, strike "(5)", show as
15 stricken, and insert "(6)".

16 3. On page 95, line 15, strike "and 79-1188" and insert
17 "79-1188, 79-1601, and 79-1602"; and in lines 21 and 22 strike "and
18 81-1108.22" and insert "81-1108.22, and 85-607".

19 4. Renumber the remaining sections and correct internal
20 references accordingly.

The Bohlke amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Messrs. Dierks and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 226. Title read. Considered.

The corrected Standing Committee amendment, AM0365, found on page 593, was considered.

Messrs. Byars and Hilgert offered the following amendment to the Standing Committee amendment:

AM0421

(Amendments to Standing Committee amendments, AM0335)

1 1. On page 1, line 17, after "to" insert "prescribe,
2 dispense, or".

3 2. On page 2, line 4, after "who" insert "prescribes,
4 dispenses, or administers or a nurse licensed under the Nurse
5 Practice Act who"; and in line 6 after "71-161.20" insert "or under
6 the Nurse Practice Act".

The Byars-Hilgert amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Ms. Price asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 375. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 407. Title read. Considered.

Advanced to E & R for review with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 18CA. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Health and Human Services

LEGISLATIVE BILL 115. Placed on General File as amended.

Standing Committee amendment to LB 115:

AM0402

1 1. Strike original section 2 and insert the following
2 new sections:

3 "Sec. 2. Section 71-20,118, Revised Statutes Supplement,
4 1998, is amended to read:

5 71-20,118. The Legislature finds and declares for the
6 purposes of ~~limited-service rural~~ critical access hospitals as
7 defined in subdivision (24) of section 71-2017.01 that:

8 (1) One-half of Nebraska's population, or about eight
9 hundred thousand persons, reside in rural areas, and maintaining
10 access to health care services continues to be a struggle for such
11 rural residents who must overcome geographic barriers, limited
12 capital resources, and the difficulty of recruiting and retaining
13 physicians and other health care professionals;

14 (2) Rural areas have a larger proportion of elderly
15 residents;

16 (3) Nationally, inadequate medicare reimbursement and
17 burdensome and inflexible requirements have contributed to a high
18 closure rate among rural hospitals, resulting in reduced access to
19 primary care and emergency services for millions of rural
20 residents;

21 (4) Over the past seven years, the federal government has
22 supported the development of ~~limited-service rural~~ critical access
23 hospitals in several states to provide an alternative for rural
24 communities that can no longer support a traditional hospital in
25 remote or sparsely populated areas; and

2 (5) The purpose of the creation of ~~limited-service rural~~
3 critical access hospitals is to (a) ensure access to health care
4 services for rural communities by allowing hospitals to be
5 designated as ~~limited-service rural~~ critical access hospitals if

6 such hospitals limit the scope of available inpatient acute care
7 services, (b) provide more appropriate and flexible staffing and
8 licensure standards, (c) enhance the financial security of
9 ~~limited-service rural~~ critical access hospitals by reimbursing such
10 facilities on a reasonable cost basis, and (d) promote linkages
11 between ~~limited-service rural~~ critical access hospitals licensed by
12 the state and broader programs supporting the development of and
13 transition to integrated provider networks.

14 Sec. 3. Section 71-20,119, Revised Statutes Supplement,
15 1998, is amended to read:

16 71-20,119. In addition to the authority of the
17 Department of Health and Human Services Regulation and Licensure
18 pursuant to section 71-2024, the department is hereby authorized to
19 adopt and promulgate rules, regulations, and standards with respect
20 to ~~limited-service rural~~ critical access hospitals as defined in
21 subdivision (24) of section 71-2017.01. Such rules, regulations,
22 and standards shall include, but not be limited to:

23 (1) Minimum staffing requirements regarding the number of
24 hours during a day or days during a week in which a facility must
25 be open and fully staffed when no inpatient is present;

26 (2) Minimum standards for the governing board, medical
27 staff, nursing services, and quality assurance program of a
1 ~~limited-service rural~~ critical access hospital; and

2 (3) Minimum standards for the scope of services provided
3 by such hospital, including inpatient medical care which shall be
4 subject to length of stay limits, emergency medical care,
5 diagnostic and therapeutic services, and laboratory, radiology,
6 surgery, and anesthesia services.

7 Sec. 4. Section 71-7614, Revised Statutes Supplement,
8 1998, is amended to read:

9 71-7614. (1) Beginning January 15, 1999, the Excellence
10 in Health Care Trust Fund shall be used for (a) awarding grants or
11 making loan guarantees as described in section 71-7613 for
12 conversion of nursing facilities to assisted-living facilities or
13 other alternatives to nursing facility care, (b) awarding grants
14 for public health services which focus on health education,
15 preventive health measures, and environmental health, assessment,
16 and assurance, including services for reservation or service areas
17 of federally recognized Native American tribes in Nebraska and
18 organizations that focus on the health of minority groups, (c)
19 awarding grants for activities related to the design, maintenance,
20 or enhancement of the statewide trauma system, support of emergency
21 medical services programs, and support for the emergency medical
22 services programs for children, (d) awarding grants for conversion
23 of hospitals in rural areas of the state to ~~limited-service rural~~
24 critical access hospitals, (e) awarding grants for education,
25 recruitment, and retention of primary care professionals,
26 behavioral health professionals, and nurses for medically
27 underserved areas, (f) awarding grants for health infrastructure

1 development which is supportive of telemedicine capability,
2 including, but not limited to, high-speed data and medical
3 information transmission, (g) awarding grants for the development
4 and expansion of community-based aging services designed to promote
5 the independent living status of and delay institutional care for
6 elderly persons, including, but not limited to, personal care,
7 respite care, homemaker care, and chore and transportation
8 services, and (h) the state's matching share for children's health
9 insurance under Title XXI of the federal Social Security Act in
10 excess of the funds distributed under subdivision (2)(b) of section
11 71-7612. No more than one-half of the money in the Excellence in
12 Health Care Trust Fund may be used for conversion projects under
13 subdivision (a) of this subsection. No funds shall be used under
14 this section for abortion, abortion counseling, referral for
15 abortion, or school-based health clinics.

16 (2) The Governor shall establish the Excellence in Health
17 Care Council within the Department of Health and Human Services
18 Finance and Support. The Director of Finance and Support or his or
19 her designee shall be an ex officio member of the council. The
20 Governor shall appoint a chairperson and five additional members to
21 the council. The chairperson and additional members shall be
22 appointed for three-year terms, except that of the initial members,
23 two shall be appointed for one-year terms and two for two-year
24 terms. The membership shall include at least one consumer and one
25 health care provider. Any vacancy shall be filled in the same
26 manner as the original appointment for the unexpired term. The
27 Department of Health and Human Services Finance and Support shall
1 provide staff support for the council. The Department of Health
2 and Human Services and the Department of Health and Human Services
3 Regulation and Licensure shall also assist the Department of Health
4 and Human Services Finance and Support and the council as may be
5 necessary. Members of the council shall be reimbursed for their
6 actual and necessary expenses as provided in sections 81-1174 to
7 81-1177.

8 (3) The council, with the approval of the Director of
9 Finance and Support, shall award grants or make loan guarantees
10 under subdivision (1)(a) of this section and shall award grants
11 under subdivisions (1)(b) through (g) of this section to a person
12 or entity for expenditures, including, but not limited to, startup
13 and training expenses and operating losses, which will improve
14 access to or delivery of health care services to medically
15 underserved individuals or in medically underserved areas or which
16 will help contain or reduce the cost or improve the quality of
17 health care services. The Director of Finance and Support, with
18 the advice of the Nursing Home Advisory Council and the Policy
19 Cabinet created in section 81-3009, shall use the procedures and
20 criteria of section 71-7613 to make recommendations for grants to
21 be awarded or loan guarantees to be made by the Excellence in
22 Health Care Council under subdivision (1)(a) of this section.

23 (4) Eligible activities under subdivision (1)(b) of this
24 section shall include, but not be limited to, (a) projects to
25 implement the Community Health Care Act, (b) the hiring of school
26 nurses by educational service units, school districts, public
27 health entities, or partnerships between schools and public health
1 entities in order to identify children for medicaid eligibility and
2 to provide immunizations and other public health services, (c)
3 health education and activities that focus on prenatal care, proper
4 diet, physical activity, the reduction of teen and other unintended
5 pregnancies, the prevention of disease, and other public health
6 problems, (d) staffing needs for public health services or
7 education, including recruitment and training, (e) pregnancy
8 testing, (f) tests and screenings for blood pressure, cholesterol,
9 sexually transmitted diseases, cervical cancer, breast cancer,
10 communicable diseases, and other potential public health problems,
11 (g) matching funds for state and federal health programs designed
12 to address public health needs, (h) laboratory equipment to enable
13 the Department of Health and Human Services Regulation and
14 Licensure to carry out its powers and duties relating to laboratory
15 services, (i) public health environmental services, and (j)
16 education, research, and outreach programs that specifically
17 address the cause and prevention of smoking-related diseases and
18 smoking prevention and cessation.

19 (5) This section does not create an entitlement to any
20 funds available for grants or loan guarantees under this section,
21 and the council may award grants or make loan guarantees to the
22 extent funds are available and, within its discretion, to the
23 extent such applications are approved.

24 (6) The department shall:

25 (a) In consultation with the Excellence in Health Care
26 Council, develop criteria for the awarding of grants from the
27 Excellence in Health Care Trust Fund pursuant to subdivisions
1 (1)(b) through (g) of this section;

2 (b) Have the power to approve or disapprove decisions by
3 the council regarding the selection of projects to be funded and
4 the distribution and duration of project funding;

5 (c) In consultation with the council, establish
6 standards, formats, procedures, and timelines for the successful
7 implementation of approved projects;

8 (d) In consultation with the council, assist grant
9 recipients in determining the effectiveness of the project and
10 measure the accomplishment of the grant objectives; and

11 (e) Provide annual reports to the Governor and the
12 Legislature concerning the projects. Each report shall include the
13 number of applicants and approved applicants, an overview of the
14 various projects, and detailed reports of the cost of each project.

15 (7) The department shall, in consultation with the
16 council, adopt and promulgate rules and regulations establishing
17 criteria, standards, and procedures regarding the selection and

18 administration of projects funded from the fund pursuant to
 19 subdivisions (1)(b) through (g) of this section. Recipients of
 20 such grants shall be required to provide, upon request, such data
 21 relating to the funded projects as the department deems necessary.

22 Sec. 5. Original sections 71-2017.01, 71-20,118,
 23 71-20,119, and 71-7614, Revised Statutes Supplement, 1998, are
 24 repealed.

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

27 2. On page 3, lines 4 and 5, strike "limited-service
 1 rural", show as stricken, and insert "critical access".

2 3. On page 13, line 2, strike "Limited-service rural",
 3 show as stricken, and insert "Critical access".

(Signed) Jim Jensen, Chairperson

Revenue

LEGISLATIVE BILL 383. Placed on General File as amended.
 Standing Committee amendment to LB 383:
 AM0428

1 1. Strike original sections 3 and 4.

2 2. On page 11, line 25, strike the first comma and
 3 insert "and" and strike "and"; in line 26 strike "77-2734.04,"; and
 4 strike beginning with "and" in line 26 through the last comma in
 5 line 27.

6 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 539. Placed on General File as amended.
 Standing Committee amendment to LB 539:
 AM0427

1 1. Strike original sections 6 and 7 and insert the
 2 following new sections:

3 "Sec. 6. Section 77-4112, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 77-4112. (1) The changes made in sections 77-4103 to
 6 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative
 7 for all applications filed on and after January 1, 1988. For all
 8 applications filed prior to January 1, 1988, the provisions of the
 9 Employment and Investment Growth Act as they existed immediately
 10 prior to such date shall apply.

11 (2) Section 77-4113 and the changes made in section
 12 77-4104 by Laws 1996, LB 1290, shall become operative for all
 13 applications filed on or after May 1, 1996.

14 (3) The changes made in section 77-4103 by this
 15 legislative bill and section 5 of this act shall become operative
 16 for all contracts signed on or after January 1, 1999.

17 Sec. 7. Sections 1, 2, and 8 of this act are operative
 18 for all taxable years beginning or deemed to begin on or after

19 January 1, 1999, under the Internal Revenue Code of 1986, as
 20 amended. The other sections of this act are operative on their
 21 effective date.

22 Sec. 8. Original sections 77-27,187.01 and 77-27,188,
 23 Revised Statutes Supplement, 1998, are repealed.

24 Sec. 9. Original section 77-4112, Reissue Revised
 1 Statutes of Nebraska, and sections 77-4101 and 77-4103, Revised
 2 Statutes Supplement, 1998, are repealed."

LEGISLATIVE BILL 139. Indefinitely postponed.

LEGISLATIVE BILL 180. Indefinitely postponed.

LEGISLATIVE BILL 384. Indefinitely postponed.

LEGISLATIVE BILL 392. Indefinitely postponed.

LEGISLATIVE BILL 456. Indefinitely postponed.

LEGISLATIVE BILL 471. Indefinitely postponed.

LEGISLATIVE BILL 635. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 687. Placed on General File as amended.

Standing Committee amendment to LB 687:

AM0230

1 1. On page 3, after line 16 insert

2 "(5) The state, the board, the state investment officer,
 3 the members of the Nebraska Investment Council, or the county shall
 4 not be liable for any investment results resulting from the
 5 member's exercise of control over the assets in the employer
 6 account."

7 2. On page 6, after line 25 insert

8 "(5) The state, the board, the state investment officer,
 9 the members of the Nebraska Investment Council, or the agency shall
 10 not be liable for any investment results resulting from the
 11 member's exercise of control over the assets in the employer
 12 account."

LEGISLATIVE BILL 497. Indefinitely postponed.

LEGISLATIVE BILL 537. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

Appropriations

LEGISLATIVE RESOLUTION 3. Reported to the Legislature for further consideration with the following amendment:

AM0429

1 1. Strike the first Resolved clause and insert:

2 "1. That for the 1999-2001 biennium new General Fund

- 3 appropriations shall not average more than a three-percent increase
- 4 per year over the previous fiscal year's new General Fund
- 5 appropriations."

(Signed) Roger R. Wehrbein, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Friday February 26, 1999 1:30 p.m.
 Military Department
 General Stanley Heng
 Athletic Commission
 Wally Jernigan
 Fire Marshal
 Ken Winters

Wednesday, March 10, 1999 1:30 p.m.
 Department of Veterans Affairs
 Keith Fickenscher
 Policy Research
 Lauren Hill
 Department of Administrative Services
 Lori McClurg

Thursday, March 11, 1999 1:30 p.m.
 Department of Correctional Services
 Harold Clarke
 Crime Commission
 Allen Curtis
 Nebraska State Patrol
 Tom Nesbitt
 Department of Aeronautics
 Kenneth Penney Jr.

(Signed) DiAnna R. Schimek, Chairperson

Agriculture

LB 573	Tuesday, March 2, 1999	1:30 p.m.
LB 825	Tuesday, March 2, 1999	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Transportation

LB 229	Tuesday, March 16, 1999 (canceled)	1:30 p.m.
LB 229	Monday, March 15, 1999 (rescheduled)	1:30 p.m.

(Signed) Curt Bromm, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 19, 1999, at 11:10 a.m., were the following bills: LBs 19, 23, 24, 59, 102, 170, 191, 228, 258, 259, 260, 278, 287, 298, 326, 403, 291, and 291A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ANNOUNCEMENT

Mr. Vrtiska designates LB 650 as his priority bill.

AMENDMENTS - Print in Journal

Mr. Tyson filed the following amendment to LB 27:
AM0430

- 1 1. On page 2, line 23, before "An" insert "(1)"; in line
- 2 24 strike "(1)" and insert "(a)"; and in line 27 strike "(2)" and
- 3 insert "(b)".
- 4 2. On page 3, after line 5, insert the following new
- 5 subsection:
- 6 "(2) Before a nonmember employee who is a member of an
- 7 organization of non-union employees pays his or her fair share to a
- 8 labor organization, the labor organization shall submit an
- 9 application to such organization of non-union employees for the
- 10 cost borne by the labor organization in representing nonmember
- 11 employees for collective bargaining and contract enforcement
- 12 purposes. The organization of non-union employees shall then
- 13 authorize a fair-share payment, but the employee shall pay no
- 14 greater sum than the organization specifically authorizes. The
- 15 application shall: (a) Identify with particularity the work done by
- 16 the labor organization, including, but not limited to,
- 17 participants, subjects, and duration of conferences; (b) identify
- 18 the subjects of research, the researchers, and whether the results
- 19 of the research were incorporated into a brief, motion, or
- 20 pleading; (c) identify travel time involved, including the
- 21 individuals, destination, purpose, and mode of travel; (d) specify
- 22 any charges for the preparation of any brief, motions, or pleading
- 23 and the individuals who prepared it; (e) identify by job title each
- 24 person performing services relating to collective bargaining and
- 1 contract enforcement, including the legal experience of each
- 2 attorney; (f) identify the wages paid to any paralegal or law
- 3 student; (g) identify the relative applicability of services
- 4 performed if such services were applicable to more than one case;
- 5 and (h) identify all expenses with particularity, including the
- 6 following: (i) If a photocopying expense is charged, the items
- 7 copied why they were copied, what use was made of such copies, and
- 8 how many pages of material were photocopied; (ii) if depositions

9 are being identified as expenses, the name of the court reporter,
10 the time of the deposition, the date of the deposition, the
11 identity of the deponent, the purpose of taking the deposition, and
12 the use made of such deposition; (iii) if long-distance telephone
13 expenses are listed, an identification of the date, the callers,
14 where the call was made, and the subject of the call; and (iv) if
15 travel expenses are being claimed, an identification of the mode of
16 travel, the number of days traveled, cost of lodging, and meals
17 involved in the travel."; and in line 7 strike "(2)" and insert
18 "(1)(b)".

Mr. Kristensen filed the following amendment to LB 407:
FA27
Strike Section 4

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 263. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 226. No objections. So ordered.

VISITORS

Visitors to the Chamber were 10 fifth through eighth grade students and principal and Senator Jones' son and grandsons, Vernon, Kenneth, and Michael, from Wellsville, Kansas.

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 12:01 p.m., on a motion by Mrs. Kiel, the Legislature adjourned until 9:00 a.m., Monday, February 22, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY – FEBRUARY 22, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 22, 1999

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Jim Hardy, Florence Christian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear and Schrock who were excused; and Mmes. Bohlke, Kiel, Robak, Messrs. Chambers, Engel, Hilgert, Landis, Matzke, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 659, lines 38 and 39, strike "Placed on General File as amended. Standing Committee amendment to LR 3:" and insert, "Reported to the Legislature for further consideration with the following amendment:". The Journal for the thirtieth day was approved as corrected.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 31 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR	Committee
31	Natural Resources

(Signed) George Coordsen, Chairperson

Legislative Council
Executive Board

AMENDMENT - Print in Journal

Mr. Jensen filed the following amendment to LB 333:
AM0436

- 1 1. Strike sections 1, 2, and 4.
- 2 2. On page 2, line 13, strike "facility" and insert
- 3 "pharmacy"; in line 15 after "pharmacist" insert ", except that
- 4 drugs and devices dispensed to residents of a long-term care
- 5 facility shall be destroyed on the site of the long-term care
- 6 facility"; strike beginning with the comma in line 19 through
- 7 "destruction" in line 20; in lines 24 and 26 after "The" insert
- 8 "dispensed"; in line 26 strike "is" and insert "shall be"; and in
- 9 line 28 strike "an" and insert "the".
- 10 3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 333A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

MS. SCHIMEK PRESIDING

LEGISLATIVE BILL 774A. 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.

LEGISLATIVE BILL 440A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 2 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 612. Title read. Considered.

Mrs. Stuhr and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CUDABACK PRESIDING

MS. SCHIMEK PRESIDING

Mr. Baker moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Mr. Coordsen requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baker	Coordsen	Hudkins	Pedersen, Dw.	Smith
Bohlke	Crosby	Janssen	Peterson, C.	Stuhr
Bourne	Cudaback	Jones	Quandahl	Tyson
Byars	Dierks	Kiel	Robak	Vrtiska
Connealy	Hilgert	Kremer	Schellpeper	Wehrbein

Voting in the negative, 15:

Beutler	Bruning	Kristensen	Price	Schimek
Bromm	Hartnett	Matzke	Raikes	Suttle
Brown	Jensen	Pederson, D.	Redfield	Thompson

Present and not voting, 5:

Chambers	Engel	Lynch	Preister	Schmitt
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Excused and not voting, 4:

Brashear	Landis	Schrock	Wickersham
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Advanced to E & R for review with 25 ayes, 15 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

ANNOUNCEMENT

The Chair announced yesterday was Senator Hudkins' birthday.

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 54. Title read. Considered.

The Standing Committee amendment, AM0340, found on page 581, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Messrs. Tyson, Janssen, Mmes. Hudkins, and C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 346. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

MOTION - Print in Journal

Mrs. Kiel filed the following motion to LB 634:
Withdraw LB 634.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 689A. Introduced by Robak, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 689, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 87A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 87, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 519A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 519, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 217. Placed on General File as amended.

Standing Committee amendment to LB 217:

AM0438

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 77-2301, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2301. (1) The State Treasurer shall deposit, and at
- 5 all times keep on deposit for safekeeping, in the state or national
- 6 banks, or some of them doing business in this state and of approved
- 7 standing and responsibility, the amount of money in his or her
- 8 hands belonging to the several current funds in the state treasury.

9 Any bank may apply for the privilege of keeping on deposit such
10 funds or some part thereof.

11 (2)(a) Every bank shall, as a condition of keeping on
12 deposit state funds, agree to cash free of charge state warrants
13 which are presented by payees of the state without regard to
14 whether or not such payee has an account with such bank, and such
15 bank shall not require such payee to place his or her fingerprint
16 or thumbprint on the state warrant as a condition to cashing such
17 warrant.

18 (b) The condition of keeping on deposit state funds in
19 subdivision (2)(a) of this section shall not preclude any bank from
20 refusing to cash a state warrant presented to the bank if (i) a
21 stop-payment order has been placed on the state warrant, (ii) the
22 state warrant has been reported as unregistered, voided, lost,
23 stolen, destroyed, or that a duplicate state warrant has been
24 issued in its place, (iii) the state warrant is incomplete or is
1 forged or altered in any manner, (iv) the state warrant lacks any
2 necessary indorsement or an indorsement is illegible, unauthorized,
3 or forged, (v) the state warrant is stale-dated, or (vi) the bank
4 has a reasonable belief that the individual presenting the state
5 warrant is not the payee named on the state warrant.

6 (3) All deposits shall be subject to payment when
7 demand by the State Treasurer on his or her check and shall be
8 subject also to such regulations as are imposed by law and rules
9 adopted by the State Treasurer in receiving and holding such
10 deposits."

11 2. On page 2, line 3, before "Notwithstanding" insert
12 "(1)"; in line 11 before "Every" insert "(2)(a)"; after line 18
13 insert the following new subdivision:

14 "(b) The condition of accepting state funds in
15 subdivision (2)(a) of this section shall not preclude any bank or
16 building and loan association from refusing to cash a state warrant
17 presented to the bank or building and loan association if (i) a
18 stop-payment order has been placed on the state warrant, (ii) the
19 state warrant has been reported as unregistered, voided, lost,
20 stolen, destroyed, or that a duplicate state warrant has been
21 issued in its place, (iii) the state warrant is incomplete or is
22 forged or altered in any manner, (iv) the state warrant lacks any
23 necessary indorsement or an indorsement is illegible, unauthorized,
24 or forged, (v) the state warrant is stale-dated, or (vi) the bank
25 or building and loan association has a reasonable belief that the
26 individual presenting the state warrant is not the payee named on
1 the state warrant."; in line 19 strike "section 72-1268" and insert
2 "sections 72-1268 and 77-2301"; and in line 20 strike "is" and
3 insert "are".

3. Renumber the remaining section accordingly.

(Signed) David M. Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 241. Placed on General File.

LEGISLATIVE BILL 616. Placed on General File.

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 612:

FA28

On line 5, page 2 at the end of the line add the words "Supreme Court shall consider"

On line 6, page 2, strike 'shall' and substitute "which"

MOTION - Print in Journal

Mr. Landis filed the following motion to LB 346:

Indefinitely postpone LB 346.

GENERAL FILE

LEGISLATIVE BILL 424. Title read. Considered.

The Standing Committee amendment, AM0379, found on page 605, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 324. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 356. Title read. Considered.

SPEAKER KRISTENSEN PRESIDING

Mr. Chambers moved to indefinitely postpone LB 356.

Mrs. Kiel, Messrs. Bruning, Lynch, and Cudaback asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 703. Placed on Select File as amended.

E & R amendment to LB 703:

AM7067

- 1 1. In the Wickersham-Stuhr amendment, AM0401:
 - 2 a. On page 1, line 13, strike the comma; in line 18
 - 3 strike the first comma and insert "and"; strike beginning with the
 - 4 last comma in line 18 through "comma" in line 19; and in line 23
 - 5 strike the semicolon and insert an underscored comma; and
 - 6 b. On page 2, line 3, strike the semicolon and insert an
 - 7 underscored comma.
- 8 2. In the Standing Committee amendments, AM0193, on page
- 9 3, line 3, strike "24-711.10" and insert "24-710.10" and strike
- 10 "79-447.04" and insert "79-947.04".
- 11 3. On page 1, line 3, after the last comma insert
- 12 "24-710.10,"; in line 4 after the last comma insert "79-947.04,";
- 13 in line 5 after the first comma insert "81-2027.06,"; and in line
- 14 10 after the last comma insert "consumer price indices,".
- 15 4. On page 6, line 19; and page 35, line 7, strike
- 16 "employee-employer" and insert "employer-employee".
- 17 5. On page 12, line 14, after "section" insert an
- 18 underscored comma; and in line 16 strike "subsection (1) of".
- 19 6. On page 16, line 13, strike "or" and show as
- 20 stricken; in line 18 strike "advisors" and insert "advisers"; and
- 21 in line 19 strike "Advisor" and insert "Advisers".
- 22 7. On page 17, line 25; and page 18, line 3, strike the
- 23 last comma and insert "or section".
- 24 8. On page 36, line 1, after "termination" insert "of
- 1 employment".
- 2 9. On page 44, line 24, after "section" insert an
- 3 underscored comma and after "contributions" insert "so".
- 4 10. On page 45, line 12, strike "Service", show as
- 5 stricken, and insert "Code".

LEGISLATIVE BILL 60. Placed on Select File.**LEGISLATIVE BILL 380.** Placed on Select File as amended.

E & R amendment to LB 380:

AM7062

- 1 1. On page 1, line 1, strike "managed care" and insert
- 2 "medical assistance".

LEGISLATIVE BILL 411. Placed on Select File as amended.

E & R amendment to LB 411:

AM7068

- 1 1. In the Standing Committee amendments, AM0272:
- 2 a. On page 8, line 24; and page 12, line 5, after "or"

- 3 insert "a"; and
- 4 b. On page 14, line 18, after "provisional" insert "and
- 5 inactive".
- 6 2. On page 1, line 7, strike "removal," and after
- 7 "board" insert "of examiners".

LEGISLATIVE BILL 440. Placed on Select File.

LEGISLATIVE BILL 519. Placed on Select File as amended.
E & R amendment to LB 519:

AM7066

- 1 1. In the Standing Committee amendments, AM0126:
- 2 a. On page 2, line 7, after "include" and "to" insert a
- 3 comma; and
- 4 b. On page 4, line 22, after "the" insert "Office of" and
- 5 strike "Office"; and in line 24 after "Rehabilitation" insert
- 6 "Services of the State Department of Education".
- 7 2. On page 1, line 2, strike "Rehabilitation" and insert
- 8 "Action Plan" and strike "and"; and in line 3 after "date" insert
- 9 "; and to declare an emergency".

LEGISLATIVE BILL 475. Placed on Select File.

LEGISLATIVE BILL 479. Placed on Select File.

LEGISLATIVE BILL 234. Placed on Select File as amended.
E & R amendment to LB 234:

AM7065

- 1 1. On page 1, line 2, strike "and 32-330" and insert ",
- 2 32-313, 32-315, 32-326 to 32-330, 32-628, 32-914.01 to 32-915, and
- 3 32-1002,".

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORT **Agriculture**

LEGISLATIVE BILL 405. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

AMENDMENTS - Print in Journal

Mr. Cudaback filed the following amendment to LB 113:

AM0156

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) A state purchasing card program shall be
- 4 created. The State Treasurer and the Director of Administrative
- 5 Services shall determine the type of purchasing card or cards

6 utilized in the state purchasing card program. The State Treasurer
7 shall contract with one or more financial institutions,
8 card-issuing banks, credit card companies, charge card companies,
9 debit card companies, or third-party merchant banks capable of
10 operating the state purchasing card program on behalf of the state
11 and those political subdivisions that participate in the state
12 contract for such services. After the state purchasing card
13 program has been in existence for two years, a joint report issued
14 from the State Treasurer and the director shall be submitted to the
15 Legislature and the Governor not later than January 1, 2001. The
16 report shall include, but not be limited to, the utilization,
17 costs, and benefits of the program. The state purchasing card
18 program shall be administered by the Department of Administrative
19 Services. The department may adopt and promulgate rules and
20 regulations as needed for the implementation of the state
21 purchasing card program. The department shall adopt and promulgate
22 rules and regulations providing authorization instructions for all
23 transactions. Expenses associated with the state purchasing card
24 program shall be considered, for purposes of this section, as an
1 administrative or operational expense.

2 (2) Any state official, state agency, or political
3 subdivision may utilize the state purchasing card program for the
4 purchase of goods and services for and on behalf of the State of
5 Nebraska.

6 (3) Vendors accepting the state's purchasing card shall
7 obtain authorization for all transactions in accordance with the
8 department's authorization instructions. Authorization shall be
9 from the financial institution, card-issuing bank, credit card
10 company, charge card company, debit card company, or third-party
11 merchant bank contracted to provide such service to the State of
12 Nebraska. Each transaction shall be authorized in accordance with
13 the instructions provided by the department for each state
14 official, state agency, or political subdivision.

15 (4) An itemized receipt for purposes of tracking
16 expenditures shall accompany all state purchasing card purchases.
17 In the event that an itemized receipt does not accompany such a
18 purchase, the Department of Administrative Services shall have the
19 authority to temporarily or permanently suspend state purchasing
20 card purchases in accordance with rules and regulations adopted and
21 promulgated by the department.

22 (5) Upon the termination or suspension of employment of
23 an individual using a state purchasing card, such individual's
24 state purchasing card account shall be immediately closed and he or
25 she shall return the state purchasing card to the department or
26 agency from which it was obtained.

27 (6) No officer or employee of the state shall use a state
1 purchasing card for any unauthorized use as determined by the
2 department by rule and regulation.

3 Sec. 2. (1) A political subdivision, through its

4 governing body, may create its own purchasing card program. The
5 governing body shall determine the type of purchasing card or cards
6 utilized in the purchasing card program and shall approve or
7 disapprove those persons who will be assigned a purchasing card.
8 Under the direction of its governing body, any political
9 subdivision may contract with one or more financial institutions,
10 card-issuing banks, credit card companies, charge card companies,
11 debit card companies, or third-party merchant banks capable of
12 operating the purchasing card program on behalf of the political
13 subdivision. Expenses associated with the political subdivision's
14 purchasing card program shall be considered, for purposes of this
15 section, as an administrative or operational expense.

16 (2) Any political subdivision may utilize its purchasing
17 card program for the purchase of goods and services for and on
18 behalf of the political subdivision.

19 (3) Vendors accepting a political subdivision's
20 purchasing card shall obtain authorization for all transactions.
21 Authorization shall be from the financial institution, card-issuing
22 bank, credit card company, charge card company, debit card company,
23 or third-party merchant bank contracted to provide such service to
24 the political subdivision. Each transaction shall be authorized in
25 accordance with the instructions provided by the political
26 subdivision.

27 (4) An itemized receipt for purposes of tracking
1 expenditures shall accompany all purchasing card purchases. In the
2 event that a receipt does not accompany such a purchase, purchasing
3 card privileges shall be temporarily or permanently suspended in
4 accordance with rules and regulations adopted and promulgated by
5 the political subdivision.

6 (5) Upon the termination or suspension of employment of
7 an individual using a purchasing card, such individual's purchasing
8 card account shall be immediately closed and he or she shall return
9 the purchasing card to the political subdivision.

10 (6) No officer or employee of a political subdivision
11 shall use a political subdivision purchasing card for any
12 unauthorized use as determined by the governing body."

Mr. Chambers filed the following amendment to LB 356:

FA29

Strike section 4.

Mr. Chambers filed the following amendment to LB 356:

FA30

P. 4, lines 3-4 reinstate stricken matter.

Mr. Chambers filed the following amendment to LB 356:

FA31

P. 4, lines 23-25 reinstate stricken matter.

Mr. Chambers filed the following amendment to LB 356:

FA32

P. 3, line 26, strike "ten" and show as stricken and insert "eight"

Mr. Chambers filed the following amendment to LB 356:

FA33

P. 4, line 7, strike and show as stricken, "overwidth, overheight, or overlength violations"

SELECT COMMITTEE REPORT Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 72.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 333. No objections. So ordered.

Mr. Quandahl asked unanimous consent to have his name added as cointroducer to LB 111 and LB 476. No objections. So ordered.

Ms. Price asked unanimous consent to have her name added as cointroducer to LB 120. No objections. So ordered.

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 407. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 226. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 177. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bill Koenig from Lincoln; Ernie French from Lexington; and students from the Nebraska Vocational Association from across the state.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Schmitt, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY – FEBRUARY 23, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 23, 1999

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear and Schrock who were excused; and Mmes. Bohlke, Brown, Kiel, Robak, Messrs. Bromm, Chambers, Hilgert, and Matzke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 802. Placed on Select File.

LEGISLATIVE BILL 214. Placed on Select File.

LEGISLATIVE BILL 86. Placed on Select File as amended.

E & R amendment to LB 86:

AM7069

- 1 1. In the Standing Committee amendments, AM0297, on page
- 2 10, line 23, strike "(4)" and insert "(5)".
- 3 2. On page 1, strike lines 2 through 4 and insert
- 4 "13-501, 13-504, 13-506, 13-511, 18-2805, 23-131, 23-135, 23-910,
- 5 and 23-1303, Reissue Revised Statutes of Nebraska, and sections
- 6 13-508, 13-518, and 13-520, Revised Statutes Supplement, 1998; to
- 7 create a board; to change budget limitation provisions; to"; in
- 8 line 8 after the last semicolon insert "to provide operative

- 9 dates;"; in line 9 strike "and"; and in line 10 before the period
 10 insert "; and to declare an emergency".
 11 3. On page 6, line 1, before "Notice" insert
 12 paragraphing and "(2)"; in line 13 strike "(2)", show as stricken,
 13 and insert "(3)"; and in line 16 strike "(3)", show as stricken,
 14 and insert "(4)".

(Signed) Adrian M. Smith, Chairperson

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LR 11CA:

AM0125

- 1 1. On page 1, strike beginning with "use" in line 8
 2 through "gender" in line 9 and insert "language in this
 3 Constitution shall be construed to be gender neutral"; and in line
 4 17 strike "use of the".
 5 2. On page 2, strike beginning with "masculine" in line
 6 1 through "gender" in line 2 and insert "language in the
 7 Constitution shall be construed to be gender neutral".

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 518. Placed on General File as amended.

Standing Committee amendment to LB 518:

AM0259

- 1 1. On page 3, line 18, after the period insert "The
 2 Department of Health and Human Services shall apply for a waiver to
 3 disregard any unearned income that is contingent upon a trial work
 4 period in applying the Supplemental Security Income standard."; and
 5 in line 20 strike "gross" and insert "net".

LEGISLATIVE BILL 575. Placed on General File as amended.

Standing Committee amendment to LB 575:

AM0387

- 1 1. On page 2, strike beginning with "No" in line 3
 2 through the period in line 16, show the old matter as stricken, and
 3 insert "No member of a professional board for any profession or
 4 occupation credentialed by the department pursuant to Chapter 71,
 5 no expert retained by such board, and no member of such a
 6 profession or occupation who provides consultation to or testimony
 7 for the department shall be liable in damages to any person for
 8 slander, libel, defamation of character, breach of any privileged
 9 communication, or otherwise for any action taken or recommendation
 10 made within the scope of the functions of such board or expert or
 11 the consultation or testimony given by such person, if such board
 12 member, expert, or person acts without malice and in the reasonable
 13 belief that such action, recommendation, consultation, or testimony

14 is warranted by the facts known to him or her after a reasonable
15 effort is made to obtain the facts on which such action is taken,
16 recommendation is made, or consultation or testimony is provided."

LEGISLATIVE BILL 594. Placed on General File as amended.

Standing Committee amendment to LB 594:

AM0455

- 1 1. Strike original section 36 and insert the following
- 2 new sections:
- 3 "Sec. 38. Sections 5 to 9, 23 to 29, 36, and 39 of this
- 4 act become operative July 1, 1999. The other sections of this act
- 5 become operative on their effective date.
- 6 Sec. 39. Original sections 43-2606, 43-2610, 43-2615,
- 7 43-2616, and 43-2620, Reissue Revised Statutes of Nebraska, and
- 8 sections 71-1909, 71-1910, 71-1911, 71-1913, 71-1913.01,
- 9 71-1913.02, 71-1915, and 81-502, Revised Statutes Supplement, 1998,
- 10 are repealed.
- 11 Sec. 42. Since an emergency exists, this act takes
- 12 effect when passed and approved according to law."
- 13 2. On page 33, strike beginning with the period in line
- 14 19 through "pharmacist" in line 28.
- 15 3. On page 40, line 5, after "(11)" insert "To establish
- 16 standards governing pharmacy interns and pharmacy technicians. In
- 17 establishing standards for the number of pharmacy interns or
- 18 pharmacy technicians that a pharmacist may supervise, the
- 19 department shall consider the following: (a) History of the use of
- 20 such personnel; (b) current literature discussing safety,
- 21 productivity, and expense associated with the use of pharmacy
- 22 technicians; (c) requirements in surrounding states for pharmacy
- 23 intern supervision; and (d) such other factors as the department
- 24 deems relevant to protect the public safety;
- 1 (12)"; in line 10 strike "(12)", show as stricken, and
- 2 insert "(13)"; and in line 14 strike "(13)", show as stricken, and
- 3 insert "(14)".
- 4 4. On page 64, line 2, strike the underscored period; in
- 5 line 4 reinstate the stricken matter; in line 9 strike the
- 6 underscored period; reinstate the stricken matter beginning with
- 7 "and" in line 10 through the period in line 11; and in line 28
- 8 strike the new matter and reinstate the stricken matter and after
- 9 the reinstated "elect" insert "a chairperson and".
- 10 5. On page 65, line 1, strike "a chairperson" and strike
- 11 "term", show as stricken, and insert "terms".
- 12 6. On page 71, strike line 5 and insert " 43-3301,
- 13 43-3303,"; strike line 9 and insert "71-1,142,"; and in line 10
- 14 strike "71-8251, 81-502,".
- 15 7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 750. Placed on General File as amended.

Standing Committee amendment to LB 750:

AM0424

- 1 1. On page 2, line 9, strike "alleys" and insert
- 2 "centers".
- 3 2. On page 3, reinstate beginning with "other" in line
- 4 21 through "bar" in line 22; reinstate beginning with "having" in
- 5 line 22 through "feet" in line 23; in line 24 reinstate "If a bar";
- 6 and reinstate beginning with "having" in line 24 through line 27.

LEGISLATIVE RESOLUTION 29. Reported to the Legislature for further consideration with the following amendment:

AM0420

- 1 1. Strike the second "WHEREAS" paragraph and insert the
- 2 following:
- 3 "WHEREAS, the state lawsuit was brought in part for
- 4 violation of state law under state law theories; and".

(Signed) Jim Jensen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 142A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 142, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

MOTION - Withdraw LB 634

Mrs. Kiel renewed her pending motion, found on page 666, to withdraw LB 634.

The Kiel motion to withdraw prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 92A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 113. E & R amendment, AM7008, found on page 385, was adopted.

Mr. Cudaback renewed his pending amendment, AM0156, found on page 670.

The Cudaback amendment was adopted with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 243. Mr. Wehrbein withdrew his amendments, AM0312, AM0314, and AM0316, found on page 568.

Mr. Wehrbein renewed his pending amendment, AM0397, found on page 612.

The Wehrbein amendment was adopted with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Mr. Beutler withdrew his amendment, AM0160, found on page 467.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 243A. Mr. Wehrbein renewed his pending amendment, AM0313, found on page 569.

The Wehrbein amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Mr. Wehrbein withdrew his amendments, AM0315 and AM0317, found on page 569.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 211. E & R amendment, AM7038, found on page 498, was adopted.

Mrs. C. Peterson, Messrs. Hilgert, and Schmitt renewed their pending amendment, AM0279, found on page 525.

Mrs. C. Peterson withdrew the C. Peterson et al. amendment.

Mr. Beutler offered the following amendment:

FA34

Strike the Tyson amendment

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 693. Placed on General File as amended.

Standing Committee amendment to LB 693:

AM0227

1 1. Strike original section 1 and insert the following
2 new section:
3 "Section 1. Section 48-115, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 48-115. The terms employee and worker are used
6 interchangeably and have the same meaning throughout the Nebraska
7 Workers' Compensation Act. Such terms include the plural and all
8 ages and both sexes. For purposes of the act, employee or worker
9 ~~and~~ shall be construed to mean:

10 (1) Every person in the service of the state or of any
11 governmental agency created by it, including the Nebraska National
12 Guard and members of the military forces of the State of Nebraska,
13 under any appointment or contract of hire, expressed or implied,
14 oral or written;

15 (2) Every person in the service of an employer who is
16 engaged in any trade, occupation, business, or profession as
17 described in section 48-106 under any contract of hire, expressed
18 or implied, oral or written, including aliens and also including
19 minors. Minors for the purpose of making election of remedies
20 under the Nebraska Workers' Compensation Act shall have the same
21 power of contracting and electing as adult employees.

22 As used in subdivisions (1) through (11) of this section,
23 the terms employee and worker shall not be construed to include any
24 person whose employment is not in the usual course of the trade,
1 business, profession, or occupation of his or her employer.

2 If an employee subject to the Nebraska Workers'
3 Compensation Act suffers an injury on account of which he or she
4 or, in the event of his or her death, his or her dependents would
5 otherwise have been entitled to the benefits provided by such act,
6 the employee or, in the event of his or her death, his or her
7 dependents shall be entitled to the benefits provided under such
8 act, if the injury or injury resulting in death occurred within
9 this state, or if at the time of such injury (a) the employment was
10 principally localized within this state, (b) the employer was
11 performing work within this state, or (c) the contract of hire was
12 made within this state; : For the purposes of the Nebraska
13 Workers' Compensation Act, (a) volunteer

14 (3) Volunteer firefighters of any fire department of any
15 rural or suburban fire protection district, city, or village, or
16 nonprofit corporation, which fire department is regularly organized
17 under the laws of the State of Nebraska. Such volunteers ; shall
18 be deemed employees of such rural or suburban fire protection
19 district, city, or village, or nonprofit corporation while in the

20 performance of their duties as members of such department and shall
21 be considered as having entered and as acting in the regular course
22 and scope of their employment when traveling from any place from
23 which they have been called to active duty to a fire station or
24 other place where firefighting equipment that their company or unit
25 is to use is located or to any emergency activities that the
26 volunteer firefighters may be officially called to participate in
27 directed to do by the chief of the fire department or some person
1 authorized to act for such chief. ; ~~(b) members~~

2 Members of such volunteer fire department, before they
3 are entitled to benefits under the Nebraska Workers' Compensation
4 Act, shall be recommended by the chief of the fire department or
5 some person authorized to act for such chief for membership therein
6 to the board of directors of the rural or suburban fire protection
7 district or nonprofit corporation, the mayor and city commission,
8 the mayor and council, or the chairperson and board of trustees, as
9 the case may be, and upon confirmation shall be deemed employees of
10 the rural or suburban fire protection district, city, or village,
11 ~~(c) members such entity.~~ Members of such fire department after
12 confirmation to membership may be removed by a majority vote of
13 such board of directors, commission, council, or board the entity's
14 board of directors or governing body and thereafter shall not be
15 considered employees of such rural or suburban fire protection
16 district, city, or village; ~~(d) firefighters entity.~~ Firefighters
17 of any fire department of any rural or suburban fire protection
18 district, nonprofit corporation, city, or village shall be
19 considered as acting in the performance and within the course and
20 scope of their duties in fighting fire or saving property or life
21 employment when performing activities outside of the corporate
22 limits of their respective districts, cities, or villages, but only
23 if directed to do so by the chief of the fire department or some
24 person authorized to act for such chief;

25 (4) Members ; (e) any members of the Nebraska Emergency
26 Management Agency, any city, village, county, or
27 interjurisdictional emergency management organization, or any state
1 emergency response team, which agency, organization, or team is
2 regularly organized under the laws of the State of Nebraska. Such
3 members ; shall be deemed employees of such agency, organization,
4 or team while in the performance of their duties as members of such
5 agency, organization, or team; ; ~~(f) any~~

6 (5) Any person fulfilling conditions of probation, or
7 community service as defined in section 29-2277, pursuant to any
8 order of any court of this state who shall be working for a
9 governmental body, or agency as defined in section 29-2277,
10 pursuant to any condition of probation, or community service as
11 defined in section 29-2277. Such person ; shall be deemed an
12 employee of the governmental body or agency for the purposes of the
13 Nebraska Workers' Compensation Act; ; ~~(g) volunteer~~

14 (6) Volunteer ambulance drivers and attendants and

15 out-of-hospital emergency care providers who are members of an
16 emergency medical service for any county, city, ~~or village, rural~~
17 ~~or suburban fire protection district, nonprofit corporation, or any~~
18 ~~combination of such county, city, or village entities~~ under the
19 authority of section 13-303. Such volunteers shall be deemed
20 ~~employees of the county, city, or village such entity~~ or
21 combination thereof while in the performance of their duties as
22 ambulance drivers or attendants or out-of-hospital emergency care
23 providers and shall be considered as having entered into and as
24 acting in the regular course and scope of their employment when
25 traveling from any place from which they have been called to serve
26 duty to a hospital or other place where the ambulance they are to
27 use is located or to any ~~emergency in which activities that the~~
1 volunteer ambulance drivers or attendants or out-of-hospital
2 emergency care providers may be ~~officially called to participate,~~
3 ~~but such volunteer ambulance drivers or attendants or~~
4 ~~out-of-hospital emergency care providers shall be considered as~~
5 ~~acting in the performance and within the scope of their duties~~
6 ~~outside of the corporate limits of their respective county, city,~~
7 ~~or village only if officially directed to do so; (h) before~~
8 ~~directed to do by the chief or some person authorized to act for~~
9 ~~such chief of the volunteer ambulance service or out-of-hospital~~
10 ~~emergency care service. Before such volunteer ambulance drivers or~~
11 ~~attendants or out-of-hospital emergency care providers shall be~~ are
12 entitled to benefits under the Nebraska Workers' Compensation Act,
13 they shall be confirmed to perform such duties by recommended by
14 the chief or some person authorized to act for such chief of the
15 volunteer ambulance service or out-of-hospital emergency care
16 service for membership therein to the county board or board of
17 directors of the rural or suburban fire protection district or
18 nonprofit corporation, the governing body of the county, city or
19 village, or combination thereof, as the case may be, and upon such
20 confirmation shall be deemed employees of such entity the county,
21 city, or village or combination thereof. Members of such volunteer
22 ambulance or out-of-hospital emergency care service after
23 confirmation to membership and may be removed by majority vote of
24 such county board or governing body of the city or village; the
25 entity's board of directors or governing body and thereafter shall
26 not be considered employees of such entity. Volunteer ambulance
27 drivers and attendants and out-of-hospital emergency care providers
1 for any county, city, village, rural or suburban fire protection
2 district, nonprofit corporation, or any combination thereof, shall
3 be considered as acting in the performance and within the course
4 and scope of their employment when performing activities outside of
5 the corporate limits of their respective county, city, village or
6 district, but only if directed to do so by the chief or some person
7 authorized to act for such chief;
8 (7) Members ~~(i) members~~ of a law enforcement reserve
9 force appointed in accordance with section 81-1438. Such members

10 shall be deemed employees of the county or city for which they were
11 appointed; ; and (j) any

12 (8) Any offender committed to the Department of
13 Correctional Services who is employed pursuant to section 81-1827.
14 Such offender shall be deemed an employee of the Department of
15 Correctional Services solely for purposes of the Nebraska Workers'
16 Compensation Act; and

17 (2) Every person in the service of an employer who is
18 engaged in any trade, occupation, business, or profession as
19 described in section 48-106 under any contract of hire, expressed
20 or implied, oral or written, including aliens and also including
21 minors, who for the purpose of making election of remedies under
22 the Nebraska Workers' Compensation Act shall have the same power of
23 contracting and electing as adult employees.

24 As used in subdivisions (1) and (2) of this section, the
25 terms employee and worker shall not be construed to include any
26 person whose employment is not in the usual course of the trade,
27 business, profession, or occupation of his or her employer.

1 If an employee subject to the Nebraska Workers'
2 Compensation Act suffers an injury on account of which he or she
3 or, in the event of his or her death, his or her dependents would
4 otherwise have been entitled to the benefits provided by such act,
5 the employee or, in the event of his or her death, his or her
6 dependents shall be entitled to the benefits provided under such
7 act, if the injury or injury resulting in death occurred within
8 this state, or if at the time of such injury (a) the employment was
9 principally localized within this state; (b) the employer was
10 performing work within this state; or (c) the contract of hire was
11 made within this state.

12 (3)(a) (9)(a) Except as provided in subdivision (3)(b)
13 (9)(b) of this section, every executive officer of a corporation
14 elected or appointed under the provisions or authority of the
15 charter, articles of incorporation, or bylaws of such corporation.
16 Such executive officer shall be an employee of such corporation
17 under the Nebraska Workers' Compensation Act, except that an
18 executive officer of a Nebraska corporation who owns twenty-five
19 percent or more of the common stock of such corporation may waive
20 his or her right to coverage. Such waiver shall be in writing and
21 filed with the secretary of the corporation and the Nebraska
22 Workers' Compensation Court. Such waiver, as prescribed by the
23 compensation court, shall include a statement in substantially the
24 following form: Notice. I am aware that health and accident
25 insurance policies frequently exclude coverage for personal
26 injuries caused by accident or occupational disease arising out of
27 and in the course of employment. Before waiving my rights to
1 coverage under the Nebraska Workers' Compensation Act, I certify
2 that I have carefully examined the terms of my health and accident
3 coverage. Such waiver shall become effective from the date of
4 receipt by the compensation court and shall remain in effect until

5 the waiver is terminated by the officer in writing and filed with
6 the secretary of the corporation and the compensation court. The
7 termination of the corporate executive officer's waiver shall be
8 effective upon receipt of the termination by the compensation
9 court. It shall not be permissible to terminate a waiver prior to
10 one year after the waiver has become effective.

11 (b) An executive officer of a Nebraska nonprofit
12 corporation who receives annual compensation of one thousand
13 dollars or less from the nonprofit corporation shall not be
14 construed to be an employee of such nonprofit corporation under the
15 Nebraska Workers' Compensation Act unless such executive officer
16 elects to bring himself or herself within the provisions of the
17 Nebraska Workers' Compensation Act. Such election shall be in
18 writing and filed with the secretary of the nonprofit corporation
19 and shall remain in effect until the election is terminated, in
20 writing, by the officer and the termination is filed with the
21 secretary of the nonprofit corporation; -

22 (4) (10) Each individual employer, partner, limited
23 liability company member, or self-employed person who is actually
24 engaged in the individual employer's, partnership's, limited
25 liability company's, or self-employed person's business on a
26 substantially full-time basis ~~may elect~~ who elects to bring himself
27 or herself within the provisions of the Nebraska Workers'
1 Compensation Act. Such election is made; if he or she (a) files
2 with his or her current workers' compensation insurer written
3 notice of election to have the same rights as an employee only for
4 purposes of workers' compensation insurance coverage acquired by
5 and for such individual employer, partner, limited liability
6 company member, or self-employed person or (b) gives notice of such
7 election and such insurer collects a premium for such coverage
8 acquired by and for such individual employer, partner, limited
9 liability company member, or self-employed person. This election
10 shall be effective from the date of receipt by the insurer for the
11 current policy and subsequent policies issued by such insurer until
12 such time as such employer, partner, limited liability company
13 member, or self-employed person files a written statement
14 withdrawing such election with the current workers' compensation
15 insurer or until such coverage by such insurer is terminated,
16 whichever occurs first. When so included, the individual employer,
17 partner, limited liability company member, or self-employed person
18 shall have the same rights as an employee only with respect to the
19 benefits provided under the Nebraska Workers' Compensation Act. If
20 any individual employer, partner, limited liability company member,
21 or self-employed person who is actually engaged in the individual
22 employer's, partnership's, limited liability company's, or
23 self-employed person's business on a substantially full-time basis
24 has not elected to bring himself or herself within the provisions
25 of the Nebraska Workers' Compensation Act pursuant to this
26 subdivision and any health, accident, or other insurance policy

27 issued to or renewed by such person after July 10, 1984, contains
1 an exclusion of coverage, if the insured is otherwise entitled to
2 workers' compensation coverage, such exclusion shall be null and
3 void as to such person; and :
4 ~~(5)~~ (11) An individual lessor of a commercial motor
5 vehicle leased to a motor carrier and driven by such individual
6 lessor; ~~may elect~~ who elects to bring himself or herself within the
7 provisions of the Nebraska Workers' Compensation Act. Such
8 election is made if he or she agrees in writing with the motor
9 carrier to have the same rights as an employee only for purposes of
10 workers' compensation coverage maintained by the motor carrier.
11 For an election under this subdivision, the motor carrier's
12 principal place of business must be in this state and the motor
13 carrier must be authorized to self-insure liability under the
14 Nebraska Workers' Compensation Act. Such an election shall (a) be
15 effective from the date of such written agreement until such
16 agreement is terminated, (b) be enforceable against such
17 self-insured motor carrier in the same manner and to the same
18 extent as claims arising under the Nebraska Workers' Compensation
19 Act by employees of such self-insured motor carrier, and (c) not be
20 deemed to be a contract of insurance for purposes of Chapter 44.
21 Section 48-111 shall apply to the individual lessor and the
22 self-insured motor carrier with respect to personal injury or death
23 caused to such individual lessor by accident or occupational
24 disease arising out of and in the course of performing services for
25 such self-insured motor carrier in connection with such lease while
26 such election is effective."

(Signed) Floyd P. Vrtiska, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 442. Indefinitely postponed.

LEGISLATIVE BILL 454. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

NOTICE OF COMMITTEE HEARING **Education**

LB 634

Monday, March 8, 1999 (canceled)

1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

ANNOUNCEMENT

Mrs. Bohlke designates LB 822 as her priority bill.

SELECT FILE

LEGISLATIVE BILL 211. Mr. Preister offered the following amendment:
AM0462

- 1 1. On page 2, strike line 17 and all amendments thereto
- 2 and insert the following new subsection:
- 3 "(3) Smoking is prohibited in all vehicles, buildings,
- 4 and areas within ten feet of the entrances to such buildings or any
- 5 portions thereof, owned, leased, or occupied by the state. The
- 6 following buildings or areas within buildings in which persons
- 7 reside or lodge may be exempt from this section: (a) Nebraska
- 8 veterans homes established pursuant to section 80-315; (b) private
- 9 residences; (c) residential halls and dormitories under the control
- 10 of the Board of Regents of the University of Nebraska and the Board
- 11 of Trustees of the Nebraska State Colleges; (d) facilities and
- 12 institutions under the control of the Department of Health and
- 13 Human Services; and (e) cabins and buildings managed by the Game
- 14 and Parks Commission.".

Mr. Preister withdrew his amendment.

Mrs. Bohlke asked unanimous consent to bracket LB 211 until February 26, 1999. No objections. So ordered.

LEGISLATIVE BILL 366. Mrs. Suttle renewed her pending amendment, AM0405, found on page 617.

The Suttle amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 379. E & R amendment, AM7041, found on page 518, was adopted.

Mr. Dierks renewed his pending amendment, AM0264, found on page 594.

The Dierks amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 17. E & R amendment, AM7040, found on page 518, was adopted.

Mr. Coordsen renewed his pending amendment, AM0241, found on page 516.

The Coordsen amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 333. E & R amendment, AM7042, found on page 518, was adopted.

Mr. Jensen withdrew his amendment, AM0359, found on page 590.

Mr. Jensen renewed his pending amendment, AM0436, found on page 664.

The Jensen amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 362. Mr. Hartnett renewed his pending amendment, AM0289, found on page 525.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 87. E & R amendment, AM7046, found on page 573, was adopted.

Mr. Wickersham offered the following amendment:
AM0454

- 1 1. On page 4, line 17, after "agency" insert "except
2 that a joint public agency shall not levy a local option sales
3 tax"; and in line 27 strike "local sales and use".
- 4 2. On page 5, line 1, strike the comma; and strike
5 beginning with "Unless" in line 7 through line 27 and all
6 amendments thereto.
- 7 3. On page 6, strike beginning with "If" in line 1
8 through "(4)" in line 13.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 148. E & R amendment, AM7048, found on page 584, was adopted.

Messrs. Beutler, Engel, and Wehrbein renewed their pending amendment, AM0419, found on page 646.

The Beutler et al. amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 148A. Messrs. Beutler, Engel, and Wehrbein renewed their pending amendment, AM0431, found on page 647.

The Beutler et al. amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 359. E & R amendment, AM7049, found on page 585, was adopted.

Mr. Wehrbein withdrew his amendment, AM0409, found on page 647.

Mr. Wehrbein offered the following amendment:
AM0453

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 71-4727, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-4727. The commission may employ any ~~other~~ employees,
- 5 including interpreters, it considers necessary to carry out the
- 6 purposes of sections 71-4720 to 71-4732.
- 7 Sec. 2. Section 71-4728, Revised Statutes Supplement,
- 8 1998, is amended to read:
- 9 71-4728. The commission shall serve as the principal
- 10 state agency responsible for monitoring public policies and
- 11 implementing programs which shall improve the quality and
- 12 coordination of existing services for deaf or hard of hearing
- 13 persons and promote the development of new services when necessary.
- 14 To perform this function the commission shall:
- 15 (1) Inventory services available for meeting the problems
- 16 of persons with a hearing loss and assist such persons in locating
- 17 and securing such services;
- 18 (2) Prepare and maintain a statewide list of persons
- 19 qualified in various types of interpreting and make this
- 20 information available to local, state, and federal agencies;
- 21 (3) Promote the training of interpreters for deaf or hard
- 22 of hearing persons;
- 23 (4) Provide counseling to deaf or hard of hearing persons
- 24 or refer such persons to private or governmental agencies which
- 1 provide counseling services;
- 2 (5) Conduct a voluntary census of deaf or hard of hearing
- 3 persons in Nebraska and compile a current registry;
- 4 (6) Promote expanded adult educational opportunities for
- 5 deaf or hard of hearing persons;
- 6 (7) Serve as an agency for the collection of information
- 7 concerning deaf or hard of hearing persons and for the dispensing
- 8 of such information to interested persons by collecting studies,

9 compiling bibliographies, gathering information, and conducting
10 research with respect to the education, training, counseling,
11 placement, and social and economic adjustment of deaf or hard of
12 hearing persons and with respect to the causes, diagnosis,
13 treatment, and methods of prevention of impaired hearing;

14 (8) Appoint advisory or special committees when
15 appropriate for indepth investigations and study of particular
16 problems and receive reports of findings and recommendations;

17 (9) Assess and monitor programs for services to deaf or
18 hard of hearing persons and make recommendations to those state
19 agencies providing such services regarding changes necessary to
20 improve the quality and coordination of the services;

21 (10) Make recommendations to the Governor and the
22 Legislature with respect to modification in existing services or
23 establishment of additional services for deaf or hard of hearing
24 persons;

25 (11) Promote awareness and understanding of the rights of
26 deaf or hard of hearing persons;

27 (12) Promote statewide communication services for deaf or
1 hard of hearing persons; ~~and~~

2 (13) Assist deaf or hard of hearing persons in accessing
3 comprehensive mental health, alcoholism, and drug abuse services;
4 and

5 (14) Provide qualified interpreters in public and private
6 settings for the benefit of deaf or hard of hearing persons, if
7 qualified private-practice interpreters are not available, and
8 establish and collect reasonable fees for such interpreter
9 services.

10 Sec. 3. Section 71-4732, Revised Statutes Supplement,
11 1998, is amended to read:

12 71-4732. There is hereby created a Commission for the
13 Deaf and Hard of Hearing Fund to consist of such funds as the
14 Legislature shall appropriate, ~~and~~ any funds received under section
15 71-4731, or any fees collected for interpreter services as provided
16 in section 71-4728. The fund shall be used to administer sections
17 71-4720 to 71-4732, except that money in the fund from fees
18 collected for interpreter services shall be used only for expenses
19 related to the provision of such services. Any money in the fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the
22 Nebraska State Funds Investment Act. Any money in the Commission
23 for the Hearing Impaired Fund on September 13, 1997, shall be
24 transferred to the Commission for the Deaf and Hard of Hearing
25 Fund.

26 Sec. 9. Sections 4 to 8 and 11 of this act become
27 operative three calendar months after the adjournment of this
1 legislative session. The other sections of this act become
2 operative on their effective date.

3 Sec. 10. Original section 71-4727, Reissue Revised

- 4 Statutes of Nebraska, and sections 71-4728 and 71-4732, Revised
- 5 Statutes Supplement, 1998, are repealed.
- 6 Sec. 12. Since an emergency exists, this act takes
- 7 effect when passed and approved according to law."
- 8 2. Renumber the remaining sections accordingly.

The Wehrbein amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 359A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 784. E & R amendment, AM7053, found on page 625, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 789. Advanced to E & R for engrossment.

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 689. E & R amendment, AM7054, found on page 625, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 682. Advanced to E & R for engrossment.

LEGISLATIVE BILL 238. Advanced to E & R for engrossment.

LEGISLATIVE BILL 432. Advanced to E & R for engrossment.

LEGISLATIVE BILL 84. Advanced to E & R for engrossment.

LEGISLATIVE BILL 84A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 297. E & R amendment, AM7058, found on page 626, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 774. E & R amendment, AM7055, found on page 626, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 461. E & R amendment, AM7056, found on page 627, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 436. E & R amendment, AM7064, found on page 627, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 566. E & R amendment, AM7059, found on page 627, was adopted.

Advanced to E & R for engrossment.

Mr. Raikes asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 67. E & R amendment, AM7061, found on page 627, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 596. E & R amendment, AM7060, found on page 628, was adopted.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 514:
AM0302

1. Insert the following new section:
 - 2 "Sec. 6. Section 86-1410, Revised Statutes Supplement,
 - 3 1998, is amended to read:
 - 4 86-1410. (1) The commission shall establish the Nebraska
 - 5 Lifeline Service Program. The purpose of the Nebraska Lifeline
 - 6 Service Program shall be to promote the provision of universal
 - 7 service to low-income households by local exchange carriers.
 - 8 Support provided by the program shall be specifically targeted to
 - 9 maintain affordable rates for residential basic local exchange
 - 10 services supported by federal and state universal service
 - 11 mechanisms. The commission shall establish means-tested
 - 12 eligibility guidelines and standards for the provision of support
 - 13 from the Nebraska Lifeline Service Program which are consistent
 - 14 with section 254 of the Telecommunications Act of 1996 and any
 - 15 rules and regulations adopted and promulgated by the Federal
 - 16 Communications Commission.
 - 17 (2) Any local exchange carrier receiving state universal
 - 18 service support shall be prohibited from disconnecting the basic
 - 19 local exchange service of any customer receiving low-income support
 - 20 from the Nebraska Lifeline Service Program for the nonpayment of
 - 21 any interexchange toll service charges. The Public Service
 - 22 Commission may grant limited waivers of this requirement in a

23 manner consistent with applicable rules and regulations adopted and
 24 promulgated by the Federal Communications Commission.

1 (3) Any person receiving low-income support from the
 2 Nebraska Lifeline Service Program shall be exempt from the payment
 3 of any surcharge established by the commission pursuant to the
 4 Nebraska Telecommunications Universal Service Fund Act."

5 2. On page 8, line 13, strike "and 86-1405" and insert
 6 "86-1405, and 86-1410".

7 3. Renumber the remaining sections accordingly.

Ms. Schimek filed the following amendment to LB 194:

AM0460

1 1. Insert the following new section:

2 "Sec. 33. (1) Within thirty days after the date on which
 3 the first installment of taxes become delinquent pursuant to
 4 section 77-204, the county treasurer is required to notify by mail
 5 any taxpayer, whose real property tax is delinquent, on account of
 6 such taxpayer not having paid the real property taxes, or the first
 7 installment thereof as required by law, of the amount of such
 8 delinquent real property tax and the rate at which interest is
 9 accruing on such delinquent tax. The notice shall also recite that
 10 unless the entire tax is paid by the delinquent date of the second
 11 installment, procedures shall be initiated for a delinquent tax
 12 sale against the real property as provided by law.

13 (2) Within thirty days after the date on which the second
 14 installment of taxes becomes delinquent pursuant to section 77-204,
 15 the county treasurer is required to notify by mail any taxpayer,
 16 not notified pursuant to subsection (1) of this section and whose
 17 real property tax is delinquent, on account of such taxpayer not
 18 having paid the second installment of property taxes, as required
 19 by law, of the amount of such delinquent real property tax and the
 20 rate at which interest is accruing on such delinquent tax. The
 21 notice shall also recite that, due to nonpayment of taxes,
 22 procedures shall be initiated for a delinquent tax sale against the
 23 real property as provided by law.

24 (3) Each notice sent pursuant to this section shall
 1 include an additional three-dollar fee to compensate the county
 2 treasurer for costs associated with such notice."

3 2. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING

Agriculture

LB 778	Tuesday, March 9, 1999	1:30 p.m.
LB 213	Tuesday, March 9, 1999	1:30 p.m.
LB 679	Tuesday, March 9, 1999	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 560. Placed on General File.

LEGISLATIVE BILL 647. Placed on General File.

LEGISLATIVE BILL 247. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 72:

FA35

P. 2, line 24, strike ", deliberations, and voting"

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 601. No objections. So ordered.

Mrs. Crosby asked unanimous consent to have her name added as cointroducer to LB 76. No objections. So ordered.

Mr. D. Pederson asked unanimous consent to have his name added as cointroducer to LB 150. No objections. So ordered.

VISITORS

Visitors to the Chamber were 30 preschool children and teachers from First Plymouth Preschool, Lincoln.

ADJOURNMENT

At 11:39 a.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Wednesday, February 24, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY – FEBRUARY 24, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 24, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Ken Buttermore, Gretna Community Church, Gretna, Nebraska.

ROLL CALL

The roll was called and all members were present except Ms. Price who was excused; and Messrs. Beutler, Chambers, Engel, Hartnett, Jensen, Landis, Matzke, Wickersham, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

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

The following bills were correctly engrossed: LBs 91, 152, 161, 323, 340, and 396.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

**NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems**

LB 674	Wednesday, March 3, 1999	12:00 noon
LB 676	Wednesday, March 3, 1999	12:00 noon
LB 874	Wednesday, March 3, 1999	12:00 noon

(Signed) Elaine Stuhr, Chairperson

**STANDING COMMITTEE REPORTS
Executive Board**

LEGISLATIVE RESOLUTION 6CA. Placed on General File.

LEGISLATIVE BILL 534. Placed on General File as amended.
Standing Committee amendment to LB 534:
AM0442

- 1 1. Strike original section 5.
- 2 2. On page 7, line 27, after the second comma insert
- 3 "and" and strike "and 50-114.01".
- 4 3. Renumber the remaining sections accordingly.

LEGISLATIVE RESOLUTION 12CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 15CA. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

**1998 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
425	Competitive Agricultural Markets	X		
439	General Agriculture			X
356	Farmland Preservation			X
370	Commodity Checkoff Programs	X		
450	Organic Agriculture	X		
380	Farm Safety Health		X	
424	Livestock Brand Law		X	

Appropriations

LR	Subject	Completed:	Completed:	Deferred
		Report Issued	No Report Issued	
389	Neighborhood Development Projects	X		
407	State Scholarship Award, Scholarship Assistance, and Postsecondary Ed. Award Programs financial assistance			X
418	Risk assessment of Medicaid Program		X	
464	Limitation on spending by the state	X		

Banking, Commerce and Insurance

LR	Subject	Completed:	Completed:	Deferred
		Report Issued	No Report Issued	
417	Managed Care			X
411	Central Filing		X	
415	Commercial Lines Insurance			X
416	Insurance Agents		X	
374	ATMs			X
412	Principal and Income Act		X	
405	Auto Insurance			X
434	Public Employees Group Health			X
409	CPAs		X	
410	Banking Statutes			X

Business and Labor

LR	Subject	Completed:	Completed:	Deferred
		Report Issued	No Report Issued	
426	NE Workers' Compensation Act		X	
427	Tort Claims Procedure			X
463	Industrial Relations			X
475	School-To-Work Program		X	

Education

LR	Subject	Completed:	Completed:	Deferred
		Report Issued	No Report Issued	
387	Study relating to charter schools		X	
349	Lop-off provision		X	
457	Impact on rural schools		X	
449	Budget formula for Class I school districts		X	
366*	Creation of another cost grouping		X	

376	Safe environment for both students and teachers			X
440	Behavioral disordered students	X		
347	Teaching assignments in the public schools			X
407*	Postsecondary scholarship programs and grants			X
473	Aid and assistance to postsecondary education			X
475*	School-To-Work Program			X

* Joint assignment

Executive Board

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
386	Review Legislature's Committee Structure		X	
406	Examine Legislative Appropriations and Budget process		X	

General Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
396	Retail Liquor Licensing	X		
397	Internet Gaming	X		
398	Charitable Gaming	X		
399	Horseracing	X		
400	Prevention of consumption of alcohol by underage individuals	X		
401	Lottery Act	X		

Government, Military and Veterans Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
423	Redistricting Process		X	

Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
385	Alternative Medicine		X	

384	Native American Health		X	
358	Child Welfare		X	
344*	Juvenile Justice	X		
438	Child Care Regulations		X	
408	Tobacco Funds		X	
466	Women's Health Office		X	
472	Tobacco Litigation		X	
476	Health Issues			X
467	Welfare Issues			X
468	Asset Poor			X
470	Child Abuse Registry			X

* Part of LB 1073 Task Force

Judiciary

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
336	Inmate classification			X
344	Juvenile justice			X
348	Duties of the public defender			X
354	Municipal law enforcement		X	
359	Collecting of obligations by courts			X
360	Uniform Child Custody Jurisdiction and Enforcement Act			X
361	Doctrine of res ipsa loquitur/livestock		X	
362	Separate juvenile division		X	
363	Administrative Procedure Act relating to Department of Correctional Services			X
364	Teen courts		X	
377	Hate crimes taskforce			X
383	Prison Litigation Reform			X
413	Revised Uniform Simultaneous Death Act			X
414	Revised Uniform Testamentary Additions to Trusts Act			X
437	Clemency for victims of domestic violence			X
441	Procedure for returning court notices			X
462	Landlord and Tenant Act			X
465	Prison privatization		X	
471	Appellate jurisdiction of district court			X
483	Court structure in Nebraska			X

Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
357	Laws governing surface water rights		X	

442	Management plans on Niobrara Nat'l Scenic River and Missouri/Niobrara/Verdigre Creek National Recreational River	X	
443	Wildlife and recreational requirements for public lands	X	
444	Fertilizer and pesticide use	X	
445	Update Game and Parks law and modernize the statutes	X	
446	Benefits, methods, labeling, and effectiveness of ethanol production and marketing	X	
447	Examine practices of other states using administrative penalties for environmental violations	X	
448	Sources of alternative funding for wildlife and outdoor recreational needs		X
453	Economics, policy, and pricing of net metering in other state's programs in relation to Nebraska's utility structure	X	
455	Benefits of improving stormwater facilities of Antelope Creek in Lincoln	X	
459	Water quality standards under federal Clean Water Act	X	
460	Livestock waste control regulations	X	
474	Costs to recover from the damage to trees from October 1997 storm		X

Nebraska Retirement Systems

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
432	Uniform Management of Public Employees Retirement Systems Act	X		

Revenue

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
350	Electronic Commerce	X		
351	Sales Tax	X		
352	Income Tax	X		
353	Sales and Excise Tax Collection	X		
433	Overall	X		
435	Major Restructuring	X		
452	Comparisons	X		
369	Greenbelt		X	

451	Agriculture and Horticultural		
	Land Valuation		X
458	Homestead		X
365	Tax Increment Financing		X
390	Quality Jobs Act		X
366	School Finance		X
372	Financial Reporting	X	
464	Spending Limitations	X	
367	Motor Fuels Enforcement		X
379	Small Farmer Tax Credit		X
381	Welcome Center		X

Transportation

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
371	Titling		X	
373	Road Rage	X		
375	Magnetic Levitation (MAGLEV)			
	Train System		X	
382	Commercial Licensing		X	
388	Rail Grade Crossing	X		
391	Road Rage		X	
392	Telemarketing	X		
393	Titling		X	
394	State Patrol		X	
395	Intermodal Surface Transportation			
	Efficiency Act (ISTEA)		X	
402	Telecommunications	X		
403	Public Service Commission	X		
404	FCC		X	
428	Enforcement by Department of		X	
	Motor Vehicles		X	
436	Deputizing Railroad Employees		X	
454	International Airport		X	
456	Intelligent Transportation			
	Systems (ITS)		X	
461	South and East Beltways		X	
469	Educational Lands		X	

Urban Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
421	Nebraska's housing authority statutes		X	
355	Natural gas industry in Nebraska		X	
422	Planning and zoning authority			

	in cities and villages/SID's	X	
420	Provisions of LB 1340 (1998) relating to the licensing of plumbers		X
419	Review issues within the jurisdiction of the Urban Affairs Committee	X	

Select Committee on LR 302

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
302	Re-authorize the LR 282 Committee (1997) to continue the study on gender and race equity	X		

GENERAL FILE

LEGISLATIVE BILL 519A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 689A. Title read. Considered.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Robak moved to indefinitely postpone LB 689A.

The Robak motion prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 87A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Judiciary

Wednesday, March 3, 1999 1:30 p.m.
Nebraska Crime Victims Reparation Committee
Samuel Van Pelt

(Signed) Kermit A. Brashear, Chairperson

Agriculture

LB 337 Tuesday, March 16, 1999 1:30 p.m.

LB 711 Tuesday, March 16, 1999 1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Natural Resources

LB 785 Wednesday, March 3, 1999 1:30 p.m.
LB 755 Wednesday, March 3, 1999 1:30 p.m.
LR 22 Wednesday, March 3, 1999 1:30 p.m.

LB 671 Wednesday, March 10, 1999 1:30 p.m.
LB 672 Wednesday, March 10, 1999 1:30 p.m.

LB 603 Thursday, March 11, 1999 1:30 p.m.
LB 732 Thursday, March 11, 1999 1:30 p.m.
LB 521 Thursday, March 11, 1999 1:30 p.m.

LB 639 Friday, March 12, 1999 1:30 p.m.

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENT

Mr. Dierks designates LB 835 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 32. Introduced by Kristensen, 37.

WHEREAS, the NEBRASKAland Foundation on Saturday, February 27, 1999, at the Annual Statehood dinner held in the Nebraska State Capitol will award the distinguished NEBRASKAlander Award along with the Wagonmaster, Trailblazer, and Pioneer Awards; and

WHEREAS, Duane Acklie, who grew up on a farm in Madison County, has made his mark on the world through his extensive business dealings in many different arenas and has given generously of his time and leadership to many civic organizations that have not only benefited Nebraskans, but all Americans; and

WHEREAS, the distinguished NEBRASKAlander Award, which is the State's highest honor, is presented to Duane Acklie for his service to our state's social, historical, cultural, and economic well-being; and

WHEREAS, the Wagonmaster Award is presented to Thomas D. Mangelsen in appreciation of his unfailing patience and ability to capture wildlife on film in such a manner that it makes all Nebraskans proud that he is of our state; and

WHEREAS, the Trailblazer Award is presented to the 50th Anniversary of the College World Series, through the dedication of the Diesing family, for the excitement it brings to Nebraska for ten days in June, as well as its economic boost of nearly twenty-two million dollars for the greater Omaha

metropolitan area; and

WHEREAS, the Pioneer Award is presented to Ray and Marianne Simmons of Fremont, Nebraska, for capturing the spirit of Nebraska's heritage through their hard work and continual service to others and their community.

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

1. That the Legislature extends its appreciation to the aforesaid honorees for their service to the State of Nebraska.
2. That a copy of this resolution be given to all honorees.

Laid over.

SPEAKER KRISTENSEN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 356. The Chambers pending motion, found on page 668, to indefinitely postpone, was renewed.

Messrs. Wehrbein, Vrtiska, Beutler, Preister, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Mr. Chambers withdrew his motion to indefinitely postpone.

Mr. Chambers renewed his pending amendment, FA29, found on page 672.

Mr. Dierks and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Byars requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 22:

Baker	Crosby	Kristensen	Redfield	Smith
Bourne	Cudaback	Lynch	Robak	Suttle
Brashear	Hartnett	Pedersen, Dw.	Schellpeper	Tyson
Connealy	Hilgert	Raikes	Schmitt	Wickersham
Coordsen	Hudkins			

Voting in the negative, 18:

Bromm	Engel	Kremer	Quandahl	Stuhr
Brown	Janssen	Landis	Schimek	Thompson
Bruning	Jensen	Matzke	Schrock	Wehrbein
Byars	Jones	Pederson, D.		

Present and not voting, 3:

Beutler	Bohlke	Chambers
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Excused and not voting, 6:

Dierks	Peterson, C.	Preister	Price	Vrtiska
Kiel				

The Chambers amendment lost with 22 ayes, 18 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to reconsider the vote on his amendment, FA29.

Mr. Chambers withdrew his motion to reconsider.

Mr. Chambers withdrew his amendments, FA30, FA31, FA32, and FA33, found on pages 672 and 673.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?"

Mr. Kristensen requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 24:

Beutler	Cudaback	Kristensen	Redfield	Stuhr
Bourne	Hartnett	Landis	Robak	Tyson
Bruning	Hudkins	Pedersen, Dw.	Schellpeper	Wehrbein
Connealy	Janssen	Pederson, D.	Schmitt	Wickersham
Coordsen	Kremer	Quandahl	Smith	

Voting in the negative, 14:

Baker	Bromm	Engel	Jones	Suttle
Bohlke	Byars	Hilgert	Lynch	Thompson
Brashear	Crosby	Jensen	Schimek	

Present and not voting, 5:

Brown Chambers Matzke Raikes Schrock

Excused and not voting, 6:

Dierks Peterson, C. Preister Price Vrtiska
Kiel

The motion to cease debate failed with 24 ayes, 14 nays, 5 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 92, 134, 163, 163A, 253, and 369.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 539:
AM0488

- (Amendments to Standing Committee amendments, AM0427)
- 1 1. On page 1, line 16, strike "contracts signed" and
 - 2 2. insert "applications filed".

Mr. Lynch filed the following amendment to LB 27:
FA36

Amend AM0430

On Page 1, line 6, strike "who is a member of an organization of non-union employees"

line 9 strike "organization of"

line 12 strike "organization of"

Mr. Lynch filed the following amendment to LB 27:
AM0491

- 1 1. On page 2, line 23, before "An" insert "(1)"; in line
- 2 24 strike "(1)" and insert "(a)"; and in line 27 strike "(2)" and
- 3 insert "(b)".
- 4 2. On page 3, after line 5, insert the following new
- 5 subsection:
- 6 "(2) Before a nonmember employee pays his or her fair
- 7 share to a labor organization, the labor organization shall submit
- 8 an application to non-union employees for the cost borne by the
- 9 labor organization in representing nonmember employees for

10 collective bargaining and contract enforcement purposes. The
 11 non-union employees shall then authorize a fair-share payment, but
 12 the employee shall pay no greater sum than specifically authorized.
 13 The application shall: (a) Identify with particularity the work
 14 done by the labor organization, including, but not limited to,
 15 participants, subjects, and duration of conferences; (b) identify
 16 the subjects of research, the researchers, and whether the results
 17 of the research were incorporated into a brief, motion, or
 18 pleading; (c) identify travel time involved, including the
 19 individuals, destination, purpose, and mode of travel; (d) specify
 20 any charges for the preparation of any brief, motions, or pleading
 21 and the individuals who prepared it; (e) identify by job title each
 22 person performing services relating to collective bargaining and
 23 contract enforcement, including the legal experience of each
 24 attorney; (f) identify the wages paid to any paralegal or law
 1 student; (g) identify the relative applicability of services
 2 performed if such services were applicable to more than one case;
 3 and (h) identify all expenses with particularity, including the
 4 following: (i) If a photocopying expense is charged, the items
 5 copied why they were copied, what use was made of such copies, and
 6 how many pages of material were photocopied; (ii) if depositions
 7 are being identified as expenses, the name of the court reporter,
 8 the time of the deposition, the date of the deposition, the
 9 identity of the deponent, the purpose of taking the deposition, and
 10 the use made of such deposition; (iii) if long-distance telephone
 11 expenses are listed, an identification of the date, the callers,
 12 where the call was made, and the subject of the call; and (iv) if
 13 travel expenses are being claimed, an identification of the mode of
 14 travel, the number of days traveled, cost of lodging, and meals
 15 involved in the travel."; and in line 7 strike "(2)" and insert
 16 "(1)(b)".

NOTICE OF COMMITTEE HEARINGS Judiciary

Thursday, March 4, 1999
 Board of Parole
 Linda Krutz, Chairperson

1:15 p.m.

LB 450	Friday, March 12, 1999 (canceled)	1:30 p.m.
LB 617	Friday, March 12, 1999 (canceled)	1:30 p.m.
LB 622	Friday, March 12, 1999 (canceled)	1:30 p.m.
LB 651	Friday, March 12, 1999 (canceled)	1:30 p.m.
LB 734	Friday, March 12, 1999 (canceled)	1:30 p.m.
LB 759	Friday, March 12, 1999 (canceled)	1:30 p.m.
LB 824	Friday, March 12, 1999 (canceled)	1:30 p.m.

LB 450	Friday, March 19, 1999 (rescheduled)	1:30 p.m.
LB 617	Friday, March 19, 1999 (rescheduled)	1:30 p.m.

LB 622	Friday, March 19, 1999 (rescheduled)	1:30 p.m.
LB 651	Friday, March 19, 1999 (rescheduled)	1:30 p.m.
LB 734	Friday, March 19, 1999 (rescheduled)	1:30 p.m.
LB 759	Friday, March 19, 1999 (rescheduled)	1:30 p.m.
LB 824	Friday, March 19, 1999 (rescheduled)	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 158. Indefinitely postponed.

LEGISLATIVE BILL 266. Indefinitely postponed.

LEGISLATIVE BILL 279. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Agriculture

LEGISLATIVE BILL 404. Placed on General File as amended.

Standing Committee amendment to LB 404:

AM0378

- 1 1. Insert the following new sections:
- 2 "Sec. 21. The commission shall have access, upon
- 3 notification, to any premises where domesticated cervine animals
- 4 may be for the purpose of assessing populations of wild cervidae.
- 5 Sec. 23. Section 37-411, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 37-411. (1) Unless holding a permit as required in the
- 8 Game Law, it shall be unlawful:
- 9 (a) For any resident of Nebraska who is sixteen years of
- 10 age or older or any nonresident of Nebraska to engage in fur
- 11 harvesting or possess any fur-bearing animal or raw fur, except
- 12 that a person may possess a fur-bearing animal or raw fur for up to
- 13 ten days after expiration of a valid permit. Nonresident
- 14 fur-harvesting permits may be issued only to residents of states
- 15 which sell similar permits to residents of Nebraska;
- 16 (b) For any resident of Nebraska who is sixteen years of
- 17 age or older or any nonresident of Nebraska to hunt or possess any
- 18 kind of game birds, game animals, or crows;
- 19 (c) For any person who is sixteen years of age or older
- 20 to hunt or possess any migratory waterfowl without first obtaining
- 21 and affixing to his or her hunting permit a federal migratory bird
- 22 hunting stamp. All such stamps affixed to hunting permits shall be
- 23 signed by the holder of the hunting permit. Migratory waterfowl
- 24 means any ducks, geese, coots, or brant upon which an open season
- 1 has been established by the commission; or
- 2 (d) For any person who is sixteen years of age or older
- 3 to take any kind of fish, bullfrog, snapping turtle, tiger

4 salamander, or mussel from the waters of this state or possess the
5 same except as provided in section 37-402. All nonresident anglers
6 under sixteen years of age shall be accompanied by a person
7 possessing a valid fishing permit.

8 (2) It shall be unlawful for a nonresident to hunt or
9 possess any kind of game birds or game animals, to take any kind of
10 fish, mussel, turtle, or amphibian, or to harvest fur while in the
11 possession of a resident permit illegally obtained.

12 (3) It shall be unlawful for anyone to do or attempt to
13 do any other thing for which a permit is required by the Game Law
14 without first obtaining such permit and paying the fee required.

15 (4) Any nonresident who hunts or has in his or her
16 possession any wild mammal or wild bird shall first obtain and have
17 in his or her possession a nonresident hunting permit.

18 (5) Any nonresident who takes or has in his or her
19 possession any wild turtle, mussel, or amphibian shall first obtain
20 and have in his or her possession a nonresident fishing permit.

21 (6) Except as provided in this section and sections
22 37-407 and 37-418, it shall be unlawful for any nonresident to trap
23 or attempt to trap or to harvest fur or attempt to harvest fur from
24 any wild mammal.

25 ~~(7)(a)~~ (7) It shall be unlawful for anyone to lure or
26 entice wildlife into a domesticated cervine animal facility for the
27 purpose of containing such wildlife.

1 (8)(a) Any person violating this section shall be guilty
2 of a Class II misdemeanor and shall be fined at least forty
3 dollars.

4 (b) If the offense is failure to hold a hunting, fishing,
5 fur-harvesting, deer, turkey, or antelope permit as required,
6 unless issuance of the required permit is restricted so that
7 permits are not available, the court shall require the offender to
8 purchase the required permit and exhibit the permit to the court."

9 2. On page 2, line 1, strike "21" and insert "22"; in
10 line 13 strike "contest" and insert "context"; in line 18 after
11 "Agriculture" insert "or his or her designee"; in line 27 strike
12 "person has a domesticated" and insert "animal is individually
13 identified and kept at a premises for which a"; and in line 28
14 after "permit" insert "has been".

15 3. On page 3, line 20, strike "fifty" and insert "two
16 hundred"; in line 21 strike "December 31" and insert "October 1";
17 and in line 28 strike "pertaining to" and insert "or any other
18 state pertaining to domesticated cervine animals".

19 4. On page 4, line 1, strike beginning with "the"
20 through "Act"; in line 6 after the first "of" insert "initial"; in
21 lines 6 and 7 strike "and maintenance"; in line 8 after "approve"
22 insert "or disapprove"; in lines 9 and 11, after "The" insert
23 "initial" and strike "maintenance" and insert "new construction";
24 in line 15 after "(3)" insert "The department may inspect and
25 approve or disapprove;

- 26 (a) The maintenance of perimeter fencing; and
 27 (b) The maintenance of a handling facility which is
 1 capable of sorting and restraining individual animals for testing,
 2 identification, treatment, or other purposes deemed necessary by
 3 the department.
 4 (4); in line 15 strike "may" and insert "shall"; and in
 5 line 16 strike "construction" and insert "initial construction,
 6 subsequent new construction.".
 7 5. On page 9, line 20, strike "may" and insert "shall";
 8 in line 22 after "identification" insert "in a manner which visibly
 9 distinguishes a domesticated cervine animal from wild cervidae"; in
 10 line 27 strike "license" and insert "permit"; and in line 28, after
 11 "act" insert "and shall be considered a violation of section
 12 37-411".
 13 6. On page 11, lines 2 and 4, strike "seven" and insert
 14 "five"; in line 13 after the period insert "The department and the
 15 commission shall not be held liable for the value of any domestic
 16 cervine animal destroyed under this section."; in line 21 strike
 17 beginning with "The" through the period in line 23; and in line 27
 18 strike "and wild cervidae".
 19 7. On page 13, line 3, after the semicolon insert "and";
 20 strike lines 4 through 6; in line 7 strike "(3)" and insert "(2)";
 21 and strike beginning with "an" in line 10 through the comma in line
 22 11 and insert "five years".
 23 8. On page 15, line 18, strike "37-465 and" and insert
 24 "37-411, 37-465, and".
 25 9. Renumber the remaining sections accordingly.

(Signed) Merton L. Dierks, Chairperson

MOTIONS - Print in Journal

Mrs. Brown filed the following motion to LB 783:
 Withdraw LB 783.

Mr. Jensen filed the following motion to LB 783:
 Suspend the rules, Rule 3, Section 13, to permit cancellation of the public
 hearing on LB 783.

GENERAL FILE

LEGISLATIVE BILL 356. Mr. Chambers moved to bracket until March 30,
 1999.

Pending.

VISITORS

Visitors to the Chamber were Leon and Lois Buttermore from North Platte,

Don, Jane, Elisa, Jarrod, Jacob, and Emily Moore from York, and Janet and Abbie Buttermore from Gretna; David, Nancy, and Austin Niedfelt from Beatrice; members of Financial Women International Organization; Phyllis Bovee from Lincoln, Fred Bellum from Columbus, and Virginia Thormahlen from Scottsbluff, who are representatives of the American Association of Retired Persons; 45 seniors and teachers from Lincoln High School, Lincoln; Don Mroczek and David Blessew from Columbus; and Mitch, Colleen, Jessica, and Ben Deines and Tanna Kimmerling from Beatrice.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Thursday, February 25, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY – FEBRUARY 25, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 25, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Vrtiska who was excused; and Mmes. Bohlke, Kiel, Robak, Messrs. Brashear, Bromm, Kristensen, Landis, and Dw. Pedersen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 710, line 33, strike "Mrs. Brown" and insert "Mr. Jensen".
The Journal for the thirty-third day was approved as corrected.

MESSAGE FROM THE GOVERNOR

February 24, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 19, 23, 24, 59, 102, 170, 191, 228, 258, 259, 260, 278, 287, 298, 326, 403, 291, and 291A were received in my office on February 19, 1999.

These bills were signed by me on February 24, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 681. Placed on General File.

LEGISLATIVE BILL 99. Placed on General File as amended.
Standing Committee amendment to LB 99:
AM0477

- 1 1. On page 3, line 11, strike "(a)"; in line 12 strike
- 2 "(b)"; strike beginning with "and" in line 14 through "therapy" in
- 3 line 17; strike beginning with "Coverage" in line 21 through line
- 4 28 and insert "Diabetes self-management education must be deemed to
- 5 be medically necessary by a physician to be eligible for coverage
- 6 and such coverage shall not exceed five hundred dollars in a
- 7 two-year period.
- 8 (6) This section does not prevent application of (a)
- 9 deductible or copayment provisions or network incentives contained
- 10 in the policy or health benefit plan or (b) outpatient care
- 11 provisions in policies or health benefit plans that extend coverage
- 12 primarily in relation to hospital confinement or surgery. This
- 13 section does not require that coverage under an individual or group
- 14 policy or health benefit plan be extended to any other procedures.
- 15 Private third-party payors may not reduce or eliminate coverage due
- 16 to this section."
- 17 2. On page 4, strike lines 1 and 2.

LEGISLATIVE BILL 306. Indefinitely postponed.
LEGISLATIVE BILL 680. Indefinitely postponed.
LEGISLATIVE BILL 845. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 753. Placed on General File as amended.
Standing Committee amendment to LB 753:
AM0452

- 1 1. On page 2, line 7, after the third comma insert "the
- 2 state."

(Signed) Floyd P. Vrtiska, Chairperson

Health and Human Services

LEGISLATIVE BILL 523. Placed on General File.

(Signed) Jim Jensen, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 465, 795, and 846.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 356. The Chambers pending motion, found on page 710, to bracket until March 30, 1999, was renewed.

Messrs. Dierks, Janssen, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Byars requested a roll call vote on the Chambers motion to bracket.

Voting in the affirmative, 26:

Baker	Crosby	Kremer	Quandahl	Schmitt
Bourne	Cudaback	Lynch	Raikes	Smith
Brashear	Hartnett	Pedersen, Dw.	Redfield	Suttle
Chambers	Hilgert	Pederson, D.	Robak	Tyson
Connealy	Hudkins	Preister	Schellpeper	Wickersham
Coordsen				

Voting in the negative, 18:

Beutler	Bruning	Jensen	Price	Stuhr
Bohlke	Byars	Jones	Schimek	Thompson
Bromm	Engel	Matzke	Schrock	Wehrbein
Brown	Janssen	Peterson, C.		

Present and not voting, 1:

Dierks

Excused and not voting, 4:

Kiel	Kristensen	Landis	Vrtiska
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The Chambers motion to bracket prevailed with 26 ayes, 18 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Mr. D. Pederson filed the following amendment to LB 100:
AM0492

- 1 1. On page 2, line 23, after "decedent" insert "as shown
2 in a certified or authenticated copy of the decedent's death
3 certificate attached to the affidavit".
- 4 2. On page 3, line 4, strike "and"; in line 6 after
5 "property" insert ";
6 (7) the claiming successor's relationship to the decedent
7 and the value of the entire estate of the decedent; and
8 (8) the person or persons claiming as successors under
9 the affidavit swear or affirm that all statements in the affidavit
10 are true and material and further acknowledge that any false
11 statement may subject the person or persons to penalties relating
12 to perjury under section 28-915"; and in line 7 after "affidavit"
13 insert "and certified or authenticated copy of the decedent's death
14 certificate" and after the second "recorded" insert "by the
15 claiming successor".
- 16 3. On page 4, line 1, after "stating" insert an
17 underscored colon and strike "that:" and show as stricken; in line
18 6 after "decedent" insert "as shown in a certified or authenticated
19 copy of the decedent's death certificate attached to the affidavit;
20 (3) the claiming successor's relationship to the decedent
21 or, if there is no relationship, the basis of the successor's claim
22 to the personal property;
- 23 (4) the person or persons claiming as successors under
24 the affidavit swear or affirm that all statements in the affidavit
1 are true and material and further acknowledge that any false
2 statement may subject the person or persons to penalties relating
3 to perjury under section 28-915"; in line 7 strike "(3)", show as
4 stricken, and insert "(5)"; and in line 10 strike "(4)", show as
5 stricken, and insert "(6)".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 407A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 407, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

LEGISLATIVE BILL 90A. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid

in carrying out the provisions of Legislative Bill 90, Ninety-sixth Legislature, First Session, 1999.

STANDING COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 482. Placed on General File as amended.

Standing Committee amendment to LB 482:

AM0506

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) Every individual or couple that adopts a
- 4 ward of the State of Nebraska shall be entitled to a payment of one
- 5 thousand dollars for the year of adoption and for up to four
- 6 succeeding years. Payments shall be made after approval of an
- 7 application submitted by the adoptive parent or parents to the
- 8 Department of Health and Human Services Finance and Support. The
- 9 application shall be on a form prescribed by the department. An
- 10 application shall be submitted prior to December 31 of the year for
- 11 which the payment is sought. An applicant shall be eligible for
- 12 payment in the year of adoption and for the earliest of four
- 13 subsequent years or until the adopted child reaches the age of
- 14 majority, is emancipated, or is no longer living in the home of the
- 15 adoptive parent or parents.
- 16 (2) The department shall review all applications for
- 17 eligibility for payment. The department shall approve or deny
- 18 payment within thirty days after receipt of the application. If
- 19 approved, the department shall certify the necessary information to
- 20 the Director of Administrative Services for the issuance of a
- 21 warrant. Warrants shall be issued within thirty days after
- 22 certification. Any person aggrieved by a decision of the
- 23 department may appeal. The appeal shall be in accordance with the
- 24 Administrative Procedure Act."

(Signed) William R. Wickersham, Chairperson

AMENDMENT - Print in Journal

Messrs. Wehrbein and Bromm filed the following amendment to LB 356:
AM0508

- 1 1. Strike original section 4 and insert the following
- 2 new section:
- 3 "Sec. 2. Section 60-6,271, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,271. ~~Enforcement of section 60-6,270 by state or~~
- 6 ~~local law enforcement agencies shall be accomplished only as a~~
- 7 ~~secondary action when a driver of a motor vehicle has been cited or~~
- 8 ~~charged with a violation or some other offense~~ The failure of a
- 9 driver to comply with section 60-6,270 shall not constitute

10 reasonable suspicion for a peace officer to stop the motor vehicle
11 in the absence of a violation or some other offense by the driver
12 or occupants of the motor vehicle."

13 2. On page 5, line 2, after "60-4,182" insert "
14 60-6,271,".

15 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 51. Title read. Considered.

The Standing Committee amendment, AM0059, found on page 579, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

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

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 27. Title read. Considered.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lynch withdrew his amendment, AM0491, found on page 706.

Mr. Tyson withdrew his amendment, AM0430, found on page 661.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?"

Mr. Tyson moved for a call of the house. The motion failed with 8 ayes, 19 nays, and 22 not voting.

The motion to cease debate failed with 5 ayes, 11 nays, and 33 not voting.

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Lynch moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Tyson requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 21:

Beutler	Connealy	Kiel	Preister	Schrock
Bohlke	Hartnett	Landis	Price	Suttle
Bourne	Hilgert	Lynch	Robak	Thompson
Byars	Janssen	Pedersen, Dw.	Schimek	Wickersham
Chambers				

Voting in the negative, 24:

Baker	Cudaback	Jones	Peterson, C.	Smith
Bromm	Dierks	Kremer	Quandahl	Stuhr
Brown	Engel	Kristensen	Raikes	Tyson
Bruning	Hudkins	Matzke	Redfield	Wehrbein
Coordsen	Jensen	Pederson, D.	Schmitt	

Excused and not voting, 4:

Brashear	Crosby	Schellpeper	Vrtiska
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Failed to advance to E & R for review with 21 ayes, 24 nays, and 4 excused and not voting.

AMENDMENT - Print in Journal

Mr. Wehrbein filed the following amendment to LB 446:
AM0515

1. Strike original section 12.
2. On page 15, line 15, strike "86-1503,".
3. Renumber the remaining sections accordingly.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 687A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 687, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

LEGISLATIVE BILL 703A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 703, Ninety-sixth Legislature, First Session, 1999.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Director of NE Department of Insurance
Tim Wagner

VOTE: Aye: Senators Landis, Tyson, Bourne, Byars, Jensen, Kremer, and Schmitt. Nay: None. Absent: Senator Bruning.

(Signed) David M. Landis, Chairperson

Transportation

LEGISLATIVE BILL 345. Indefinitely postponed.

LEGISLATIVE BILL 460. Indefinitely postponed.

LEGISLATIVE BILL 547. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 92A, 113, 243, and 243A.

LEGISLATIVE BILL 86A. Placed on Select File.

LEGISLATIVE BILL 272. Placed on Select File as amended.

E & R amendment to LB 272:

AM7073

- 1 1. Insert the following new section:
- 2 "Sec. 19. Section 48-303, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-303. An employment certificate shall be approved only
- 5 by the superintendent ~~of schools~~ of the primary high school
- 6 district in which the child resides or by a person authorized by
- 7 him or her in writing or, when there is no superintendent, ~~of~~
- 8 ~~schools~~, by a person authorized by the school district officers,
- 9 except that no school district officer or other person authorized
- 10 by this section may approve such certificate for any child then in

11 or about to enter his or her own employment or the employment of a
12 firm or corporation of which he or she is a member, officer, or
13 employee or in whose business he or she is interested. The officer
14 or person approving such certificate may administer the oath
15 provided for therein or in any investigation or examination
16 necessary for the approval thereof. No fee shall be charged for
17 approving any such certificate or for administering any oath or
18 rendering any services related thereto. The school board or board
19 of education of each school district shall establish and maintain
20 proper records where copies of all such certificates and all
21 documents connected therewith shall be filed and preserved and
22 shall provide the necessary clerical services for carrying out
23 sections 48-302 to 48-313. The person who issued the employment
24 certificate shall report to the Department of Labor any complaint
1 concerning the conditions of employment of a child for whom a
2 certificate is in force. Upon receipt of the report the Department
3 of Labor shall make such investigation as it deems advisable to
4 protect an individual child or to promote the youth-work program.".

5 2. In the Standing Committee amendments, AM0228:

6 a. On page 2, lines 10 and 11, after "or" insert "its";
7 and

8 b. On page 3, lines 14 and 16, after the quotation mark
9 insert ", show as stricken,".

10 3. On page 1, line 4, after the second comma insert
11 "48-303,".

12 4. On page 2, line 4, after the first semicolon insert
13 "to change and eliminate provisions relating to the change of
14 boundaries of school districts, county committees, and the State
15 Committee for the Reorganization of School Districts; to change
16 powers and duties relating to school administration, truancy, and
17 school finance; to harmonize provisions;"; and in lines 4 and 5
18 strike "to harmonize provisions;".

19 5. On page 5, line 22, strike "county" and show as
20 stricken and strike "school administrator," and show the old matter
21 as stricken.

22 6. On page 13, line 5, strike "subsection", show as
23 stricken, and insert "section".

24 7. On page 20, line 1, reinstate the stricken comma; and
25 in line 2 reinstate the first stricken comma.

26 8. On page 21, line 20, after "superintendents" insert
27 "and county school administrators"; and in line 23 after "elected"
1 insert "or with which the county school administrator contracted".

2 9. On page 26, line 14, after the second "the" insert
3 "school".

4 10. On page 36, line 26, strike "a" and insert "the".

5 11. On page 50, line 11, strike "79-443" and insert
6 "79-442".

7 12. On page 55, line 25, strike "state committee" and
8 insert "State Committee for the Reorganization of School

9 Districts".

10 13. On page 56, line 4, after "sufficient" insert an
11 underscored period; and strike beginning with the comma in line 4
12 through the period in line 6 and show the old matter as stricken.

13 14. On page 69, line 8, strike "the" and show as
14 stricken.

15 15. On page 81, line 20, strike "books", show as
16 stricken, and insert "records".

17 16. On page 90, line 26, strike "school" and show as
18 stricken.

19 17. On page 91, line 27, strike "shall transmit" and
20 show as stricken; and in line 28 before "within" insert "shall
21 transmit".

22 18. On page 93, line 13, strike the second comma and
23 show as stricken.

24 19. On page 119, line 26, strike beginning with
25 "Commencing" through the second "the", show as stricken, and insert
26 "The".

27 20. On page 123, strike the matter beginning with "20"
1 in line 27 through "115" in line 28 and insert "19, 21 to 28, 72 to
2 74, 76 to 81, 83 to 89, and 92 to 116".

3 21. On page 124, line 3, after the second comma insert
4 "48-303,".

5 22. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 272A. Placed on Select File.

LEGISLATIVE BILL 813. Placed on Select File as amended.

E & R amendment to LB 813:

AM7074

1 1. Insert the following new sections:

2 "Sec. 36. Section 79-1110, Revised Statutes Supplement,
3 1998, is amended to read:

4 79-1110. Sections 79-1110 to 79-1183.01 and section 52
5 of this act shall be known and may be cited as the Special
6 Education Act.

7 Sec. 37. Section 79-1113, Revised Statutes Supplement,
8 1998, is amended to read:

9 79-1113. For purposes of the Special Education Act,
10 unless the context otherwise requires, the definitions found in
11 sections 79-1114 to 79-1125 and section 52 of this act shall be
12 used."

13 2. In the Bohlke amendment, AM0188:

14 a. On page 3, line 9, after "(c)" insert "of this
15 section"; and

16 b. On page 4, line 3, strike "this" and show as stricken;
17 and in line 4 strike "subsection", show as stricken, and insert
18 "subsections (2), (3), and (4) of this section".

19 3. On page 1, line 3, strike "and" and after the last

20 comma insert "79-1601, and 79-1602,"; in line 8 after "79-10,124,"
 21 insert "79-1110, 79-1113,"; in line 11 strike "and" and after the
 22 last comma insert "and 85-607,"; and in line 12 after "change"
 23 insert "and eliminate".

24 4. On page 2, line 6, after "eliminate" insert "powers
 1 and"; in line 8 after the first comma insert "the Commissioner of
 2 Education,"; in line 12 strike "to harmonize provisions,"; and in
 3 line 14 after the first comma insert "reimbursement,".

4 5. On page 3, line 4, strike "(a)" and insert "(1)"; and
 5 in line 7 strike "(b)" and insert "(2)".

6 6. On page 5, line 28, strike "48-302" and insert
 7 "48-303".

8 7. On page 6, line 1, after "approved" insert an
 9 underscored comma; and in line 7 strike the comma and show as
 10 stricken.

11 8. On page 21, line 19, strike "sections 13-505" and
 12 insert "the Nebraska Budget Act and sections 13-518".

13 9. On page 25, line 19, strike "79-406," and show as
 14 stricken and strike the second comma and show as stricken.

15 10. On page 26, line 14, strike "up" and show as
 16 stricken.

17 11. On page 41, line 27, after "(33)" insert "Special
 18 grant funds means the budgeted receipts for grants, including, but
 19 not limited to, Title I funds, Title VI funds, funds from the
 20 Education Innovation Fund, reimbursements for wards of the court,
 21 short-term borrowings including, but not limited to, registered
 22 warrants and tax anticipation notes, interfund loans, insurance
 23 settlements, and reimbursements to county government for previous
 24 overpayment, that have been approved by the state board;
 25 (34)".

26 12. On page 42, strike lines 13 through 20 and show the
 27 old matter as stricken.

1 13. On page 43, line 12; and page 44, line 1, strike
 2 "such" and show as stricken.

3 14. On page 49, line 10, strike "such", show as
 4 stricken, and insert "school district and each".

5 15. On page 56, line 22, strike "reserve".

6 16. On page 68, line 1, after the second comma insert
 7 "for"; and in line 24 after "by" insert "subsection (1) of".

8 17. On page 74, line 4, strike the underscored comma.

9 18. On page 90, line 19, strike "79-1185." and show as
 10 stricken.

11 19. On page 95, line 7, strike "55, 56, and 59" and
 12 insert "60, 61, and 64"; in line 8 strike "with the emergency
 13 clause"; in line 10 after "after" insert "the"; and in line 19
 14 after "79-10,124," insert "79-1110, 79-1113,".

15 20. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 226. Placed on Select File as amended.
E & R amendment to LB 226:

AM7070

- 1 1. In the Byars-Hilgert amendments, AM0421, change the
- 2 Standing Committee amendment number to the corrected amendment
- 3 number, AM0365, and on page 1, line 3, strike "4" and insert "5";
- 4 and in line 5 strike "6" and insert "7".

LEGISLATIVE BILL 375. Placed on Select File.

LEGISLATIVE BILL 407. Placed on Select File as amended.
E & R amendment to LB 407:

AM7071

- 1 1. On page 1, line 1, after "establish" insert "and
- 2 provide duties for".
- 3 2. On page 2, line 3, strike the comma and insert "or";
- 4 in line 4 strike ", or other" and insert "or another"; in line 15
- 5 before the first "and" insert "of this section"; in lines 16 and 19
- 6 before the period insert "of this section"; and in line 18 before
- 7 "and" insert "of this section".
- 8 3. On page 3, line 1, strike the comma.

LEGISLATIVE BILL 333A. Placed on Select File.

LEGISLATIVE BILL 774A. Placed on Select File.

LEGISLATIVE BILL 440A. Placed on Select File.

LEGISLATIVE BILL 612. Placed on Select File.

LEGISLATIVE BILL 54. Placed on Select File as amended.
E & R amendment to LB 54:

AM7072

- 1 1. In the Standing Committee amendment, AM0340, on page
- 2 2, line 8, after "place" insert an underscored comma.
- 3 2. On page 1, strike beginning with "criminal" in line 1
- 4 through "investigations" in line 4 and insert "courts; to amend
- 5 sections 20-159, 25-2406, and 29-2259, Reissue Revised Statutes of
- 6 Nebraska; to provide requirements for interpreters; to provide for
- 7 payment by the state of the cost of interpreters".

(Signed) Adrian M. Smith, Chairperson

MOTION - Print in Journal

Mrs. Thompson filed the following motion to LB 724:
Withdraw LB 724.

STANDING COMMITTEE REPORT **Transportation**

The Transportation Committee desires to report favorably upon the

appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Highway Commission

Doug Leafgreen

John L. Craig

Department of Roads - Director

John L. Craig

Department of Motor Vehicles

Edward D. Wimes

Nebraska Information Technology Commission

Greg Adams

Dr. Douglas Christensen

Dr. Dennis Smith

Eric Brown

Hod Kosman

Senator J. Robert Kerrey

Gary Kuck

L. Merrill Bryan Jr.

Lt. Governor Dave Maurstad

VOTE: Aye: Senators Bromm, Hudkins, Baker, Dw. Pedersen, Jones, C. Peterson, Janssen, and Thompson. Nay: None. Absent: None.

(Signed) Curt Bromm, Chairperson

MOTION - Print in Journal

Mr. Chambers filed the following motion to LB 845:
Pursuant to Rule 3, section 17, that LB 845 be placed on General File, notwithstanding the action of the Banking Committee.

AMENDMENT - Print in Journal

Mr. Preister filed the following amendment to LB 211:

AM0537

- 1 1. On page 2, strike line 17 and all amendments thereto
- 2 and insert the following new subsections:
- 3 "(3) Smoking is prohibited in all vehicles owned or
- 4 leased by the state and in all buildings owned, leased, or occupied
- 5 by the state and the area within ten feet of an entrance to such
- 6 buildings or any portions thereof, except as provided in
- 7 subsections (4), (5), and (6) of this section.
- 8 (4) The following buildings or areas within buildings in
- 9 which persons reside or lodge may be exempt from this section: (a)
- 10 Nebraska veterans homes established pursuant to section 80-315; (b)
- 11 private residences; (c) facilities and institutions under the
- 12 control of the Department of Health and Human Services; and (d)
- 13 overnight lodging facilities and buildings managed by the Game and

14 Parks Commission, but no more than twenty-five percent of the
15 overnight lodging facilities at each park location shall permit
16 smoking.

17 (5) Designated smoking areas not to exceed fifty percent
18 of the space used by the public may be established in state-owned
19 buildings at Nebraska State Fairgrounds that possess a Class C, I,
20 or M license for the sale of alcoholic liquor for consumption on
21 the premises under the Nebraska Liquor Control Act.

22 (6) Smoking may be permitted in no more than forty
23 percent of the residential housing rooms or units owned or leased
24 on each campus under the control of the Board of Regents of the
1 University of Nebraska or the Board of Trustees of the Nebraska
2 State Colleges."

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 150. No objections. So ordered.

Mr. Smith asked unanimous consent to have his name added as cointroducer to LB 601. No objections. So ordered.

VISITORS

Visitors to the Chamber were 8 eighth through tenth grade students from Sidney Public Schools; and Senator Byars' son, Mark Byars, from Kansas City, Missouri.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Quandahl, the Legislature adjourned until 9:00 a.m., Friday, January 26, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY – FEBRUARY 26, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 26, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Jim Weber, East Side Baptist Church, South Sioux City, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Kiel and Robak who were excused; and Messrs. Beutler, Bruning, Cudaback, Matzke, Schrock, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 346. Placed on Select File.

LEGISLATIVE BILL 424. Placed on Select File.

LEGISLATIVE BILL 324. Placed on Select File as amended.

E & R amendment to LB 324:

AM7075

- 1 1. On page 1, line 4, after the semicolon insert "to
- 2 harmonize provisions;"

(Signed) Adrian M. Smith, Chairperson

MESSAGES FROM THE GOVERNOR

February 24, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been
reappointed to the Dry Bean Commission:

APPOINTEES:

Dr. Glenn York, 14020 N. 47, Omaha, NE 68152
Dr. James Schiefen, PO Box 95, Imperial, NE 69033

The aforementioned names are respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

February 24, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been
reappointed to the Dry Bean Commission:

APPOINTEES:

Nolan Berry, 1710 21st St., Gering, NE 69341
Jon Holzfaster, RR 2, Box 42, Paxton, NE 69155

The aforementioned names are respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

February 24, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Game and Parks Commission:

APPOINTEE:
Connie Lapaseotes, Box 327, Bridgeport, NE 69336

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

February 24, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Highway Bond Commission:

APPOINTEE:
Norm Riffel, 12604 Cottonwood Ln., Springfield, NE 68059

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

February 25, 1999

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building

Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Motor Carrier Advisory Council:

APPOINTEE:

Emil Beyer, 404 Pontiac, Gretna, NE 68028

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 26, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Abboud, Chris - Lincoln; City of Omaha
Canuteson, Elizabeth A. - Kansas City, MO; Sprint PCS
Didier, Genenne - David City; Brain Injury Association of Nebraska Inc.
Fahleson, Mark A./Rembolt Ludtke & Berger
Fahleson, Mark A. - Lincoln; LINWELD, INC.
Fischer, Gary L. - Omaha; Family Housing Advisory Services, Inc.
Goc, John J. - Lincoln; Metropolitan Utilities Dist. of Omaha
Mueller, William J./Ruth & Mueller LLC
Mueller, William J. - Lincoln; Nebraska Academy of Eye Physicians and Surgeons
O'Hara & Associates, Inc.
O'Hara & Associates, Inc. - Lincoln; Alliance of Automobile Manufacturers
Ottoson, Howard W. - Lincoln; Nebraska League of Women Voters
Pappas, James E. - Lincoln; Independent Collegiate Consulting; LaVista Keno
Ruth, Larry L./Ruth & Mueller LLC
Ruth, Larry L. - Lincoln; Nebraska Academy of Eye Physicians and Surgeons
Skaggs, L. Craig (Withdrawn 02/19/1999) - Charleston, VA; DuPont (Withdrawn 02/19/1999)
Skochdopole, R. A. - Omaha; Catholic Mutual Relief Society; CBS/Home Real Estate; N.P. Dodge Real Estate; Prudential Ambassador Real Estate;

RE/MAX Advantage Real Estate
Young, Philip M. - Lincoln; Barr Laboratories, Inc.

REPORTS

The following reports were received by the Legislature:

Aeronautics, Department of
Annual Report

Roads, Department of
Board of Public Roads Classifications and Standards Minutes for
January 1999

MOTION - Withdraw LB 783

Mrs. Brown renewed her pending motion, found on page 710, to withdraw LB 783.

The Brown motion to withdraw prevailed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

MOTION - Suspend Rules

Mr. Jensen renewed his pending motion, found on page 710 and corrected on page 713, to suspend the rules, Rule 3, Section 13, to permit cancellation of the public hearing on LB 783.

The Jensen motion to suspend the rules prevailed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

MOTION - Withdraw LB 724

Mrs. Thompson renewed her pending motion, found on page 724, to withdraw LB 724.

The Thompson motion to withdraw prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

LB 783 Wednesday, March 3, 1999 (canceled) 1:30 p.m.

(Signed) Jim Jensen, Chairperson

Judiciary

LB 724 Wednesday, March 10, 1999 (canceled) 1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 32.** Read. Considered.

LR 32 was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 48.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-301, Reissue Revised Statutes of Nebraska; to change provisions relating to real parties in interest; 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, 46:

Baker	Coordsen	Jensen	Peterson, C.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kremer	Price	Stuhr
Bourne	Dierks	Kristensen	Quandahl	Suttle
Brashear	Engel	Landis	Raikes	Thompson
Bromm	Hartnett	Lynch	Redfield	Tyson
Brown	Hilgert	Matzke	Schellpeper	Vrtiska
Bruning	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Byars	Janssen	Pederson, D.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 20.

A BILL FOR AN ACT relating to motor vehicle registration; to amend

section 60-311.14, Reissue Revised Statutes of Nebraska; to provide for the issuance of motorcycle license plates to any handicapped or disabled person; and to repeal the original section.

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

Voting in the affirmative, 44:

Baker	Chambers	Hudkins	Pederson, D.	Schrock
Beutler	Connealy	Janssen	Preister	Smith
Bohlke	Coordsen	Jensen	Price	Stuhr
Bourne	Crosby	Jones	Quandahl	Suttle
Brashear	Cudaback	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Landis	Schellpeper	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Lynch Peterson, C. Wickersham

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 20A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 20, Ninety-sixth Legislature, First Session, 1999.

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

Voting in the affirmative, 43:

Baker	Bruning	Cudaback	Janssen	Lynch
Beutler	Byars	Dierks	Jensen	Matzke
Bohlke	Chambers	Engel	Jones	Pedersen, Dw.
Bourne	Connealy	Hartnett	Kremer	Pederson, D.
Brashear	Coordsen	Hilgert	Kristensen	Peterson, C.
Bromm	Crosby	Hudkins	Landis	Preister

Price	Redfield	Schrock	Thompson	Vrtiska
Quandahl	Schellpeper	Smith	Tyson	Wickersham
Raikes	Schimek	Stuhr		

Voting in the negative, 0.

Present and not voting, 4:

Brown	Schmitt	Suttle	Wehrbein
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Excused and not voting, 2:

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

LEGISLATIVE BILL 61.

A BILL FOR AN ACT relating to state government; to amend sections 84-710 and 84-711, Reissue Revised Statutes of Nebraska; to change provisions relating to remittance of public funds to the state treasury; 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:

Baker	Coordsen	Jensen	Preister	Smith
Beutler	Crosby	Jones	Price	Stuhr
Bohlke	Cudaback	Kremer	Quandahl	Suttle
Bourne	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Connealy	Janssen	Peterson, C.	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Brashear	Chambers	Lynch
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Excused and not voting, 2:

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

LEGISLATIVE BILL 66.

A BILL FOR AN ACT relating to boiler inspections; to amend sections 48-721, 48-722, 48-726, and 48-727, Reissue Revised Statutes of Nebraska; to change provisions relating to the inspector, codes, and exemptions; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Brashear	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 66A.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation relating to the provisions of Legislative Bill 66, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Bourne	Brown	Chambers	Crosby
Beutler	Brashear	Bruning	Connealy	Cudaback
Bohlke	Bromm	Byars	Coordsen	Dierks

Engel	Kremer	Peterson, C.	Schellpeper	Suttle
Hartnett	Kristensen	Preister	Schimek	Thompson
Hilgert	Landis	Price	Schmitt	Tyson
Hudkins	Matzke	Quandahl	Schrock	Vrtiska
Janssen	Pedersen, Dw.	Raikes	Smith	Wehrbein
Jensen	Pederson, D.	Redfield	Stuhr	Wickersham
Jones				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 77.

A BILL FOR AN ACT relating to International Fuel Tax Agreement Act; to amend section 66-1404, Reissue Revised Statutes of Nebraska; to authorize local reciprocal exemption agreements; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Brashear	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Robak

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 168 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 168.

A BILL FOR AN ACT relating to Employment Security Law; to amend sections 48-602 and 48-604, Reissue Revised Statutes of Nebraska; to redefine terms; 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:

Baker	Chambers	Hudkins	Pederson, D.	Schrock
Beutler	Connealy	Janssen	Peterson, C.	Smith
Bohlke	Coordsen	Jensen	Preister	Stuhr
Bourne	Crosby	Jones	Price	Suttle
Brashear	Cudaback	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield -	Tyson
Brown	Engel	Lynch	Schellpeper	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Landis Quandahl

Excused and not voting, 2:

Kiel Robak

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 195.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-254, Reissue Revised Statutes of Nebraska; to provide for enrollment approval as prescribed; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Brashear	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 227. With Emergency.

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska, and section 80-403, Revised Statutes Supplement, 1998; to change eligibility provisions for veterans relief and for waiver of tuition; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

Baker	Bourne	Brown	Chambers	Crosby
Beutler	Brashear	Bruning	Connealy	Cudaback
Bohlke	Bromm	Byars	Coordsen	Dierks

Engel	Jones	Pederson, D.	Redfield	Suttle
Hartnett	Kremer	Peterson, C.	Schellpeper	Thompson
Hilgert	Landis	Preister	Schimek	Tyson
Hudkins	Lynch	Price	Schmitt	Vrtiska
Janssen	Matzke	Quandahl	Smith	Wehrbein
Jensen	Pedersen, Dw.	Raikes	Stuhr	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Schrock

Excused and not voting, 2:

Kiel Robak

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 317.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-512 and 14-555, Reissue Revised Statutes of Nebraska; to change provisions relating to the crediting of interest; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Brashear	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 212.

A BILL FOR AN ACT relating to counties; to amend section 23-3502, Reissue Revised Statutes of Nebraska; to provide for a change in the number of members of a board of trustees of a county medical facility; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Brashear	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 268.

A BILL FOR AN ACT relating to schools; to amend section 79-1601, Reissue Revised Statutes of Nebraska; to change provisions relating to home schools; and to repeal the original section.

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

Voting in the affirmative, 44:

Baker	Bourne	Brown	Coordsen	Dierks
Beutler	Brashear	Bruning	Crosby	Engel
Bohlke	Bromm	Connealy	Cudaback	Hartnett

Bruning	Engel	Kristensen	Preister	Smith
Byars	Hartnett	Landis	Price	Stuhr
Chambers	Hilgert	Lynch	Raikes	Thompson
Connealy	Hudkins	Matzke	Redfield	Tyson
Coordsen	Janssen	Pedersen, Dw.	Schellpeper	Vrtiska
Crosby	Jensen	Pederson, D.	Schmitt	Wehrbein
Cudaback	Jones	Peterson, C.	Schrock	Wickersham
Dierks	Kremer			

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Brown	Quandahl	Schimek	Suttle
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Excused and not voting, 2:

Kiel	Robak
------	-------

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 473 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 473.

A BILL FOR AN ACT relating to the Weights and Measures Act; to amend sections 89-183, 89-186, 89-186.01, 89-187, 89-187.05, 89-187.07, 89-187.08, 89-188, and 89-196.01, Reissue Revised Statutes of Nebraska, and section 89-187.02, Revised Statutes Supplement, 1998; to change provisions relating to handbooks adopted by reference; to define terms; to provide, change, and eliminate powers and duties of the Director of Agriculture; to change enforcement procedures; 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, 46:

Baker	Brashear	Bruning	Connealy	Cudaback
Bohlke	Bromm	Byars	Coordsen	Dierks
Bourne	Brown	Chambers	Crosby	Engel

Hartnett	Kristensen	Peterson, C.	Schellpeper	Suttle
Hilgert	Landis	Preister	Schimek	Thompson
Hudkins	Lynch	Price	Schmitt	Tyson
Janssen	Matzke	Quandahl	Schrock	Vrtiska
Jensen	Pedersen, Dw.	Raikes	Smith	Wehrbein
Jones	Pederson, D.	Redfield	Stuhr	Wickersham
Kremer				

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Kiel Robak

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 474.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,252, Reissue Revised Statutes of Nebraska, and sections 81-2,239, 81-2,240, 81-2,244.01, 81-2,245.01, 81-2,262, 81-2,270, 81-2,272.08, 81-2,272.18, 81-2,272.24, 81-2,281, and 81-2,288.01, Revised Statutes Supplement, 1998; to define and redefine terms; to adopt federal law by reference; to change and provide requirements; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Brashear	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 46.

A BILL FOR AN ACT relating to coroners; to amend sections 23-1820, 48-135, and 71-1341, Reissue Revised Statutes of Nebraska, and sections 71-605 and 71-1339, Revised Statutes Supplement, 1998; to require autopsies on minors as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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:

Baker	Chambers	Hudkins	Peterson, C.	Smith
Beutler	Connealy	Janssen	Preister	Stuhr
Bohlke	Coordsen	Jensen	Price	Suttle
Bourne	Crosby	Jones	Quandahl	Thompson
Brashear	Cudaback	Kremer	Raikes	Tyson
Bromm	Dierks	Kristensen	Schellpeper	Vrtiska
Brown	Engel	Lynch	Schimek	Wehrbein
Bruning	Hartnett	Matzke	Schmitt	Wickersham
Byars	Hilgert	Pedersen, Dw.	Schrock	

Voting in the negative, 1:

Redfield

Present and not voting, 2:

Landis Pederson, D.

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 64.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-803, Reissue Revised Statutes of Nebraska; to provide for a learned treatise exception to the rule against hearsay; 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, 45:

Baker	Chambers	Hudkins	Peterson, C.	Schrock
Beutler	Connealy	Janssen	Preister	Smith
Bohlke	Coordsen	Jensen	Price	Stuhr
Bourne	Crosby	Jones	Quandahl	Suttle
Brashear	Cudaback	Kremer	Raikes	Thompson
Bromm	Dierks	Landis	Redfield	Tyson
Brown	Engel	Lynch	Schellpeper	Vrtiska
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hilgert	Pederson, D.	Schmitt	Wickersham

Voting in the negative, 1:

Kristensen

Present and not voting, 1:

Matzke

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 106. With Emergency.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-184, Reissue Revised Statutes of Nebraska; to change provisions relating to authorized visitation or work release by a committed offender; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Brashear	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Robak

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 363.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1242, Revised Statutes Supplement, 1998; to provide for a core services proposal as prescribed; and to repeal the original section.

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

Voting in the affirmative, 45:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bourne	Crosby	Jones	Price	Stuhr
Brashear	Cudaback	Kremer	Quandahl	Suttle
Bromm	Dierks	Kristensen	Raikes	Thompson
Brown	Engel	Landis	Redfield	Tyson
Bruning	Hartnett	Lynch	Schellpeper	Vrtiska
Byars	Hilgert	Matzke	Schimek	Wehrbein
Chambers	Hudkins	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Bohlke Pederson, D.

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 422. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend section 21-19,114, Reissue Revised Statutes of Nebraska; to change provisions relating to amendment of bylaws; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Brashear	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Robak

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 669. With Emergency.

A BILL FOR AN ACT relating to the County Property Tax Relief Program; to amend section 77-3618, Revised Statutes Supplement, 1998; to change calculations; 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, 46:

Baker	Coordsen	Jensen	Peterson, C.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kremer	Price	Stuhr
Bourne	Dierks	Kristensen	Quandahl	Suttle
Brashear	Engel	Landis	Raikes	Thompson
Bromm	Hartnett	Lynch	Redfield	Tyson
Bruning	Hilgert	Matzke	Schellpeper	Vrtiska
Byars	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Chambers	Janssen	Pederson, D.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 2:

Kiel Robak

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 669A.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation relating to the provisions of Legislative Bill 669, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Janssen	Pederson, D.	Schmitt
Beutler	Coordsen	Jensen	Peterson, C.	Schrock
Bohlke	Crosby	Jones	Preister	Smith
Bourne	Cudaback	Kremer	Price	Stuhr
Brashear	Dierks	Kristensen	Quandahl	Thompson
Bromm	Engel	Landis	Raikes	Tyson
Bruning	Hartnett	Lynch	Redfield	Vrtiska
Byars	Hilgert	Matzke	Schellpeper	Wehrbein
Chambers	Hudkins	Pedersen, Dw.	Schimek	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Brown Suttle

Excused and not voting, 2:

Kiel Robak

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

LEGISLATIVE BILL 270. With Emergency.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1518, 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Supplement, 1998; to require a report; to change the reimbursement date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Brashear	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Robak

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 48, 20, 20A, 61, 66, 66A, 77, 168, 195, 227, 317, 212, 268, 437, 473, 474, 46, 64, 106, 363, 422, 669, 669A, and 270.

MOTION - Return LB 68 to Select File

Mr. Chambers moved to return LB 68 to Select File for the following specific amendment:

FA26

Strike the enacting clause.

Messrs. Cudaback, Brashear, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to return.

UNANIMOUS CONSENT - Bracket LB 68

Mr. Chambers asked unanimous consent to bracket LB 68. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 552. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Messrs. Bruning and Lynch asked unanimous consent to be excused. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Berry, Nolan - Dry Bean Commission -- Agriculture

Beyer, Emil - Motor Carrier Advisory Council -- Transportation

Holzfastner, Jon - Dry Bean Commission -- Agriculture

Lapaseotes, Connie - Game and Parks Commission -- Natural Resources

Riffel, Norm - Nebraska Highway Bond Commission -- Transportation

Schiefel, Dr. James - Dry Bean Commission -- Agriculture

York, Dr. Glenn - Dry Bean Commission -- Agriculture

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Mr. Bruning filed the following amendments to LB 823:

AM0541

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "four thousand nine hundred"; in lines 7 and 8 strike the
- 3 new matter and insert "five thousand five hundred"; in lines 11 and
- 4 12 strike the new matter and insert "nine thousand seven hundred";
- 5 and in line 14 strike the new matter and insert "ten thousand nine
- 6 hundred".

AM0542

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "five thousand"; in lines 7 and 8 strike the new matter and
- 3 insert "five thousand six hundred"; in lines 11 and 12 strike the
- 4 new matter and insert "nine thousand eight hundred"; and in line 14
- 5 strike the new matter and insert "eleven thousand".

AM0543

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "five thousand one hundred"; in lines 7 and 8 strike the new
- 3 matter and insert "five thousand seven hundred"; in lines 11 and 12
- 4 strike the new matter and insert "nine thousand nine hundred"; and
- 5 in line 14 strike the new matter and insert "eleven thousand one
- 6 hundred".

AM0544

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "five thousand two hundred"; in lines 7 and 8 strike the new
- 3 matter and insert "five thousand eight hundred"; in lines 11 and 12
- 4 strike the new matter and insert "ten thousand"; and in line 14
- 5 strike the new matter and insert "eleven thousand two hundred".

AM0545

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "five thousand three hundred"; in lines 7 and 8 strike the
- 3 new matter and insert "five thousand nine hundred"; in lines 11 and
- 4 12 strike the new matter and insert "ten thousand one hundred"; and
- 5 in line 14 strike the new matter and insert "eleven thousand three
- 6 hundred".

AM0547

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "five thousand four hundred"; in lines 7 and 8 strike the
- 3 new matter and insert "six thousand"; in lines 11 and 12 strike the
- 4 new matter and insert "ten thousand two hundred"; and in line 14
- 5 strike the new matter and insert "eleven thousand four hundred".

AM0548

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "five thousand five hundred"; in lines 7 and 8 strike the
- 3 new matter and insert "six thousand one hundred"; in lines 11 and
- 4 12 strike the new matter and insert "ten thousand three hundred";
- 5 and in line 14 strike the new matter and insert "eleven thousand
- 6 five hundred".

AM0549

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "five thousand six hundred"; in lines 7 and 8 strike the new
- 3 matter and insert "six thousand two hundred"; in lines 11 and 12
- 4 strike the new matter and insert "ten thousand four hundred"; and
- 5 in line 14 strike the new matter and insert "eleven thousand six
- 6 hundred".

AM0550

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "five thousand seven hundred"; in lines 7 and 8 strike the
- 3 new matter and insert "six thousand three hundred"; in lines 11 and
- 4 12 strike the new matter and insert "ten thousand five hundred";
- 5 and in line 14 strike the new matter and insert "eleven thousand
- 6 seven hundred".

AM0551

- 1 1. On page 5, lines 5 and 6, strike the new matter and
- 2 insert "five thousand eight hundred"; in lines 7 and 8 strike the
- 3 new matter and insert "six thousand four hundred"; in lines 11 and
- 4 12 strike the new matter and insert "ten thousand six hundred"; and
- 5 in line 14 strike the new matter and insert "eleven thousand eight
- 6 hundred".

Mr. Tyson filed the following amendment to LB 131:

AM0358

- 1 1. On page 7, strike lines 15 through 19, show as
- 2 stricken, and insert:
- 3 "(e) The applicant has been fingerprinted and the
- 4 fingerprints submitted to the Nebraska State Patrol for a criminal
- 5 history record check. If no disqualifying record is located at the
- 6 state level, the fingerprints shall be forwarded by the patrol to
- 7 the Identification Division of the Federal Bureau of Investigation
- 8 for a national criminal history record check.".

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 17, 333, 362, 366, and 379.

Enrollment and Review Change to LB 333

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

ER9012

1. On page 1, the matter beginning with "pharmacy" in line 1 through line 5 and all amendments thereto have been struck and "drugs and devices; to provide restrictions on disposal of dispensed drugs and devices." inserted.

Enrollment and Review Change to LB 379

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

ER9011

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

1. On page 1, line 1, "section" has been struck and "sections 28-415 and" inserted; and in line 3 "section 28-401" has been struck and "sections 28-401 and 28-412" inserted.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS**Transportation**

LEGISLATIVE BILL 147. Placed on General File as amended.

Standing Committee amendment to LB 147:

AM0423

- 1 1. Insert the following new section:
- 2 "Sec. 5. This act becomes operative on January 1,
- 3 2000."
- 4 2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 150. Placed on General File as amended.

Standing Committee amendment to LB 150:

AM0437

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. This act shall be known and may be cited as
- 4 the Telephone Consumer Slamming Prevention Act.
- 5 Sec. 2. It is the policy of this state to ensure that
- 6 all subscribers are protected from the unauthorized switching of a
- 7 telecommunications company selected by the subscriber to provide
- 8 telecommunications service.
- 9 Sec. 3. For purposes of the Telephone Consumer Slamming
- 10 Prevention Act, the definitions found in section 86-802 shall be
- 11 used.
- 12 Sec. 4. The Telephone Consumer Slamming Prevention Act

13 shall apply to all telecommunications companies providing basic
14 local exchange service, intra-LATA interexchange service,
15 inter-LATA interexchange service, and any other telecommunications
16 services to subscribers in this state.

17 Sec. 5. No telecommunications company shall submit or
18 execute a change in a subscriber's provider of basic local exchange
19 service, intra-LATA interexchange service, or inter-LATA
20 interexchange service without:

- 21 (1) Written change authorization from the subscriber;
- 22 (2) Toll-free electronic authorization placed from the
23 telephone number which is the subject of the change order; or
- 24 (3) Oral authorization obtained by an independent third
1 party.

2 A separate and distinct authorization shall be required
3 to submit or execute a change of service for any or all of the
4 following services provided to subscribers in this state: Basic
5 local exchange service, intra-LATA interexchange service,
6 inter-LATA interexchange service, or any other telecommunications
7 services.

8 Sec. 6. Within thirty days after a subscriber changes
9 his or her authorized provider of basic local exchange service,
10 intra-LATA interexchange service, or inter-LATA interexchange
11 service, the new authorized service provider shall provide to such
12 subscriber written verification of such change. The written
13 confirmation shall (1) describe clearly and simply the nature of
14 the subscription change, (2) not be a part of, or attached to, any
15 other document, (3) not contain any promotion, offer, or
16 inducement, and (4) be mailed to the subscriber's billing address.

17 Sec. 7. (1) Any changes which are not made or verified
18 consistent with the rules and regulations of the Public Service
19 Commission shall, on request by the subscriber, be reversed within
20 a period established by commission rules and regulations.

21 (2) Any telecommunications company which initiated an
22 unauthorized change shall:

23 (a) Pay any charges for telephone service used by the
24 subscriber during the period from the startup of the unauthorized
25 change to the earlier of (i) the date that the subscriber's
26 provider of service is changed from the unauthorized interexchange
27 service provider or (ii) the expiration of the thirty-day period
1 after the startup date of the unauthorized subscription change;

2 (b) Pay all usual and customary charges associated with
3 returning the subscriber to its original telecommunications
4 company;

5 (c) Pay the telecommunications subscriber from which the
6 subscriber was changed any amount paid by the subscriber that would
7 have been paid to the telecommunications company from which the
8 subscriber was changed but for the unauthorized change;

9 (d) Return to the subscriber any amount paid by the
10 subscriber in excess of the charges that would have been imposed

11 for identical services by the telecommunications company from which
12 the subscriber was changed but for the unauthorized change; and

13 (e) Provide all billing records to the original
14 telecommunications company from which the subscriber was changed to
15 enable the telecommunications company from which the subscriber was
16 changed to comply with this subsection and commission rules and
17 regulations.

18 (3) Any telecommunications company from which the
19 subscriber was changed shall restore the subscriber to all premium
20 programs in which the subscriber was enrolled prior to the
21 unauthorized change if that subscriber's participation in the
22 premium program was terminated because of the unauthorized change.
23 In addition, if the subscriber has paid charges to the company
24 which initiated an unauthorized change, the telecommunications
25 company from which the subscriber was changed shall restore to the
26 subscriber any premiums to which the subscriber would have been
27 entitled had the unauthorized change not occurred.

1 (4) If the Public Service Commission finds that a
2 telecommunications company has violated this section, the
3 commission shall order the company to take corrective action as
4 necessary and the company may be subject to administrative
5 penalties pursuant to section 8 of this act. Any money collected
6 by the commission pursuant to this section shall be remitted to the
7 State Treasurer for credit to the permanent school fund.

8 Sec. 8. (1) The Public Service Commission may impose an
9 administrative penalty for a violation of the Telephone Consumer
10 Slamming Prevention Act. The penalty for a violation shall not
11 exceed two thousand dollars. Every violation associated with a
12 specific access line within the state shall be considered a
13 separate and distinct violation.

14 (2) The amount of an administrative penalty shall be
15 based on:

16 (a) The seriousness of the violation, including the
17 nature, circumstances, extent, and gravity of a prohibited act;

18 (b) The history of previous violations;

19 (c) The amount necessary to deter future violations;

20 (d) Any efforts to correct the violation; and

21 (e) Any other matter that justice may require.

22 (3) Any administrative penalty may be appealed, and the
23 appeal shall be in accordance with sections 75-136 to 75-139.

24 Sec. 9. The Public Service Commission shall adopt and
25 promulgate competitively neutral rules and regulations to implement
26 the Telephone Consumer Slamming Prevention Act, including rules and
27 regulations that:

1 (1) Ensure that subscribers are protected from deceptive
2 practices in the obtaining of authorizations and verifications
3 required by section 5 of this act;

4 (2) Are applicable to all basic local exchange service,

5 intra-LATA interexchange service, inter-LATA interexchange service,
6 and other telecommunications services provided by
7 telecommunications companies in this state;

8 (3) Maintain records, provide procedures, and establish
9 performance standards for telecommunications companies with respect
10 to changes in an authorized telecommunications company pursuant to
11 the act;

12 (4) Establish and administer a slamming complaint system
13 for subscribers of telecommunications service and enforce the
14 provisions of the act; and

15 (5) Are consistent with the rules and regulations
16 prescribed by the Federal Communications Commission for the
17 selection of telecommunications companies. The Public Service
18 Commission may adopt and promulgate rules and regulations
19 consistent with model any regulations of the Federal
20 Communications Commission which are consistent with the purposes of
21 the act.

22 Sec. 10. (1) No telecommunications company providing
23 basic local exchange service shall bill a subscriber for additional
24 telecommunications services not required by the Public Service
25 Commission to be offered and for which the subscriber did not
26 explicitly contract. If (a) a charge is assessed on a per-use
27 basis for a service described in this subsection and (b) the
1 subscriber notifies the telecommunications company that the
2 subscriber did not utilize the service or the subscriber did not
3 authorize the utilization of the service, the charge shall be given
4 as a refund or applied as a credit to the subscriber's next monthly
5 bill.

6 (2) If a telecommunications company receives a
7 notification pursuant to subdivision (1)(b) of this section, the
8 company shall inform the subscriber of the ability to block
9 services from future use by the subscriber and shall block the
10 services from future use by the subscriber if the subscriber so
11 requests. If a subscriber requests that the company not block the
12 service or later requests to have the block lifted, the subscriber
13 shall be responsible for charges caused by the future utilization
14 of such service. The company shall not charge a reoccurring fee
15 for blocking such service.

16 Sec. 11. If any section of this act or any part of any
17 section is declared invalid or unconstitutional, the declaration
18 shall not affect the validity or constitutionality of the remaining
19 portions.

20 Sec. 12. Since an emergency exists, this act takes
21 effect when passed and approved according to law."

LEGISLATIVE BILL 410. Placed on General File as amended.
Standing Committee amendment to LB 410:
AM0366

1 1. Insert the following new section:

- 2 "Sec. 3. Section 71-1907, Revised Statutes Supplement,
3 1998, is amended to read:
4 71-1907. Any person furnishing foster care who is
5 subject to licensure under section 71-1902, when transporting in a
6 motor vehicle any children for whom care is being furnished, shall
7 use an approved child passenger restraint system for each child,
8 except that an occupant protection system as defined in section
9 60-6,265 may be used for any child weighing forty or more pounds ~~or~~
10 and four years of age or more.
11 Any person violating this section shall be guilty of an
12 infraction as defined in section 29-431 and shall have his or her
13 license to furnish foster care revoked or suspended by the
14 Department of Health and Human Services.
15 For purposes of this section, approved child passenger
16 restraint system shall mean a restraint system which meets Federal
17 Motor Vehicle Safety Standard 213 as developed by the National
18 Highway Traffic Safety Administration as of July 17, 1982."
19 2. On page 2, line 6, strike "or", show as stricken, and
20 insert "and".
21 3. On page 3, line 14, after "be" insert "for a first
22 offense"; in line 25 after "shall" insert "not"; and strike
23 beginning with "be" in line 27 through "charge" in line 28, show as
24 stricken, and insert "have any fine imposed and shall not have any
1 points assessed against his or her driving record".
2 4. On page 4, line 11, strike "are" and insert "and
3 section 71-1907, Revised Statutes Supplement, 1998, are".
4 5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 809. Placed on General File as amended.
Standing Committee amendment to LB 809:
AM0456

- 1 1. Insert the following new sections:
2 "Sec. 6. Section 60-4,121, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 60-4,121. (1) The operator's license of any person
5 serving on active duty, other than members of the National Guard or
6 reserves activated for training purposes only, outside the State of
7 Nebraska as a member of the United States Armed Forces, or the
8 spouse of any such person or a dependent of such member of the
9 armed forces, shall be valid during such person's period of active
10 duty and for not more than sixty days immediately following such
11 person's date of separation from service and shall be renewed after
12 the expiration date without examination upon written application to
13 the county treasurer who issued the license. No person shall be
14 permitted to renew a license in such manner more than twice.
15 (2) The county treasurer also shall issue a renewal
16 license, without examination, to any person who is serving in the
17 armed forces of the United States, or the spouse of any such person
18 or a dependent of such member of the armed forces, and who makes

19 application for renewal within ninety days prior to the expiration
20 date of his or her license while the member is still on active duty
21 upon proof that such member is still on active duty. If such
22 person is twenty years of age, he or she may be issued a renewal
23 license in such manner within ten days prior to his or her
24 twenty-first birthday.

1 (3) The county treasurer also shall issue a renewal
2 license, without examination, to any person whose license expired
3 while serving in the armed forces of the United States, or the
4 spouse of any such person or a dependent of such member of the
5 armed forces, and who makes application for renewal within sixty
6 days after his or her ~~(1)~~ (a) discharge or return to the State of
7 Nebraska to reside, whichever is later, or ~~(2)~~ (b) return to the
8 State of Nebraska while the member is still on active duty upon
9 proof that such member is still on active duty.

10 (4) Each individual who is applying for renewal of his or
11 her operator's license shall submit his or her previous license to
12 the examiner or, when the previous license is unavailable, furnish
13 proof of identification in accordance with section 60-484.

14 Sec. 8. Section 60-4,123, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-4,123. (1) Any person who is at least fifteen years
17 of age may apply for an LPD-learner's permit from the Department of
18 Motor Vehicles. In order to obtain an LPD-learner's permit, the
19 applicant shall successfully complete a written examination. A
20 person may take the written examination beginning sixty days prior
21 to his or her fifteenth birthday but shall not be issued a permit
22 until he or she is fifteen years of age.

23 (2) Upon successful completion of the written examination
24 and the payment of a fee, the applicant shall be issued an
25 LPD-learner's permit from the county treasurer. The permit shall
26 be valid for twelve months.

27 (3) The holder of an LPD-learner's permit shall only
1 operate a motor vehicle on the highways of this state if he or she
2 is accompanied at all times by a licensed operator who is at least
3 twenty-one years of age and who has been licensed by this state or
4 another state and if he or she is actually occupying the seat
5 beside the licensed operator or, in the case of a motorcycle or
6 moped, if he or she is within visual contact of and under the
7 supervision of, in the case of a motorcycle, a licensed motorcycle
8 operator or, in the case of a moped, a licensed motor vehicle
9 operator.

10 (4) The county treasurer shall collect a fee of three
11 dollars for the issuance of each LPD-learner's permit."

12 2. On page 2, lines 6 and 7, strike the new matter.

13 3. On page 3, line 3, after "age" insert "which
14 authorizes the person to operate any motor vehicle except a
15 commercial motor vehicle or motorcycle".

16 4. On page 10, line 28, strike "eighteen", show as

- 17 stricken, and insert "seventeen".
- 18 5. On page 13, line 11, after the period insert "Upon
 19 presentation to the examiner by the applicant of his or her school
 20 permit, the examiner shall waive the written examination and the
 21 driving test.".
- 22 6. On page 15, line 28, strike "and 60-4,122" and insert
 23 "60-4,121, 60-4,122, and 60-4,123".
- 24 7. Renumber the remaining sections accordingly.

(Signed) Curt Bromm, Chairperson

Judiciary

LEGISLATIVE BILL 131. Placed on General File.
LEGISLATIVE BILL 248. Placed on General File.
LEGISLATIVE BILL 284. Placed on General File.
LEGISLATIVE BILL 318. Placed on General File.
LEGISLATIVE BILL 332. Placed on General File.
LEGISLATIVE BILL 621. Placed on General File.

LEGISLATIVE BILL 73. Placed on General File as amended.
 Standing Committee amendment to LB 73:
 AM0496

- 1 1. On page 3, strike lines 22 through 24 and insert:
 2 "(a) Law enforcement personnel from the jurisdiction in
 3 which the death occurred shall immediately secure the scene,
 4 preserve all evidence, and investigate the matter as in any other
 5 homicide. The case shall be treated as an open, ongoing matter
 6 until all evidence, reports, and other relevant material which has
 7 been assembled are transferred to the special prosecutor appointed
 8 pursuant to subdivision (b) of this subsection;
 9 (b) As soon as practicable, the court shall appoint a
 10 special prosecutor who has had at least five years experience in
 11 criminal litigation, including felony litigation. The special
 12 prosecutor shall select a team of three peace officers, trained to
 13 investigate homicides, from jurisdictions outside the jurisdiction
 14 where the death occurred. The team shall examine all evidence
 15 concerning the cause of death and present the findings of its
 16 investigation to the special prosecutor; and".

LEGISLATIVE BILL 153. Placed on General File as amended.
 Standing Committee amendment to LB 153:
 AM0449

- 1 1. On page 2, strike line 28 and insert "by the
 2 superintendent, the executive director of the Nebraska Commission
 3 on Law Enforcement and Criminal Justice or his or her designee, and
 4 the Director of Research of the Legislature or his or her designee.
 5 In addition, the Executive Board of the Legislative Council shall
 6 appoint to the task force two members of the Legislature, a

7 representative of the Fraternal Order of Police, a county sheriff
 8 or chief of police from each of the six Nebraska State Patrol troop
 9 sites, and two at-large members from the general public. The
 10 Executive Board of the Legislative Council shall appoint a
 11 chairperson of the task force from the task force members. The
 12 appointments to the task force shall be made no later than June 1,
 13 1999."

14 2. On page 3, strike lines 1 through 11.

LEGISLATIVE BILL 288. Placed on General File as amended.

Standing Committee amendment to LB 288:

AM0169

- 1 1. On page 2, strike beginning with "in" in line 22
- 2 through "Services" in line 23.

LEGISLATIVE BILL 458. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 26, 1999, at 11:00 a.m., were the following bills: LBs 48, 20, 20A, 61, 66, 66A, 77, 168, 195, 227, 317, 212, 268, 437, 473, 474, 46, 64, 106, 363, 422, 669, 669A, and 270.

(Signed) Rosie Ziems
 Clerk of the Legislature's Office

BILL ON FIRST READING

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

LEGISLATIVE BILL 314A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 314, Ninety-sixth Legislature, First Session, 1999; to provide for transfers; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 446. Title read. Considered.

Mr. Wehrbein renewed his pending amendment, AM0515, found on page 719.

Messrs. Byars and Kristensen asked unanimous consent to be excused. No objections. So ordered.

The Wehrbein amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Messrs. Schellpeper, D. Pederson, Schrock, Dw. Pedersen, Bourne, Coordsen, and Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mrs. Suttle filed the following amendment to LB 523:

AM0559

- 1 1. On page 12, strike beginning with "on" in line 14
- 2 through "recklessness" in line 17 and insert "except as provided in
- 3 the State Tort Claims Act".

Messrs. Engel, Raikes, Coordsen, Wehrbein, and Kristensen filed the following amendment to LB 240:

AM0487

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 43-1303, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 43-1303. (1) The state board shall meet at least twice
- 5 per year. The state board shall establish a statewide register of
- 6 all foster care placements occurring within the state, and there
- 7 shall be a monthly report made to the state board registry of all
- 8 foster care placements by the Department of Health and Human
- 9 Services, any child-placing agency, or any ~~or~~ court. For each
- 10 child entering and leaving foster care, such monthly report shall
- 11 consist of identifying information, placement information, and the
- 12 plan or permanency plan developed by the person or court in charge
- 13 of the child pursuant to section 43-1312. Every The department and
- 14 every court and child-placing agency shall report any foster care
- 15 placement within three working days. The report shall contain the
- 16 following information:
- 17 (a) Child identification information, including name,
- 18 social security number, date of birth, gender, race, and religion;
- 19 (b) Identification information for parents and
- 20 stepparents as necessary, including name, social security number,
- 21 address, and status of parental rights;
- 22 (c) Placement information, including initial placement
- 23 date, current placement date, and the name and address of the

24 foster care provider;

1 (d) Court status information, including which court has
2 jurisdiction, initial custody date, court hearing date, and results
3 of the court hearing;

4 (e) Custodial entity;

5 (f) Case worker; and

6 (g) Case plan.

7 In order to achieve uniformity in reporting, the state board shall
8 prescribe the format to be used in reporting the information
9 required by this subsection.

10 (2) The state board shall review the activities of local
11 boards and may adopt and promulgate its own rules and regulations.
12 Such rules and regulations shall provide for the following:

13 (+) (a) Establishment of training programs for local
14 board members which shall include an initial training program and
15 periodic inservice training programs;

16 (2) (b) Development of procedures for local boards;

17 (3) (c) Establishment of a central record-keeping
18 facility for all local board files, including individual case
19 reviews;

20 (4) (d) Accumulation of data and the making of annual
21 reports on children in foster care. Such reports shall include (a)
22 (i) personal data on length of time in foster care, (b) (ii) number
23 of placements, (c) (iii) frequency and results of court review, and
24 (d) (iv) number of children supervised by the foster care programs
25 in the state annually;

26 (5) (e) To the extent not prohibited by section 43-1310,
27 evaluation of the judicial and administrative data collected on
1 foster care and the dissemination of such data to the judiciary,
2 public and private agencies, the Department of Health and Human
3 Services department, and members of the public; and

4 (6) (f) Manner in which the state board shall determine
5 the appropriateness of requesting a review hearing as provided for
6 in section 43-1313.

7 (3) The state board, upon completion of a review of local
8 board activities, shall report and make recommendations to the
9 department and county welfare offices. Such reports and
10 recommendations shall include, but not be limited to, the annual
11 judicial and administrative data collected on foster care pursuant
12 to ~~subdivision (4)~~ subsection (2) of this section and the annual
13 evaluation of such data. In addition the state board shall provide
14 copies of such reports and recommendations to each court having the
15 authority to make foster care placements. The state board may
16 visit and observe foster care facilities in order to ascertain
17 whether the individual physical, psychological, and sociological
18 needs of each foster child are being met.

19 Sec. 2. Section 43-1304, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-1304. The state board shall establish local foster

- 22 care review boards for the review of cases of children in foster
 23 care placement. The state board shall select members to serve on
 24 local boards from a list of applications submitted to the state
 25 board. Each local board shall consist of five not less than four
 26 and not more than ten members. The members of the board shall
 27 reasonably represent the various social, economic, racial, and
 1 ethnic groups of the county or counties from which its members may
 2 be appointed. A person employed by the state board, the Department
 3 of Health and Human Services, a child-caring agency, a
 4 child-placing agency, or a court shall not be appointed to a local
 5 board. A list of the members of each local board shall be sent to
 6 the Department of Health and Human Services department."
 7 2. On page 3, line 15, strike "section" and insert
 8 "sections 43-1303, 43-1304, and"; and in line 16 strike "is" and
 9 insert "are".
 10 3. Renumber the remaining sections accordingly.

Mr. Kristensen filed the following amendment to LB 142A:
 AM0563

- 1 1. Insert the following new section:
 2 "Sec. 2. There is hereby appropriated (1) \$4,192,054
 3 from the General Fund for FY1999-00 and (2) \$4,192,054 from the
 4 General Fund for FY2000-01 to Agency 83 -- Aid to Community
 5 Colleges, Program 152, to aid in carrying out the provisions of
 6 Legislative Bill 142, Ninety-sixth Legislature, First Session,
 7 1999.
 8 No expenditures for permanent and temporary salaries and
 9 per diems for state employees shall be made from funds appropriated
 10 in this section."
 11 2. Renumber the remaining section accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 33. Introduced by Price, 26.

WHEREAS, Joan Louise Baker was married to John Emmett Baker in a blizzard on March 10, 1949; and

WHEREAS, John and Joan Baker are lifelong Lincoln, Nebraska, residents; and

WHEREAS, John and Joan Baker raised their four children in Lincoln, Nebraska: Marcia Louise Malone, Marissa Paltz, Emmett Baker, and John Baker; and

WHEREAS, John and Joan Baker now have six beautiful grandchildren: Matthew, Andrew, Cristina, Ashley, Emmett, and Lucas; and

WHEREAS, John and Joan Baker will celebrate their fiftieth wedding anniversary on March 10, 1999.

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

1. That the Legislature congratulates Joan Louise and John Emmett Baker

on celebrating their fiftieth wedding anniversary.

2. That a copy of this resolution be sent to John and Joan Baker.

Laid over.

AMENDMENT - Print in Journal

Mrs. Thompson filed the following amendment to LB 750:

AM0509

(Amendments to Standing Committee amendments, AM0424)

1 1. Strike amendment 2 and insert:

2 "2. On page 3, reinstate beginning with 'other' in line

3 21 through 'bar' in line 22; in line 24 reinstate 'If a bar'; and

4 reinstate beginning with 'is' in line 25 through line 27."

ANNOUNCEMENTS

Mr. Schrock announced that the Natural Resources Committee will conduct its hearing on Wednesday, March 10, 1999, in Room 1507 instead of Room 1525.

Mr. Schrock asks unanimous consent to permit the Natural Resources Committee to begin the hearing scheduled for Wednesday, March 10, 1999, at 2:30 p.m. rather than 1:30 p.m. No objections. So ordered.

Ms. Schimek announced that the Government, Military and Veterans Affairs Committee will conduct its hearing on Wednesday, March 10, 1999, in Room 1525 instead of Room 1507.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 542. Placed on General File.

LEGISLATIVE BILL 543. Placed on General File as amended.

Standing Committee amendment to LB 543:

AM0451

1 1. Insert the following new section:

2 "Sec. 3. Section 85-1420, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 85-1420. There is hereby created the Coordinating

5 Commission for Postsecondary Education Trust Fund. The fund shall

6 serve as a revolving fund to receive grants from foundations, ~~and~~

7 institutions, or individuals for specific studies which are a part

8 of the powers and duties of the commission or to create privately

9 owned scholarship funds for students attending Nebraska

10 institutions. The grant money shall be used only for purposes

11 specified in the grant. A report of the findings of any studies

12 done pursuant to the grants shall be included as a part of the

13 operating budget request submitted to the Legislature and the
14 Governor. Any money in the 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
17 Act".

18 2. On page 4, line 9, after "functions" insert "
19 including the administration of privately endowed scholarship
20 programs".

21 3. On page 5, line 20, strike "and 85-1412" and insert
22 ", 85-1412, and 85-1420".

23 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 561. Indefinitely postponed.

LEGISLATIVE RESOLUTION 19CA. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 327. Placed on General File as amended.

Standing Committee amendment to LB 327:

AM0382

1 1. On page 2, strike beginning with "shall" in line 18
2 through line 20 and insert "submitted by a political subdivision
3 shall follow all offices on the ballot for such political
4 subdivision".

5 2. On page 7, line 18, strike "a punch card or" and
6 insert "an".

LEGISLATIVE BILL 571. Placed on General File as amended.

Standing Committee amendment to LB 571:

AM0555

1 1. Strike original section 5 and insert the following
2 new sections:
3 "Sec. 3. Section 32-815, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 32-815. (1) The names of candidates for each partisan
6 elective office shall be arranged on the ballot of the general
7 election so that the political party polling the highest number of
8 votes at the last general election for Governor will have the name
9 of its nominee immediately beneath the name of the office for which
10 the candidate was nominated, the political party polling the second
11 highest number of votes will have the second place, the political
12 party having the third highest number of votes will have the third
13 place, and continuing with the political parties in descending
14 order of number of votes, leaving those candidates whose names
15 appear upon the ballot by petition to appear beneath all other
16 candidates placed there by nomination. For each office for which

17 there are more candidates than vacancies and there are two or more
18 nominees of the same political party, the election commissioner or
19 county clerk shall rotate the names of such candidates on the
20 official ballot. In printing the ballots for the various election
21 districts, the positions of the names shall be changed in each
22 office division for each election district. In making the change
23 of position, the printer shall take the line of type at the head of
24 each division and place it at the bottom of that division, shoving
1 up the column so that the name that was second shall be first after
2 the change.

3 (2) The name of the person receiving the highest number
4 of votes at a primary election as the candidate of a political
5 party for an office shall be placed on the official ballot except
6 as otherwise provided in the Election Act. No person shall be
7 certified as a candidate of any political party for such office by
8 the Secretary of State, election commissioner, or county clerk
9 unless the person receives a number of votes at least equal to five
10 percent of the total vote ballots cast for such office at the
11 primary election for by registered voters affiliated with that
12 political party in the district which the office serves and meets
13 the requirements for the office.

14 Sec. 6. Section 32-1005, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 32-1005. ~~(1) Except as provided in subsection (2) of~~
17 ~~this section; if a first or generally recognized name and last name~~
18 ~~of a person If the last name or a reasonably close spelling of the~~
19 last name of a person engaged in or pursuing a write-in campaign
20 pursuant to section 32-615 is written or printed on a line provided
21 for that purpose and the square or oval to the left of such line
22 has been marked with a cross or other clear, intelligible mark, the
23 vote shall be valid and the ballot shall be counted. Except as
24 provided in section 32-1007, a write-in vote for a person who is
25 not engaged in or pursuing a write-in campaign pursuant to section
26 32-615 shall not be counted.

27 (2) ~~If punch eard ballots are being used; the first or~~
1 ~~generally recognized name and last name of a person and the office~~
2 ~~for which the write-in candidate has been selected shall be written~~
3 ~~or printed on a line provided for that purpose on the ballot jacket~~
4 ~~or envelope: If the office designation has been omitted; the~~
5 ~~counting board shall make the following notation on the ballot~~
6 ~~jacket or envelope: Write-in Rejected; no office designation.~~

7 Sec. 7. Section 32-1007, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 32-1007. For members of a village board of trustees,
10 township officers, or members of the school board of Class I or II
11 school districts, if a first or generally recognized name and last
12 name of a person is written or printed on a line provided for that
13 purpose and the square or oval to the left of such line has been
14 marked with a cross or other clear, intelligible mark, the vote

15 shall be valid and the ballot shall be counted. If only the last
 16 name of a person is written in the write-in space on the ballot or
 17 ballot jacket and there is more than one person in the county
 18 having the same last name, the counting board shall reject the
 19 ballot for that office unless the last name is reasonably close to
 20 the proper spelling of the last name of a candidate engaged in or
 21 pursuing a write-in campaign pursuant to section 32-615. The
 22 counting board shall make the following notation on the rejected
 23 ballot: Rejected for the office of, no first or
 24 generally recognized name.

25 Sec. 8. Section 32-1008, Reissue Revised Statutes of
 26 Nebraska, is amended to read:

27 32-1008. If the write-in vote in the county for any
 1 particular office referred to in section 32-1007 totals less than
 2 five percent of the vote for such office in the county and the
 3 election commissioner or county clerk believes that such vote will
 4 not impact the outcome of the election, the number of write-in
 5 votes for that office may be counted and listed together as one
 6 total.

7 Sec. 9. Section 32-1033, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 32-1033. The election commissioner or county clerk
 10 shall, within forty days after the election, prepare, sign, and
 11 deliver a certificate of nomination or a certificate of election to
 12 each person whom the county canvassing board has declared to have
 13 received the highest vote for county, city, or village offices. No
 14 person shall be issued a certificate of nomination as a candidate
 15 of a political party unless such person has received a number of
 16 votes at least equal to five percent of the total vote ballots cast
 17 for the office at the primary election for that party by registered
 18 voters affiliated with that political party in the district which
 19 the office for which he or she is a candidate serves. The
 20 certificate shall be substantially as follows:

21 State of Nebraska. At an election held on the
 22 day of ~~19..~~ 20.., was elected to the office of
 23 for the term of years from the
 24 day of ~~19..~~ 20.. (or when filling a vacancy,
 25 for the residue of the term ending on the day of
 26 ~~19..~~ 20..). Given at this day of ~~19..~~
 27 20.. .

1 Sec. 10. Original sections 19-3051, 32-808, 32-815,
 2 32-938, 32-947, 32-1005, 32-1007, 32-1008, and 32-1033, Reissue
 3 Revised Statutes of Nebraska, are repealed."

4 2. Renumber the remaining sections accordingly.

(Signed) DiAnna R. Schimek, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 87, 148, 148A, 359, and 359A.

Enrollment and Review Change to LB 87

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

ER9073

1. The Wickersham amendment, AM0454, has been incorporated into the Standing Committee amendment, AM0157; and in AM0454, page 1, line 1, an underscored comma has been inserted before "except".

2. In the Standing Committee amendments, AM0157:

a. On page 6, lines 17 through 20 have been struck; and in line 23 "sections 9 to 27 of this act" has been struck and "the Joint Public Agency Act" inserted; and

b. On page 9, line 12; page 10, line 4; page 15, line 22; and page 16, lines 8 and 27, "sections 8 to 27 of this act" has been struck and "the Joint Public Agency Act" inserted.

Enrollment and Review Change to LB 148

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

ER9014

1. In the Beutler et al. amendment, AM0419, on page 2, line 10, "earnings" has been struck and "income" inserted.

2. On page 1, the matter beginning with "public" in line 1 through line 4 has been struck and "health care; to amend section 71-7612, Revised Statutes Supplement, 1998; to state findings; to establish the Nebraska Lifespan Respite Services Program; to provide for community lifespan respite services programs; to create a fund; to provide for transfers of funds; to provide powers and duties; and to repeal the original section." inserted.

Enrollment and Review Change to LB 359

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

ER9015

1. On page 1, the matter beginning with "telecommunications" in line 1 through line 6 and all amendments thereto have been struck and "communications; to amend section 71-4727, Reissue Revised Statutes of Nebraska, and sections 71-4728, 71-4732, 86-1302 to 86-1304, 86-1306, and 86-1307, Revised Statutes Supplement, 1998; to authorize interpreter services for deaf or hard of hearing persons as prescribed; to

authorize fees; to change eligibility criteria for specialized telecommunications equipment; to define and redefine terms; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

2. In the Wehrbein amendment, AM0453, on page 3, line 15, "or" has been struck and "and" inserted.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 825. No objections. So ordered.

Ms. Price and Mr. Schmitt asked unanimous consent to have their names added as cointroducers to LB 513. No objections. So ordered.

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LB 518. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Matzke's sister and brother-in-law, Skip and Ellan Hove, from Lincoln; 42 fourth grade students and teachers from Lincoln School, Beatrice; Georgene Carlini from North Platte; 85 fourth grade students and teacher from Hamlow Elementary School, Waverly; Commanding Officer, Dave Votonino, Master Chief Petty Officer, Dave Weller, Officers of the fleet ballistic submarine, U.S.S. Nebraska, and Allen Beermann.

The Doctor of the Day was Jay Matzke from Seward.

ADJOURNMENT

At 12:17 p.m., on a motion by Mr. Quandahl, the Legislature adjourned until 9:00 a.m., Monday, March 1, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY – MARCH 1, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 1, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Sister Phyllis Hunhoff, President of the Madonna Foundation, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Mmes. Bohlke, Kiel, Robak, Messrs. Brashear, Cudaback, Dierks, Kristensen, Matzke, Schmitt, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

**NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems**

LB 673	Tuesday, March 9, 1999	12:00 noon
LB 773	Tuesday, March 9, 1999	12:00 noon
LB 675	Tuesday, March 9, 1999	12:00 noon
LB 620	Tuesday, March 9, 1999	12:00 noon

(Signed) Elaine Stuhr, Chairperson

MOTION - Approve Appointments

Mr. Bromm moved the adoption of the report of the Transportation Committee for the following appointments found on page 724: Doug Leafgreen and John L. Craig - Nebraska Highway Commission; John L. Craig, Director - Department of Roads; Edward D. Wimes - Department of

Motor Vehicles; and Greg Adams, Dr. Douglas Christensen, Dr. Dennis Smith, Eric Brown, Hod Kosman, Senator J. Robert Kerrey, Gary Kuck, L. Merrill Bryan Jr., and Lt. Governor Dave Maurstad - Nebraska Information Technology Commission.

Voting in the affirmative, 30:

Baker	Byars	Hudkins	Peterson, C.	Smith
Bourne	Connealy	Janssen	Price	Stuhr
Brashear	Coordsen	Jensen	Redfield	Thompson
Bromm	Crosby	Jones	Robak	Tyson
Brown	Dierks	Matzke	Schellpeper	Vrtiska
Bruning	Hartnett	Pederson, D.	Schrock	Wehrbein

Voting in the negative, 2:

Chambers Lynch

Present and not voting, 12:

Beutler	Hilgert	Pedersen, Dw.	Quandahl	Schimek
Bohlke	Kremer	Preister	Raikes	Suttle
Engel	Kristensen			

Excused and not voting, 5:

Cudaback Kiel Landis Schmitt Wickersham

The appointments were confirmed with 30 ayes, 2 nays, 12 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 90A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 407A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 703A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 250. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 416. Title read. Considered.

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

LEGISLATIVE BILL 417. Title read. Considered.

Mr. Beutler offered the following amendment:

FA37

On line 28, page 2 and lines 1 through 3, page 3 and on lines 17 & 18 & 19, page 3 restore all the stricken language

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beutler	Bromm	Crosby	Kiel	Redfield
Bohlke	Bruning	Cudaback	Lynch	Smith
Bourne	Byars	Engel	Price	Wehrbein
Brashear	Chambers	Hilgert	Quandahl	

Voting in the negative, 22:

Baker	Jones	Pederson, D.	Schmitt	Thompson
Connealy	Kremer	Peterson, C.	Schrock	Tyson
Hudkins	Kristensen	Schellpeper	Stuhr	Vrtiska
Janssen	Matzke	Schimek	Suttle	Wickersham
Jensen	Pedersen, Dw.			

Present and not voting, 6:

Brown	Dierks	Hartnett	Raikes	Robak
Coordsen				

Excused and not voting, 2:

Landis	Preister
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The Beutler amendment lost with 19 ayes, 22 nays, 6 present and not voting,

and 2 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 559. Placed on General File as amended.

Standing Committee amendment to LB 559:

AM0418

1 1. On page 4, line 5, after "a" insert "Nebraska";
2 strike beginning with "use" in line 7 through "patient" in line 11
3 and insert "engaging in the distance practice of a healing art by
4 means of telecommunications, including, but not limited to,
5 electromagnetic transmission and communication technology, whereby
6 a health care practitioner performs health care services within his
7 or her scope of practice at a site other than the site where the
8 patient is located"; and strike beginning with "who" in line 17
9 through "patient" in line 19 and insert "providing the health care
10 services".

11 2. On page 5, strike lines 15 through 17; in line 18
12 strike "(6)" and insert "(5)"; in line 21 strike "(7)" and insert
13 "(6)"; and in line 26 strike "(8)" and insert "(7)".

14 3. On page 6, line 1, strike "(9)" and insert "(8)"; and
15 in line 4 strike "July 1, 1999" and insert "January 1, 2000".

16 4. On page 7, line 4, after "telephone" insert "
17 electronic mail,"; in line 6 strike "physician" and insert "health
18 care practitioner"; in line 21 strike "The" and insert "By January
19 1, 2000, the"; and in line 25 strike "Medicare" and insert
20 "medicaid".

LEGISLATIVE BILL 644. Placed on General File as amended.

Standing Committee amendment to LB 644:

AM0499

1 1. Strike the original section and insert the following
2 new section:

3 "Section 1. There is hereby appropriated (1) \$150,000
4 from the General Fund for FY1999-00 and (2) \$150,000 from the
5 General Fund for FY2000-01 to the Department of Health and Human
6 Services Finance and Support, to fund the AIDS Drug Assistance
7 Program under the Ryan White Title II Program."

(Signed) Jim Jensen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 446A. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 446, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

MOTION - Print in Journal

Mr. Tyson filed the following motion to LB 129:
Withdraw LB 129.

AMENDMENTS - Print in Journal

Mr. Coordsen filed the following amendment to LR 3:
AM0567

- 1 1. Strike the original provisions and insert the
- 2 following new provisions:
- 3 "WHEREAS, the 1997 increase in Nebraska personal income
- 4 was 3.85 percent; and
- 5 WHEREAS, the overall level of state and local taxation is
- 6 11 percent of personal income; and
- 7 WHEREAS, holding spending growth by state government will
- 8 result in an incremental lowering of the overall tax burden; and
- 9 WHEREAS, the most effective spending control is the
- 10 commitment of the Legislature.
- 11 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
- 12 NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
- 13 1. For all fiscal bienniums beginning on or after July
- 14 1, 1999, the Legislature shall not appropriate for any one fiscal
- 15 year a total of restricted state funds more than the last prior
- 16 fiscal year's total of appropriations of restricted state funds
- 17 plus the allowable growth percentage of the base limitation
- 18 established under section 77-3446. If a governmental unit or the
- 19 state transfers the financial responsibility of providing a service
- 20 financed in whole or in part with restricted funds or restricted
- 21 state funds to another governmental unit or the state, the amount
- 22 of restricted funds or restricted state funds associated with
- 23 providing the service shall be subtracted from the last prior
- 24 fiscal year's total of budgeted restricted funds or appropriated
- 1 restricted state funds for the previous provider and may be added
- 2 to the last prior fiscal year's total of restricted funds or
- 3 restricted state funds for the new provider.
- 4 2. The Legislature may exceed the limit for a fiscal year
- 5 or biennium by up to an additional one percent upon the affirmative
- 6 vote of at least three-fourths of the members of the Legislature.
- 7 3. The Legislature may exceed the allowable growth
- 8 percentage by an amount approved by a majority of registered voters
- 9 voting on the issue at a general, primary, or special election
- 10 called for such purpose upon the passage of a resolution of the

11 Legislature or upon the receipt by the Secretary of State of a
12 petition requesting an election signed by at least five percent of
13 the registered voters in the state. The resolution of the
14 Legislature or the petition of the registered voters shall include
15 the amount and percentage by which the state would increase its
16 appropriation of restricted state funds for the ensuing year over
17 and above the current year's appropriated restricted state funds.
18 The election shall be held pursuant to the Election Act and all
19 costs shall be paid by the state.

20 4. The limitation shall not apply to (1) restricted
21 state funds appropriated for capital improvements, (2) restricted
22 state funds appropriated for state aid, (3) restricted state funds
23 appropriated in support of a service which is the subject of an
24 interlocal cooperation agreement or a modification of an existing
25 agreement whether operated by one of the parties to the agreement
26 or an independent joint entity, (4) restricted state funds
27 appropriated to pay for repairs to infrastructure damaged by a
1 natural disaster which is declared a disaster emergency pursuant to
2 the Emergency Management Act, or (5) restricted state funds
3 appropriated to pay for judgments, except judgments of the
4 Commission of Industrial Relations, obtained against the state
5 which obligate the state to pay such judgments, to the extent such
6 judgment is not paid by liability coverage of the state.

7 5. The Legislature may choose not to increase the total
8 of restricted state funds by the full amount allowed in a
9 particular year. In such cases, the state may carry forward to
10 future years the amount of unused restricted state funds authority.
11 The Legislature shall calculate its unused restricted state funds
12 authority and show it with the written budget summary for that
13 year. The unused restricted state funds authority may be used in
14 later years for increases in the total of restricted state funds.

15 6. For purposes of this resolution:

- 16 (1) Capital improvements means (a) acquisition of real
17 property or (b) acquisition, construction, or extension of any
18 improvements on real property;
- 19 (2) Restricted state funds means (a) individual and
20 corporate income taxes, sales and use taxes, motor fuel taxes,
21 motor vehicles registration fees, cigarette and tobacco products
22 taxes, alcoholic beverage taxes, insurance premium taxes, financial
23 institutions deposit taxes, parimutuel, bingo, pickle card, and
24 local and charitable gaming taxes, lodging taxes, state transfer
25 taxes, severance taxes, corporate occupation taxes, and documentary
26 stamp taxes, excluding any amounts refunded to taxpayers or to
27 local governments as local option sales taxes and (b) surplus
1 revenue from any user fee, permit fee, or regulatory fee if the
2 surplus is transferred to fund a service or function not directly
3 related to the fee and the costs of the activity funded from the
4 fee; and
- 5 (3) State aid means (a) state aid paid pursuant to

6 sections 18-2605, 39-2501 to 39-2520, 60-305.15, 60-3007,
7 77-27,136, 77-27,139.04, 77-3523, and 85-1536 to 85-1537, (b)
8 county aid and jail reimbursement under sections 47-119 to
9 47-121.01 and 77-3618, (c) insurance premium taxes, (d) state aid
10 under the Tax Equity and Educational Opportunities Support Act,
11 and (e) special education reimbursement."

Mr. Bromm filed the following amendment to LB 90:
AM0498

(Amendments to AM0288)

1 1. On page 1, lines 3 through 11, strike the new matter
2 and insert "No storage fees shall be assessed against the
3 registered owner of a motor vehicle held in custody for
4 investigatory purposes under this section unless the registered
5 owner is charged with a felony or misdemeanor related to the
6 offense for which the law enforcement agency took the vehicle into
7 custody. If a registered owner is charged with a felony or
8 misdemeanor but is not convicted, the registered owner shall be
9 entitled to a refund of the storage fees from the law enforcement
10 agency.".

RESOLUTION

LEGISLATIVE RESOLUTION 34. Introduced by Vrtiska, 1.

WHEREAS, a team of students from Nemaha Valley High School has won the state championship in the Nebraska Academic Decathlon (Small Schools Division); and

WHEREAS, the championship team consisted of: Rick Smith, Katie Antholz, Erin Ebeler, Holly Morris, Clayton Harris, Ann Moles, April Duncza, Melinda Kreifels, Gabe Scheer, Heather Neemann, Trisha Neumeister, Jeff Riensche, and Jennifer Kreifels; and

WHEREAS, the Nebraska Academic Decathlon consists of ten events that students compete in: Super Quiz (this year's topic was "The Brain"), Math, Music, Art, Language and Literature, Economics, Social Science, Essay, Speech, and Interview. The students take tests in all of the categories, except for Essay, in which they write an essay, Speech, in which they give two speeches, and Interview, in which they are interviewed by a committee; and

WHEREAS, a Nebraska Academic Decathlon team is made up of students with "A" (Honors) averages, "B" (Scholastic) averages, and "C" (Varsity) averages. The regular team for the state competition is made up of three students from each group. The other team members compete as alternates. Team members only compete against other students in the same category, so the score of a Varsity student is just as important as the score of an Honors student; and

WHEREAS, the Nemaha Valley High School students began practicing in November and met from 4:00 to 6:00 p.m. three or four days each week, putting in a tremendous amount of work.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Nebraska Academic Decathlon team from Nemaha Valley High School on their state championship.

2. That a copy of this resolution be sent to the Nebraska Academic Decathlon state championship team from Nemaha Valley High School.

Laid over.

ANNOUNCEMENT

Mr. Dierks asked unanimous consent to permit the Agriculture Committee to conduct its hearing on Tuesday, March 16, 1999, in Room 1510 instead of Room 2102. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 417. Mr. Chambers offered the following amendment:

FA38

Add new subsections:

() Head Coach of the UNL Football Program;

() Head Coach of the UNL Women's Basketball Program;

() Head Coach of the UNL Men's Basketball Program

Mr. Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Brown	Hartnett	Lynch	Price	Suttle
Chambers	Janssen	Pedersen, Dw.	Robak	Wehrbein
Crosby	Kiel			

Voting in the negative, 26:

Baker	Byars	Jensen	Peterson, C.	Smith
Bohlke	Connealy	Jones	Quandahl	Stuhr
Bourne	Engel	Kremer	Raikes	Thompson
Brashear	Hilgert	Matzke	Redfield	Tyson
Bromm	Hudkins	Pederson, D.	Schrock	Wickersham
Bruning				

Present and not voting, 8:

Beutler	Cudaback	Schellpeper	Schmitt	Vrtiska
Coordsen	Dierks	Schimek		

Excused and not voting, 3:

Kristensen Landis Preister

The Chambers amendment lost with 12 ayes, 26 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 578. Title read. Considered.

Mr. Chambers offered the following amendment:

FA39

Strike Section 2 and conform Section 3

Messrs. Brashear, Engel, Coordsen, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Ms. Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 277. Placed on General File as amended.

Standing Committee amendment to LB 277:

AM0514

- 1 1. On page 2, after line 9, insert the following new
- 2 subsection:
- 3 "(2) Future advances necessary to protect the security
- 4 shall include, but not be limited to, advances for payment of real
- 5 property taxes, special assessments, prior liens, hazard insurance
- 6 premiums, maintenance charges imposed under a condominium
- 7 declaration or other covenant, and costs of repair, maintenance, or
- 8 improvements."; in line 10, strike "(2)" and insert "(3)"; in lines

9 11 and 12 strike "debts, obligations, and optional future advances
 10 made pursuant to subsection (1) of this section" and insert "all
 11 items identified in subsection (1) of this section"; in line 19
 12 strike "(2)" and insert "(3)"; and in line 22 strike "regular or".
 13 2. On page 3, strike beginning with the last "or" in
 14 line 2 through the comma in line 5; strike beginning with the last
 15 comma in line 7 through "given" in line 9; and after line 9 insert
 16 the following new subdivision: "(iii) Subdivisions (3)(b)(i) and
 17 (ii) shall not limit or determine the priority of optional future
 18 advances as against construction liens governed by section
 19 52-139".

(Signed) Kermit A. Brashear, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 519A. Placed on Select File.

LEGISLATIVE BILL 87A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 67, 84, 84A, 238, 297, 432, 436, 461, 566, 596, 682, 689, 774, 784, and 789.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. D. Pederson filed the following amendment to LB 100:
 AM0591

1 1. On page 2, line 14 after "behalf" insert "and shall
 2 be prima facie evidence of the facts stated in the affidavit"; in
 3 line 23, after "decedent" insert "as shown in a certified or
 4 authenticated copy of the decedent's death certificate attached to
 5 the affidavit".
 6 2. On page 3, line 4, strike "and"; in line 6 after
 7 "property" insert ";
 8 (7) the claiming successor's relationship to the decedent
 9 and the value of the entire estate of the decedent; and
 10 (8) the person or persons claiming as successors under
 11 the affidavit swear or affirm that all statements in the affidavit
 12 are true and material and further acknowledge that any false
 13 statement may subject the person or persons to penalties relating
 14 to perjury under section 28-915"; and in line 7 after "affidavit"
 15 insert "and certified or authenticated copy of the decedent's death
 16 certificate" and after the second "recorded" insert "by the
 17 claiming successor".
 18 3. On page 4, line 1, after "stating" insert an

19 underscored colon and strike "that:" and show as stricken; in line
20 6 after "decedent" insert "as shown in a certified or authenticated
21 copy of the decedent's death certificate attached to the affidavit;
22 (3) the claiming successor's relationship to the decedent
23 or, if there is no relationship, the basis of the successor's claim
24 to the personal property;
1 (4) the person or persons claiming as successors under
2 the affidavit swear or affirm that all statements in the affidavit
3 are true and material and further acknowledge that any false
4 statement may subject the person or persons to penalties relating
5 to perjury under section 28-915"; in line 7 strike "(3)", show as
6 stricken, and insert "(5)"; and in line 10 strike "(4)", show as
7 stricken, and insert "(6)".

Messrs. Wickersham, Coordsen, Hartnett, Schellpeper, Raikes, Mrs.
C. Peterson, and Ms. Redfield filed the following amendment to LB 194:
AM0570

- 1 1. On page 21, strike beginning with "In" in line 18
2 through the period in line 26 and all amendments thereto; and in
3 line 27 strike "also".
- 4 2. On page 22, strike beginning with "All" in line 8
5 through line 11 and all amendments thereto and insert "The
6 standards promulgated by the Property Tax Administrator shall not
7 require the implementation of a specific computer software or
8 hardware system if the existing software or system produces data
9 and reports in compliance with the standards."; strike beginning
10 with "The" in line 17 through line 18 and insert "No production of
11 records shall be required between January 1 and April 1."; in line
12 20 strike "shall" and insert "may"; strike beginning with the first
13 "of" in line 23 through the comma in line 24; in line 25 strike "of
14 the examination"; and in line 28 strike "issued by the Property Tax
15 Administrator".
- 16 3. On page 23, line 1, strike "of the examination"; in
17 line 2 strike "nature" and insert "cause"; in line 3 strike
18 "should" and insert "may"; strike beginning with "an" in line 5
19 through "and" in line 6; and strike beginning with "If" in line 13
20 through the period in line 26.
- 21 4. On page 24, strike beginning with "sixty" in line 8
22 through "demand" in line 9 and insert "one hundred twenty days
23 after the start of the next fiscal year"; and strike beginning with
24 "report" in line 16 through "or" in line 21 and insert "order".
- 1 5. On page 25, line 15, strike "of the Property Tax
2 Administrator"; in line 22 strike "directives" and insert "orders";
3 and in line 28 after the period insert "Prior to revocation, a
4 one-year probationary period, subject to oversight by the Property
5 Tax Administrator, shall be imposed. At the end of the one-year
6 probationary period, a second hearing shall be held. If assessment
7 practices have improved, the probationary period shall end and no
8 revocation shall be made. If assessment practices have not

9 improved, the assessor certificate shall be revoked. If during the
 10 probationary period, the assessor continues to willfully fail or
 11 refuse to diligently perform his or her duties, the Property Tax
 12 Administrator may immediately hold the second hearing."

GENERAL FILE

LEGISLATIVE BILL 199. Title read. Considered.

The Standing Committee amendment, AM0294, found on page 615, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Messrs. Bruning, Dierks, and Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 498. Title read. Considered.

The Standing Committee amendment, AM0343, found on page 616, was considered.

Pending.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendments to LB 142:

AM0581

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 77-27,136, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-27,136. The Legislature shall appropriate seventeen
- 5 million ~~nine one~~ hundred thousand dollars of all funds collected by
- 6 a general sales tax and income tax for aid to incorporated
- 7 municipalities, ~~thirteen million five~~ twelve million seven hundred
- 8 thousand dollars for aid to counties, and ~~seven two million three~~
- 9 hundred thousand dollars for aid to natural resources districts.
- 10 Sec. 4. Original section 77-27,136, Reissue Revised
- 11 Statutes of Nebraska, is repealed."
- 12 2. On page 3, line 5, strike "This act becomes" and
- 13 insert "Sections 1 and 5 of this act become" and after the period
- 14 insert "The other sections of this act become operative on their
- 15 effective date."
- 16 3. Renumber the remaining sections accordingly.

AM0579

- 1 1. Insert the following new sections:

2 "Sec. 2. Section 66-1345, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 66-1345. (1) There is hereby created the Ethanol
5 Production Incentive Cash Fund which shall be used by the board to
6 pay the credits created in section 66-1344 to the extent provided
7 in this section. Any money in the fund available for investment
8 shall be invested by the state investment officer pursuant to the
9 Nebraska Capital Expansion Act and the Nebraska State Funds
10 Investment Act. The State Treasurer shall transfer to the Ethanol
11 Production Incentive Cash Fund such money as shall be (a)
12 appropriated to the Ethanol Production Incentive Cash Fund by the
13 Legislature, (b) given as gifts, bequests, grants, or other
14 contributions to the Ethanol Production Incentive Cash Fund from
15 public or private sources, (c) made available due to failure to
16 fulfill conditional requirements pursuant to investment agreements
17 entered into prior to April 30, 1992, (d) received as return on
18 investment of the Ethanol Authority and Development Cash Fund, (e)
19 credited to the Ethanol Production Incentive Cash Fund from the
20 fertilizer fee pursuant to section 77-4401, (f) credited to the
21 Ethanol Production Incentive Cash Fund from the excise taxes
22 imposed by section 66-1345.01, and (g) (f) credited to the Ethanol
23 Production Incentive Cash Fund pursuant to section 66-1345.04.

24 (2) The Department of Revenue shall, at the end of each
1 calendar quarter, notify the State Treasurer of the amount of motor
2 fuel tax that was not collected in the preceding calendar quarter
3 due to the credits provided in section 66-1344. The State
4 Treasurer shall transfer from the Ethanol Production Incentive Cash
5 Fund to the Highway Trust Fund an amount equal to such credits less
6 the following amounts:

7 (a) For 1993, 1994, and 1995, the amount generated during
8 the calendar quarter by a one-cent tax on motor fuel pursuant to
9 sections 66-489, 66-668, and 66-6,107;

10 (b) For 1996, the amount generated during the calendar
11 quarter by a three-quarters-cent tax on motor fuel pursuant to such
12 sections;

13 (c) For 1997, the amount generated during the calendar
14 quarter by a one-half-cent tax on motor fuel pursuant to such
15 sections; and

16 (d) For 1998, 1999, and 2000, no reduction.

17 The amounts shall be transferred through December 31,
18 2000. For 1993 through 1997, if the amount generated pursuant to
19 subdivisions (a), (b), and (c) of this subsection and the amount
20 transferred pursuant to subsection (1) of this section are not
21 sufficient to fund the credits provided in section 66-1344, then
22 the credits shall be funded through the Ethanol Production
23 Incentive Cash Fund but shall not be funded through either the
24 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
25 2000, the credits provided in such section shall be funded through
26 the Ethanol Production Incentive Cash Fund but shall not be funded

27 through either the Highway Cash Fund or the Highway Trust Fund.

1 (3) The State Treasurer shall transfer from the Ethanol
2 Production Incentive Cash Fund to the Management Services Expense
3 Revolving Fund the amount reported under subsection (4) of section
4 66-1345.02 for each calendar quarter of the fiscal year as provided
5 in such subsection.

6 (4) On February 15, 2001, the State Treasurer shall
7 transfer any unexpended and unobligated funds from the Ethanol
8 Production Incentive Cash Fund to the Nebraska Corn Development,
9 Utilization, and Marketing Fund and Grain Sorghum Development,
10 Utilization, and Marketing Fund in the same proportion as funds
11 were collected pursuant to section 66-1345.01 from corn and grain
12 sorghum.

13 Sec. 3. Section 77-4401, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 77-4401. (1) ~~Through December 31, 1996, there shall be~~
16 There is imposed a fee of four dollars one dollar per ton upon the
17 gross tonnage of all sales, use, or other consumption in this state
18 of commercial fertilizers; ~~and commencing January 1, 1997,~~
19 ~~through December 31, 2000, there shall be imposed a fee of one~~
20 ~~dollar per ton upon such gross tonnage.~~ The fee shall be paid by
21 the purchaser of the commercial fertilizer. Any commercial
22 fertilizer subject to the sales and use tax pursuant to the
23 Nebraska Revenue Act of 1967 shall be exempt from the fee imposed
24 by this section. For purposes of this section, the definitions
25 found in section 81-2,162.02 shall apply.

26 (2) The fee imposed by this section shall be collected by
27 the seller and remitted to the ~~Department of Revenue for credit to~~
1 ~~the Ethanol Production Incentive Cash Fund through December 31,~~
2 ~~1996, and to the Natural Resources Enhancement Fund on and after~~
3 ~~January 1, 1997,~~ based on the gross tonnage of commercial
4 fertilizers sold during the preceding period. Payment of the fee
5 shall be accompanied by a report setting forth the gross tonnage of
6 commercial fertilizers sold by the seller. The report shall be on
7 a form prescribed by the Department of Revenue and shall include
8 such other information as the Tax Commissioner deems necessary.
9 The provisions of the Nebraska Revenue Act of 1967 applicable to
10 sales and use taxes shall apply to imposition of the fee.

11 (3) For purposes of this section, gross tonnage shall not
12 include water and other carriers added by the retail seller of the
13 fertilizer and shall not include sales of packages of fertilizers
14 containing ten pounds or less.

15 (4) Any person who purchased commercial fertilizer prior
16 to May 1, 1993, and paid a fee greater than three dollars per ton
17 shall be entitled to a refund of the amount paid in excess of three
18 dollars per ton.

19 (5) The Tax Commissioner shall adopt and promulgate rules
20 and regulations to carry out this section."

21 2. On page 3, line 6, strike "section 60-3003" and

- 22 insert "sections 60-3003, 66-1345, and 77-4401".
23 3. Renumber the remaining sections accordingly.

AM0582

- 1 1. Insert the following new sections:
2 "Sec. 2. Section 66-1345, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 66-1345. (1) There is hereby created the Ethanol
5 Production Incentive Cash Fund which shall be used by the board to
6 pay the credits created in section 66-1344 to the extent provided
7 in this section. Any money in the fund available for investment
8 shall be invested by the state investment officer pursuant to the
9 Nebraska Capital Expansion Act and the Nebraska State Funds
10 Investment Act. The State Treasurer shall transfer to the Ethanol
11 Production Incentive Cash Fund such money as shall be (a)
12 appropriated to the Ethanol Production Incentive Cash Fund by the
13 Legislature, (b) given as gifts, bequests, grants, or other
14 contributions to the Ethanol Production Incentive Cash Fund from
15 public or private sources, (c) made available due to failure to
16 fulfill conditional requirements pursuant to investment agreements
17 entered into prior to April 30, 1992, (d) received as return on
18 investment of the Ethanol Authority and Development Cash Fund, (e)
19 credited to the Ethanol Production Incentive Cash Fund from the
20 fertilizer fee pursuant to section 77-4401, (f) credited to the
21 Ethanol Production Incentive Cash Fund from the excise taxes
22 imposed by section 66-1345.01, and (g) credited to the Ethanol
23 Production Incentive Cash Fund pursuant to section 66-1345.04.
24 (2) The Department of Revenue shall, at the end of each
1 calendar quarter, notify the State Treasurer of the amount of motor
2 fuel tax that was not collected in the preceding calendar quarter
3 due to the credits provided in section 66-1344. The State
4 Treasurer shall transfer from the Ethanol Production Incentive Cash
5 Fund to the Highway Trust Fund an amount equal to such credits less
6 the following amounts:
7 (a) For 1993, 1994, and 1995, the amount generated during
8 the calendar quarter by a one-cent tax on motor fuel pursuant to
9 sections 66-489, 66-668, and 66-6,107;
10 (b) For 1996, the amount generated during the calendar
11 quarter by a three-quarters-cent tax on motor fuel pursuant to such
12 sections;
13 (c) For 1997, the amount generated during the calendar
14 quarter by a one-half-cent tax on motor fuel pursuant to such
15 sections; and
16 (d) For 1998, 1999, and 2000, no reduction.
17 The amounts shall be transferred through December 31,
18 2000. For 1993 through 1997, if the amount generated pursuant to
19 subdivisions (a), (b), and (c) of this subsection and the amount
20 transferred pursuant to subsection (1) of this section are not
21 sufficient to fund the credits provided in section 66-1344, then

22 the credits shall be funded through the Ethanol Production
23 Incentive Cash Fund but shall not be funded through either the
24 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
25 2000, the credits provided in such section shall be funded through
26 the Ethanol Production Incentive Cash Fund but shall not be funded
27 through either the Highway Cash Fund or the Highway Trust Fund.

1 (3) The State Treasurer shall transfer from the Ethanol
2 Production Incentive Cash Fund to the Management Services Expense
3 Revolving Fund the amount reported under subsection (4) of section
4 66-1345.02 for each calendar quarter of the fiscal year as provided
5 in such subsection.

6 (4) On February 15, 2001, the State Treasurer shall
7 transfer unexpended and unobligated funds remaining in the Ethanol
8 Production Incentive Cash Fund, after all transfers from the
9 Ethanol Production Incentive Cash Fund to the Highway Trust Fund
10 are completed, to the Water Quality Trust Fund. On February 15,
11 2001, the State Treasurer shall transfer any unexpended and
12 unobligated funds from the Ethanol Production Incentive Cash Fund
13 to the Nebraska Corn Development, Utilization, and Marketing Fund
14 and Grain Sorghum Development, Utilization, and Marketing Fund in
15 the same proportion as funds were collected pursuant to section
16 66-1345.01 from corn and grain sorghum.

17 Sec. 3. The Water Quality Trust Fund is created. The
18 interest earned on the fund shall be transferred to the Natural
19 Resources Enhancement Fund. Any money in the Water Quality Trust
20 Fund shall be invested pursuant to the Nebraska Capital Expansion
21 Act and the Nebraska State Funds Investment Act."

22 2. On page 3, line 6, strike "section 60-3003" and
23 insert "sections 60-3003 and 66-1345"; and in line 7 strike "is"
24 and insert "are".

25 3. Renumber the remaining sections accordingly.

AM0583

1 1. Insert the following new sections:

2 "Sec. 2. Section 66-1345, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 66-1345. (1) There is hereby created the Ethanol
5 Production Incentive Cash Fund which shall be used by the board to
6 pay the credits created in section 66-1344 to the extent provided
7 in this section. Any money in the fund available for investment
8 shall be invested by the state investment officer pursuant to the
9 Nebraska Capital Expansion Act and the Nebraska State Funds
10 Investment Act. The State Treasurer shall transfer to the Ethanol
11 Production Incentive Cash Fund such money as shall be (a)
12 appropriated to the Ethanol Production Incentive Cash Fund by the
13 Legislature, (b) given as gifts, bequests, grants, or other
14 contributions to the Ethanol Production Incentive Cash Fund from
15 public or private sources, (c) made available due to failure to
16 fulfill conditional requirements pursuant to investment agreements

17 entered into prior to April 30, 1992, (d) received as return on
18 investment of the Ethanol Authority and Development Cash Fund, (e)
19 ~~credited to the Ethanol Production Incentive Cash Fund from the~~
20 ~~fertilizer fee pursuant to section 77-4401;~~ (f) credited to the
21 Ethanol Production Incentive Cash Fund from the excise taxes
22 imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol
23 Production Incentive Cash Fund pursuant to section 66-1345.04.

24 (2) The Department of Revenue shall, at the end of each
1 calendar quarter, notify the State Treasurer of the amount of motor
2 fuel tax that was not collected in the preceding calendar quarter
3 due to the credits provided in section 66-1344. The State
4 Treasurer shall transfer from the Ethanol Production Incentive Cash
5 Fund to the Highway Trust Fund an amount equal to such credits less
6 the following amounts:

7 (a) For 1993, 1994, and 1995, the amount generated during
8 the calendar quarter by a one-cent tax on motor fuel pursuant to
9 sections 66-489, 66-668, and 66-6,107;

10 (b) For 1996, the amount generated during the calendar
11 quarter by a three-quarters-cent tax on motor fuel pursuant to such
12 sections;

13 (c) For 1997, the amount generated during the calendar
14 quarter by a one-half-cent tax on motor fuel pursuant to such
15 sections; and

16 (d) For 1998, 1999, and 2000, no reduction.

17 The amounts shall be transferred through December 31,
18 2000. For 1993 through 1997, if the amount generated pursuant to
19 subdivisions (a), (b), and (c) of this subsection and the amount
20 transferred pursuant to subsection (1) of this section are not
21 sufficient to fund the credits provided in section 66-1344, then
22 the credits shall be funded through the Ethanol Production
23 Incentive Cash Fund but shall not be funded through either the
24 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
25 2000, the credits provided in such section shall be funded through
26 the Ethanol Production Incentive Cash Fund but shall not be funded
27 through either the Highway Cash Fund or the Highway Trust Fund.

1 (3) The State Treasurer shall transfer from the Ethanol
2 Production Incentive Cash Fund to the Management Services Expense
3 Revolving Fund the amount reported under subsection (4) of section
4 66-1345.02 for each calendar quarter of the fiscal year as provided
5 in such subsection.

6 (4) On February 15, 2001, the State Treasurer shall
7 transfer unexpended and unobligated funds remaining in the Ethanol
8 Production Incentive Cash Fund, after all transfers from the
9 Ethanol Production Incentive Cash Fund to the Highway Trust Fund
10 are completed, to the Water Quality Trust Fund. On February 15,
11 2001, the State Treasurer shall transfer any unexpended and
12 unobligated funds from the Ethanol Production Incentive Cash Fund
13 to the Nebraska Corn Development, Utilization, and Marketing Fund
14 and Grain Sorghum Development, Utilization, and Marketing Fund in

15 the same proportion as funds were collected pursuant to section
16 66-1345.01 from corn and grain sorghum.

17 Sec. 3. The Water Quality Trust Fund is created. The
18 interest earned on the fund shall be transferred to the Natural
19 Resources Enhancement Fund. Any money in the Water Quality Trust
20 Fund shall be invested pursuant to the Nebraska Capital Expansion
21 Act and the Nebraska State Funds Investment Act.

22 Sec. 4. Section 77-4401, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 77-4401. (1) ~~Through December 31, 1996, there shall be~~
25 There is imposed a fee of ~~four dollars seventy-five cents~~ per ton
26 upon the gross tonnage of all sales, use, or other consumption in
27 this state of commercial fertilizers, ~~; and commencing January 1,~~
1 ~~1997, through December 31, 2000, there shall be imposed a fee of~~
2 ~~one dollar per ton upon such gross tonnage.~~ The fee shall be paid
3 by the purchaser of the commercial fertilizer. Any commercial
4 fertilizer subject to the sales and use tax pursuant to the
5 Nebraska Revenue Act of 1967 shall be exempt from the fee imposed
6 by this section. For purposes of this section, the definitions
7 found in section 81-2,162.02 shall apply.

8 (2) The fee imposed by this section shall be collected by
9 the seller and remitted to the ~~Department of Revenue for credit to~~
10 ~~the Ethanol Production Incentive Cash Fund through December 31,~~
11 ~~1996, and to the Natural Resources Enhancement Fund on and after~~
12 ~~January 1, 1997;~~ based on the gross tonnage of commercial
13 fertilizers sold during the preceding period. Payment of the fee
14 shall be accompanied by a report setting forth the gross tonnage of
15 commercial fertilizers sold by the seller. The report shall be on
16 a form prescribed by the Department of Revenue and shall include
17 such other information as the Tax Commissioner deems necessary.
18 The provisions of the Nebraska Revenue Act of 1967 applicable to
19 sales and use taxes shall apply to imposition of the fee.

20 (3) For purposes of this section, gross tonnage shall not
21 include water and other carriers added by the retail seller of the
22 fertilizer and shall not include sales of packages of fertilizers
23 containing ten pounds or less.

24 (4) Any person who purchased commercial fertilizer prior
25 to May 1, 1993, and paid a fee greater than three dollars per ton
26 shall be entitled to a refund of the amount paid in excess of three
27 dollars per ton.

1 (5) The Tax Commissioner shall adopt and promulgate rules
2 and regulations to carry out this section."

3 2. On page 3, line 6, strike "section 60-3003" and
4 insert "sections 60-3003, 66-1345, and 77-4401"; and in line 7
5 strike "is" and insert "are".

6 3. Renumber the remaining sections accordingly.

Ms. Redfield filed the following amendment to LB 142:
AM0571

- 1 1. On page 2, line 24, after "that" insert "(a)"; and in
- 2 line 26 after "county" insert "and (b) in counties containing a
- 3 city of the metropolitan class, eighteen percent shall be allocated
- 4 to the county and twenty-two percent shall be allocated to the city
- 5 or village".

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 532. Placed on General File.

LEGISLATIVE BILL 533. Placed on General File.

LEGISLATIVE BILL 776. Placed on General File as amended.

Standing Committee amendment to LB 776:

AM0497

- 1 1. On page 2, line 23, after "viewers" insert "or as one
- 2 of the fence viewers"; and in line 25 after "sheriff" insert "if
- 3 the sheriff is serving in place of the fence viewers".

(Signed) Merton L. Dierks, Chairperson

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 51. Placed on Select File as amended.

E & R amendment to LB 51:

AM7076

- 1 1. In the Standing Committee amendments, AM0059:
- 2 a. On page 1, line 21, strike the new matter and
- 3 reinstate the stricken matter; and
- 4 b. On page 2, lines 11 and 25, strike the semicolon and
- 5 insert an underscored period; in line 12 strike the paragraphing
- 6 and "(ii)"; and in lines 18 and 26 strike the new matter.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Vrtiska filed the following amendment to LB 115:

FA40

Add the Emergency Clause to LB 115

Mr. Wickersham filed the following amendment to LB 194:

AM0595

(Amendments to AM0570)

- 1 1. On page 1, lines 10 and 11, strike "No" through
- 2 "required" and insert "Such production of records shall not include
- 3 the photocopying of records".

WITHDRAW - Cointroducer

Mr. Vrtiska withdrew his name as cointroducer to LB 274.

VISITORS

Visitors to the Chamber were Jecca and Steele Ostrander, Megan Gregory, Curtis Reed, Wrustler Frye, Lacey Simmons, and Marty Glassgow; 12 students and teachers from Southeast Community College, Lincoln; 20 fourth grade students and teacher from Silver Creek Public School; 13 seniors and teacher from Wilcox High School; Senator Matzke's daughter, Doran Matzke, from Denver; Senator Baker's wife, Pat, and fourth, fifth, and sixth grade students and teachers from Trenton Elementary School; 21 fourth grade students and teacher from Nebraska City Lourdes School; 23 fourth grade students and teacher from Mt. Calvary Lutheran School, Omaha; 18 fourth grade students and teacher from St. Michael School, South Sioux City; Senator Beutler's wife, Judy, daughter, and grandchildren, Lori, Connor Joseph, and Lauren Elizabeth Friedman, from Atlanta, Georgia; and 50 fourth grade students and sponsors from LeMay School, Bellevue.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Tuesday, March 2, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY – MARCH 2, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 2, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Tom Osborne, Southview Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Jensen, Landis, Preister, and Mrs. Kiel who were excused; and Messrs. Beutler, Byars, Dierks, Lynch, and Matzke who were excused until they arrive.

MRS. CROSBY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 552. Placed on Select File as amended.

E & R amendment to LB 552:

AM7079

- 1 1. On page 15, line 11, strike "Chapter 77, article
- 2 39," show as stricken, and insert "the Uniform State Tax Lien
- 3 Registration and Enforcement Act".
- 4 2. On page 16, line 2, strike "Chapter 77, article 39,"
- 5 and insert "the Uniform State Tax Lien Registration and Enforcement
- 6 Act".
- 7 3. On page 22, line 26, strike "section 9-406" and
- 8 insert "this section".

LEGISLATIVE BILL 446. Placed on Select File as amended.

E & R amendment to LB 446:

AM7080

- 1 1. On page 1, line 5, strike "provisions for an
- 2 obsolete" and insert "a".
- 3 2. On page 4, strike beginning with "Nebraska" in line
- 4 23 through "Force" in line 24 and insert "Task Force for the
- 5 Nebraska State Radio Communication System"; and in line 25 strike
- 6 "This" and insert "The".
- 7 3. On page 5, line 5, strike the comma.
- 8 4. On page 6, line 27 strike "their" and insert "the
- 9 agencies".
- 10 5. On page 7, line 8, strike "subscription" and insert
- 11 "subscriber"; in line 19 strike "onto" and insert "to"; in line 27
- 12 strike "into" and insert "to"; and in line 28 strike "into" and
- 13 insert "migrating to".
- 14 6. On page 9, line 16, "Nebraska League of" and insert
- 15 "League of Nebraska"; and in line 28 after "agencies" insert an
- 16 underscored comma.
- 17 7. On page 15, line 18, strike "Section" and insert
- 18 "Sections".

LEGISLATIVE BILL 90A. Placed on Select File.

LEGISLATIVE BILL 407A. Placed on Select File.

LEGISLATIVE BILL 703A. Placed on Select File.

LEGISLATIVE BILL 250. Placed on Select File.

LEGISLATIVE BILL 416. Placed on Select File.

LEGISLATIVE BILL 417. Placed on Select File.

LEGISLATIVE BILL 578. Placed on Select File as amended.

E & R amendment to LB 578:

AM7078

- 1 1. On page 1, line 2, strike "sections 49-14,124 and
- 2 49-14,125" and insert "section 49-14,124"; strike beginning with
- 3 "investigation" in line 4 through "Limitation" in line 6 and insert
- 4 "complaints under the Nebraska Political Accountability and
- 5 Disclosure"; and in line 7 strike "sections" and insert "section".

LEGISLATIVE BILL 199. Placed on Select File as amended.

E & R amendment to LB 199:

AM7077

- 1 1. In the Standing Committee amendments, AM0294:
- 2 a. On page 1, lines 16 and 23, strike "it" and insert
- 3 "the nursing facility"; in line 19 strike "hospital's proposal" and
- 4 insert "hospital"; and in line 20 strike "assisting-living service"
- 5 and insert "assisted-living services"; and
- 6 b. On page 2, line 1, strike "it" and insert "the
- 7 proposal".
- 8 2. On page 1, lines 2 and 3, strike "redefine a term"

9 and insert "change provisions".

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 538. Placed on General File.

LEGISLATIVE BILL 82. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

Business and Labor

LEGISLATIVE BILL 691. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 581. Placed on General File.

LEGISLATIVE BILL 289. Placed on General File as amended.

Standing Committee amendment to LB 289:

AM0501

- 1 1. On page 2, line 1, strike "(1)"; in lines 4 and 5
- 2 strike "and notices of hearings"; and strike beginning with the
- 3 colon in line 6 through "(3)" in line 16 and insert "each county's
- 4 comprehensive development plan and zoning resolution".
- 5 2. On page 3, line 2, strike the first comma and insert
- 6 "and"; and strike beginning with the second comma in line 2 through
- 7 "issues" in line 5.

LEGISLATIVE BILL 582. Placed on General File as amended.

Standing Committee amendment to LB 582:

AM0560

- 1 1. On page 3, line 9, strike "and"; and in line 12 after
- 2 "19-905" insert "; and
- 3 (j) Measures relating to personnel issues, including, but
- 4 not limited to, establishment, modification, or elimination of any
- 5 personnel position, policy, salary, or benefit and any hiring,
- 6 promotion, demotion, or termination of personnel".

LEGISLATIVE BILL 157. Indefinitely postponed.

LEGISLATIVE BILL 377. Indefinitely postponed.

LEGISLATIVE BILL 434. Indefinitely postponed.

LEGISLATIVE BILL 580. Indefinitely postponed.

LEGISLATIVE BILL 858. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Health and Human Services

LEGISLATIVE BILL 799. Placed on General File.

(Signed) Jim Jensen, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 32.

RESOLUTION

LEGISLATIVE RESOLUTION 35. Introduced by Coordsen, 32.

WHEREAS, the Hebron High School Bears wrestling team won the 1999 state Class C wrestling championship; and

WHEREAS, the Hebron High School wrestling team, coached by Dan Desmond, accumulated 124 points in three days of competition to win the state championship; and

WHEREAS, senior wrestler Dirk Desmond won his fourth consecutive state title in his weight class, one of only five high school wrestlers in Nebraska history to win four consecutive wrestling titles, and he won the title after breaking his hand earlier in February; and

WHEREAS, two other seniors, J. J. Bernadt and Neil Dominy, also each won a state title in his weight class, and senior Wynn Fangmeier and sophomore Spencer Vorderstrasse each won second place in his weight class.

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

1. That the Legislature congratulates all the members of the 1999 Hebron High School Bears wrestling team and their coach, Dan Desmond.

2. That a copy of this resolution be sent to Hebron High School.

Laid over.

STANDING COMMITTEE REPORT
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

HHS Office of Juvenile Services
Mark Martin, Administrator

VOTE: Aye: Senators Jensen, Byars, Dierks, Price, Thompson, and Tyson.
Nay: None. Absent: Senator Suttle.

(Signed) Jim Jensen, Chairperson

MOTION - Print in Journal

Mr. Vrtiska filed the following motion:
Permit the introduction of new bills by the Business and Labor Committee, Req. 1209 and Req. 1210, pursuant to Rule 5, Section 4(c).

SELECT FILE

LEGISLATIVE BILL 514. E & R amendment, AM7047, found on page 584, was adopted.

Mr. Chambers renewed his pending amendment, AM0302, found on page 691.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

The Chambers amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 514A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 315. Advanced to E & R for engrossment.

LEGISLATIVE BILL 350. Advanced to E & R for engrossment.

LEGISLATIVE BILL 350A. Mr. Brashear renewed his pending amendment, AM0344, found on page 585.

The Brashear amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 621A. Introduced by Smith, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 621, Ninety-sixth Legislature, First Session, 1999.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 606. Placed on General File.

The Natural Resources Committee desires to report favorably upon the

appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Department of Water Resources
Roger Patterson, Director

VOTE: Aye: Senators Bromm, Hudkins, Preister, Schrock, and Stuhr. Nay: None. Absent: Senators Bohlke, Bruning, and Jones.

(Signed) Ed Schrock, Chairperson

NOTICE OF COMMITTEE HEARING Natural Resources

LR 31 Friday, March 12, 1999 1:30p.m.

(Signed) Ed Schrock, Chairperson

EXECUTIVE BOARD REPORT

Pursuant to section 81-8,241 and Executive Board action on March 1, 1999, Marshall Lux has been recommended for reappointment to a six-year term as the Public Counsel (Ombudsman) for the State of Nebraska.

(Signed) George Coordsen, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 3. Read. Considered.

Messrs. Schmitt and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM0429, found on page 659, was considered.

Ms. Schimek offered the following amendment to the Standing Committee amendment:

FA41

To amend the committee amendment to add after "three" the words "and one-half" in line 3 and in line 4 strike the words "per year"

Messrs. Brashear and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek withdrew her amendment.

The Standing Committee amendment was adopted with 32 ayes, 0 nays, 9

present and not voting, and 8 excused and not voting.

Mr. Coordsen renewed his pending amendment, AM0567, found on page 775.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Mr. Coordsen withdrew his amendment.

Mr. Wehrbein moved to bracket LR 3 until March 17, 1999.

Mr. Wehrbein withdrew his motion to bracket.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 67A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 67, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

LEGISLATIVE BILL 113A. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, Ninety-sixth Legislature, First Session, 1999.

AMENDMENT - Print in Journal

Mr. Hilgert filed the following amendment to LB 202A:
AM0573

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 2. There is hereby appropriated (1) \$200,000 from
- 3 the General Fund for FY1999-00 and (2) \$200,000 from the General
- 4 Fund for FY2000-01 to the Department of Economic Development, for
- 5 Program 601, for the Microenterprise Partnership Program.
- 6 No expenditures for permanent and temporary salaries and
- 7 per diems for state employees shall be made from funds appropriated
- 8 in this section.
- 9 There is included in the appropriation to this program
- 10 for FY1999-00 \$200,000 General Funds for state aid, which shall
- 11 only be used for such purpose. There is included in the
- 12 appropriation to this program for FY2000-01 \$200,000 General Funds

- 13 for state aid, which shall only be used for such purpose."
14 2. On page 1, line 3, after the semicolon insert "to
15 appropriate funds to the Microenterprise Partnership Program;"
16 3. On page 2, lines 1, 2, 11, and 13, strike "\$500,000"
17 and insert "\$300,000".

NOTICE OF COMMITTEE HEARING
Agriculture

Tuesday, March 9, 1999

1:30 p.m.

Climate Assessment Response Committee

Greg Ibach

Richard Nelson

Dayle Williamson

Dave Vogler

Stanley Heng

(Signed) Merton L. Dierks, Chairperson

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 267. Placed on General File.

LEGISLATIVE BILL 658. Placed on General File.

LEGISLATIVE BILL 501. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Add Coinroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as coinroducer to LB 578. No objections. So ordered.

Ms. Redfield asked unanimous consent to have her name added as coinroducer to LB 150. No objections. So ordered.

MOTION - Withdraw LB 129

Mr. Tyson renewed his pending motion, found on page 775, to withdraw LB 129.

The Tyson motion to withdraw prevailed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

VISITORS

Visitors to the Chamber were 50 seventh and eighth grade students and teacher from Barr-Westridge Walnut Middle School Orchestra, Grand Island;

70 fourth grade students and sponsors from Cozad; Senator Dw. Pedersen's wife, Priscilla, from Elkhorn and granddaughter, Chaley; 40 students and director from Norfolk Children Choir; and 20 students and teachers from Bruno District 86.

ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, March 3, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY – MARCH 3, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 3, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Larry Fiscus, Church of Christ, Table Rock, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Preister who was excused; and Messrs. Bromm, Hilgert, Lynch, Dw. Pedersen, and Mrs. Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

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

The following bills were correctly engrossed: LBs 315, 350, 350A, 514, and 514A.

Enrollment and Review Change to LB 514

The following changes, required to be reported for publication in the Journal, have been made:
ER9016

1. In the Chambers amendment, AM0302, on page 1, line 14, "section 254 of" has been struck and shown as stricken and "47 U.S.C. 254," has been inserted after "1996".

2. On page 1, line 3, "and 86-1405" has been struck and "86-1405, and

86-1410" inserted; and in line 7 "to provide an exemption from certain surcharges;" has been inserted after the first semicolon.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS **Business and Labor**

LEGISLATIVE BILL 216. Placed on General File.

LEGISLATIVE BILL 164. Placed on General File as amended.

Standing Committee amendment to LB 164:

AM0609

- 1 1. On page 5, line 2, strike "subdivision (1) of this
2 section" and insert "section 48-619".
- 3 2. On page 6, line 8, strike "unemployment fund" and
4 insert "Employment Security Administration Fund".

LEGISLATIVE BILL 215. Placed on General File as amended.

Standing Committee amendment to LB 215:

AM0457

- 1 1. On page 8, lines 11 through 21, strike the new matter
- 2 and reinstate the stricken matter.

(Signed) Floyd P. Vrtiska, Chairperson

ANNOUNCEMENT

Mrs. Crosby designates LB 469 as her priority bill.

MOTIONS - Approve Appointments

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 609: Dayle Williamson, Director - Natural Resources Commission.

Voting in the affirmative, 30:

Baker	Byars	Jensen	Pederson, D.	Schmitt
Beutler	Connealy	Jones	Peterson, C.	Schrock
Bohlke	Cudaback	Kremer	Quandahl	Smith
Bourne	Engel	Kristensen	Raikes	Tyson
Brashear	Hartnett	Landis	Redfield	Vrtiska
Bruning	Janssen	Matzke	Schimek	Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Brown	Dierks	Robak	Stuhr	Thompson
Coordsen	Hudkins	Schellpeper	Suttle	Wickersham
Crosby	Price			

Excused and not voting, 6:

Bromm	Kiel	Lynch	Pedersen, Dw.	Preister
Hilgert				

The appointment was confirmed with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following appointment found on page 720: Tim Wagner, Director - NE Department of Insurance.

Voting in the affirmative, 39:

Baker	Crosby	Kremer	Price	Smith
Beutler	Cudaback	Kristensen	Quandahl	Stuhr
Bohlke	Dierks	Landis	Raikes	Thompson
Bourne	Engel	Lynch	Redfield	Tyson
Bruning	Hudkins	Matzke	Robak	Vrtiska
Byars	Janssen	Pedersen, Dw.	Schellpeper	Wehrbein
Connealy	Jensen	Pederson, D.	Schimek	Wickersham
Coordsen	Jones	Peterson, C.	Schmitt	

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Brashear	Brown	Hartnett	Schrock	Suttle
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Excused and not voting, 4:

Bromm	Hilgert	Kiel	Preister
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The appointment was confirmed with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 91. With Emergency.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Revised Statutes Supplement, 1998; to change provisions relating to standards; 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, 42:

Baker	Connealy	Jones	Price	Schrock
Beutler	Coordsen	Kremer	Quandahl	Smith
Bohlke	Crosby	Kristensen	Raikes	Stuhr
Bourne	Cudaback	Lynch	Redfield	Thompson
Brashear	Dierks	Matzke	Robak	Tyson
Bromm	Engel	Pedersen, Dw.	Schellpeper	Vrtiska
Bruning	Hudkins	Pederson, D.	Schimek	Wehrbein
Byars	Janssen	Peterson, C.	Schmitt	Wickersham
Chambers	Jensen			

Voting in the negative, 0.

Present and not voting, 3:

Brown	Hartnett	Suttle
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Excused and not voting, 4:

Hilgert	Kiel	Landis	Preister
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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 134.

A BILL FOR AN ACT relating to adoption; to provide commensurate child-care leave for adoptive parents.

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:

Baker	Connealy	Jensen	Peterson, C.	Schmitt
Beutler	Coordsen	Jones	Price	Schrock
Bohlke	Crosby	Kremer	Quandahl	Smith
Bourne	Cudaback	Kristensen	Raikes	Stuhr
Brashear	Dierks	Lynch	Redfield	Thompson
Bromm	Engel	Matzke	Robak	Vrtiska
Bruning	Hartnett	Pedersen, Dw.	Schellpeper	Wehrbein
Byars	Hudkins	Pederson, D.	Schimek	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Present and not voting, 3:

Brown	Suttle	Tyson
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Excused and not voting, 4:

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

LEGISLATIVE BILL 152.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Reissue Revised Statutes of Nebraska; to change provisions relating to truancy; and to repeal the original section.

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

Voting in the affirmative, 41:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Peterson, C.	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kremer	Raikes	Thompson
Brashear	Dierks	Kristensen	Robak	Tyson
Bromm	Engel	Lynch	Schellpeper	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Chambers				

Voting in the negative, 1:

Redfield

Present and not voting, 3:

Brown Quandahl Suttle

Excused and not voting, 4:

Hilgert Kiel Landis Preister

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

LEGISLATIVE BILL 161. With Emergency.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1998; to change provisions relating to adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Price	Smith
Bohlke	Crosby	Jones	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Brashear	Dierks	Kristensen	Redfield	Thompson
Bromm	Engel	Lynch	Robak	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers				

Voting in the negative, 0.

Excused and not voting, 3:

Kiel Landis Preister

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 163.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to prohibit the use of liquefied petroleum gas as a refrigerant; to provide a penalty; to provide duties for the State Fire Marshal and peace officers as prescribed; to harmonize provisions;

and to repeal the original section.

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

Voting in the affirmative, 45:

Baker	Chambers	Hudkins	Peterson, C.	Schrock
Beutler	Connealy	Janssen	Price	Smith
Bohlke	Coordsen	Jensen	Quandahl	Stuhr
Bourne	Crosby	Jones	Raikes	Suttle
Brashear	Cudaback	Kremer	Redfield	Thompson
Bromm	Dierks	Kristensen	Robak	Tyson
Brown	Engel	Matzke	Schellpeper	Vrtiska
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hilgert	Pederson, D.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Kiel Landis Preister

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

LEGISLATIVE BILL 163A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Byars	Hilgert	Matzke	Robak
Beutler	Chambers	Hudkins	Pedersen, Dw.	Schellpeper
Bohlke	Connealy	Janssen	Pederson, D.	Schimek
Bourne	Coordsen	Jensen	Peterson, C.	Schmitt
Brashear	Cudaback	Jones	Price	Schrock
Bromm	Dierks	Kremer	Quandahl	Smith
Brown	Engel	Kristensen	Raikes	Stuhr
Bruning	Hartnett	Lynch	Redfield	Thompson

Tyson Vrtiska Wehrbein Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Crosby Suttle

Excused and not voting, 3:

Kiel Landis Preister

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

LEGISLATIVE BILL 253.

A BILL FOR AN ACT relating to public improvements; to amend section 2-3256, Reissue Revised Statutes of Nebraska, and sections 81-3445, 81-3449, and 81-3453, Revised Statutes Supplement, 1998; to change dollar limitations for improvement project requirements; 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, 39:

Baker	Coordsen	Jones	Price	Smith
Beutler	Crosby	Kremer	Quandahl	Stuhr
Bohlke	Cudaback	Kristensen	Raikes	Thompson
Brashear	Dierks	Landis	Robak	Tyson
Brown	Engel	Lynch	Schellpeper	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Connealy	Janssen	Peterson, C.	Schrock	

Voting in the negative, 8:

Bourne	Chambers	Jensen	Redfield	Suttle
Bromm	Hilgert	Pedersen, Dw.		

Excused and not voting, 2:

Kiel Preister

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

LEGISLATIVE BILL 323.

A BILL FOR AN ACT relating to the Long-Term Care Insurance Act; to amend sections 44-4501 and 44-4518, Reissue Revised Statutes of Nebraska; to provide provisions relating to incontestability and nonforfeiture; to change provisions relating to rules and regulations; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Price	Smith
Bohlke	Crosby	Kiel	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Brashear	Dierks	Kristensen	Redfield	Thompson
Bromm	Engel	Landis	Robak	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 1:

Preister

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

LEGISLATIVE BILL 340.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1417.01 and 60-1417.02, Reissue Revised Statutes of Nebraska; to change provisions relating to buyer's information forms and registration of sellers; 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, 48:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Price	Smith
Bohlke	Crosby	Kiel	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Brashear	Dierks	Kristensen	Redfield	Thompson
Bromm	Engel	Landis	Robak	Tyson
Brown	Hartnett	Lynch	Schellpeper	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Janssen	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Preister

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

LEGISLATIVE BILL 369.

A BILL FOR AN ACT relating to state government; to amend sections 81-190 and 81-1108.33, Revised Statutes Supplement, 1998; to provide for the review of certain documents; to provide powers and duties; 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, 48:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Price	Smith
Bohlke	Crosby	Kiel	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Brashear	Dierks	Kristensen	Redfield	Thompson
Bromm	Engel	Landis	Robak	Tyson
Brown	Hartnett	Lynch	Schellpeper	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Janssen	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Preister

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 396 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 396. With Emergency.

A BILL FOR AN ACT relating to financial institutions; to amend sections 3-506, 3-616, 3-709, 8-112, 8-141, 8-143.01, 8-157.01, 8-170, 8-1,131, 8-1504, 8-1601, 8-1605, 13-1305, 18-2102.01, 21-1729, 21-1737, 21-20,162, 21-20,166, 45-101.04, 45-118, 45-121, 45-130, 45-336, 45-351, 45-702, 45-703, 45-704, 45-707, 45-708, and 46-1,141, Reissue Revised Statutes of Nebraska, and sections 8-101.01, 8-355, 8-602, and 8-1602, Revised Statutes Supplement, 1998; to change provisions relating to the deposit of public funds; to revise the power of state-chartered banks and building and loan associations; to provide notice to financial institutions about certain subpoenaed information; to change provisions relating to lending limits; to change provisions relating to extending credit to bank officers, electronic terminals and automatic teller machines, records and files, fees, acquisitions and mergers, banker's banks, shareholders' rights in dissolution, interest rates and loans, installment loan licenses, installment sales, and mortgage bankers; to authorize banks to administer certain additional individual retirement accounts in accordance with federal law; to define and redefine terms; to provide powers for the Department of Banking and Finance; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Price	Smith
Bohlke	Crosby	Kiel	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Brashear	Dierks	Kristensen	Redfield	Thompson
Bromm	Engel	Landis	Robak	Tyson
Brown	Hartnett	Lynch	Schellpeper	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Janssen	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Preister

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 bill was read and put upon final passage:

LEGISLATIVE BILL 465. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Price	Smith
Bohlke	Crosby	Kiel	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Brashear	Dierks	Kristensen	Redfield	Thompson
Bromm	Engel	Landis	Robak	Tyson
Brown	Hartnett	Lynch	Schellpeper	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Janssen	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 795 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 795.

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, 71-1631.02, and 79-987, Revised Statutes Supplement, 1998; to change provisions relating to retirement plan reporting requirements as prescribed; 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, 48:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Price	Smith
Bohlke	Crosby	Kiel	Quandahl	Stuhr
Bourne	Cudaback	Kremer	Raikes	Suttle
Brashear	Dierks	Kristensen	Redfield	Thompson
Bromm	Engel	Landis	Robak	Tyson
Brown	Hartnett	Lynch	Schellpeper	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Janssen	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Preister

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 846.

A BILL FOR AN ACT relating to state employees; to amend section 81-1392, Revised Statutes Supplement, 1998; to change provisions relating to the employee buy-out program; 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, 48:

Baker	Bourne	Brown	Chambers	Crosby
Beutler	Brashear	Bruning	Connealy	Cudaback
Bohlke	Bromm	Byars	Coordsen	Dierks

Engel	Kiel	Pederson, D.	Schellpeper	Suttle
Hartnett	Kremer	Peterson, C.	Schimek	Thompson
Hilgert	Kristensen	Price	Schmitt	Tyson
Hudkins	Landis	Quandahl	Schrock	Vrtiska
Janssen	Lynch	Raikes	Smith	Wehrbein
Jensen	Matzke	Redfield	Stuhr	Wickersham
Jones	Pedersen, Dw.	Robak		

Voting in the negative, 0.

Excused and not voting, 1:

Preister

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

UNANIMOUS CONSENT - Member Excused

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LR 10 to Select File

Mr. Wehrbein moved to return LR 10 to Select File for his specific amendment, AM0293, found on page 568.

Mr. Wehrbein withdrew his motion to return.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 10.

WHEREAS, members of and candidates for the United States House of Representatives are elected every two years virtually requiring continual campaigning and fundraising; and

WHEREAS, the delegates to the 1788 Constitutional Convention discussed whether the term of office for a representative should be one year or three years and compromised on a two-year term; and

WHEREAS, communications systems and travel accommodations have improved over the last two hundred years which allows quicker and easier communication with constituents and more direct contact; and

WHEREAS, the American people would be better served by having the members of the House of Representatives focus on issues and matters before the Congress rather than constantly running a campaign; and

WHEREAS, a biennial election of one-half of the members of the House of Representatives would still allow the American people to express their will

every two years.

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

1. That the Legislature hereby petitions the Congress of the United States to propose to the states an amendment to Article I, section 2, of the United States Constitution that would increase the length of the terms of office for members of the House of Representatives from two years to four years with one-half of the members' terms expiring every two years.

2. That official copies of this resolution be prepared and forwarded to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States and to all members of the Nebraska delegation to the Congress of the United States, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

Mr. Chambers requested a roll call vote.

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

Voting in the affirmative, 28:

Beutler	Connealy	Janssen	Pederson, D.	Stuhr
Bohlke	Coordsen	Jones	Peterson, C.	Suttle
Bromm	Crosby	Kiel	Schimek	Thompson
Brown	Engel	Kristensen	Schmitt	Vrtiska
Bruning	Hartnett	Lynch	Schrock	Wickersham
Byars	Hudkins	Matzke		

Voting in the negative, 16:

Baker	Hilgert	Pedersen, Dw.	Redfield	Smith
Bourne	Kremer	Quandahl	Robak	Tyson
Brashear	Landis	Raikes	Schellpeper	Wehrbein
Chambers				

Present and not voting, 3:

Cudaback	Jensen	Price
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Excused and not voting, 2:

Dierks	Preister
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A constitutional majority having voted in the affirmative, the resolution was declared passed.

UNANIMOUS CONSENT - Member Excused

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

CORRECTED MESSAGES FROM THE GOVERNOR

March 1, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw the following two names from the Dry Bean Commission:

Dr. Glenn York, 14020 N. 47, Omaha, NE 68152
Dr. James Schiefen, PO Box 95, Imperial, NE 69033

I apologize for the inconvenience.

(Signed) Sincerely,
Vicki Powell
Administrative Assistant
Boards and Commissions

vfp/

March 1, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been reappointed to the State Board of Health:

APPOINTEES:
Dr. Glenn York, 14020 N. 47, Omaha, NE 68152
Dr. James Schiefen, PO Box 95, Imperial, NE 69033

The aforementioned names are respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

COMMUNICATION

March 3, 1999

Senator Merton "Cap" Dierks
Chair - Agriculture Committee
1019 State Capitol Building
Lincoln, NE 68509

Dear Senator Dierks:

On February 26 two individuals, Dr. Glenn Yost and Dr. James Schiefen, were inadvertently designated to be appointed by Governor Johanns to the Dry Bean Commission and were subsequently referred to your committee for a confirmation hearing. The Governor has since corrected the record and both individuals were appointed to the State Board of Health.

Consequently, please disregard the referral of these appointments to your committee. If you have any questions, please contact me.

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

PJO:r

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Schiefen, Dr. James - State Board of Health -- Health and Human Services
York, Dr. Glenn - State Board of Health -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Mr. Jensen filed the following amendment to LB 574:

AM0619

(Amendments to Standing Committee amendments, AM0386)

- 1 1. Insert the following new amendment:
- 2 "1. Insert the following new section:
- 3 'Sec. 4. Since an emergency exists, this act takes
- 4 effect when passed and approved according to law.'".
- 5 2. Renumber the remaining amendments accordingly.

Mr. Jensen filed the following amendment to LB 148:

AM0530

(Amendments to Final Reading copy)

1. Strike sections 10 to 12.
2. On page 1, strike beginning with the second "to" in line 1 through the first semicolon in line 2; in line 3 after the semicolon insert "and"; and strike beginning with the first semicolon in line 5 through "section" in line 7.
3. Delete underscoring in sections 1 to 9.

Mr. Jensen filed the following amendment to LB 148A:
AM0531

(Amendments to Final Reading copy)

1. On page 2, line 2, strike "Lifespan Respite Care Cash" and insert "General"; and in lines 3 and 4 strike "Lifespan Respite Care Cash" and insert "General".

Mr. Lynch filed the following amendment to LB 658:
AM0444

1. Insert the following new section:
- "Sec. 3. Section 9-338, Reissue Revised Statutes of Nebraska, is amended to read:
- 9-338. (1) No manufacturer or representative thereof, with knowledge or in circumstances under which he or she reasonably should have known, shall manufacture, possess, display, sell, or otherwise furnish to any person any pickle card or pickle card unit:
- (a) In which the winning tab or tabs have not been completely and randomly distributed and mixed among all other tabs in a series;
- (b) In which the location or approximate location of any of the winning tab or tabs can be determined in advance of opening the tab or tabs in any manner or by any device, including, but not limited to, any pattern in the manufacture, assembly, or packaging of the tabs or pickle cards by the manufacturer, by any markings on the tabs or container, or by the use of a light;
- (c) Which offers both a chance for an instant prize and a possible chance to participate in a subsequent lottery activity, except that pickle card units (i) may utilize a seal card to award prizes or (ii) may utilize numbers drawn or selected in the conduct of bingo pursuant to the Nebraska Bingo Act to award prizes; or
- (d) Which does not conform in all other respects to the requirements of the Nebraska Pickle Card Lottery Act and any other specifications imposed by the department by rule and regulation as to the manufacture, assembly, or packaging of pickle cards.
- Any such cards or units shall be contraband goods for purposes of section 9-350.
- (2) No manufacturer or representative thereof shall use as a sales promotion any statement, demonstration, or implication that any certain portion of a series of pickle cards contains more winners than other portions of the series or that any series of

9 pickle cards or pickle card units may be sold by the organization
10 or its designated sales agent or pickle card operator in a
11 particular manner that would give the seller any advantage in
12 selling more of the pickle cards before having to pay out
13 winners."

14 2. On page 5, line 3, after "9-315," insert "9-338,".

15 3. Renumber the remaining sections accordingly.

Mr. Brashear filed the following amendment to LB 51:

AM0633

- 1 1. Strike section 2 and insert the following new
2 sections:
3 "Sec. 2. Section 33-126.05, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 33-126.05. The county court shall be allowed the
6 following miscellaneous fees: For delayed birth registration, for
7 the entire proceedings, ten dollars; for depositing will for
8 safekeeping and indexing the same, two dollars; and for each use of
9 any credit card authorized by the court for any payment, three
10 dollars. The legal fees for printing notices required by law to be
11 printed in some newspaper shall be allowed in addition to the fees
12 allowed in this section. For the following services performed by
13 the county court, it shall be entitled to receive the following
14 fees: For temporary restraining order in injunction, in the
15 absence of the district judge, five dollars; for appointment of
16 appraisers in condemnation proceedings, fifteen dollars, plus one
17 dollar for each additional parcel of land included in the petition
18 when there is more than one; and for certifying report of
19 appraisers to the county clerk or register of deeds and making
20 transcript of the same to the district court, one dollar per page.
21 In addition to the fees provided in sections 33-123 to 33-125, the
22 county court shall be entitled to the following fees: For
23 providing photocopies, twenty-five cents per page, which fee shall
24 include all applicable sales and use taxes; and for executing
1 certificate and affixing the seal, one dollar.
2 Sec. 3. Original sections 29-901 and 33-126.05, Reissue
3 Revised Statutes of Nebraska, are repealed."

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 626. Placed on General File.

LEGISLATIVE BILL 827. Placed on General File.

LEGISLATIVE BILL 181. Indefinitely postponed.

LEGISLATIVE BILL 478. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: LBs 91, 134, 152, 161, 163, 163A, 253, 323, 340, 369, 396, 465, 795, 846, and LR 10.

SELECT FILE

LEGISLATIVE BILL 333A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 774A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 839. Advanced to E & R for engrossment.

LEGISLATIVE BILL 839A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 194. E & R amendment, AM7057, found on page 624, was adopted.

Ms. Schimek asked unanimous consent to replace her pending amendment, AM0460, found on page 692, with a substitute amendment. No objections. So ordered.

Ms. Schimek withdrew her amendment, AM0460, found on page 692.

Ms. Schimek offered the following substitute amendment:
AM0641

- 1 1. Insert the following new section:
- 2 "Sec. 31. Section 77-1701, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-1701. (1) The county treasurer shall be ex officio
- 5 county collector of all taxes levied within the county. The county
- 6 board shall direct that a statement of the amount of taxes due and
- 7 a notice that special assessments are due be mailed or otherwise
- 8 delivered to the last-known address of the person, firm,
- 9 association, or corporation against whom such taxes or special
- 10 assessments are assessed or to the lending institution or other
- 11 party responsible for paying such taxes or special assessments.
- 12 Such statement shall clearly indicate, for each political
- 13 subdivision, the levy rate and the amount of taxes due as the
- 14 result of principal or interest payments on bonds issued by the
- 15 political subdivision and shall show such rate and amount separate
- 16 from any other levy. When taxes are delinquent for a prior year,
- 17 the county treasurer shall indicate this information on such tax
- 18 statement in a clearly defined space or in a separate notice. The
- 19 separate notice shall be on a colored piece of paper and may be
- 20 enclosed with the tax statement. The separate notice or
- 21 information on such tax statement shall read: ATTENTION: Taxes for
- 22 a prior year are delinquent. Interest is accruing. Please contact
- 23 the county treasurer's office immediately. Failure to receive such
- 24 statement or notice shall not relieve the taxpayer from any
- 1 liability to pay such taxes or special assessments and any interest

- 2 or penalties accrued thereon. In any county in which a city of the
 3 metropolitan class is located, all statements of taxes shall also
 4 include notice that special assessments for cutting weeds, removing
 5 litter, and demolishing buildings are due.
- 6 (2) Notice that special assessments are due shall not be
 7 required for special assessments levied by sanitary and improvement
 8 districts organized under Chapter 31, article 7, except that such
 9 notice may be provided by the county at the discretion of the
 10 county board or by the sanitary and improvement district with the
 11 approval of the county board.
- 12 (3) A statement of the amount of taxes due and a notice
 13 that special assessments are due shall not be required to be mailed
 14 or otherwise delivered pursuant to subsection (1) of this section
 15 if the total amount of the taxes and special assessments due is
 16 less than two dollars. Failure to receive the statement or notice
 17 shall not relieve the taxpayer from any liability to pay the taxes
 18 or special assessments but shall relieve the taxpayer from any
 19 liability for interest or penalties. Taxes and special assessments
 20 of less than two dollars shall be added to the amount of taxes and
 21 special assessments due in subsequent years and shall not be
 22 considered delinquent until the total amount is two dollars or
 23 more."
- 24 2. On page 33, line 7, after the third comma insert
 25 "77-1701,".
- 26 3. Renumber the remaining sections accordingly.

The Schimek amendment was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1999, at 11:00 a.m., were the following bills: LBs 91, 134, 152, 161, 163, 163A, 253, 323, 340, 369, 396, 465, 795, and 846.

(Signed) Rosie Ziems
 Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARING Transportation

LB 129 Tuesday, March 9, 1999 (canceled) 1:30 p.m.

(Signed) Curt Bromm, Chairperson

AMENDMENTS - Print in Journal

Mr. Matzke filed the following amendment to LB 482:

AM0620

(Amendments to Standing Committee amendments, AM0506)

- 1 1. On page 1, line 3, strike "Every" and insert "For
- 2 adoptions decreed on or after January 1, 1999, every"; in line 8
- 3 strike "Finance and Support"; in line 10 strike "prior" through
- 4 "of" and insert "during January of the year following"; in line 15
- 5 after the period insert "To be eligible for payment in the years
- 6 subsequent to the adoption, the requirements of this section must
- 7 be met for the entire year."; and in line 24 after the first period
- 8 insert the following new subsection:
- 9 "(3) The department shall adopt and promulgate rules and
- 10 regulations to carry out this section."

Mr. Wickersham filed the following amendment to LB 703A:

AM0640

- 1 1. On page 2, line 2, strike "County Employees
- 2 Retirement System Expense" and insert "Deferred Compensation".

MOTION - Place LB 845 on General File

Mr. Chambers renewed his pending motion, found on page 725, pursuant to Rule 3, section 17, that LB 845 be placed on General File, notwithstanding the action of the Banking Committee.

Messrs. Engel, Coordsen, Jensen, Brashear, Schmitt, Schrock, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on his motion to place LB 845 on General File.

Voting in the affirmative, 10:

Beutler	Connealy	Kiel	Price	Suttle
Chambers	Janssen	Kristensen	Schimek	Thompson

Voting in the negative, 29:

Baker	Byars	Hudkins	Peterson, C.	Stuhr
Bohlke	Crosby	Jones	Quandahl	Tyson
Bourne	Dierks	Kremer	Raikes	Vrtiska
Bromm	Engel	Landis	Redfield	Wehrbein
Brown	Hartnett	Pedersen, Dw.	Schrock	Wickersham
Bruning	Hilgert	Pederson, D.	Smith	

Present and not voting, 3:

Lynch Matzke Robak

Absent and not voting, 1:

Cudaback

Excused and not voting, 6:

Brashear Jensen Preister Schellpeper Schmitt
Coordsen

The Chambers motion failed with 10 ayes, 29 nays, 3 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 29. Placed on General File.

LEGISLATIVE BILL 261. Indefinitely postponed.

LEGISLATIVE BILL 351. Indefinitely postponed.

LEGISLATIVE BILL 697. Indefinitely postponed.

LEGISLATIVE BILL 792. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

AMENDMENT - Print in Journal

Mr. Vrtiska filed the following amendment to LB 202A:
AM0643

(Amendments to Final Reading copy)

- 1 1. On page 2, lines 1, 2, 11, and 13, strike "\$500,000"
- 2 2 and insert "\$250,000".

VISITORS

Visitors to the Chamber were 50 fourth grade students and teachers from Eagle Elementary School; members of Beatrice Chamber of Commerce; former Senator Willard Waldo from DeWitt; and 7 students from Wayne State College.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Quandahl, the Legislature adjourned until 9:00 a.m., Thursday, March 4, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY – MARCH 4, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 4, 1999

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor Stephen Gray, Free Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Kristensen and Preister who were excused; and Mmes. Bohlke, Kiel, C. Peterson, Robak, Messrs. Brashear, Dierks, Jensen, Landis, Matzke, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

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

The following bills were correctly engrossed: LBs 333A, 774A, 839, and 839A.

(Signed) Adrian M. Smith, Chairperson

MESSAGE FROM THE GOVERNOR

March 3, 1999

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 48, 20, 20A, 61, 66, 66A, 77, 168, 195, 227, 317, 212, 268, 437, 473, 474, 46, 64, 106, 363, 422, 669, 669A, and 270 were received in my office on February 26, 1999.

These bills were signed by me on March 3, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

ANNOUNCEMENT

Mr. Kremer designates LB 870 as his priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 4, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bailey, Jon M. - Walthill; Center For Rural Affairs
Hartmann, William - Seward; Associated General Contractors, Nebraska Chapter
Jaspersen, Rosemary V. - Walthill; Center For Rural Affairs
Kelley, Lehan & Hall, P.C.
Kelley, Michael - Omaha; Nebraska Keno Operators
Moody, Randall - Lincoln; Real Estate Owners and Managers Association (REOMA)
Reynolds, Jeffrey S. - Walthill; Center For Rural Affairs
Sigerson, Andrew C./Dwornik & Sigerson
Sigerson, Andrew C. - Omaha; IBM; Professional Child Care Providers Association of Nebraska

SELECT FILE

LEGISLATIVE BILL 194. Mr. Wickersham renewed the Wickersham et al. pending amendment, AM0570, found on page 781.

Mr. Wickersham renewed his pending amendment, AM0595, found on page 789, to the Wickersham et al. pending amendment.

The Wickersham amendment, AM0595, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

The Wickersham et al. amendment, AM0570, as amended, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 101. Mr. Beutler renewed his pending amendment, AM0353, found on page 586.

The Beutler amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 100. Mr. Beutler withdrew his amendments, AM0356, AM0354, and AM0355, found on pages 585 and 586.

Mr. D. Pederson withdrew his amendment, AM0492, found on page 716.

Mr. D. Pederson renewed his pending amendment, AM0591, found on page 780.

The D. Pederson amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 14CA. Ms. Schimek moved to indefinitely postpone.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek withdrew her motion to indefinitely postpone.

Mr. Bromm moved to bracket LR 14CA until January 15, 2000.

Mr. Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

The Bromm motion to bracket failed with 8 ayes, 20 nays, 15 present and not voting, and 6 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Messrs. Coordsen and Jensen filed the following amendment to LB 17:
AM0617

(Amendments to Final Reading copy)

1 1. Strike sections 3, 4, and 6 and insert the following
2 sections:

3 "Sec. 3. (1) A patient may request a copy of the
4 patient's medical records or may request to examine such records.
5 Access to such records shall be provided upon request pursuant to
6 sections 1 to 7 of this act, except that mental health medical
7 records may be withheld if any treating physician, psychologist, or
8 mental health practitioner determines in his or her professional
9 opinion that release of the records would not be in the best
10 interest of the patient unless the release is required by court
11 order. The request and any authorization shall be in writing and
12 shall be valid for one hundred eighty days after the date of
13 execution by the patient.

14 (2) Upon receiving a written request for a copy of the
15 patient's medical records under subsection (1) of this section, the
16 provider shall furnish the person making the request a copy of such
17 records not later than thirty days after the written request is
18 received.

19 (3) Upon receiving a written request to examine the
20 patient's medical records under subsection (1) of this section, the
21 provider shall, as promptly as required under the circumstances but
22 no later than ten days after receiving the request: (a) Make the
23 medical records available for examination during regular business
1 hours; (b) inform the patient if the records do not exist or cannot
2 be found; (c) if the provider does not maintain the records, inform
3 the patient of the name and address of the provider who maintains
4 such records, if known; or (d) if unusual circumstances have
5 delayed handling the request, inform the patient in writing of the
6 reasons for the delay and the earliest date, not later than
7 twenty-one days after receiving the request, when the records will
8 be available for examination. The provider shall furnish a copy of
9 medical records to the patient as provided in subsection (2) of
10 this section if requested.

11 (4) This section does not require the retention of
12 records or impose liability for the destruction of records in the
13 ordinary course of business prior to receipt of a request made
14 under subsection (1) of this section. A provider shall not be
15 required to disclose confidential information in any medical record
16 concerning another patient or family member who has not consented
17 to the release of the record.

18 Sec. 4. Except as provided in sections 5 and 7 of this
19 act, for medical records provided under section 3 of this act or

20 under subpoena by a patient or his or her authorized representative
21 a provider may charge no more than twenty dollars as a handling fee
22 and may charge no more than fifty cents per page as a copying fee.
23 A provider may charge for the reasonable cost of all duplications
24 of medical records which cannot routinely be copied or duplicated
25 on a standard photocopy machine. A provider may charge an amount
26 necessary to cover the cost of labor and materials for furnishing a
27 copy of an X-ray or similar special medical record. If the
1 provider does not have the ability to reproduce X-rays or other
2 records requested, the person making the request may arrange, at
3 his or her expense, for the reproduction of such records.
4 Sec. 6. A provider who transfers or submits information
5 in good faith to a patient's medical record shall not be liable in
6 damages to the patient or any other person for the disclosure of
7 such medical records as provided in sections 1 to 7 of this act."

ANNOUNCEMENT

Mr. Janssen designates LB 476 as his priority bill.

BILL ON FIRST READING

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

LEGISLATIVE BILL 518A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 518, Ninety-sixth Legislature, First Session, 1999.

STANDING COMMITTEE REPORTS Health and Human Services

LEGISLATIVE BILL 242. Placed on General File as amended.

Standing Committee amendment to LB 242:

AM0516

1 1. Strike original sections 1 and 2 and insert the
2 following new sections:
3 "Section 1. Section 71-5652, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 71-5652. The purposes of the Rural Health Systems and
6 Professional Incentive Act ~~shall be~~ are to (1) create the Nebraska
7 Rural Health Advisory Commission and establish its powers and
8 duties, (2) establish a student loan program that will provide
9 financial incentives to medical students, nursing students, and
10 physician assistant students who agree to practice their profession
11 in a designated health profession shortage area within Nebraska,
12 and (3) establish a loan repayment program that will require
13 community matching funds and will provide financial incentives to

14 eligible public health professionals who agree to practice their
15 profession in a designated health profession shortage area within
16 Nebraska.

17 Sec. 2. Section 71-5661, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-5661. The financial incentives provided by the Rural
20 Health Systems and Professional Incentive Act shall consist of (1)
21 student loans to eligible students for attendance at an eligible
22 school as determined pursuant to section 71-5662 and (2) the
23 repayment of qualified educational debts owed by eligible health
24 professionals as determined pursuant to such section. Funds for
1 such incentives shall be appropriated from the General Fund to the
2 department for such purposes.

3 ~~There is hereby created in the department the~~ The Rural
4 Health Professional Incentive Fund ~~into which is created.~~ Money
5 credited pursuant to section 3 of this act, payments received
6 pursuant to section 71-5666, and appropriations from the General
7 Fund shall be ~~credited~~ remitted to the State Treasurer for credit
8 to the fund. Any money in the fund available for investment shall
9 be invested by the state investment officer pursuant to the
10 Nebraska Capital Expansion Act and the Nebraska State Funds
11 Investment Act.

12 Sec. 3. On and after the effective date of this act, any
13 money remaining in the Rural Health Opportunities Loan Pool Fund
14 and any money remitted to the State Treasurer for credit to such
15 fund shall be credited by the State Treasurer to the Rural Health
16 Professional Incentive Fund created under section 71-5661 and used
17 to carry out the purposes of the Rural Health Systems and
18 Professional Incentive Act.

19 Sec. 4. Section 71-5662, Revised Statutes Supplement,
20 1998, is amended to read:

21 71-5662. (1) To be eligible for a student loan under the
22 Rural Health Systems and Professional Incentive Act, an applicant
23 or a recipient shall be enrolled or accepted for enrollment in an
24 accredited medical education program, nursing education program, or
25 physician assistant education program in Nebraska.

26 (2) To be eligible for loan repayment under the act, an
27 applicant or a recipient shall be a pharmacist, a dentist, a
1 physical therapist, an occupational therapist, a mental health
2 practitioner, a nurse, a nurse practitioner, a physician assistant,
3 or a physician in an approved specialty and shall be licensed or
4 certified to practice in Nebraska, not be enrolled in a residency
5 program, and enter practice in a designated health profession
6 shortage area in Nebraska.

7 Sec. 5. Section 71-5663, Revised Statutes Supplement,
8 1998, is amended to read:

9 71-5663. (1) The amount of financial assistance provided
10 through student loans pursuant to the Rural Health Systems and
11 Professional Incentive Act shall be limited to ten thousand dollars

12 for each recipient for each academic year and shall not exceed
13 forty thousand dollars per medical student or twenty thousand
14 dollars per nursing student or per physician assistant student.

15 (2) The amount of financial assistance provided by the
16 state through loan repayments pursuant to the act (a) for
17 physicians and clinical psychologists shall be limited to ten
18 thousand dollars per recipient per year of full-time practice in a
19 designated health profession shortage area and shall not exceed
20 thirty thousand dollars per recipient and (b) for physician
21 assistants, nurses, nurse practitioners, pharmacists, dentists,
22 physical therapists, occupational therapists, and master's level
23 mental health professionals shall be limited to five thousand
24 dollars per recipient per year of full-time practice in a
25 designated health profession shortage area and shall not exceed
26 fifteen thousand dollars per recipient.

27 Sec. 6. Section 71-5665, Revised Statutes Supplement,
1 1998, is amended to read:

2 71-5665. The commission shall periodically designate
3 health profession shortage areas within the state for the following
4 professions: Medicine and surgery, physician assistants' practice,
5 nurse practitioners' practice, nursing practice, clinical
6 psychology, and master's level mental health practice. The
7 commission shall also periodically designate separate health
8 profession shortage areas for each of the following professions:
9 Pharmacy, dentistry, physical therapy, and occupational therapy.
10 In making such designations the commission shall consider, after
11 consultation with other appropriate agencies concerned with health
12 services and with appropriate professional organizations, among
13 other factors:

14 (1) The latest reliable statistical data available
15 regarding the number of health professionals practicing in an area
16 and the population to be served by such practitioners;

17 (2) Inaccessibility of health care services to residents
18 of an area;

19 (3) Particular local health problems;

20 (4) Age or incapacity of local practitioners rendering
21 services; and

22 (5) Demographic trends in an area both past and future.

23 Sec. 7. Section 71-5668, Revised Statutes Supplement,
24 1998, is amended to read:

25 71-5668. Each loan repayment recipient shall execute an
26 agreement with the department and a local entity. Such agreement
27 shall include, at a minimum, the following terms:

1 (1) The loan repayment recipient agrees to practice his
2 or her profession, and a physician also agrees to practice an
3 approved specialty, in a designated health profession shortage area
4 for at least three years and to accept medicaid patients in his or
5 her practice;

6 (2) In consideration of the agreement by the recipient,

7 the State of Nebraska and a local entity within the designated
 8 health profession shortage area will provide equal funding for the
 9 repayment of the recipient's qualified educational debts, in
 10 amounts up to ten thousand dollars per year per recipient for
 11 physicians and clinical psychologists and up to five thousand
 12 dollars per year per recipient for physician assistants, nurses,
 13 nurse practitioners, pharmacists, dentists, physical therapists,
 14 occupational therapists, and master's level mental health
 15 professionals toward qualified educational debts for up to three
 16 years. The department shall make payments directly to the
 17 recipient; and

18 (3) If the loan repayment recipient discontinues practice
 19 in the shortage area prior to completion of the three-year
 20 requirement, the recipient shall repay to the state one hundred
 21 twenty-five percent of the total amount of funds provided to the
 22 recipient for loan repayment. Upon repayment by the recipient to
 23 the department, the department shall reimburse the local entity its
 24 share of the funds.

25 Sec. 8. Original sections 71-5652 and 71-5661, Reissue
 26 Revised Statutes of Nebraska, and sections 71-5662, 71-5663,
 27 71-5665, and 71-5668, Revised Statutes Supplement, 1998, are
 1 repealed."

2 2. On page 2, line 22, strike beginning with "71-5674"
 3 through the third comma and insert "71-5677".

4 3. Renumber the remaining section accordingly.

(Signed) Jim Jensen, Chairperson

General Affairs

LEGISLATIVE BILL 477. Placed on General File as amended.

Standing Committee amendment to LB 477:

AM0642

1 1. Strike original sections 4 and 6.

2 2. On page 4, strike beginning with "The" in line 11
 3 through "act" in line 12 and insert "Each Nebraska winery shall pay
 4 to the commission twenty dollars for every ton of grapes crushed by
 5 its facility. Gifts, grants, or bequests may be received for the
 6 support of the Nebraska Grape and Winery Board. Funds paid
 7 pursuant to the charge imposed by this section and funds received
 8 from gifts, grants, or bequests".

9 3. Renumber the remaining sections and correct internal
 10 references accordingly.

(Signed) Stan Schellpeper, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 618. Placed on General File as amended.

Standing Committee amendment to LB 618:
AM0349

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 76-2201, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 76-2201. Sections 76-2201 to 76-2250 and sections 3 and
6 4 of this act shall be known and may be cited as the Real Estate
7 Appraiser Act.

8 Sec. 2. Section 76-2203, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 76-2203. For purposes of the Real Estate Appraiser Act,
11 the definitions found in sections 76-2204 to 76-2219 and sections 3
12 and 4 of this act shall be used.

13 Sec. 3. Broker's price opinion shall mean an analysis,
14 opinion, or conclusion prepared by a person licensed under the
15 Nebraska Real Estate License Act in the ordinary course of his or
16 her business relating to the price of specified interests in or
17 aspects of identified real estate or identified real property for
18 the purpose of listing, purchase, or sale.

19 Sec. 4. Comparative market analysis shall mean 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 by comparison to other real property currently or recently in the
1 marketplace for the purpose of listing, purchase, or sale.

2 Sec. 5. Section 76-2221, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 76-2221. The Real Estate Appraiser Act shall not apply
5 to:

6 (1) Any real estate appraiser who is a salaried employee
7 of (a) the federal government, (b) any agency of the state
8 government or a political subdivision which appraises real estate,
9 (c) any insurance company authorized to do business in this state,
10 or (d) any bank, savings bank, savings and loan association,
11 building and loan association, credit union, industrial loan and
12 investment company, or small loan company licensed by the state or
13 supervised or regulated by or through federal enactments covering
14 financial institutions, except that any employee of the entities
15 listed in subdivisions (a) through (d) of this subdivision who also
16 practices as an independent real estate appraiser for others shall
17 be subject to the act and shall be registered, licensed, or
18 residential or general certified prior to engaging in such other
19 appraising;

20 (2) A person licensed under the Nebraska Real Estate
21 License Act who, in the ordinary course of his or her business,
22 gives an opinion as to the price of real estate for the purpose of
23 a prospective listing or sale a broker's price opinion or

24 comparative market analysis, except that such opinion as to the
25 listing price or the sale price or analysis shall not be referred
26 to as an appraisal. No compensation, fee, or other consideration
27 shall be charged for such opinion or analysis other than a real
1 estate commission or brokerage fee charged or paid for brokerage
2 services rendered in connection with the sale of the real estate
3 involved unless the opinion or analysis is in writing and carries
4 the following disclosure in bold fourteen-point type: This opinion
5 or analysis is not an appraisal. It is intended only for the
6 benefit of the addressee for the purpose of assisting buyers or
7 sellers or prospective buyers or sellers in deciding the listing,
8 offering, or sale price of the real property and not for any other
9 purpose, including, but not limited to, lending purposes. This
10 opinion or analysis is not governed by the Real Estate Appraiser
11 Act, but is subject to enforcement through the Nebraska Real Estate
12 License Act;

13 (3) Any person who provides assistance (a) in obtaining
14 the data upon which an appraisal is based, (b) in the physical
15 preparation of an appraisal report, such as taking photographs,
16 preparing charts, maps, or graphs, or typing or printing the
17 report, or (c) that does not directly involve the exercise of
18 judgment in arriving at the analyses, opinions, or conclusions
19 concerning real estate or real property set forth in the appraisal
20 report;

21 (4) An appraiser trainee;

22 (5) Any person who renders an estimate or opinion of
23 value of real estate or any interest in real estate when such
24 estimate or opinion is for the purpose of real estate taxation or
25 an employee of such person; or

26 (6) Any person who renders an estimate or opinion of
27 value of real estate or any interest in real estate or damages
1 thereto when such estimate or opinion is offered as testimony in
2 any condemnation proceeding.

3 Sec. 6. Section 81-885.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-885.01. For purposes of the Nebraska Real Estate
6 License Act, unless the context otherwise requires:

7 (1) Real estate shall mean and include condominiums and
8 leaseholds, as well as any other interest or estate in land,
9 whether corporeal, incorporeal, freehold, or nonfreehold, and
10 whether the real estate is situated in this state or elsewhere;

11 (2) Broker shall mean any person who, for a fee, a
12 commission, or any other valuable consideration or with the intent
13 or expectation of receiving the same from another, negotiates or
14 attempts to negotiate the listing, sale, purchase, exchange, rent,
15 lease, or option for any real estate or improvements thereon, or
16 assists in procuring prospects or holds himself or herself out as a
17 referral agent for the purpose of securing prospects for the
18 listing, sale, purchase, exchange, renting, leasing, or optioning

19 of any real estate or collects rents or attempts to collect rents,
20 gives a broker's price opinion or comparative market analysis, or
21 holds himself or herself out as engaged in any of the foregoing.
22 Broker shall also include any person: (a) Employed by or on behalf
23 of the owner or owners of lots or other parcels of real estate at a
24 salary, fee, or commission or any other valuable consideration to
25 sell such real estate or any part thereof in lots or parcels or
26 make other disposition thereof; (b) who engages in the business of
27 charging an advance fee in connection with any contract whereby he
1 or she undertakes primarily to promote the sale of real estate
2 either through its listing in a publication issued primarily for
3 such purpose or for referral of information concerning such real
4 estate to brokers or both; (c) who auctions, offers, attempts, or
5 agrees to auction real estate; or (d) who buys or offers to buy or
6 sell or otherwise deals in options to buy real estate;

7 (3) Associate broker shall mean a person who has a
8 broker's license and who is employed by another broker to
9 participate in any activity described in subdivision (2) of this
10 section;

11 (4) Designated broker shall mean an individual holding a
12 broker's license appointed by a partnership, limited liability
13 company, or corporation engaged in the real estate brokerage
14 business to be responsible for the acts of the partnership, limited
15 liability company, or corporation and to whom the partners,
16 members, or board of directors has subordinated full authority to
17 conduct the real estate activities of the partnership, limited
18 liability company, or corporation;

19 (5) Inactive broker shall mean an associate broker whose
20 license has been returned to the commission by the licensee's
21 broker, a broker who has requested the commission to place the
22 license on inactive status, or a new licensee who has failed to
23 designate an employing broker or have the license issued as an
24 individual broker;

25 (6) Salesperson shall mean any person, other than an
26 associate broker, who is employed by a broker to participate in any
27 activity described in subdivision (2) of this section;

1 (7) Inactive salesperson shall mean a salesperson whose
2 license has been returned to the commission by the licensee's
3 broker, a salesperson who has requested the commission to place the
4 license on inactive status, or a new licensee who has failed to
5 designate an employing broker;

6 (8) Person shall mean and include individuals,
7 corporations, partnerships, and limited liability companies, except
8 that when referring to a person licensed under the act, it shall
9 mean an individual;

10 (9) Subdivision or subdivided land shall mean any real
11 estate offered for sale and which has been registered under the
12 Interstate Land Sales Full Disclosure Act, 82 Stat. 590 and
13 following, 15 U.S.C. 1701 and following, as such act existed on

14 January 1, 1973, or real estate located out of this state which is
 15 divided or proposed to be divided into twenty-five or more lots,
 16 parcels, or units;

17 (10) Subdivider shall mean any person who causes land to
 18 be subdivided into a subdivision for himself, herself, or others or
 19 who undertakes to develop a subdivision but shall not include a
 20 public agency or officer authorized by law to create subdivisions;

21 (11) Purchaser shall mean a person who acquires or
 22 attempts to acquire or succeeds to an interest in land; and

23 (12) Commission shall mean the State Real Estate
 24 Commission;

25 (13) Broker's price opinion shall mean an analysis,
 26 opinion, or conclusion prepared by a person licensed under the act
 27 in the ordinary course of his or her business relating to the price
 1 of specified interests in or aspects of identified real estate or
 2 identified real property for the purpose of listing, purchase, or
 3 sale; and

4 (14) Comparative market analysis shall mean an analysis,
 5 opinion, or conclusion prepared by a person licensed under the act
 6 in the ordinary course of his or her business relating to the price
 7 of specified interests in or aspects of identified real estate or
 8 identified real property by comparison to other real property
 9 currently or recently in the marketplace for the purpose of
 10 listing, purchase, or sale.

11 Sec. 7. Original sections 76-2201, 76-2203, 76-2221, and
 12 81-885.01, Reissue Revised Statutes of Nebraska, are repealed."

(Signed) David M. Landis, Chairperson

SELECT FILE

LEGISLATIVE RESOLUTION 14CA. Mr. D. Pederson offered the following amendment:

FA43

Amend by deleting from page 2 line 6 the words "registered voter" and insert the words "a person."

The D. Pederson amendment was adopted with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

Ms. Schimek requested a record vote on the advancement of the resolution.

Voting in the affirmative, 26:

Baker	Byars	Janssen	Matzke	Raikes
Beutler	Chambers	Jensen	Pedersen, Dw.	Redfield
Bohlke	Connealy	Kiel	Pederson, D.	Schrock
Brashear	Cudaback	Kremer	Peterson, C.	Thompson
Brown	Engel	Landis	Price	Wehrbein
Bruning				

Voting in the negative, 9:

Bromm	Crosby	Robak	Smith	Tyson
Coordsen	Jones	Schimek	Stuhr	

Present and not voting, 8:

Bourne	Hilgert	Schellpeper	Suttle	Wickersham
Hartnett	Lynch	Schmitt		

Excused and not voting, 6:

Dierks	Kristensen	Preister	Quandahl	Vrtiska
Hudkins				

Advanced to E & R for engrossment with 26 ayes, 9 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 703. E & R amendment, AM7067, found on page 669, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 703A. Mr. Wickersham renewed his pending amendment, AM0640, found on page 822.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 60. Advanced to E & R for engrossment.

LEGISLATIVE BILL 380. E & R amendment, AM7062, found on page 669, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 411. E & R amendment, AM7068, found on page 669, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 440. Advanced to E & R for engrossment.

LEGISLATIVE BILL 440A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 519. E & R amendment, AM7066, found on page 670, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 519A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 475. Mrs. Bohlke and Mr. Beutler offered the following amendment:

AM0647

- 1 1. On page 2, strike beginning with "have" in line 2
- 2 2 through "years" in line 3 and insert "are appropriated".

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Bohlke-Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 479. Advanced to E & R for engrossment.

LEGISLATIVE BILL 802. Advanced to E & R for engrossment.

LEGISLATIVE BILL 214. Advanced to E & R for engrossment.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 272. E & R amendment, AM7073, found on page 720, was adopted.

Mrs. Stuhr offered the following amendment:

AM0601

- 1 1. In the Standing Committee amendment, AM0228, on page
- 2 2, in line 21, strike "pursuant to" and insert "notwithstanding".
- 3 2. On page 12, line 22, strike beginning with "On"
- 4 through "the", show as stricken, and insert "The".
- 5 3. On page 13, line 6, after "year" insert "and shall be
- 6 effective on and after July 1, 2000".
- 7 4. On page 19, strike the matter beginning with
- 8 "superintendent" in line 23 through "resides" in line 24 and all
- 9 amendments thereto, show the old matter as stricken, and insert
- 10 "person authorizing the certificate pursuant to section 48-303".
- 11 5. On page 25, strike the new matter in lines 7 through
- 12 10; and strike line 22 and all amendments thereto, show the old
- 13 matter as stricken, and insert "shall send to the superintendent or
- 14 administrator of the school".
- 15 6. On page 26, strike line 1 and all amendments thereto,
- 16 show the old matter as stricken, and insert "or administrator of a
- 17 school district, upon the receipt of".
- 18 7. On page 30, line 25, strike "shall", show as
- 19 stricken, and insert "may".

- 20 8. On page 91, strike line 16 and all amendments
21 thereto, show the old matter as stricken, and insert "The
22 superintendent or administrator of the school shall endorse upon
23 the certificate"; and strike line 28 and all amendments thereto,
24 show the old matter as stricken, and insert "superintendent or
1 administrator of the school shall transmit within ten days to the
2 State".
3 9. On page 92, line 18, strike "Commissioner of
4 Education" and insert "school".

The Stuhr amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 272A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 813. E & R amendment, AM7074, found on page 722, was adopted.

Mr. Wickersham offered the following amendment:
AM0481

- 1 1. On page 68, line 11, after the stricken "all" insert
2 "(a) The school board of a Class I district which receives approval
3 to exceed the total allowable general fund budget of expenditures
4 minus the special education budget of expenditures pursuant to
5 subsection (3) of this section may, after February 1 of each year
6 beginning in 1999, submit a request to exceed the total allowable
7 general fund budget of expenditures by increasing the special
8 education budget of expenditures to all the school boards of the
9 high school districts or districts with which the Class I district
10 is affiliated or of which it is a part. For Class I districts to
11 exceed the total allowable general fund budget of expenditures
12 approved pursuant to such subsection by increasing the special
13 education budget of expenditures, the request shall be approved by
14 high school districts, including the primary high school district,
15 such that the portions of the Class I district that are affiliated
16 with or part of the approving high school districts comprise at
17 least two-thirds of the assessed valuation of the Class I district.
18 Such request shall specify the total special education budget of
19 expenditures requested and the total special education budget of
20 expenditures in the request approved pursuant to such subsection,
21 with the difference being the requested increase in the total
22 allowable general fund budget of expenditures.
23 (b) The high school district shall approve or deny the
24 request within forty-five days following the receipt of such
1 request and shall forward written notification to the Class I
2 district of approval or denial. The request shall be considered
3 approved if no action is taken by the high school district within

- 4 forty-five days following the receipt of the request.
5 (5)"; and in line 14 strike "(5)", show as stricken, and
6 insert "(6)".

The Wickersham amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 226. E & R amendment, AM7070, found on page 724, was adopted.

Mr. Hilgert offered the following amendment:

AM0656

- 1 1. Strike original section 2 and all amendments thereto
2 and insert the following new section:
3 "Sec. 2. A physician licensed under the Uniform
4 Licensing Law who prescribes, dispenses, or administers or a nurse
5 licensed under the Nurse Practice Act or pharmacist licensed under
6 the Uniform Licensing Law who administers or dispenses a controlled
7 substance in excess of the recommended dosage for the treatment of
8 pain shall not be subject to discipline under sections 71-147 to
9 71-161.20 or 71-1,142 to 71-1,147.61 or under the Nurse Practice
10 Act or criminal prosecution under the Uniform Controlled Substances
11 Act when: (1) In the judgment of the physician, appropriate pain
12 management warrants such dosage; (2) the controlled substance is
13 not administered for the purpose of causing, or the purpose of
14 assisting in causing, death for any reason; and (3) the
15 administration of the controlled substance conforms to policies and
16 guidelines for the treatment of pain adopted by the Board of
17 Examiners in Medicine and Surgery."

The Hilgert amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 375. Advanced to E & R for engrossment.

LEGISLATIVE BILL 407. E & R amendment, AM7071, found on page 724, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 407A. Advanced to E & R for engrossment.

MRS. CROSBY PRESIDING

LEGISLATIVE BILL 612. Mr. Beutler withdrew his amendment, FA28, found on page 668.

Mr. Beutler moved to indefinitely postpone LB 612.

Laid over.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 54. E & R amendment, AM7072, found on page 724, was adopted.

Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 29. Read. Considered.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0420, found on page 678, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LR 29.

Mr. Chambers withdrew his motion to indefinitely postpone.

Mr. Jensen requested to pass over LR 29.

SELECT FILE

LEGISLATIVE BILL 211. Mr. Janssen renewed the Preister pending amendment, AM0537, found on page 725.

Messrs. Jensen and Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Janssen moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Schmitt requested a roll call vote on the Preister amendment.

Voting in the affirmative, 21:

Baker	Bruning	Janssen	Redfield	Stuhr
Beutler	Chambers	Matzke	Robak	Suttle
Bohlke	Connealy	Price	Schellpeper	Thompson
Brown	Hartnett	Raikes	Schmitt	Wehrbein

Wickersham

Voting in the negative, 9:

Bourne	Crosby	Pederson, D.	Schimek	Smith
Bromm	Landis	Quandahl	Schrock	

Present and not voting, 9:

Byars	Cudaback	Jones	Pedersen, Dw.	Vrtiska
Coordsen	Hilgert	Kremer	Tyson	

Excused and not voting, 10:

Brashear	Engel	Jensen	Kristensen	Peterson, C.
Dierks	Hudkins	Kiel	Lynch	Preister

The Preister amendment lost with 21 ayes, 9 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARINGS Natural Resources

Friday, March 12, 1999	1:30 p.m.
Central Interstate Low-Level Radioactive Waste Compact	
Craig Zeisler	
F. Gregory Hayden	

Tuesday, March 16, 1999	1:00 p.m.
Game and Parks Commission	
Connie Lapaseotes	

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENT

Mr. Dierks asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, March 9, 1999, in Room 1510 instead of Room 2102. No objections. So ordered.

COMMUNICATION

March 4, 1999

The Honorable Scott Moore

Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Attached hereto is a copy of engrossed Legislative Resolution 10 as passed by the Ninety-sixth Legislature, First Session on March 3, 1999. I am filing a copy with you for appropriate record-keeping purposes.

Please be advised that I will follow the directive in the resolution and provide copies to the named office holders.

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

PJO:r
Enc.

STANDING COMMITTEE REPORTS Urban Affairs

LEGISLATIVE BILL 78. Placed on General File as amended.

Standing Committee amendment to LB 78:

AM0614

- 1 1. On page 3, line 3, strike "calculated" and insert
- 2 "determined"; and in line 5 strike "may" and insert "shall".
- 3 2. On page 7, line 1, after "utility" insert "and its
- 4 customers"; in line 14 strike "in" and insert "within"; and in line
- 5 16 after "utility" insert "or within its zoning jurisdiction".

LEGISLATIVE BILL 367. Placed on General File as amended.

Standing Committee amendment to LB 367:

AM0615

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Legislature finds that:
- 4 (1) The exercise of zoning, planning, and other
- 5 concomitant powers by a city of the primary class in the area of
- 6 extraterritorial jurisdiction described and authorized by state law
- 7 necessarily affects property outside the corporate boundaries of
- 8 the city and persons who are not inhabitants of or electors in the
- 9 city;
- 10 (2) The protection of unrepresented persons and property
- 11 affected by a statutorily created zoning and planning process is a
- 12 matter of state concern; and
- 13 (3) The protection of such unrepresented persons and
- 14 property would be facilitated by requiring that at least one person
- 15 residing in the area of extraterritorial jurisdiction and appointed
- 16 by an elected body of the area of extraterritorial jurisdiction

17 serve as a member of the planning commission of the city of the
18 primary class if a planning commission exists.

19 Sec. 2. For purposes of this section:

20 (1) Area of extraterritorial jurisdiction means the area
21 outside the corporate boundaries of a city of the primary class but
22 within the largest area subject to such city's zoning, planning,
23 and concomitant jurisdiction as described in sections 15-901,
24 15-902, and 15-905;

1 (2) County board means the county board of a county in
2 which a city of the primary class is located;

3 (3) County clerk means the county clerk of a county in
4 which a city of the primary class is located; and

5 (4) Planning commission means a planning commission as
6 created pursuant to section 15-1101 and organized pursuant to
7 section 4 of this act.

8 Sec. 3. (1) Notwithstanding any provision of a city
9 charter to the contrary, the next vacancy that occurs on a city
10 planning commission of a city of the primary class on or after
11 January 1, 2000, shall be filled by the appointment of a person who
12 resides in the area of extraterritorial jurisdiction as provided in
13 subsection (2) of this section. At all times following the initial
14 appointment of a planning commission member who resides in the area
15 of extraterritorial jurisdiction and is appointed as provided in
16 subsection (2) of this section, one member of the planning
17 commission shall be so qualified and appointed.

18 (2) The city clerk shall formally notify the county clerk
19 of the existence of the next vacant position that occurs on the
20 planning commission on or after January 1, 2000, within ten days
21 after the date of the vacancy. The county board, within thirty
22 days after such notice, shall hold a meeting to consider
23 nominations for appointment to the vacancy and shall appoint a
24 person qualified under subsection (1) of this section to fill the
25 vacancy. Prior to holding such meeting, the county board shall
26 cause to be published a notice of the vacancy and the date of the
27 meeting. The notice shall be published in a newspaper of general
1 circulation in the county in which such planning commission is
2 located at least once in each of the two weeks immediately
3 preceding the week of the meeting. A nominee for the vacancy shall
4 be appointed by majority vote of the county board. The appointee
5 shall become a member of the planning commission when the city
6 clerk receives certification from the county clerk of the name of
7 the appointee.

8 (3) Following the initial appointment of the
9 extraterritorial member to the planning commission pursuant to this
10 section, the city clerk shall inform the county clerk of any
11 vacancy occurring in the extraterritorial member's position within
12 ten days after its occurrence or at least thirty days prior to the
13 expiration of the extraterritorial member's term.

14 Sec. 4. The planning commission of a city of the primary

15 class shall consist of not less than nine regular members who shall
16 represent, insofar as is possible, the different professions or
17 occupations in the municipality and the different geographical
18 areas and neighborhoods of the municipality and surrounding areas.
19 The planning commission may be given such powers and duties by
20 statute or charter as may be appropriate, and on or after January
21 1, 2000, the planning commission shall have one member qualified
22 and appointed as provided in section 3 of this act."

LEGISLATIVE BILL 725. Placed on General File as amended.

Standing Committee amendment to LB 725:

AM0613

- 1 1. Strike original section 8 and insert the following
- 2 new section:
- 3 "Sec. 13. Section 19-4602, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 19-4602. As used in the Municipal Natural Gas Regulation
- 6 Act, unless the context otherwise requires:
- 7 (1) Area rate shall mean the rate charged for natural gas
- 8 service to a class of customers located within a municipality and
- 9 its zoning jurisdiction as determined from the cost of service for
- 10 the rate area;
- 11 (2) Associated company shall mean any company or person
- 12 that directly or indirectly, through one or more intermediaries,
- 13 controls or is controlled by a utility or is under common control
- 14 with a utility;
- 15 (3) Base year shall consist of either the most recent
- 16 calendar year or a consecutive twelve-month period ending not more
- 17 than six months prior to the date of filing;
- 18 (4) Countable days shall mean those calendar days not
- 19 subject to suspension as provided for in the Municipal Natural Gas
- 20 Regulation Act;
- 21 (5) Customer shall mean any noninterruptible purchaser of
- 22 natural gas within a municipality or its zoning jurisdiction with
- 23 requirements of less than one hundred thousand cubic feet of
- 24 natural gas per day;
- 1 (6) Date of filing shall mean the first day of the month
- 2 following the date the rate filing is received by the office of the
- 3 clerk of each municipality in the rate area;
- 4 (7) Date of final action shall be the date upon which the
- 5 last municipality in a rate area adopts or fails to adopt a rate
- 6 ordinance under a rate filing or the one hundred eightieth day,
- 7 counted as provided in section 19-4607, whichever comes first;
- 8 (8) District court shall mean the district court of
- 9 Lancaster County;
- 10 (9) Judicial review shall mean, but shall not be limited
- 11 to, injunctive relief and other equitable relief;
- 12 (10) Interim rates shall mean the newly filed rates
- 13 charged by a utility for natural gas after the ninetieth countable

14 day following the date of filing but prior to final action by the
15 municipality on the rate filing;

16 (11) Municipality shall mean any city of the primary
17 class, city of the first class, city of the second class, or
18 village in Nebraska or, when the context requires, any combination
19 of the same acting in concert in a properly created rate area;

20 (12) Natural gas shall mean either unmixed natural gas or
21 any mixture of natural gas with one or more artificial gases and
22 other hydrocarbons;

23 (13) Rate shall mean every compensation, charge, fare,
24 toll, tariff, rental, late payment charge, or classification which
25 is demanded, observed, charged, or collected by a utility for
26 natural gas and any rules affecting any such compensation, charge,
27 fare, toll, tariff, rental, late payment charge, or classification;

1 (14) Rate area shall mean the municipalities within a
2 geographic area within the state which is properly established
3 under section 19-4606 for the purpose of determining an area rate
4 applicable to the customers within the municipalities and their
5 zoning jurisdictions within the rate area. A rate area shall be
6 served by a single utility through a common pipeline system from
7 the same natural gas supply source within the common system for
8 which the utility has similar costs for serving customers;

9 (15) Rate filing shall mean the formal application by a
10 utility for a change in rates together with the information
11 required by section 19-4611;

12 (16) Subsidization shall mean the action of a utility by
13 which it includes in its rate charged to customers costs and
14 expenses of the utility or any associated company not authorized by
15 or through the operation of the act for purposes of providing
16 pecuniary aid or assistance to the utility's or associated
17 company's appliance merchandising, appliance jobbing, or appliance
18 service contract work activities;

19 (17) Test year shall mean either a consecutive
20 twelve-month period commencing on the proposed effective date of
21 the rate increase or a base year adjusted for known and measurable
22 changes; and

23 (18) Utility shall mean any investor-owned utility or
24 metropolitan utilities district maintaining and operating a natural
25 gas distribution system within a municipality or its zoning
26 jurisdiction in this state."

27 2. On page 2, line 3; page 3, lines 4 and 16; page 4,
1 line 16; and page 5, line 21, strike "15-311".

2 3. On page 12, line 16, strike "15-311,"; and in line 17
3 strike "and 17-1003," and insert "17-1003, and 19-4602,".

4 4. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

Transportation

LEGISLATIVE BILL 556. Placed on General File.

LEGISLATIVE BILL 643. Placed on General File.

LEGISLATIVE BILL 427. Placed on General File as amended.

Standing Committee amendment to LB 427:

AM0447

- 1 1. Strike original section 12 and insert the following
- 2 new section:
- 3 "Sec. 12. Any telephone solicitation originating from a
- 4 location outside this state to the telephone line of any
- 5 residential subscriber in this state shall constitute a minimum
- 6 contact with this state for purposes of long-arm jurisdiction and a
- 7 court in this state may exercise personal jurisdiction over any
- 8 nonresident or his or her executor or administrator as to any
- 9 action or proceeding authorized by sections 1 to 14 of this act."
- 10 2. On page 3, line 4, strike ": (a) To" and insert
- 11 "to"; and in line 5 before "with" insert "(a)" and after
- 12 "permission" insert "or in response to a contact initiated by that
- 13 subscriber".
- 14 3. On page 4, line 22, strike "commission" and insert
- 15 "data base established under this section"; and in lines 23 and 24
- 16 strike "in the data base established under this section".

LEGISLATIVE BILL 469. Placed on General File as amended.

Standing Committee amendment to LB 469:

AM0576

- 1 1. Insert the following new section:
- 2 "Sec. 14. If any section in this act or any part of any
- 3 section is declared invalid or unconstitutional, the declaration
- 4 shall not affect the validity or constitutionality of the remaining
- 5 portions."
- 6 2. On page 3, line 12, after "transaction" insert "".
- 7 Seller does not include a telecommunications company as defined in
- 8 section 86-802 when the company is offering telecommunications
- 9 services of any kind which are subject to the verification
- 10 provisions of the Telephone Consumer Slamming Prevention Act or 47
- 11 C.F.R. 64.1100 through 64.1190"; and in line 26 strike "an" and
- 12 insert "a clearly".
- 13 3. On page 8, line 8, after "damages" insert "or other
- 14 remedies provided by law".

(Signed) Curt Bromm, Chairperson

Judiciary

LEGISLATIVE BILL 200. Indefinitely postponed.

LEGISLATIVE BILL 447. Indefinitely postponed.

LEGISLATIVE BILL 448. Indefinitely postponed.

LEGISLATIVE BILL 611. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENTS - Print in Journal

Mr. Janssen filed the following amendment to LB 578:

AM0661

1 1. Strike original section 3 and all amendments thereto
2 and insert the following new sections:

3 "Sec. 2. Section 49-14,125, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 49-14,125. (1) If, after a preliminary investigation, it
6 is determined by a majority vote of the commission that there is no
7 fails to indicate probable cause for belief that a person has
8 violated the Nebraska Political Accountability and Disclosure Act
9 or the Campaign Finance Limitation Act has been violated or any
10 rule or regulation adopted and promulgated thereunder or if the
11 commission determines that there is insufficient evidence to
12 reasonably believe that the person could be found to have violated
13 either act, the commission shall terminate the investigation and so
14 notify the complainant and the person who had been under
15 investigation.

16 (2) If, after a preliminary investigation, it is
17 determined by a majority vote of the commission that there is
18 probable cause for belief that the Nebraska Political
19 Accountability and Disclosure Act or the Campaign Finance
20 Limitation Act or a rule or regulation adopted and promulgated
21 thereunder has been violated and if the commission determines that
22 there is sufficient evidence to reasonably believe that the person
23 could be found to have violated either act, the commission shall
24 initiate appropriate proceedings to determine whether there has in
1 fact been a violation. All proceedings of the commission pursuant
2 to this subsection shall be by closed session attended only by
3 those persons necessary to the investigation of the alleged
4 violation, unless the person alleged to be in violation of either
5 act or any rule or regulation adopted and promulgated thereunder
6 requests an open session. The commission shall have the powers
7 possessed by the courts of this state to issue subpoenas and cause
8 them to be served and enforced. All testimony shall be under oath
9 which shall be administered by a member of the commission. Any
10 person who appears before the commission shall have all of the due
11 process rights, privileges, and responsibilities of a witness
12 appearing before the courts of this state. All witnesses summoned
13 before the commission shall receive reimbursement as paid in like
14 circumstances in the district court. Any person whose name is
15 mentioned during a proceeding of the commission and who may be
16 adversely affected thereby shall be notified and may appear

17 personally before the commission on that person's own behalf or
 18 file a written statement for incorporation into the record of the
 19 proceeding. The commission shall cause a record to be made of all
 20 proceedings pursuant to this subsection. At the conclusion of
 21 proceedings concerning an alleged violation, the commission shall
 22 immediately begin deliberations on the evidence and then proceed to
 23 determine by majority vote of the members present whether there has
 24 been a violation of the Campaign Finance Limitation Act or the
 25 Nebraska Political Accountability and Disclosure Act. If the
 26 commission determines that there was no violation of either act or
 27 any rule or regulation, the records and actions relative to the
 1 investigation and determination shall remain confidential unless
 2 the alleged violator requests that the records and actions be made
 3 public. If the commission determines that there was a violation,
 4 the records and actions shall be made public as soon as practicable
 5 after the determination is made.

6 Sec. 3. Original sections 49-14,124 and 49-14,125,
 7 Reissue Revised Statutes of Nebraska, are repealed."

Mr. Beutler filed the following amendment to LB 86:
 AM0662

(Amendments to AM0297)

1 1. On page 10, line 12, strike "The" and insert "Until
 2 July 1, 2001, the"; and in line 15 after "13-522" insert ", and
 3 beginning July 1, 2001, the auditor shall conduct such review".

Mr. Vrtiska filed the following amendment to LB 650:
 AM0660

1 1. On page 2, line 17, strike "\$100,000" and insert
 2 "\$240,000".

Mr. Kristensen filed the following amendment to LB 612:
 AM0658

1 1. Insert the following new section:
 2 "Sec. 2. This act becomes operative January 1, 2000."
 3 2. Renumber the remaining section accordingly.

Mr. Landis filed the following amendment to LB 758:
 AM0670

1 1. On page 7, line 28, strike "attempted to or" and
 2 insert "battered".
 3 2. On page 8, line 1, strike "threatened to physically
 4 assault".
 5 3. On page 10, strike beginning with "attempted" in line
 6 12 through "assault" in line 13 and insert "battered".
 7 4. On page 14, after line 27 insert "A school board is
 8 authorized to adopt policies and procedures for notification of
 9 building administration, referral, and record keeping of student
 10 exclusions pursuant to this section.".

- 11 5. On page 17, line 15, strike "provide the files" and
12 insert "make accessible the disciplinary files, including any
13 juvenile or criminal court records,".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 17. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 837. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jennifer Smith from Gering and Denise Wright from Scottsbluff; Pastor Wayne Cramm from Lincoln; 27 Omaha Creighton University exchange students from Shizuoka, Japan; Ryan Cameron, Sara Slaba, Cameron Sidak from O'Neill, and Senator Price's niece, Sonja Heiss, from Page; and 25 third and fourth grade students and teachers from Heartland Community School, Bradshaw.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Schmitt, the Legislature adjourned until 9:00 a.m., Monday, March 8, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY – MARCH 8, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 8, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maustad presiding.

PRAYER

The prayer was offered by Pastor Melvin Brown, Nazarene Church, McCook, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bruning, Connealy, Hilgert, Preister, Mmes. Kiel, and Suttle who were excused; and Mmes. Bohlke, Hudkins, C. Peterson, Robak, Ms. Schimek, Messrs. Brashear, Bromm, Chambers, Dierks, Hartnett, Vrtiska, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 794, strike lines 37 and 38 and insert "Permit the introduction of new bills by the Business and Labor Committee, Req. 1209 and Req. 1210, pursuant to Rule 5, Section 4(c)."

The thirty-seventh day was approved as corrected.

Page 821, after line 36, insert "Transportation".

The Journal for the thirty-eighth day was approved as corrected.

The Journal for the thirty-ninth day was approved.

STANDING COMMITTEE REPORTS**Education**

LEGISLATIVE BILL 329. Indefinitely postponed.

LEGISLATIVE BILL 334. Indefinitely postponed.

LEGISLATIVE BILL 528. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Monday, March 15, 1999
NE Department of Banking and Finance
Samuel Baird

1:30 p.m.

(Signed) David M. Landis, Chairperson

ANNOUNCEMENT

Mr. Connealy designates LB 674 as his priority bill.

MESSAGE FROM THE SECRETARY OF STATE

March 4, 1999

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

Dear Mr. O'Donnell:

This letter is to acknowledge I have received on March 4, 1999, LR 10 and your cover letter dated March 4, 1999. The resolution was passed by the Ninety-sixth Legislature, First Session on March 3, 1999.

I hereby acknowledge that LR 10 has been filed in this office as a matter of public record.

Sincerely,
(Signed) Scott Moore
Secretary of State

dk

MOTIONS - Approve Appointments

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 794: Mark Martin, Administrator - HHS Office of Juvenile Services.

Voting in the affirmative, 27:

Baker	Cudaback	Kremer	Pederson, D.	Schmitt
Bourne	Engel	Kristensen	Price	Schrock
Brown	Janssen	Landis	Raikes	Smith
Byars	Jensen	Matzke	Redfield	Stuhr
Crosby	Jones	Pedersen, Dw.	Schellpeper	Thompson

Tyson Wehrbein

Voting in the negative, 0.

Present and not voting, 4:

Beutler Coordsen Lynch Quandahl

Excused and not voting, 18:

Bohlke	Chambers	Hilgert	Preister	Suttle
Brashear	Connealy	Hudkins	Robak	Vrtiska
Bromm	Dierks	Kiel	Schimek	Wickersham
Bruning	Hartnett	Peterson, C.		

The appointment was confirmed with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 795: Roger Patterson, Director - Department of Water Resources.

Voting in the affirmative, 26:

Baker	Engel	Lynch	Quandahl	Schrock
Bourne	Janssen	Matzke	Raikes	Smith
Brown	Jones	Pedersen, Dw.	Redfield	Stuhr
Byars	Kremer	Pederson, D.	Schellpeper	Tyson
Crosby	Landis	Price	Schmitt	Wehrbein
Cudaback				

Voting in the negative, 0.

Present and not voting, 5:

Beutler Coordsen Jensen Kristensen Thompson

Excused and not voting, 18:

Bohlke	Chambers	Hilgert	Preister	Suttle
Brashear	Connealy	Hudkins	Robak	Vrtiska
Bromm	Dierks	Kiel	Schimek	Wickersham
Bruning	Hartnett	Peterson, C.		

The appointment was confirmed with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 33 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 33.

SELECT FILE

LEGISLATIVE BILL 90A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 67A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 113A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 446A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

MOTION - Introduce New Bills

Mr. Vrtiska renewed his pending motion, found on page 794 and corrected on page 851, to permit the introduction of new bills by the Business and Labor Committee, Req. 1209 and Req. 1210, pursuant to Rule 5, Section 4(c).

The motion prevailed with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 882. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Redfield, 12; Schimek, 27.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 883. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Redfield, 12; Schimek, 27.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

GENERAL FILE

LEGISLATIVE BILL 498. The Standing Committee amendment, AM0343, found on page 616 and considered on page 782, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 574. Title read. Considered.

The Standing Committee amendment, AM0386, found on page 617, was considered.

Mr. Jensen renewed his pending amendment, AM0619, found on page 817, to the Standing Committee amendment.

The Jensen amendment was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 182. Placed on General File as amended.

Standing Committee amendment to LB 182:

AM0671

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. This act shall be known and may be cited as
- 4 the Student Freedom of Expression Act.
- 5 Sec. 2. The Legislature finds that the public policy of
- 6 the state is best served if students attending public high schools
- 7 have the opportunity to express themselves freely in student
- 8 newspapers, yearbooks, and other student publications. The
- 9 Legislature further finds that student expression generally ought
- 10 not be inhibited except for materials that are either obscene or

11 harmful to minors, that are libelous, or which are demonstrably
12 likely to incite violence, law-breaking, or substantial and
13 material disruption of the normal functions of the school. The
14 Legislature further finds that school boards within the state that
15 adopt publications codes pursuant to section 6 of this act ought to
16 adopt such that are consistent with the maximum appropriate freedom
17 of expression for students as described in the Student Freedom of
18 Expression Act.

19 Sec. 3. For purposes of the Student Freedom of
20 Expression Act:

21 (1) Public high school means a public school with high
22 school grades as defined in section 79-101;

23 (2) School official means any member or employee of a
24 local school board;

1 (3) Sponsoring teacher means any faculty member of a
2 public high school with responsibilities for advising or overseeing
3 a publication containing student expression, whether as a
4 curricular or as an extracurricular activity;

5 (4) Student means any person attending a public high
6 school in the state; and

7 (5) Student publication means any school-sponsored
8 publication written substantially by students and made available
9 generally throughout a public high school, whether such publication
10 is distributed free of cost or for a fee.

11 Sec. 4. (1) Where the applicable school board has
12 adopted a publications code pursuant to section 6 of this act,
13 material in a student publication that is consistent with such
14 publications code shall not be suppressed or prohibited on the
15 ground that it involves any individual's opinion or involves
16 factual material regarding controversial subject matter.

17 (2) Where the applicable school board has not adopted a
18 publications code pursuant to section 6 of this act, material in a
19 student publication shall not be suppressed or prohibited on the
20 ground that it involves any individual's opinion or involves
21 factual material regarding controversial subject matter unless it
22 is (a) either obscene or deemed harmful to minors under the
23 definitions in section 28-807, (b) libelous under Nebraska law, or
24 (c) demonstrably likely to incite violence, law-breaking, or
25 substantial and material disruption of the normal functions of the
26 school.

27 Sec. 5. No sponsoring teacher shall be dismissed,
1 demoted, reprimanded, or otherwise punished in any manner for (1)
2 where the applicable school board has adopted a publications code
3 pursuant to section 6 of this act, supporting student expression
4 that is consistent with such publications code, or (2) where the
5 applicable school board has not adopted a publications code
6 pursuant to section 6 of this act, supporting student expression
7 that is consistent with subsection (2) of section 4 of this act.

8 Sec. 6. Each school board of a public high school may

9 adopt written rules setting forth a publications code, including,
 10 but not limited to, provisions for the time, place, and manner of
 11 student publications within the school board's jurisdiction. Such
 12 publications code, if adopted, shall be made readily available to
 13 the students and their parents or guardians with all other codes,
 14 rules, or regulations governing student behavior.

15 Sec. 7. (1) Where the applicable school board has
 16 adopted a publications code pursuant to section 6 of this act,
 17 student editors of student publications shall assign and edit the
 18 news, editorial, and feature content of the publications subject to
 19 such publications code.

20 (2) Where the applicable school board has not adopted a
 21 publications code pursuant to section 6 of this act, student
 22 editors of student publications shall assign and edit the news,
 23 editorial, and feature content of the publications subject to the
 24 Student Freedom of Expression Act.

25 Sec. 8. Where the applicable school board has adopted a
 26 publications code pursuant to section 6 of this act, any expression
 27 made by students within student publications does not constitute or
 1 reflect official school policy. No school district, school board,
 2 member of the school board, or employee of the school district or
 3 school board shall be held responsible in any legal action for any
 4 student publication without proof of actual malice."

LEGISLATIVE BILL 646. Indefinitely postponed.

LEGISLATIVE BILL 726. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

NOTICE OF COMMITTEE HEARING Nebraska Retirement Systems

LB 743	Wednesday, March 17, 1999	12:00 noon
LB 831	Wednesday, March 17, 1999	12:00 noon

(Signed) Elaine Stuhr, Chairperson

AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 141:
 AM0667

- 1 1. Strike original sections 2, 3, and 10 to 12 and all
- 2 amendments thereto.
- 3 2. On page 28, line 3, strike "23-120,"; in line 4
- 4 strike "60-3006,"; in line 5 strike "13-509,"; and in line 6 strike
- 5 "77-125, 77-1514,".
- 6 3. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills.

LB	Committee
882	Business and Labor
883	Business and Labor

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 882	Monday, March 15, 1999	1:30 p.m.
LB 883	Monday, March 15, 1999	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

SELECT FILE

LEGISLATIVE BILL 149. E & R amendment, AM7036, found on page 473, was adopted.

Mr. Quandahl moved to bracket LB 149 until Monday, March 15, 1999.

Mr. Quandahl withdrew his motion to bracket.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 179. Placed on General File as amended.
(Standing Committee amendment, AM0659, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 706. Placed on General File as amended.
(Standing Committee amendment, AM0665, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 132. Indefinitely postponed.
LEGISLATIVE BILL 145. Indefinitely postponed.
LEGISLATIVE BILL 294. Indefinitely postponed.
LEGISLATIVE BILL 301. Indefinitely postponed.

LEGISLATIVE BILL 330. Indefinitely postponed.
LEGISLATIVE BILL 429. Indefinitely postponed.
LEGISLATIVE BILL 492. Indefinitely postponed.
LEGISLATIVE BILL 520. Indefinitely postponed.
LEGISLATIVE BILL 645. Indefinitely postponed.
LEGISLATIVE BILL 745. Indefinitely postponed.
LEGISLATIVE BILL 766. Indefinitely postponed.
LEGISLATIVE BILL 826. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Judiciary

LEGISLATIVE BILL 151. Placed on General File.
LEGISLATIVE BILL 509. Placed on General File.

LEGISLATIVE BILL 55. Placed on General File as amended.
Standing Committee amendment to LB 55:
AM0668

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 "Section 1. (1) If an action is commenced within the
- 4 time prescribed by the applicable statute of limitations but the
- 5 plaintiff fails in the action for a reason other than a reason
- 6 specified in subsection (2) of this section and the applicable
- 7 statute of limitations would prevent the plaintiff from commencing
- 8 a new action, the plaintiff, or his or her representatives if the
- 9 plaintiff has died and the cause of action survived, may commence a
- 10 new action within the period specified in subsection (3) of this
- 11 section.
- 12 (2) A new action may not be commenced in accordance with
- 13 subsection (1) of this section when the original action failed (a)
- 14 on the merits of the action, (b) as a result of voluntary dismissal
- 15 by the plaintiff for a reason other than loss of diversity
- 16 jurisdiction in a federal court, (c) as a result of the plaintiff's
- 17 failure to serve a defendant within the time prescribed in section
- 18 25-217, or (d) as a result of any other inaction on the part of the
- 19 plaintiff where the burden of initiating an action was on the
- 20 plaintiff.
- 21 (3) A new action may be commenced in accordance with
- 22 subsection (1) of this section within a period equal to the lesser
- 23 of (a) six months after the failure of the action or (b) the
- 24 applicable statute of limitations of the original action."

LEGISLATIVE BILL 120. Placed on General File as amended.
Standing Committee amendment to LB 120:
AM0173

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 43-2915, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 43-2915. (1) The parenting plan shall include a schedule
5 which designates in which party's home the minor child shall reside
6 on given days of the year, including provisions for specified
7 religious and secular holidays, birthdays of family members,
8 vacations, and other special occasions and shall, in establishing
9 visitation, specifically take into consideration the importance of
10 the parents' necessary work schedules so as to enable each parent
11 to spend quality time with the minor child.

12 (2) In the development of a parenting plan, consideration
13 shall be given to the minor child's age and developmental needs and
14 provision of a healthy relationship between the minor child and
15 each party with the goal of equalizing visitation time for the
16 noncustodial parent with the time the child spends with the
17 custodial parent.

18 (3) The minimum court-ordered time the minor child shall
19 spend with each parent shall be specified, including, but not
20 limited to, specified religious and secular holidays, birthdays,
21 vacations, and other special occasions.

22 (4) The decree shall include the parenting plan developed
23 by the parents through mediation and approved by the court pursuant
24 to the Parenting Act."

1 2. On page 2, line 12, after "ongoing" insert "equal";
2 and in line 20 after "custody" insert "visitation".

3 3. On page 3, line 7, after "custody" insert "and
4 visitation"; in line 14 strike "and"; and in line 17 after "other"
5 insert "; and

6 (c) In determining visitation arrangements, the court
7 shall take into consideration the parents' necessary work schedules
8 so as to enable each parent to spend quality time with the minor
9 child, and it shall be a goal of the court to equalize visitation
10 time for the noncustodial parent with the time the child spends
11 with the custodial parent, unless such goal is not in the best
12 interests of the minor child".

13 4. On page 7, line 22, strike "and 43-2,113" and insert
14 ", 43-2,113, and 43-2915".

15 5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 175. Placed on General File as amended.

Standing Committee amendment to LB 175:

AM0648

1 1. Strike section 1.

2 2. On page 3, lines 5 and 14, strike "one thousand" and
3 insert "five hundred".

4 3. On page 6, line 5 reinstate the stricken matter and
5 strike "If not contested, trial"; in line 8 strike ". If
6 contested" and insert "unless the defendant appears and contests
7 the action. If the defendant appears and contests the action"; in
8 line 8 strike "less than ten nor" and show as stricken; and in line

- 9 19 strike "ten", show as stricken, and insert "five".
10 4. On page 7, line 1, strike "20-131.04,".
11 5. Renumber the remaining sections accordingly.

(Signed) Kermit A. Brashear, Chairperson

Transportation

LEGISLATIVE BILL 292. Placed on General File.

LEGISLATIVE BILL 504. Placed on General File.

LEGISLATIVE BILL 864. Placed on General File.

LEGISLATIVE BILL 310. Placed on General File as amended.

Standing Committee amendment to LB 310:

AM0650

- 1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 60-6,110, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 60-6,110. (1) Any person who knowingly fails or refuses
6 to obey any lawful order of any peace officer who is controlling or
7 directing traffic shall be guilty of a traffic infraction.
8 (2) Any person who knowingly fails to obey any lawful
9 order of a peace officer shall be guilty of a Class III misdemeanor
10 whenever such order is given in furtherance of the apprehension of
11 a person who has violated the Nebraska Rules of the Road or of a
12 person whom such officer reasonably believes has violated the
13 rules.
14 (3) Except as permitted by section 60-6,115, any person
15 who drives any motor vehicle into any section of a highway
16 designated as temporarily closed to through traffic by traffic
17 control devices, personnel of the Department of Roads, state
18 emergency response team members, peace officers, firefighters,
19 emergency care providers, emergency medical personnel, or other
20 emergency management workers, unless directed to do so by any such
21 personnel, shall be guilty of a Class III misdemeanor.
22 Sec. 2. Original section 60-6,110, Reissue Revised
23 Statutes of Nebraska, is repealed."

(Signed) Curt Bromm, Chairperson

NOTICE OF COMMITTEE HEARING

Transportation

Tuesday, March 16, 1999
Motor Carrier Advisory Council
Emil Beyer

1:30 p.m.

(Signed) Curt Bromm, Chairperson

AMENDMENT - Print in Journal

Messrs. Wickersham and Bromm filed the following amendment to LB 141:
AM0684

- 1 1. Strike original section 13 and all amendments thereto
- 2 and insert the following new sections:
- 3 "Sec. 2. Section 13-520, Revised Statutes Supplement,
- 4 1998, is amended to read:
- 5 13-520. The limitations in section 13-519 shall not
- 6 apply to (1) restricted funds budgeted for capital improvements,
- 7 (2) restricted funds expended from a qualified sinking fund for
- 8 acquisition or replacement of tangible personal property with a
- 9 useful life of five years or more, (3) restricted funds pledged to
- 10 retire bonded indebtedness or used by an airport authority to
- 11 retire interest-free loans from the Department of Aeronautics in
- 12 lieu of bonded indebtedness at a lower cost to the authority, (4)
- 13 restricted funds budgeted in support of a service which is the
- 14 subject of an interlocal cooperation agreement or a modification of
- 15 an existing agreement whether operated by one of the parties to the
- 16 agreement or an independent joint entity, (5) restricted funds
- 17 budgeted to pay for repairs to infrastructure damaged by a natural
- 18 disaster which is declared a disaster emergency pursuant to the
- 19 Emergency Management Act, or (6) restricted funds budgeted to pay
- 20 for judgments, except judgments or orders from the Commission of
- 21 Industrial Relations, obtained against a governmental unit which
- 22 require or obligate a governmental unit to pay such judgment, to
- 23 the extent such judgment is not paid by liability insurance
- 24 coverage of a governmental unit.
- 1 Sec. 15. Section 77-3442, Revised Statutes Supplement,
- 2 1998, is amended to read:
- 3 77-3442. (1) Property tax levies for the support of
- 4 local governments for fiscal years beginning on or after July 1,
- 5 1998, shall be limited to the amounts set forth in this section
- 6 except as provided in section 77-3444.
- 7 (2)(a) Except as provided in subdivision (2)(b) of this
- 8 section, school districts and multiple-district school systems may
- 9 levy a maximum levy of (i) one dollar and ten cents per one hundred
- 10 dollars of taxable valuation of property subject to the levy until
- 11 fiscal year 2001-02 and (ii) one dollar per one hundred dollars of
- 12 taxable valuation of property subject to the levy for fiscal year
- 13 2001-02 and all subsequent fiscal years. Excluded from this
- 14 limitation are amounts levied to pay for sums agreed to be paid by
- 15 a school district to certificated employees in exchange for a
- 16 voluntary termination of employment and amounts levied to pay for
- 17 special building funds and sinking funds established for projects
- 18 commenced prior to April 1, 1996, for construction, expansion, or
- 19 alteration of school district buildings. For purposes of this
- 20 subsection, commenced means any action taken by the school board on
- 21 the record which commits the board to expend district funds in

22 planning, constructing, or carrying out the project.

23 (b) Federal aid school districts may exceed the maximum
24 levy prescribed by subdivision (2)(a) of this section only to the
25 extent necessary to qualify to receive federal aid pursuant to
26 Title VIII of Public Law 103-382. For purposes of this
27 subdivision, federal aid school district means any school district
1 which receives ten percent or more of the revenue for its general
2 fund budget from federal government sources pursuant to Title VIII
3 of Public Law 103-382.

4 (3) Community colleges may levy a maximum levy on each
5 one hundred dollars of taxable property subject to the levy of (a)
6 eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and
7 (b) seven cents for fiscal year 2000-01 and each fiscal year
8 thereafter.

9 (4) Natural resources districts may levy a maximum levy
10 of four and one-half cents per one hundred dollars of taxable
11 valuation of property subject to the levy.

12 (5) Educational service units may levy a maximum levy of
13 one and one-half cents per one hundred dollars of taxable valuation
14 of property subject to the levy.

15 (6) Incorporated cities and villages may levy a maximum
16 levy of forty-five cents per one hundred dollars of taxable
17 valuation of property subject to the levy plus an additional five
18 cents per one hundred dollars of taxable valuation to provide
19 financing for the municipality's share of revenue required under an
20 agreement or agreements executed pursuant to the Interlocal
21 Cooperation Act. The maximum levy shall include amounts levied to
22 pay for sums to support a library pursuant to section 51-201,
23 museum pursuant to section 51-501, visiting community nurse, home
24 health nurse, or home health agency pursuant to section 71-1637, or
25 statue, memorial, or monument pursuant to section 80-202.

26 (7) Sanitary and improvement districts which have been in
27 existence for more than five years may levy a maximum levy of forty
1 cents per one hundred dollars of taxable valuation of property
2 subject to the levy, and sanitary and improvement districts which
3 have been in existence for five years or less shall not have a
4 maximum levy.

5 (8) Counties may levy or authorize a maximum levy of
6 fifty cents per one hundred dollars of taxable valuation of
7 property subject to the levy, except that five cents per one
8 hundred dollars of taxable valuation of property subject to the
9 levy may only be levied to provide financing for the county's share
10 of revenue required under an agreement or agreements executed
11 pursuant to the Interlocal Cooperation Act. The maximum levy shall
12 include amounts levied to pay for sums to support a library
13 pursuant to section 51-201 or museum pursuant to section 51-501.
14 The county may allocate up to fifteen cents of its authority to
15 other political subdivisions subject to allocation of property tax
16 authority under subsection (1) of section 77-3443 and not

specifically covered in this section to levy taxes as authorized by law which do not collectively exceed fifteen cents per one hundred dollars of taxable valuation on any parcel or item of taxable property. The county may allocate to one or more other political subdivisions subject to allocation of property tax authority by the county under subsection (1) of section 77-3443 some or all of the county's five cents per one hundred dollars of valuation authorized for support of an interlocal agreement or agreements to be levied by the political subdivision for the purpose of supporting that political subdivision's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act. If an allocation by a county would cause another county to exceed its levy authority under this section, the second county may exceed the levy authority in order to levy the amount allocated.

(9) Property tax levies for judgments obtained against a political subdivision which require or obligate a political subdivision to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a political subdivision, for preexisting lease-purchase contracts approved prior to July 1, 1998, ~~and~~ for bonded indebtedness approved according to law and secured by a levy on property, and for payments by an airport authority to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the authority are not included in the levy limits established by this section.

(10) The limitations on tax levies provided in this section are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this section are those provided by or authorized by sections 77-3442 to 77-3444.

(11) Tax levies in excess of the limitations in this section shall be considered unauthorized levies under section 77-1606 unless approved under section 77-3444.

Sec. 16. Section 77-3443, Revised Statutes Supplement, 1998, is amended to read:

77-3443. (1) All ~~(a)~~ political subdivisions, other than (a) school districts, community colleges, natural resources districts, educational service units, cities, villages, counties, and sanitary and improvement districts and (b) political subdivisions subject to municipal allocation under subsection (2) of this section, may levy taxes as authorized by law which are authorized by the county board of the county in which the greatest portion of the valuation is located, which are counted in the county levy limit provided in section 77-3442, and which do not collectively total more than fifteen cents per one hundred dollars of taxable valuation on any parcel or item of taxable property for all governments for which allocations are made by the municipality or county, except that such limitation shall not apply to property

12 tax levies for preexisting lease-purchase contracts approved prior
13 to July 1, 1998, ~~and~~ for bonded indebtedness approved according to
14 law and secured by a levy on property, ~~and for payments by an~~
15 airport authority to retire interest-free loans from the Department
16 of Aeronautics in lieu of bonded indebtedness at a lower cost to
17 the authority. The county board shall review and approve or
18 disapprove the levy request of all political subdivisions subject
19 to this subsection. The county board may approve all or a portion
20 of the levy request and may approve a levy request that would allow
21 the requesting political subdivision to levy a tax at a levy
22 greater than that permitted by law. The county board of a county
23 which contains a transit authority created pursuant to section
24 14-1803 shall allocate no less than three cents per one hundred
25 dollars of taxable property within the city subject to the levy to
26 the transit authority if requested by such authority. For any
27 political subdivision subject to this subsection that receives
1 taxes from more than one county, the levy shall be allocated only
2 by the county in which the greatest portion of the valuation is
3 located. The county board of equalization shall certify all levies
4 by October 15 to insure that the taxes levied by political
5 subdivisions subject to this subsection do not exceed the allowable
6 limit for any parcel or item of taxable property. The levy
7 allocated by the county may be exceeded as provided in section
8 77-3444.

9 (2) All city airport authorities established under the
10 Cities Airport Authorities Act, community redevelopment authorities
11 established under the Community Development Law, transit
12 authorities established under the Transit Authority Law, and
13 offstreet parking districts established under the Offstreet Parking
14 District Act may be allocated property taxes as authorized by law
15 which are authorized by the city or village and are counted in the
16 city or village levy limit provided by section 77-3442, except that
17 such limitation shall not apply to property tax levies for
18 preexisting lease-purchase contracts approved prior to July 1,
19 1998, ~~and~~ for bonded indebtedness approved according to law and
20 secured by a levy on property, ~~or for payments by an airport~~
21 authority to retire interest-free loans from the Department of
22 Aeronautics in lieu of bonded indebtedness at a lower cost to the
23 authority. The city council of a city which has created a transit
24 authority pursuant to section 14-1803 shall allocate no less than
25 three cents per one hundred dollars of taxable property subject to
26 the levy to the transit authority if requested by such authority.
27 The city council or village board shall review and approve or
1 disapprove the levy request of the political subdivisions subject
2 to this subsection. The city council or village board may approve
3 all or a portion of the levy request and may approve a levy request
4 that would allow a levy greater than that permitted by law. The
5 levy allocated by the municipality may be exceeded as provided in
6 section 77-3444.

7 (3) On or before August 1, all political subdivisions
 8 subject to county or municipal levy authority under this section
 9 shall submit a preliminary request for levy allocation to the
 10 county board, city council, or village board that is responsible
 11 for levying such taxes. The preliminary request of the political
 12 subdivision shall be in the form of a resolution adopted by a
 13 majority vote of members present of the political subdivision's
 14 governing body. The failure of a political subdivision to make a
 15 preliminary request shall preclude such political subdivision from
 16 using procedures set forth in section 77-3444 to exceed the final
 17 levy allocation as determined in subsection (4) of this section.

18 (4) Each county board, city council, or village board
 19 shall (a) adopt a resolution by a majority vote of members present
 20 which determines a final allocation of levy authority to its
 21 political subdivisions and (b) forward a copy of such resolution to
 22 the chairperson of the governing body of each of its political
 23 subdivisions. No final levy allocation shall be changed after
 24 September 1 except by agreement between both the county board, city
 25 council, or village board which determined the amount of the final
 26 levy allocation and the governing body of the political subdivision
 27 whose final levy allocation is at issue."

1 2. On page 28, line 6, before "30-24,125" insert

2 "13-520," and before "77-3443" insert "77-3442,".

3 3. Renumber the remaining sections accordingly.

MOTION - Print in Journal

Ms. Schimek filed the following motion to LB 455:
 Suspend the rules, Rule 3, Section 13, to permit canceling and rescheduling
 LB 455 from Thursday, March 11, 1999 to Wednesday, March 17, 1999.

BILL ON FIRST READING

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

LEGISLATIVE BILL 289A. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid
 in carrying out the provisions of Legislative Bill 289, Ninety-sixth
 Legislature, First Session, 1999.

SELECT FILE

LEGISLATIVE BILL 149. Mrs. Brown offered the following amendment:
 AM0597

1 1. On page 30, line 22; page 31, lines 6 and 23; page
 2 33, line 19; page 36, line 2; page 38, line 24; page 39, line 3;
 3 page 40, lines 7 and 18; and page 41, line 14, strike "February"
 4 and insert "March".

Mrs. Brown withdrew her amendment.

Mr. Wickersham moved to indefinitely postpone LB 149.

Laid over.

LEGISLATIVE BILL 86. E & R amendment, AM7069, found on page 675, was adopted.

Mr. Beutler renewed his pending amendment, AM0662, found on page 849.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment lost with 7 ayes, 13 nays, 19 present and not voting, and 10 excused and not voting.

Mr. Beutler moved to indefinitely postpone LB 86.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 36. Introduced by Vrtiska, 1.

WHEREAS, the Falls City Sacred Heart High School girls' basketball team won the 1999 Class D-1 state championship in the Nebraska Girls' State Basketball Tournament on March 6, 1999; and

WHEREAS, Falls City Sacred Heart defeated Harvard 66-61 to win the 1999 state championship; and

WHEREAS, the team is coached by Dennis Prichard and consists of members Julie Froeschl, Nicole Kreifels, Katie McGinnis, Syd Merz, Katie Simon, Andrea Weaver, Denise Witt, and Sally Witt; and

WHEREAS, this was the second consecutive state championship for the Falls City Sacred Heart High School girls' basketball team.

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

1. That the Legislature congratulates the Falls City Sacred Heart girls' basketball team.

2. That a copy of this resolution be sent to Falls City Sacred Heart High School.

Laid over.

NOTICE OF COMMITTEE HEARING

Natural Resources

Tuesday, March 16, 1999
Power Review Board

1:00 p.m.

Mark Hunzeker

(Signed) Ed Schrock, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 674. No objections. So ordered.

VISITORS

Visitors to the Chamber were Audrey Brown from McCook; Bob Busch from Mitchell; and 8 kindergarten through ninth grade students and teacher from Valley View Seventh-Day Adventist School, Scottsbluff.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Tuesday, March 9, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY – MARCH 9, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 9, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maustad presiding.

PRAYER

The prayer was offered by Pastor Jim Goble, Fourth Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Dierks, Hilgert, Kristensen, Landis, Matzke, Vrtiska, Mmes. Kiel, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

MESSAGE FROM THE GOVERNOR

March 8, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 91, 134, 152, 161, 163, 163A, 253, 323, 340, 369, 396, 465, 795, and 846 were received in my office on March 3, 1999.

These bills were signed by me on March 8, 1999, and delivered to the Secretary of State.

(Signed) Sincerely,
Mike Johanns
Governor

ANNOUNCEMENT

Mr. Wickersham designates LB 142 as his priority bill.

MOTION - Suspend Rules

Ms. Schimek renewed her pending motion, found on page 866, to suspend the rules, Rule 3, Section 13, to permit canceling and rescheduling LB 455 from Thursday, March 11, 1999 to Wednesday, March 17, 1999.

The Schimek motion to suspend the rules prevailed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

**NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs**

LB 455	Thursday, March 11, 1999 (canceled)	1:30 p.m.
LB 455	Wednesday, March 17, 1999 (rescheduled)	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Time and Room Change

Mr. Landis asked unanimous consent to permit the Banking, Commerce and Insurance Committee to begin the hearing scheduled for Monday, March 15, 1999, at 11:00 a.m. rather than 1:30 p.m. in Room 2102 rather than Room 1507. No objections. So ordered.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 34 and LR 35 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 34 and LR 35.

GENERAL FILE

LEGISLATIVE BILL 386. Title read. Considered.

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 386A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

The Standing Committee amendment, AM0099, found on page 411, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA44

Committee Amendments (AM0099)

P. 2, strike beginning with "There" in line 23 through the period in line 26.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA45

Committee Amendments (AM0099)

1. P. 2, Strike beginning with "There" in line 13 through "liquor" in line 17.
2. In line 20 put a period after "liquor" and strike remaining language.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING
Natural Resources

LR 27

Tuesday, March 16, 1999

1:00 p.m.

(Signed) Ed Schrock, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 18. Placed on General File.

LEGISLATIVE BILL 862. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Transportation

LEGISLATIVE BILL 705. Placed on General File as amended.
Standing Committee amendment to LB 705:
AM0708

1. On page 4, line 18, strike the new matter.

(Signed) Curt Bromm, Chairperson

General Affairs

LEGISLATIVE BILL 127. Placed on General File.

LEGISLATIVE BILL 196. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 37. Introduced by Matzke, 47.

WHEREAS, the Ogallala girls' basketball team won the 1999 Class B Girls' State Basketball Tournament Championship; and

WHEREAS, in the championship game, the Ogallala Lady Indians maintained their undefeated season by upsetting the South Sioux City Cardinals 69-58, a team that had won the state championship title for the previous four years; and

WHEREAS, Head Coach Allen Cerny and Assistant Coaches Kim Hanisch and Robert Reynolds guided their team toward a perfect 23-0 season; and

WHEREAS, throughout the year the Ogallala girls' basketball team has complemented their talents with sportsmanship, motivation, and hard work; and

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

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

1. That the Legislature recognizes and congratulates the Ogallala Lady Indians girls' basketball team and the coaches for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Ogallala girls' basketball team and Head Coach Cerny.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 126. Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA46

Committee Amendment (AM0099)

P. 1, strike lines 7-24 & P. 2, strike line 1.

SPEAKER KRISTENSEN PRESIDING

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Messrs. Dw. Pedersen and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

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

Mr. Schellpeper requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 17:

Beutler	Hudkins	Peterson, C.	Raikes	Schimek
Bohlke	Jensen	Preister	Redfield	Suttle
Brown	Kiel	Price	Robak	Thompson
Chambers	Landis			

Voting in the negative, 23:

Baker	Byars	Hartnett	Pederson, D.	Stuhr
Bourne	Connealy	Janssen	Schellpeper	Tyson
Brashear	Cudaback	Jones	Schrock	Wehrbein
Bromm	Dierks	Kremer	Smith	Wickersham
Bruning	Engel	Matzke		

Present and not voting, 4:

Crosby	Quandahl	Schmitt	Vrtiska
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Excused and not voting, 5:

Coorsen	Hilgert	Kristensen	Lynch	Pedersen, Dw.
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The Chambers amendment lost with 17 ayes, 23 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 510. Placed on General File.

LEGISLATIVE BILL 692. Placed on General File.

LEGISLATIVE BILL 96. Placed on General File as amended.

Standing Committee amendment to LB 96:

AM0600

- 1 1. On page 12, strike lines 4 through 16 and insert the
- 2 following new subsection:
- 3 "~~(2) All elective county officers shall be nominated and~~
- 4 ~~electd on a partisan ballot, except that in counties having less~~
- 5 ~~than ten thousand inhabitants, elective county officers may be~~
- 6 ~~nominated and electd on a nonpartisan ballot if a majority of the~~
- 7 ~~voters voting on the issue at a statewide primary or general~~
- 8 ~~election vote to nominate and elect county officers on a~~
- 9 ~~nonpartisan ballot. The issue may be placed on the ballot at a~~
- 10 ~~statewide primary or general election by resolution of the county~~
- 11 ~~board adopted not less than sixty days prior to the election or by~~
- 12 ~~a petition signed by registered voters equal in number to at least~~
- 13 ~~ten percent of the registered voters voting in the county at the~~
- 14 ~~last gubernatorial election filed with the county board not less~~
- 15 ~~than sixty days prior to the election.~~"; in line 22 strike "~~fifty~~"
- 16 and insert "~~ten~~"; and strike beginning with the comma in line 22
- 17 through "~~inhabitants~~" in line 23.

LEGISLATIVE BILL 438. Placed on General File as amended.

Standing Committee amendment to LB 438:

AM0557

- 1 1. On page 2, line 15, strike "~~forty-eight hours after~~",
- 2 show the old matter as stricken, and insert "~~two days after the~~
- 3 ~~date of~~".
- 4 2. On page 3, line 11, strike "~~(2)~~" and insert "~~(1)(b)~~";
- 5 strike beginning with "~~A~~" in line 13 through "~~making~~" in line 15
- 6 and insert "~~An independent committee, including a separate~~
- 7 ~~segregated political fund, which makes a late independent~~
- 8 ~~expenditure shall report the expenditure to the commission by~~
- 9 ~~filing within two days after the date of~~"; in lines 23 and 25 after
- 10 "~~late~~" insert "~~independent~~"; and strike beginning with "~~This~~" in
- 11 line 27 through line 28.
- 12 3. On page 4, strike line 1; in lines 2, 6, and 8 after

- 13 "late" insert "independent"; strike line 9 and insert "an
 14 independent"; and in line 12 strike "(2)" and insert "(1)(b)".

LEGISLATIVE BILL 654. Placed on General File as amended.

Standing Committee amendment to LB 654:

AM0711

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 77-912, Revised Statutes Supplement,
- 3 1998, is amended to read:
- 4 77-912. The Director of Insurance shall transmit fifty
- 5 percent of the taxes paid in conformity with Chapter 44, article 1,
- 6 and Chapter 77, article 9, to the State Treasurer, forty percent of
- 7 such taxes paid to the General Fund, and ten percent of such taxes
- 8 paid to the Mutual Finance Assistance Fund promptly upon completion
- 9 of his or her audit and examination and in no event later than May
- 10 1 of each year, except that:
- 11 (1) All fire insurance taxes paid pursuant to sections
- 12 44-150 and 81-523 shall be remitted to the State Treasurer for
- 13 credit to the Fire Insurance Tax Fund;
- 14 (2) All workers' compensation insurance taxes paid
- 15 pursuant to section 44-150 shall be remitted to the State Treasurer
- 16 for credit to the Compensation Court Cash Fund; and
- 17 (3) On ~~August 1, 1996, and each August 1 thereafter~~
- 18 ~~through~~ August 1, 1999, the State Treasurer shall transfer one
- 19 hundred thousand dollars to the Nebraska Local Government
- 20 Innovation and Restructuring Fund."
- 21 2. On page 7, line 20, reinstate the stricken "for" and
- 22 "1999-00" and after the reinstated "for" insert "fiscal year"; and
- 23 in line 26 strike the new matter and insert "1999".
- 24 3. On page 30, line 1, after the new matter insert
- 1 "not".
- 2 4. On page 37, line 4, after "sections" insert
- 3 "77-912,".
- 4 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 421. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Health and Human Services

LEGISLATIVE BILL 522. Placed on General File as amended.

Standing Committee amendment to LB 522:

AM0529

- 1 1. On page 2, line 4, reinstate the stricken matter; and
- 2 strike beginning with the comma in line 5 through the comma in line
- 3 6.

LEGISLATIVE BILL 828. Placed on General File as amended.

(Standing Committee amendment, AM0673, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

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

Military Department
General Stanley Heng

VOTE: Aye: Senators Cudaback, Janssen, Kremer, Quandahl, Schimek, Schmitt, Smith, and Vrtiska. Nay: None. Absent: None.

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

Athletic Commission
Wally Jernigan

VOTE: Aye: Senators Cudaback, Janssen, Kremer, Quandahl, Schimek, Schmitt, Smith, and Vrtiska. Nay: None. Absent: None.

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

State Fire Marshal
Ken Winters

VOTE: Aye: Senators Cudaback, Janssen, Kremer, Quandahl, Schimek, Schmitt, Smith, and Vrtiska. Nay: None. Absent: None.

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARING **Agriculture**

Tuesday, March 16, 1999
Climate Assessment Response Committee
Roger Patterson

1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

AMENDMENTS - Print in Journal

Mr. Preister filed the following amendment to LB 211:

AM0692

- 1 1. On page 2, strike line 17 and all amendments thereto
- 2 and insert the following new subsections:
- 3 "(3) Smoking is prohibited in all vehicles owned or
- 4 leased by the state and in all buildings owned, leased, or occupied
- 5 by the state except as provided in subsections (4), (5), and (6) of
- 6 this section.
- 7 (4) The following buildings or areas within buildings in
- 8 which persons reside or lodge may be exempt from this section: (a)
- 9 Nebraska veterans homes established pursuant to section 80-315; (b)
- 10 private residences; (c) facilities and institutions under the
- 11 control of the Department of Health and Human Services; and (d)
- 12 overnight lodging facilities and buildings managed by the Game and
- 13 Parks Commission, but no more than twenty-five percent of the
- 14 overnight lodging facilities at each park location shall permit
- 15 smoking.
- 16 (5) Designated smoking areas not to exceed fifty percent
- 17 of the space used by the public may be established in state-owned
- 18 buildings at Nebraska State Fairgrounds that possess a Class C, I,
- 19 or M license for the sale of alcoholic liquor for consumption on
- 20 the premises under the Nebraska Liquor Control Act.
- 21 (6) Smoking may be permitted in no more than forty
- 22 percent of the residential housing rooms or units owned or leased
- 23 on each campus under the control of the Board of Regents of the
- 24 University of Nebraska or the Board of Trustees of the Nebraska
- 1 State Colleges."

Mr. Beutler filed the following amendment to LB 234:

AM0709

(Amendments to Standing Committee amendments, AM0249)

- 1 1. Insert the following new section:
- 2 "Sec. 14. Any electronic record authorized by statute to
- 3 constitute the permanent record shall be electronically reproduced
- 4 onto a protected backup file within five working days of the
- 5 creation of the permanent record. Adequate protective technology
- 6 shall be used by the keeper of the records to protect the backup
- 7 file from electrical surges and from unauthorized tampering. The
- 8 backup file shall be kept in a separate location from the permanent
- 9 record to minimize the risk of destruction of both copies. Prior
- 10 to January 1, 2000, the information management services
- 11 administrator of the Department of Administrative Services shall
- 12 notify all affected state agencies and other entities and
- 13 governmental subdivisions keeping electronic records as authorized
- 14 by statute of the requirements of this section."
- 15 2. Renumber the remaining section accordingly.

ANNOUNCEMENTS

Mr. Jones designates LB 704 as his priority bill.

The Education Committee designates LB 816 and LB 144 as its priority bills.

AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 314:
(Amendment, AM0710, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Kristensen filed the following amendment to LB 149:
AM0715

- 1 1. Insert the following new section:
- 2 "Sec. 3. Notwithstanding any other provision of law, if
- 3 the appropriation to the Tax Equity and Educational Opportunities
- 4 Fund when added to the allocation from the Insurance Tax Fund
- 5 exceeds or is less than the aggregate amount certified to be paid
- 6 pursuant to section 79-1022, the state aid certified for the
- 7 ensuing school fiscal year shall be null and void and the
- 8 department shall recertify state aid based on the appropriation."
- 9 2. On page 2, line 3, strike "section 2" and insert
- 10 "sections 2 and 3".
- 11 3. On page 28, line 11, after "to" insert "section 3 of
- 12 this act and".
- 13 4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Coordsen asked unanimous consent to have his name added as cointroducer to LB 96 and LB 704. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Schmitt withdrew his name as cointroducer to LB 274.

RESOLUTION

LEGISLATIVE RESOLUTION 38. Introduced by Kiel, 9.

WHEREAS, the Creighton University men's basketball team, the Bluejays, won the championship of the Missouri Valley Conference March 1, 1999; and

WHEREAS, Coach Dana Altman and the Creighton Bluejays posted a 21-8 season record; and

WHEREAS, as Missouri Valley Conference champions, the Creighton

Bluejays have won a berth in the NCAA tournament; and

WHEREAS, Rodney Buford was named Missouri Valley Conference MVC Player of the Year for the third consecutive year.

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

1. That the Legislature congratulates the Creighton University men's basketball team.

2. That a copy of this resolution be sent to Coach Dana Altman at Creighton University.

Laid over.

VISITORS

The Doctor of the Day was Dr. Mike Sayers from Lincoln.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Wednesday, March 10, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY – MARCH 10, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 10, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Father Chuck Swanson, Holy Cross Catholic Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Coordsen, Hilgert, and Mrs. Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

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

The following bills and resolution were correctly engrossed: LBs 60, 100, 101, 194, 214, 380, 411, 440, 440A, 475, 479, 519, 519A, 703, 703A, 802, and LR 14CA.

Enrollment and Review Change to LB 100

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

ER9020

1. On page 2, line 25, "a" has been inserted before "personal".
2. On page 4, line 24, the comma has been struck and shown as stricken.

Enrollment and Review Change to LB 194

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

ER9018

1. On page 1, line 2, "77-1701," has been inserted after the last comma.
2. In the E & R Amendments, AM7057, on page 2, line 5, "subsection" has been struck and "section" inserted.
3. In the Schimek amendment, AM0641, on page 1, line 21, underscored quotation marks have been inserted before "ATTENTION"; and in line 23 underscored quotation marks have been inserted after the period.

Enrollment and Review Change to LB 214

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

ER9022

1. On page 8, line 12, "telephone" has been inserted after "prepaid".

Enrollment and Review Change to LB 380

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

ER9021

1. In the Standing Committee amendments, AM0246, on page 1, line 2, "(1)" has been struck and "(a)" inserted; in line 3 "(2)" has been struck and "(b)" inserted; and in line 4 "(3)" has been struck and "(c)" inserted.
2. On page 2, line 17, "(1)" has been inserted after the period; in line 19 "(1)" has been struck, shown as stricken, and "(a)" inserted; in line 20 "(2)" has struck, shown as stricken, and "(d)" inserted; in line 23 "(5)" has been struck, shown as stricken, and "(e)" inserted; and in line 24 paragraphing and "(2)" have been inserted after the period.
3. On page 3, line 4, paragraphing and "(3)" have been inserted after the period.

(Signed) Adrian M. Smith, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 39.** Introduced by Coordsen, 32.

WHEREAS, the Davenport Tigers won the Class D-2 Girls' State High School Basketball Tournament which is the second girls' basketball championship in school history; and

WHEREAS, the third-ranked Davenport Tigers used a ball-control offense, strong offensive rebounding, and tough man-to-man defense to outscore the first-ranked Hayes Center Cardinals by the score 35-29; and

WHEREAS, in the three-game run to the title the Davenport Tigers allowed their opponents to score a combined 88 points or approximately an average of 29 points per game; and

WHEREAS, the Davenport Tigers end their season with a 22-3 record.

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

1. That the Legislature congratulates and commends the Davenport High School girls' basketball team and Coach Todd Voss and his staff for winning the Class D-2 Championship.

2. That a copy of this resolution be sent to Davenport High School.

Laid over.

ANNOUNCEMENTS

Mrs. Hudkins designates LB 661 as her priority bill.

The General Affairs Committee designates LB 127 and LB 267 as its priority bills.

SELECT FILE

LEGISLATIVE BILL 149. Mr. Wickersham withdrew his motion, found on page 867, to indefinitely postpone.

Mr. Kristensen renewed his pending amendment, AM0715, found on page 878.

Mr. Wickersham offered the following amendment to the Kristensen pending amendment:

AM0728

(Amendments to AM0715)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 77-3442, Revised Statutes
- 3 Supplement, 1998, is amended to read:
- 4 77-3442. (1) Property tax levies for the support of
- 5 local governments for fiscal years beginning on or after July 1,
- 6 1998, shall be limited to the amounts set forth in this section
- 7 except as provided in section 77-3444.
- 8 (2)(a) Except as provided in subdivision (2)(b) of this
- 9 section, school districts and multiple-district school systems may
- 10 levy a maximum levy of (i) one dollar and ten cents per one hundred
- 11 dollars of taxable valuation of property subject to the levy until
- 12 fiscal year 2001-02 and (ii) one dollar per one hundred dollars of
- 13 taxable valuation of property subject to the levy for fiscal year
- 14 2001-02 and all subsequent fiscal years. Excluded from this
- 15 limitation are amounts levied to pay for sums agreed to be paid by
- 16 a school district to certificated employees in exchange for a
- 17 voluntary termination of employment and amounts levied to pay for

18 special building funds and sinking funds established for projects
19 commenced prior to April 1, 1996, for construction, expansion, or
20 alteration of school district buildings. For purposes of this
21 subsection, commenced means any action taken by the school board on
22 the record which commits the board to expend district funds in
23 planning, constructing, or carrying out the project.

1 (b) Federal aid school districts may exceed the maximum
2 levy prescribed by subdivision (2)(a) of this section only to the
3 extent necessary to qualify to receive federal aid pursuant to
4 Title VIII of Public Law 103-382. For purposes of this
5 subdivision, federal aid school district means any school district
6 which receives ten percent or more of the revenue for its general
7 fund budget from federal government sources pursuant to Title VIII
8 of Public Law 103-382.

9 (c) Beginning with fiscal year 2002-2003, school
10 districts and multiple district school systems may exceed the
11 maximum levy prescribed by subdivision (2)(a) of this section in an
12 amount equal to the net difference between the amount of state aid
13 certified for the ensuing school fiscal year for the district or
14 multiple district school system on or before March 1 and any amount
15 certified under section 4 of this act.

16 (3) Community colleges may levy a maximum levy on each
17 one hundred dollars of taxable property subject to the levy of (a)
18 eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and
19 (b) seven cents for fiscal year 2000-01 and each fiscal year
20 thereafter.

21 (4) Natural resources districts may levy a maximum levy
22 of four and one-half cents per one hundred dollars of taxable
23 valuation of property subject to the levy.

24 (5) Educational service units may levy a maximum levy of
25 one and one-half cents per one hundred dollars of taxable valuation
26 of property subject to the levy.

27 (6) Incorporated cities and villages may levy a maximum
1 levy of forty-five cents per one hundred dollars of taxable
2 valuation of property subject to the levy plus an additional five
3 cents per one hundred dollars of taxable valuation to provide
4 financing for the municipality's share of revenue required under an
5 agreement or agreements executed pursuant to the Interlocal
6 Cooperation Act. The maximum levy shall include amounts levied to
7 pay for sums to support a library pursuant to section 51-201,
8 museum pursuant to section 51-501, visiting community nurse, home
9 health nurse, or home health agency pursuant to section 71-1637, or
10 statue, memorial, or monument pursuant to section 80-202.

11 (7) Sanitary and improvement districts which have been in
12 existence for more than five years may levy a maximum levy of forty
13 cents per one hundred dollars of taxable valuation of property
14 subject to the levy, and sanitary and improvement districts which
15 have been in existence for five years or less shall not have a
16 maximum levy.

17 (8) Counties may levy or authorize a maximum levy of
18 fifty cents per one hundred dollars of taxable valuation of
19 property subject to the levy, except that five cents per one
20 hundred dollars of taxable valuation of property subject to the
21 levy may only be levied to provide financing for the county's share
22 of revenue required under an agreement or agreements executed
23 pursuant to the Interlocal Cooperation Act. The maximum levy shall
24 include amounts levied to pay for sums to support a library
25 pursuant to section 51-201 or museum pursuant to section 51-501.
26 The county may allocate up to fifteen cents of its authority to
27 other political subdivisions subject to allocation of property tax
1 authority under subsection (1) of section 77-3443 and not
2 specifically covered in this section to levy taxes as authorized by
3 law which do not collectively exceed fifteen cents per one hundred
4 dollars of taxable valuation on any parcel or item of taxable
5 property. The county may allocate to one or more other political
6 subdivisions subject to allocation of property tax authority by the
7 county under subsection (1) of section 77-3443 some or all of the
8 county's five cents per one hundred dollars of valuation authorized
9 for support of an interlocal agreement or agreements to be levied
10 by the political subdivision for the purpose of supporting that
11 political subdivision's share of revenue required under an
12 agreement or agreements executed pursuant to the Interlocal
13 Cooperation Act. If an allocation by a county would cause another
14 county to exceed its levy authority under this section, the second
15 county may exceed the levy authority in order to levy the amount
16 allocated.

17 (9) Property tax levies for judgments obtained against a
18 political subdivision which require or obligate a political
19 subdivision to pay such judgment, to the extent such judgment is
20 not paid by liability insurance coverage of a political
21 subdivision, for preexisting lease-purchase contracts approved
22 prior to July 1, 1998, and for bonded indebtedness approved
23 according to law and secured by a levy on property are not included
24 in the levy limits established by this section.

25 (10) The limitations on tax levies provided in this
26 section are to include all other general or special levies provided
27 by law. Notwithstanding other provisions of law, the only
1 exceptions to the limits in this section are those provided by or
2 authorized by sections 77-3442 to 77-3444.

3 (11) Tax levies in excess of the limitations in this
4 section shall be considered unauthorized levies under section
5 77-1606 unless approved under section 77-3444."

6 2. Insert the following new amendment:

7 "4. On page 44, line 9, after 'sections' insert
8 '77-3442,'."

9 3. On page 1, line 2, strike "Notwithstanding" and
10 insert "Beginning January 1, 2002, notwithstanding".

11 4. Renumber the remaining sections and amendments and

12 correct internal references accordingly.

Mrs. Suttle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Wickersham amendment was adopted with 25 ayes, 20 nays, and 4 present and not voting.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Kristensen moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Mr. Kristensen requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Baker	Byars	Jensen	Peterson, C.	Smith
Beutler	Chambers	Kristensen	Quandahl	Tyson
Brown	Crosby	Matzke	Redfield	Wehrbein
Bruning	Engel	Pederson, D.		

Voting in the negative, 31:

Bohlke	Dierks	Kiel	Price	Schrock
Bourne	Hartnett	Kremer	Raikes	Stuhr
Brashear	Hilgert	Landis	Robak	Suttle
Bromm	Hudkins	Lynch	Schellpeper	Thompson
Connealy	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Coordsen	Jones	Preister	Schmitt	Wickersham
Cudaback				

Not voting, 0.

The Kristensen amendment, as amended, lost with 18 ayes, 31 nays, and 0 not voting.

Pending.

The Chair declared the call raised.

ANNOUNCEMENTS

Mr. Bromm designates LB 585 as his priority bill.

The Business and Labor Committee designates LB 164 and LB 216 as its priority bills.

BILL ON FIRST READING

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

LEGISLATIVE BILL 147A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 147, Ninety-sixth Legislature, First Session, 1999.

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 331:

AM0725

- 1 1. Strike original section 2 and insert the following
- 2 section:
- 3 "Sec. 2. Section 48-146.02, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 48-146.02. (1)(a) If a three-judge panel of the Nebraska
- 6 Workers' Compensation Court shall find finds, after due notice and
- 7 hearing at which the insurance organization shall be workers'
- 8 compensation insurer is entitled to be heard in person or by
- 9 counsel and present evidence, that such organization insurer has
- 10 repeatedly failed to comply with its obligations an obligation
- 11 under the provisions of the Nebraska Workers' Compensation Act with
- 12 such frequency as to indicate a general business practice to engage
- 13 in that type of conduct, # the three-judge panel may request the
- 14 Director of Insurance to suspend or revoke the authorization of
- 15 such organization insurer to write workers' compensation insurance
- 16 under the provisions of Chapter 44 and such act. Such suspension
- 17 or revocation shall not affect the liability of any such
- 18 organization insurer under policies in force prior to the
- 19 suspension or revocation. The three-judge panel of the
- 20 compensation court may also order payment of a monetary penalty of
- 21 not more than one thousand dollars for each such failure, not to
- 22 exceed an aggregate penalty of thirty thousand dollars.
- 23 (2) (b) If the Nebraska Workers' Compensation Court shall
- 24 find a three-judge panel of the compensation court finds, after due
- 1 notice and hearing at which the risk management pool shall be is
- 2 entitled to be heard in person or by counsel and present evidence,
- 3 that such pool has repeatedly failed to comply with its obligations
- 4 an obligation under the provisions of the Nebraska Workers'
- 5 Compensation Act, as set out in subsection (1) of section 44-4319,
- 6 with such frequency as to indicate a general business practice to
- 7 engage in that type of conduct, the compensation court three-judge
- 8 panel may suspend or revoke the authority of the pool to provide
- 9 group self-insurance coverage of workers' compensation liability
- 10 pursuant to the Intergovernmental Risk Management Act. Such
- 11 suspension or revocation shall not affect the liability of any such

12 risk management pool under the terms of the agreement forming the
13 pool in force prior to the suspension or revocation. The
14 three-judge panel of the compensation court may also order payment
15 of a monetary penalty of not more than one thousand dollars for
16 each such failure, not to exceed an aggregate penalty of thirty
17 thousand dollars.

18 (c) If a three-judge panel of the compensation court
19 finds, after due notice and hearing at which the self-insurer is
20 entitled to be heard in person or by counsel and present evidence,
21 that such self-insurer has failed to comply with an obligation
22 under the Nebraska Workers' Compensation Act with such frequency as
23 to indicate a general business practice to engage in that type of
24 conduct, the three-judge panel may suspend or revoke the approval
25 of such self-insurer to provide self-insurance coverage of workers'
26 compensation liability pursuant to section 48-145. Such suspension
27 or revocation shall not affect the liability of any such
1 self-insurer under an approval by the compensation court to
2 self-insure in force prior to the suspension or revocation. The
3 three-judge panel of the compensation court may also order payment
4 of a monetary penalty of not more than one thousand dollars for
5 each such failure, not to exceed an aggregate penalty of thirty
6 thousand dollars.

7 (d) Appeal from an action by a three-judge panel of the
8 compensation court pursuant to this subsection shall be in
9 accordance with section 48-185.

10 (e) All penalties collected pursuant to this subsection
11 shall be remitted to the State Treasurer for credit to the
12 permanent school fund.

13 (2) In addition to any other obligations under the
14 Nebraska Workers' Compensation Act, the following acts or
15 practices, when committed with such frequency as to indicate a
16 general business practice to engage in that type of conduct, shall
17 subject the compensation insurer, risk management pool, or
18 self-insurer to action pursuant to subsection (1) of this section:

19 (a) Knowingly misrepresenting relevant facts or the
20 provisions of the Nebraska Workers' Compensation Act or any rule or
21 regulation adopted pursuant to such act;

22 (b) Failing to acknowledge with reasonable promptness
23 pertinent communications with respect to claims arising under the
24 act;

25 (c) Failing to promptly investigate claims arising under
26 the act;

27 (d) Not attempting in good faith to effectuate prompt,
1 fair, and equitable payment of benefits when compensability has
2 become reasonably clear;

3 (e) Refusing to pay benefits without conducting a
4 reasonable investigation;

5 (f) Failing to affirm or deny compensability of a claim
6 within a reasonable time after having completed the investigation

- 7 related to such claim;
8 (g) Paying substantially less than amounts owed under the
9 act where there is no reasonable controversy;
10 (h) Making payment to an injured employee, beneficiary of
11 a deceased employee, or provider of medical, surgical, or hospital
12 services without providing a reasonable and accurate explanation of
13 the basis for the payment;
14 (i) Unreasonably delaying the investigation or payment of
15 benefits by knowingly requiring excessive verification or
16 duplication of information;
17 (j) Failing, in the case of the denial of compensability
18 or the denial, change in, or termination of benefits, to promptly
19 provide a reasonable and accurate explanation of the basis for such
20 action to the injured employee or beneficiary of a deceased
21 employee;
22 (k) Failing, in the case of the denial of payment for
23 medical, surgical, or hospital services, to promptly provide a
24 reasonable and accurate explanation of the basis for such action to
25 the provider of such services; or
26 (l) Failing to provide the compensation court's address
27 and telephone number to an injured employee or beneficiary of a
1 deceased employee with instructions to contact the court for
2 further information;
3 (i) At or near the time the compensation insurer, risk
4 management pool, or self-insurer receives notice or has knowledge
5 of the injury; and
6 (ii) At or near the time of the denial of compensability
7 or the denial, change in, or termination of benefits.
8 (3) In order to determine compliance with obligations
9 under the Nebraska Workers' Compensation Act, the compensation
10 court or its designee may examine the workers' compensation records
11 of (a) a compensation insurer, a risk management pool, or a
12 self-insurer; or (b) an adjuster, a third party administrator, or
13 other agent acting on behalf of such compensation insurer, risk
14 management pool, or self-insurer. The authority of the
15 compensation court pursuant to this subsection is subject to the
16 limitations provided under the work-product doctrine and
17 attorney-client privilege as recognized in Nebraska law.
18 (4) The compensation court may adopt and promulgate rules
19 and regulations necessary to implement this section."

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 656. Placed on General File as amended.
Standing Committee amendment to LB 656:
AM0681

- 1 1. On page 2, line 23, after "than" insert "a water well
2 used for domestic purposes or".

LEGISLATIVE BILL 793. Placed on General File as amended.

Standing Committee amendment to LB 793:

AM0726

1 1. Strike original sections 5, 6, and 21 and insert the
2 following new sections:
3 "Sec. 19. Section 37-406, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 37-406. Permits (1) Licenses, permits, and stamps
6 required under the Game Law shall be issued by the commission and
7 may be procured from the secretary of the commission. The
8 commission may provide for the electronic issuance of any license,
9 permit, or stamp required under the Game Law and may enter into
10 contracts to procure necessary services and supplies for the
11 electronic issuance of licenses, permits, and stamps. The
12 commission may designate and from such other persons, firms, and
13 corporations as may be designated by the commission as agents to
14 issue licenses, permits, and stamps and collect the prescribed
15 fees. Any person, firm, or corporation, other than the secretary
16 of the commission or an employee of the commission, authorized by
17 the commission to sell issue licenses, permits, and stamps shall be
18 entitled to collect and retain an additional fee of not less than
19 fifty cents and not more than one dollar, as established by the
20 commission pursuant to section 37-327, for each resident and
21 nonresident license, permit, or stamp issued as reimbursement for
22 the clerical work of issuing the license, permit, or stamp and
23 collecting and remitting the permit fee fees.

24 (2) The commission shall adopt and promulgate rules and
1 regulations regarding electronic issuance of licenses, permits, and
2 stamps, including electronic issuance devices, deposits by agents,
3 and remittance of fees.

4 (3) It shall be unlawful for any person to duplicate any
5 electronically issued license, permit, or stamp. Any person
6 violating this subsection shall be guilty of a Class III
7 misdemeanor and shall be fined at least seventy-five dollars, and
8 any license, permit, or stamp involved in such violation shall be
9 confiscated by the court.

10 Sec. 75. Section 37-543, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 37-543. (1) It shall be unlawful for any person to take
13 any fish, except as provided in this section, by means other than
14 fishing with hook and line.

15 (2) It shall be unlawful for any person to use, while
16 fishing in this state in any lake, pond, or reservoir or in their
17 inlets, outlets, and canals within one-half mile of such lake,
18 pond, or reservoir, more than two lines with two hooks on each
19 line, except that this subsection shall not apply to ice fishing.

20 (3) It shall be unlawful for any person to take any fish
21 by snagging fish externally by hook and line, except in the
22 Missouri River, as provided by rules and regulations of the

23 commission.

24 (4) It shall be unlawful for any person to use, while
25 fishing in any waters in this state, a line having more than five
26 hooks thereon or lines having more than fifteen hooks in the
27 aggregate. One hook means a single, double, or treble pointed
1 hook, and all hooks attached as a part of an artificial bait or
2 lure shall be counted as one hook.

3 (5) Nongame fish may be taken by spearing or by bow and
4 arrow as provided by rules and regulations of the commission.

5 (6) Sport fish may be taken by bow and arrow as provided
6 by rules and regulations of the commission.

7 (7) The commission may by rules and regulations allow,
8 control, regulate, or prohibit the use of seines, nets, and other
9 devices and methods in the taking of fish, ~~from the Missouri~~
10 ~~River.~~ The commission may adopt rules and regulations as to the
11 method of taking, bag limits, size limits, possession,
12 transporting, or selling of all species of fish, ~~in the Missouri~~
13 ~~River.~~

14 (8) Any person violating this section shall be guilty of
15 a Class III misdemeanor and shall be fined at least fifty dollars.

16 Sec. 76. Section 37-545, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 37-545. When authorized by the commission and when
19 necessary for proper fish management, the owner of any privately
20 owned pond may remove fish therefrom by methods other than hook and
21 line and in any quantity. The commission shall adopt and
22 promulgate rules and regulations which authorize the use of
23 commercial fishing permits, equipment, and methods authorized in
24 sections 37-4,104 and 37-543. Nongame fish and bullheads seined or
25 taken pursuant to this section may be sold by the commercial
26 fishing permit holder. Such sale of bullheads shall not be deemed a
27 violation of section 37-505. The removal of fish in accordance
1 with this section shall not be deemed a violation of section
2 37-507, 37-543, or 37-556, or 37-623, except that the owner of a
3 privately owned pond which is privately stocked and which does not
4 connect by inflow or outflow with other water outside such land
5 shall be exempt from any regulation or control.

6 Any person violating this section shall be guilty of a
7 Class III misdemeanor and shall be fined at least fifty dollars.

8 Sec. 77. Section 37-546, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 37-546. (1) It shall be unlawful (a) to take baitfish
11 except for use as bait; ~~(b) to take baitfish by the use of minnow~~
12 ~~seines of more than twenty feet in length or four feet in depth;~~
13 ~~(c) to take baitfish with minnow seines or traps; the meshes of~~
14 ~~which are other than one-fourth inch square; (d) or (b) for any~~
15 person except an aquaculturist or bait dealer to buy, sell, barter,
16 offer to buy, sell, or barter, or have in his or her possession
17 baitfish for any purpose whatsoever except for use as bait. No ;

18 and (e) to keep or retain any sport fish taken while taking
19 baitfish for use as bait; and sport fish so taken, of whatever
20 size, shall be immediately returned to the water from which taken
21 and no baitfish shall be taken from reservoirs, lakes, or bayous
22 except as provided in rules and regulations of the commission.

23 (2) The commission may adopt and promulgate rules and
24 regulations pertaining to the taking, transportation, possession,
25 buying, selling, and bartering of baitfish.

26 (3) Any person violating this section or the rules and
27 regulations adopted and promulgated under this section shall be
1 guilty of a Class III misdemeanor and shall be fined at least fifty
2 dollars.

3 Sec. 93. Section 37-623, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 37-623. Every device, net, and trap and every ferret
6 possessed, used, or attempted to be used by any person in taking
7 any game contrary to the Game Law is hereby declared to be a public
8 nuisance and subject to seizure and confiscation by any
9 conservation officer or other person charged with the enforcement
10 of the Game Law. Ferrets and every device, net, and trap, the use
11 of which is wholly prohibited, shall be destroyed upon seizure.
12 All guns and nets while being used illegally shall be seized upon
13 the arrest of the person so using them, but all guns, legal fish
14 nets, or other hunting or fishing equipment, used illegally which
15 are seized for evidence upon arrest, shall be returned by the court
16 to the person from whom such guns, legal fish nets, or other
17 hunting or fishing equipment was seized following disposition of
18 the case. ~~The possession of any and all seines, except minnow~~
19 ~~nets, shall be construed as illegal possession and shall render~~
20 ~~such nets subject to confiscation and destruction by the state; and~~
21 ~~any person or persons possessing the same shall be guilty of a~~
22 ~~Class V misdemeanor. This section shall not apply to the~~
23 ~~possession and legal use of seines or nets as provided in sections~~
24 ~~37-543 and 37-545."~~

25 2. On page 3, lines 10 and 11, strike "10, 11, and 67"
26 and insert "8, 9, and 65"; and in line 16 strike "10 and 11" and
27 insert "8 and 9".

1 3. On page 6, line 27, after the last comma insert "as
2 to conservation orders or similar wildlife management activities
3 authorized by the United State Fish and Wildlife Service,".

4 4. On page 8, line 17, after the period insert "The
5 commission may also close or reopen any season established by a
6 conservation order under the same provisions pertaining to closing
7 and reopening seasons in this section,".

8 5. On page 18, line 27, after the period insert "(1)".

9 6. On page 19, after line 12, insert the following new
10 subsection:

11 "(2) An educational fishing project permit may be issued
12 to any instructor of a university, college, or high school and his

13 or her students participating in an educational fishing project.
 14 Such persons shall be exempt from the payment of any fees provided
 15 by the Game Law for the privilege of fishing in Nebraska while
 16 participating in the project. Such exemption shall not extend to
 17 the privilege of commercial fishing or to the privilege of fishing
 18 for any species of fish on which an open season is limited to a
 19 restricted number of permits or to special permits for a restricted
 20 area. The commission shall adopt and promulgate rules and
 21 regulations necessary to carry out this subsection."

22 7. On page 26, line 27, reinstate the stricken matter;
 23 and in line 28 reinstate "designated" through "permit", after the
 24 stricken "vendors" insert "agents", and reinstate "shall" through
 25 "to".

26 8. On page 27, lines 1 through 4, reinstate the stricken
 27 matter.

1 9. On page 49, line 4, strike "any" through
 2 "subsections" and insert "subsection (1) or (3) of this section";
 3 and in line 5 after "dollars" insert "and any person convicted
 4 pursuant to subsection (4) of this section shall be fined at least
 5 fifty dollars".

6 10. On page 51, line 18, after "authority" insert ",
 7 except that this restriction shall not apply to novice hunter
 8 education provided under authority of a permit issued by the
 9 commission. The commission shall adopt and promulgate rules and
 10 regulations to carry out and administer the novice hunter education
 11 program and permit issuance under such program".

12 11. On page 52, after line 16 insert the following new
 13 subsection:

14 "(4) This section shall not apply to archery hunters
 15 hunting during a non-center-fire firearm season or in a management
 16 unit where a current center-fire season is not open.".

17 12. On page 64, line 13, strike "or employee" and show
 18 the old matter as stricken.

19 13. On page 71, line 28, strike "37-218, 37-219".

20 14. On page 72, line 6, after "37-540," insert "37-543,
 21 37-545, 37-546,"; and in line 7 after "37-622," insert "37-623,".

22 15. Renumber the remaining sections accordingly.

(Signed) Ed Schrock, Chairperson

SELECT FILE

LEGISLATIVE BILL 149. Considered.

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

Mrs. Bohlke requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 46:

Baker	Coordsen	Jones	Peterson, C.	Schrock
Beutler	Cudaback	Kiel	Preister	Smith
Bohlke	Dierks	Kremer	Price	Stuhr
Bourne	Engel	Kristensen	Quandahl	Suttle
Brashear	Hartnett	Landis	Raikes	Thompson
Bromm	Hilgert	Lynch	Robak	Tyson
Brown	Hudkins	Matzke	Schellpeper	Vrtiska
Bruning	Janssen	Pedersen, Dw.	Schimek	Wehrbein
Byars	Jensen	Pederson, D.	Schmitt	Wickersham
Connealy				

Voting in the negative, 3:

Chambers Crosby Redfield

Not voting, 0.

Advanced to E & R for engrossment with 46 ayes, 3 nays, and 0 not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 141. E & R amendment, AM7021, found on page 415, was adopted.

Mr. Wickersham renewed his pending amendment, AM0667, found on page 857.

The Wickersham amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Messrs. Bromm and Wickersham renewed their pending amendment, AM0684, found on page 862.

The Bromm-Wickersham amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 11CA. Mr. Kristensen renewed his pending amendment, AM0125, found on page 676.

The Kristensen amendment was adopted with 28 ayes, 1 nay, and 20 present and not voting.

Advanced to E & R for engrossment.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 234. E & R amendment, AM7065, found on page 670, was adopted.

Mr. Beutler renewed his pending amendment, AM0709, found on page 877.

The Beutler amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 612. Mr. Beutler withdrew his motion, found on page 841, to indefinitely postpone.

Mr. Kristensen renewed his pending amendment, AM0658, found on page 849.

Mr. Chambers and Mrs. Thompson asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen withdrew his amendment.

Pending.

AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 446:
AM0590

- 1 1. On page 8, line 25, strike "fourteen".
- 2 2. On page 9, after line 7 insert the following new
- 3 subdivision:
- 4 "(f) A representative of the Department of Health and
- 5 Human Services Regulation and Licensure"; in line 8 strike "(f)"
- 6 and insert "(g)"; in line 10 strike "(g)" and insert "(h)"; in line
- 7 12 strike "(h)" and insert "(i)"; in line 14 strike "(i)" and
- 8 insert "(j)"; in line 16 strike "(j)" and insert "(k)"; in line 18
- 9 strike "(k)" and insert "(l)"; in line 20 strike "(l)" and insert
- 10 "(m)"; in line 21 strike "(m)" and insert "(n)"; in line 22 strike
- 11 "(n)" and insert "(o)"; and in line 27 strike "(2)(k)" and insert
- 12 "(2)(l)".
- 13 3. On page 10, line 1, strike "(2)(l) through (2)(n)"
- 14 and insert "(2)(m) through (2)(o)".

Mr. Schellpeper filed the following amendment to LB 126:
AM0734

(Amendments to Standing Committee amendments, AM0099)

- 1 1. On page 1, line 17, strike beginning with the first
- 2 "and" through "inquiries" and insert "upon request".

Mr. Beutler filed the following amendment to LB 416:

(Amendment, AM0727, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTION

LEGISLATIVE RESOLUTION 40. Introduced by Jensen, 20; Brown, 6.

WHEREAS, the Omaha Westside High School girls' basketball team won the 1999 Class A State Basketball Tournament championship on March 6, 1999; and

WHEREAS, Omaha Westside defeated Omaha North, the 1998 Class A state champions, 57-45 to win the 1999 state championship; and

WHEREAS, the Omaha Westside team is coached by Curt Peterson and assistant coaches Trudi Nolin, Scott Persigehl, and Dan Miller and consists of team members Kala Sledge, Karen Lewandowski, Meg McGree, Erin Hart, Channing O'Neill, Raeven King, Erin Corrigan, Kelly Casey, Tara Howard, Shannon Maher, and Carla Bennett; and

WHEREAS, Omaha Westside finished its season with a record of 23-2 and earned its first state title.

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

1. That the Legislature recognizes and congratulates the Omaha Westside High School girls' basketball team and the coaches for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Omaha Westside High School girls' basketball team and Head Coach Curt Peterson.

Laid over.

ANNOUNCEMENT

Mrs. Suttle designates LB 99 as her priority bill.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 67A. Placed on Select File.

LEGISLATIVE BILL 113A. Placed on Select File.

LEGISLATIVE BILL 446A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 427A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 427, Ninety-sixth Legislature, First Session, 1999.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Quandahl asked unanimous consent to have his name added as cointroducer to LB 608. No objections. So ordered.

ATTORNEY GENERAL'S OPINIONSOpinion No. 99007

DATE: March 4, 1999

SUBJECT: Constitutionality Under Neb. Const. art. XII, § 8, of Amendments to the Statutes Governing Limited Liability Companies and Limited Liability Partnerships to Allow Certain Non-Family Versions of These Entities to Own Agricultural Land or Engage in Farming or Ranching.

REQUESTED BY: Senator Jim Jones
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the constitutionality of proposed amendments to the provisions of the Nebraska Limited Liability Company Act (Neb. Rev. Stat. §§ 21-2601 to 21-2653 (1997)), the Uniform Partnership Act (Neb. Rev. Stat. §§ 67-301 to 67-346 (1996 and Cum. Supp. 1998)), and the Uniform Partnership Act of 1998 (Neb. Rev. Stat. §§ 67-401 to 67-467 (Cum. Supp. 1998))¹ which would permit certain non-family business entities organized as limited liability companies or limited liability partnerships to own agricultural land or engage in farming or ranching in Nebraska. Currently, a limited liability company organized under the

¹ The provisions of the Uniform Partnership Act (§§ 67-301 to 67-346) apply to partnerships formed prior to January 1, 1998, which are not governed by the Uniform Partnership Act of 1998. Neb. Rev. Stat. §§ 67-301 and 67-466 (Cum. Supp. 1998). "The Uniform Partnership Act terminates on January 1, 2001." *Id.* After January 1, 2001, the provisions of the Uniform Partnership Act of 1998 (Neb. Rev. Stat. §§ 67-401 to 67-467 (Cum. Supp. 1998)) will govern all partnerships and limited liability partnerships. Neb. Rev. Stat. §§ 67-464(2) and 67-465(2) (Cum. Supp. 1998).

Nebraska Limited Liability Company Act "is deemed to be a syndicate for purposes of Article XII, section 8, of the Constitution of Nebraska." Neb. Rev. Stat. § 21-2602(2) (1997). A limited liability company which satisfies certain family ownership and operational requirements, however, is "not deemed to be a syndicate for purposes of Article XII, § 8, of the Constitution of Nebraska." *Id.* Also, the Uniform Partnership Act and the Uniform Partnership Act of 1998 provide that "[a] limited liability partnership is a syndicate for purposes of Article XII, section 8, of the Constitution of Nebraska," Neb. Rev. Stat. §§ 67-306(3) (1996) and 67-409(2) (Cum. Supp. 1998). If a registered limited liability partnership satisfies certain family ownership and operational requirements, however, it "is not a syndicate for purposes of Article XII, § 8, of the Constitution of Nebraska." *Id.*

LB 274 proposes to amend these statutes to create additional exceptions providing that a limited liability company with no more than two members who are not related to one another within the fourth degree of kindred (or a limited liability partnership with no more than two partners who are not so related), where one member (or partner) is at least sixty-five years of age and owns a farm or ranch, and the other member (or partner) is less than forty years of age and is actively engaged in day-to-day labor and management of the farm or ranch, are not "deemed" to be "syndicate[s]" for purposes of art. XII, § 8. Your question is whether it is permissible to amend the statutes governing limited liability companies or limited liability partnerships in this manner, or whether the proposed amendment is contrary to the restrictions in art. XII, § 8, against non-family corporate or syndicate ownership or operation of farm or ranch land.

I. CONSTITUTIONAL AND STATUTORY PROVISIONS.

Article XII, § 8, of the Nebraska Constitution, was approved by Nebraska voters in 1982. The constitutional amendment is commonly referred to as "Initiative 300" because it was placed before the electorate as Initiative Measure No. 300. Section 8(1) provides: "No corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming or ranching in this state, or engage in farming or ranching." "Corporation" is defined to "mean any corporation organized under the laws of any state of the United States or any country or any partnership of which such corporation is a partner." *Id.* "Syndicate" is defined to

mean any limited partnership organized under the laws of any state of the United States or any country, other than limited partnerships in which the partners are members of a family, or a trust created for the benefit of members of a family, related to one another within the fourth degree of kindred according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch, and none of whom are nonresident aliens.

Id. Initiative 300 specifies that the term "syndicate" does "not include general partnerships." *Id.*

Article XII, § 8, contains several exceptions from the prohibition against corporate or syndicate ownership or operation of farm or ranch land. The definition of "syndicate", as noted, excludes "family" limited partnerships which satisfy certain ownership and operational requirements. Similarly, "family farm or ranch corporation[s]" are excluded from the Initiative's restrictions. A "family farm or ranch corporation" is defined to

mean a corporation engaged in farming or ranching or the ownership of agricultural land, in which the majority of the voting stock is held by members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch and none of whose stockholders are non-resident aliens and none of whose stockholders are corporations or partnerships, unless all of the stockholders or partners of such entities are persons related within the fourth degree of kindred to the majority of stockholders in the family farm corporation.

Neb. Const. art. XII, § 8(1)(A).

A limited liability company formed under the Limited Liability Company Act "shall be deemed to be a syndicate for purposes of Article XII, section 8, of the Constitution of Nebraska, . . ." Neb. Rev. Stat. § 21-2602(2) (1997). An exception is provided, however, for a limited liability company meeting family ownership and operational requirements which mirror the language of the "family farm or ranch corporation" definition in art. XII, § 8. Specifically, § 21-2602(2) provides:

[A] limited liability company in which the members are members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day-to-day labor and management of the farm or ranch, and none of whom are nonresident aliens, shall not be deemed to be a syndicate for purposes of Article XII, section 8, of the Constitution of Nebraska.

"A limited liability partnership is a syndicate for purposes of Article XII, section 8, of the Constitution of Nebraska, . . ." Neb. Rev. Stat. § 67-306(3) (1996); Neb. Rev. Stat. § 67-409(2) (Cum. Supp. 1998). An exception is provided for "family" limited liability partnerships which, like the exception created for limited liability companies, meet family ownership and operational requirements similar to those contained in art. XII, § 8. The exception provides:

[A] limited liability partnership in which the partners are members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day-to-day labor and management of the farm or ranch and none of whom are nonresident aliens, is not a syndicate for purposes of Article XII, section 8, of the Constitution of Nebraska.

Neb. Rev. Stat. § 67-306(3) (1996); Neb. Rev. Stat. § 67-409(2) (Cum. Supp. 1998).

Pursuant to these statutes, the Legislature has specifically provided that limited liability companies and limited liability partnerships are "syndicates" for purposes of Initiative 300, and has permitted these entities to own agricultural land or engage in farming or ranching only if they meet family ownership and operational requirements similar to those contained in the Constitution for family farm or ranch corporations or limited partnerships. LB 274, however, proposes to expand these exceptions to allow limited liability companies or limited liability partnerships which do not have members or partners who are related to engage in ownership or operation of farm or ranch land. The question thus becomes whether allowing entities of this nature to engage in such activities under these circumstances is consistent with the limitations imposed on agricultural land ownership or farming and ranching under art. XII, § 8.

II. NATURE AND STATUS OF LIMITED LIABILITY COMPANIES AND LIMITED LIABILITY PARTNERSHIPS.

A. Limited Liability Companies.

In 1993, Nebraska joined the growing number of states adopting legislation creating a new form of business entity, the limited liability company ("LLC"). 1993 Neb. Laws, LB 121. Wyoming was the first state to enact LLC legislation in 1977. Florida enacted LLC legislation in 1982, but the number of states electing to adopt LLC statutes did not grow until the Internal Revenue Service acknowledged that properly formed LLCs could qualify for taxation as partnerships in 1988. J. Callison and M. Sullivan, Limited Liability Companies: A State by State Guide to Law and Practice, § 1.5 (1994). By July 1996 all fifty states and the District of Columbia had adopted statutes enabling the organization of LLCs. C. Bishop and D. Kleinberger, Limited Liability Companies: Tax and Business Law, ¶1.01(1) (1998).

The LLC has been described as "an innovative union of corporate and partnership attributes" which "combines the flexibility of a general partnership with the limited liability protection typically found in a corporation or limited partnership." B. Bailey and R. Bailey, The Idaho Limited Liability Company: In Search of the Perfect Entity, 21 Idaho L. Rev.

1, 4-5 (1994). The LLC thus has been characterized as a "hybrid form of business entity that combines the liability shield of a corporation with the federal tax classification of a partnership." Bishop and Kleinberger at ¶1.01(1). "The shield protects a limited liability company's owners (called members) from being personally liable for the business's debts, and the tax classification provides the advantages of pass-through taxation." *Id.* This description is consistent with the Legislature's understanding of the nature of the LLC reflected in the legislative history of Nebraska's LLC Act, which states the Act was intended to "create[] a new form of business entity" which "possess[ed] the limited liability of a corporation, while it retain[ed] the flow-through tax advantages of a partnership." Committee Records on LB 121, 93rd Neb. Leg., 1st Sess., 1 (Introducer's Statement of Intent, Jan. 26, 1993).

Nebraska's LLC Act provides "one or more persons may form a limited liability company by executing and delivering articles of organization" to the Secretary of State. Neb. Rev. Stat. § 21-2605 (1997). The articles of organization must contain certain information, including: (1) the LLC's name; (2) the purpose for which the LLC is organized; (3) the address of the LLC's principal place of business in Nebraska and the name and address of its registered agent; (4) the total amount of cash contributed to stated capital and a description and agreed value of non-cash contributions; (5) the total capital contributions agreed to be made and the times and events on which additional capital contributions will be made; (6) the members' right, if any, to admit additional members and the terms and conditions of admission; and (7) if the LLC is to be manager-managed, the initial managers' names and addresses, or, if the LLC is to be member-managed, the members' names and addresses. Neb. Rev. Stat. § 21-2606(1)(a) to (g) (1997). LLCs are required to end their names with the words "limited liability company", "ltd. liability company", or "ltd. liability co.", or the abbreviation "L.L.C." or "LLC". Neb. Rev. Stat. § 21-2604(1) (1997). The Act provides that members and managers "are not liable under a judgment, decree, or order of a court or in any other manner for a debt, obligation, or liability of the limited liability company." Neb. Rev. Stat. § 21-2612 (1997). Also, except as specifically provided in the Act, "no member, manager, employee, or agent of a limited liability company shall be personally liable under any judgment, decree, or order of any court, agency, or other tribunal in this or any other state, or on any other basis, for any debt, obligation, or liability of the limited liability company." Neb. Rev. Stat. § 21-612 (1997).²

B. Limited Liability Partnerships.

Limited liability partnerships ("LLPs") "are a relatively new business entity." M. McGaughey, Limited Partnerships: Need Only Professionals Apply?, 30 Creighton L. Rev. 105, 106 (1996). "At its core, a limited

² Members and managers are, however, "liable in the same manner as [] corporate officer[s] for unpaid taxes imposed on a limited liability company." Neb. Rev. Stat. § 21-2612(2) (1997).

liability partnership remains a general partnership." *Id.* LLPs differ from general partnerships in one important respect, however, in that "their members have some form of limited liability." A. Bromberg and L. Ribstein, Limited Liability Partnerships and the Revised Uniform Partnership Act, § 1.02(b) (Rev. 1998). LLPs are now authorized in virtually every state. *Id.* at § 1.01(e).³

Under the Uniform Partnership Act of 1998, a limited liability partnership is formed by filing a "statement of qualification" with the Secretary of State. Neb. Rev. Stat. § 67-454(3) (Cum. Supp. 1998). The statement must contain certain information, including: (1) the partnership's name; (2) the address of the partnership's chief executive officer, and, if different, the address of an office in the state; (3) the name and address of the partnership's agent for service of process if it has no office in the state; (4) a statement that the partnership elects to be a limited liability partnership; and (5) a deferred effective date, if any. LLPs are required to indicate their status by ending their names with "registered limited liability partnership", "limited liability partnership", "R.L.L.P.", "RLLP", "L.L.P.", or "LLP". Neb. Rev. Stat. § 67-455(1)(a) (Cum. Supp. 1998). The "limited liability" accorded a qualified LLP is outlined in Neb. Rev. Stat. § 67-418 (Cum. Supp. 1998), which provides, in pertinent part:

(1) Except as otherwise provided in subsections (2) and (3) of this section, all partners are liable jointly and severally for all obligations of the partnership unless otherwise agreed by the claimant or provided by law.

* * *

(3) An obligation of a partnership incurred while the partnership is a limited liability partnership, whether arising in contract, tort, or otherwise, is solely the obligation of the partnership. A partner is not personally liable, directly or indirectly, by way of contribution or otherwise, for such an obligation solely by reason of being or so acting as a partner.

III. AUTHORITY OF THE LEGISLATURE TO ALLOW "NON-FAMILY" LIMITED LIABILITY COMPANIES OR LIMITED LIABILITY PARTNERSHIPS TO OWN AGRICULTURAL LAND OR ENGAGE IN FARMING OR RANCHING.

In construing the meaning of Initiative 300, the Nebraska Supreme Court

³ Nebraska originally provided for the formation of LLPs in 1996 through amendments to the Uniform Partnership Act. 1996 Neb. Laws, LB 681, §§ 198 to 214. Additional provisions governing LLPs are contained in the recently adopted Uniform Partnership Act of 1998. 1997 Neb. Laws, LB 523, §§ 1 to 75.

has held that "the intent of the voters adopting an initiative amendment to the Nebraska Constitution must be determined from the words of the initiative itself." *Omaha Nat'l Bank v. Spire*, 223 Neb. 209, 225, 389 N.W.2d 269, 279 (1986). *Accord Pig Pro Nonstock Cooperative v. Moore*, 253 Neb. 72, 82, 568 N.W.2d 217, 224 (1997). The Supreme Court has recognized that it "must apply and enforce the Constitution as it is written." *State ex rel. Spire v. Public Employees Retirement Bd.*, 226 Neb. 176, 178, 410 N.W.2d 463, 465 (1986). "Moreover, constitutional provisions are not open to construction as a matter of course; construction of a constitutional provision is appropriate only when it has been demonstrated that the meaning of the provision is not clear and that construction is necessary." *State ex rel. Spire v. Conway*, 238 Neb. 766, 774-75, 472 N.W.2d 403, 408-09 (1991). In construing a constitutional provision, "[c]ourts may not supply what they deem unwise omissions, nor add words which substantially add to or take from the constitution as framed." *Mekota v. State Bd. of Equal.*, 146 Neb. 370, 377-78, 19 N.W.2d 633, 638 (1945).

Initiative 300 provides that "[n]o corporation or syndicate" may own or operate farm or ranch land in Nebraska unless it qualifies under specified exceptions to these restrictions. Article XII, § 8, states that "[c]orporation shall mean any corporation organized under the laws of any state of the United States or any country or any partnership of which such corporation is a partner." Neb. Const. art. XII, § 8 (emphasis added). It also states that "[s]yndicate shall mean any limited partnership except" qualifying limited partnerships satisfying specific family ownership and operational requirements. *Id.* (emphasis added). "[G]eneral partnerships", however, are not included as "syndicate[s]" as defined in art. XII, § 8.

LLCs and LLPs are not "corporation[s]" as defined in art. XII, § 8. Further, an LLC is not a "syndicate" as defined in art. XII, § 8, because the term is specifically defined to mean a "limited partnership." A "limited liability partnership" is, as noted, a form of general partnership which, by statute, provides limited liability to the partners not available to partners in a general partnerships. An LLP is distinguishable from a traditional "limited partnership", however, in several respects. For example, the general partners in a limited partnership are individually liable for debts of the business, while LLP partners are not individually liable for partnership debts. Also, unlike limited partners in a limited partnership, "LLP partners' limited liability does not depend on whether they participate in the general management and control of the firm." Bromberg and Ribstein, at § 1.04(b). Thus, LLPs can perhaps be viewed as entities separate and distinct from "limited partnerships", and therefore not within the definition of "syndicate" contained in art. XII, § 8.

Based on the foregoing, it could be argued that LLCs and LLPs are neither "corporations" nor "syndicates" subject to the restrictions on corporate or syndicate ownership or operation of farm or ranch land in the Constitution. The rationale for this position would be that the Constitution specifically defines the types of entities to which the restrictions apply, and that neither

LLCs nor LLPs are within the literal meaning of these terms as defined in the Constitution. If this construction were adopted, then the Legislature would not be precluded from authorizing LLCs or LLPs to engage in activities which a "corporation" or "syndicate" (which is defined to mean a "limited partnership") are prohibited from engaging in under the specific terms of art. XII, § 8. This could include the proposed amendments to the LLC and LLP statutes under LB 274, which would authorize a specific type of arrangement under these statutes in which non-family members could participate as a member of a limited liability company or a partner of a limited liability partnership engaged in the ownership or operation of farm or ranch land.

While such a construction is not untenable, we believe that application of other canons of construction supports the conclusion that the Legislature likely may not authorize non-family LLCs or LLPs to own or operate farm or ranch land without contravening the fundamental purpose and intent of Initiative 300. The Supreme Court has recognized that "[c]onstitutional provisions should receive even broader and more liberal construction than statutes, and constitutions are not subject to rules of strict construction." *Anderson v. Tiemann*, 182 Neb. 393, 397, 155 N.W.2d 322, 326 (1967), *appeal dismissed* 390 U.S. 714 (1968). In considering the meaning of a constitutional provision, "it is proper to consider the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy its terms imply, and to give it such an interpretation as appears best calculated to effectuate the design of the Constitution." *State ex rel. School Dist. of Scottsbluff v. Ellis*, 168 Neb. 166, 171, 95 N.W.2d 538, 541 (1959). The Court has further stated:

A Constitution is intended to meet and be applied to any conditions and circumstances as they arise in the course of the progress of the community. The terms and provisions of constitutions are constantly expanded and enlarged by construction to meet the advancing affairs of men. While the powers granted thereby do not change, they do apply in different periods to all things to which they are in their nature applicable.

State ex rel. State Railway Comm'n v. Ramsey, 151 Neb. 333, 338, 37 N.W.2d 502, 506 (1949).

Applying these principles, we believe that the Legislature likely cannot, consistent with the intent and purpose of Initiative 300, authorize the ownership and operation of farm or ranch land by non-family limited liability entities in the nature of LLCs or LLPs. While the Initiative specifically bans a non-family "corporation" or "syndicate" (defined to mean "limited partnership") from owning agricultural land or engaging in farming or ranching, it must be noted that, at the time Initiative 300 was adopted in 1982, only one state had authorized limited liability companies, and no state

had enacted a limited liability partnership statute.⁴ Thus, the relative nonexistence of these types of entities at the time of the Initiative's adoption explains the absence of specific reference to them in the language of the Constitution.

The Supreme Court has determined "that the language of article XII, § 8, read as a whole, reflects an intent to prohibit individuals who are not members of the same family. . . from forming and utilizing a corporation to own and operate farm or ranch land for their personal economic gain, other than for the specific excepted uses set forth in § 8(1)(E) through (N)." *Pig Pro Nonstock Cooperative v. Moore*, 253 Neb. at 84, 568 N.W.2d at 225. The Eighth Circuit has further found that "[t]he people of Nebraska . . . made a reasonable judgment that prohibiting non-family corporate farming serves the public interest in preserving an agriculture where families own and farm the land." *MSM Farms, Inc. v. Spire*, 927 F.2d 330, 335 (8th Cir.), *cert. denied* 502 U.S. 814 (1991). The amendment's ban on a non-family "corporation" or "syndicate" (defined as a "limited partnership) from owning or operating farm or ranch land reflects an overall intent and purpose to prohibit limited liability entities from engaging in these activities if they are not family-owned and operated. LLCs and LLPs provide limited liability akin to that provided to shareholders of a corporation or limited partners in a limited partnership. Construing the Constitution's ban on non-family corporate and syndicate farming or ranching to include LLCs, which are "hybrid" entities combining corporate and partnership traits, and LLPs, which are a form of partnership affording its partners limited liability, is consistent with the principle requiring that constitutional provisions should be interpreted to "meet and apply to [changed] circumstances" to "meet the advancing affairs of men." *State ex rel. State Railway Comm'n v. Ramsey*, 151 Neb. at 338, 37 N.W.2d at 506. A constitutional amendment "should not be construed so as to defeat its evident purpose, but rather so as to give it effective operation and suppress the mischief at which it was aimed." *Engelmeyer v. Murphy*, 180 Neb. 295, 299-300, 142 N.W.2d 342, 345 (1966). Permitting non-family LLCs or LLPs to own agricultural land or engage in farming or ranching could be considered to be inconsistent with the intent and purpose of Initiative 300.

Further, it is fundamental that "[t]he Legislature cannot do indirectly what the Constitution prohibits it from doing directly." *United Community Services v. Omaha Nat'l Bank*, 162 Neb. 786, 798, 77 N.W.2d 576, 586 (1956). Nor can the Legislature "avoid constitutional provisions by statutorily redefining constitutionally unacceptable activity. The Legislature's power of definition may not be employed to nullify or circumvent the provisions of the Nebraska Constitution." *State ex rel. Spire v. Strawberries, Inc.*, 239 Neb.

⁴ Wyoming adopted a limited liability company statute in 1977. Bishop and Kleinberger, at ¶ 1.01(1). Texas was the first state to enact a limited liability partnership act in 1991. McGaughey, 30 Creighton L. Rev. at 106n.6.

1, 8, 473 N.W.2d 428, 434 (1991). Should the Legislature act to allow non-family LLCs or LLPs to own or operate farm or ranch land by providing that these entities are not "syndicates" subject to the restrictions in art. XII, § 8, such legislation could be found unconstitutional as an improper attempt to "indirectly" authorize activity prohibited by the Constitution. A legislative effort to permit non-family limited liability entities such as LLCs and LLPs to engage in activity proscribed as to corporations or syndicates under art. XII, § 8, could well be viewed as an impermissible exercise of the Legislature's definitional powers which would "nullify or circumvent" the intent and purpose of art. XII, § 8.

IV. CONCLUSION

Based on the foregoing, it is our opinion that LB 274, to the extent it attempts to amend the statutory provisions governing LLCs and LLPs to allow non-family entities of this nature to own agricultural land or engage in farming or ranching under certain circumstances, is likely unconstitutional. We wish to point out, however, that our conclusion has no bearing on the validity of the current statutes providing that LLCs and LLPs are "syndicates" for purposes of art. XII, § 8, but which permit "family" LLCs or LLPs to engage in ownership or operation of farm or ranch land. Neb. Rev. Stat. § 21-2602(2) (1997) (limited liability companies); Neb. Rev. Stat. §§ 67-306(3) (1996) and 67-409(2) (Cum. Supp. 1998) (limited liability partnerships). Article XII, § 8, authorizes the Legislature to "enact, by general law, further restrictions prohibiting certain agricultural operations that the legislature deems contrary to the intent of this section." The Legislature's current recognition of LLCs and LLPs as "syndicates" for Initiative 300 purposes, even if it were not required by art. XII, § 8, is consistent with its constitutional authority to enact "further restrictions prohibiting certain agricultural operations" it deems contrary to the Initiative. Further, in our view, the present exceptions for "family" LLCs or LLPs are consistent with art. XII, § 8.⁵ For the reasons stated, however, we conclude that LB 274 is constitutionally suspect, as it would authorize non-family limited liability business entities to engage in agricultural activities in apparent contravention of the intent and purpose of art. XII, § 8.

⁵ One commentator has suggested that the Legislature acted appropriately pursuant to this power in "expand[ing] the definition of 'syndicate' " in the Constitution to include limited liability partnerships. McGaughey, 30 Creighton L. Rev. at 115. We do not, however, necessarily agree with the author's conclusion that the Legislature's definition of a limited liability partnership as a "syndicate" represents an "expansion" of the scope of the prohibitions contained on corporate or syndicate ownership or operation of farm or ranch land in art. XII, § 8.

Very truly yours,
DON STENBERG
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

7-823-7

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 99008

DATE: March 9, 1999

SUBJECT: In the absence of a federal oxygenated gasoline requirement, is a state legally able to impose a standard that modifies generic gasoline and which may impede the marketing of this product in one or more states?

REQUESTED BY: Senator Edward J. Schrock, 38th Legislative District

WRITTEN BY: Don Stenberg, Attorney General
Jason W. Hayes, Assistant Attorney General

You have requested an opinion from the Office of Attorney General on the constitutionality of Legislative Bill 389. The proposed legislation requires that by January 1, 2001, one-half of all gasoline sold for use as motor fuel in Nebraska shall contain an oxygen content that is greater than or equal to 2.7 percent by weight.¹ The legislation provides certain exceptions to the one-half requirement for the use of non-oxygenated gasoline in specifically named vehicles.²

You have specifically asked for a determination on whether, in the absence of a federal oxygenated gasoline requirement, is a state legally able to impose a standard that modifies generic gasoline and which may impede the marketing of this product in one or more states. You have also stated that there is some uncertainty as to whether current federal law setting requirements for the use of oxygenated fuels will remain intact. It is the adoption of this proposed state fuel standard in the absence of a federal

¹See Legislative Bill 389, 96th Neb. Leg., 1st Sess. (Neb. 1999). The legislation provides an extended timetable for the implementation of the 50 percent requirement depending on current levels of oxygenated motor fuel use within the state.

²See L.B. 389, § 1 (3) and (4). Exceptions to the mandate are limited to the use of non-oxygenated fuels in historical vehicles, vehicles eligible to be licensed as historical vehicles, off-road vehicles, motorcycles, boats, snowmobiles, small engines, and aircraft.

requirement that is the subject of your inquiry.

DISCUSSION

The Commerce Clause found in the United States Constitution gives Congress the ability to regulate interstate commerce. The clause provides "[t]he Congress shall have the power . . . to regulate Commerce . . . among several States." U.S. Const. art. I, § 8. This clause establishes that Congress' power over interstate commerce is plenary and pervasive. However, the power has been established to be nonexclusive and is shared with states to a certain degree.

The United States Supreme Court allows state regulation of interstate commerce--where Congress has not preempted by law an area of commerce, in cases where the regulation does not discriminate against out-of-state competition to benefit local economic interests, and where the regulation is not unduly burdensome. The Supreme Court describes the states' power to regulate interstate commerce as follows:

This Court has adopted what amounts to a two-tiered approach to analyzing a state economic regulation under the Commerce Clause. When a state statute directly regulates or discriminates against interstate commerce, or when its effect is to favor in-state economic interests over out-of-state interests, we have generally struck down the statute without further inquiry. . . . When, however, a statute has only indirect effects on interstate commerce and regulates evenhandedly, we have examined whether a State's interest is legitimate and whether the burden on interstate commerce clearly exceeds local benefits. (*Pike v. Bruce Church, Inc.*) We have also recognized that there is no clear line separating the category of state regulation that is virtually *per se* invalid under the Commerce Clause, and the category subject to the *Pike v. Bruce Church* balancing approach. In either situation the critical consideration is the overall effect of the statute on both local and interstate activity.

Brown-Forman Distillers Corporation v. New York State Liquor Authority, 476 U.S. 573, 578-79, 106 S. Ct. 2080, 2084 (1986) (Citations omitted). See also ***Pike v. Bruce Church, Inc.***, 397 U.S. 137, 90 S. Ct. 844 (1970).

According to the Court, if there is no federal legislation that supersedes or preempts the field of commerce, then a state may regulate commerce unless it is determined that the regulation discriminates against interstate or out-of-state commerce, or places an undue burden on the free flow of interstate commerce. In cases where the legislation is discriminatory, it will be invalid unless it furthers an important state interest and there are no reasonable nondiscriminatory alternatives. If the legislation does not discriminate but burdens interstate commerce, it will be invalid if the burden on commerce outweighs the state's interest.

For the purpose of this request, we will not determine whether the federal

government has preempted the area of commerce that LB 389 attempts to regulate. In your request for an opinion, you asked whether LB 389 was constitutional in the absence of any preemptive or superseding federal legislation. Given the narrow focus of your opinion request, we will not consider whether there are any existing federal laws that would preempt the implementation of LB 389. We do note that if a federal law was found by the courts to regulate the area of commerce under which LB 389 intends to operate, a finding by the Court that LB 389 was unconstitutional would be reasonable under a current interpretation of case law.

The first consideration is whether LB 389 discriminates against interstate or out-of-state commerce. Discrimination occurs where a state regulation is designed to favor in-state commerce to the detriment of out-of-state commerce flowing into the state. The U.S. Supreme Court has stated:

It has long been accepted that the Commerce Clause not only grants Congress the authority to regulate commerce among the states, but also directly limits the power of the states to discriminate against interstate commerce. This "negative" aspect of the Commerce Clause prohibits economic protectionism – that is, regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors. Thus, state statutes that clearly discriminate against interstate commerce are routinely struck down, unless the discrimination is demonstrably justified by a valid factor unrelated to economic protectionism.

New Energy Co. of Indiana v. Limbach, 486 U.S. 269, 273-74, 108 S. Ct. 1803, 1807-08 (1988) (Citations omitted).

With the adoption of LB 389, there will be a greater demand for oxygenated fuels as suppliers purchase more quantities of ethanol and other fuel additives in order to come into compliance with the requirements imposed by the statute. Nebraska is a large producer of ethanol and LB 389 would have the effect of creating a greater demand for ethanol, thus benefitting the producers of ethanol within the state.³ Even though there is a likely economic benefit that would result in Nebraska from the adoption of LB 389, this does not necessarily cause LB 389 to be discriminating against out-of-state producers of such fuel additives. LB 389 does not restrict out-of-state producers from importing ethanol to be mixed with gasoline, nor does it prohibit other fuel additives to be used in place of ethanol, such as MTBE or ETBE to increase the oxygenated capacity found in gasoline. LB 389 does not facially discriminate against out-of-state producers of oxygenated fuel additives to the benefit of in-state ethanol producers.

Since LB 389 does not discriminate against interstate commerce and out-

³According to the Nebraska Ethanol Board, as of 1998 there are a total of six ethanol processing plants within the state, which have the capacity to produce 273.5 million gallons of ethanol each year.

of-state producers, the next question is whether LB 389 places an undue burden on the free flow of interstate commerce. If there is an undue burden, courts will invalidate the measure if the burden on commerce outweighs the state's interest.

Currently, gasoline in Nebraska is transported via pipelines that bring the product into the state from refineries located primarily in coastal states. The pipelines distribute the gasoline to twelve main petroleum pipeline terminals located throughout the state. Trucks are then used to transport the gasoline from the pipeline terminals to retail outlets for purchase by consumers. In some instances, gasoline from these terminals is sold for out-of-state consumption. Also, in certain areas of the state it is more feasible for retail service stations to import gasoline into the state for sale to customers because out-of-state pipeline terminals are closer than instate pipeline terminals.

Ethanol and other oxygenated additives are added to gasoline at these pipeline terminals. These oxygenated enhancing fuels are mixed with the gasoline through a computerized in-line blending system. After a truck has been filled with pure gasoline, ethanol (or other fuel) is added into the tank of the truck. The final product is mixed in the tank and is then transported to the retail outlet. The distributor makes the final determination as to whether ethanol is added to his supply of gasoline based on the quantities required by the retail seller. Once the fuel additive is mixed with the gasoline, the resulting product is unable to be separated back into its original form.

LB 389 would require that one-half of all gasoline sold for use as motor fuel in Nebraska contain an oxygenated content equal to 2.7 percent by weight for use in non-exempted types of vehicles. This would place a burden on interstate commerce because distributors importing gasoline into Nebraska would have to meet the requirements imposed by LB 389. Such distributors would have to reduce their amount of non-oxygenated gasoline that they deliver to retail service stations to comply with the limitations imposed by LB 389. This burden would be minimized by the fact that most gasoline transported into Nebraska is through a pipeline and enters the state in a pure form, prior to being mixed with ethanol, ETBE or MTBE. The burden then would primarily fall upon the out-of-state suppliers rather than instate distributors who have the ability to determine at the pipeline terminals the quantity of gasoline product they choose to mix with ethanol, ETBE or MTBE based upon the demand of such fuel.

For gasoline product that is distributed to other states, distributors would have the ability to deliver pure gasoline product, free from additives, to retail service stations located outside of Nebraska. LB 389 would not prohibit distributors from choosing to ship non-oxygenated gasoline to out-of-state retail markets. Pipelines running through Nebraska connecting to terminals in other states would not be affected by the provisions in LB 389 because they only apply to the retail sale of gasoline. Thus, the burden on interstate commerce would be relatively minor as far as the distribution network is concerned.

With this burden that would be placed upon interstate commerce, it should be weighed against the state's interest and benefits that may be gained by the imposition of LB 389. There are a number of stated environmental benefits that result from the use of oxygenated fuels. Such benefits include: reduction of carbon monoxide emissions; reductions in ozone pollution due to the lower reactivity of the fuel; lower toxicity than other octane enhancers such as benzene, toluene and xylene; a lower gasoline volatility that reduces the VOC emissions from automobiles; and in the case of some oxygenated additives, fuels such as ethanol are renewable.⁴ The state's interest in increasing the requirements for use of oxygenated fuels may be found in these possible benefits to the environment.

Courts take into account the state's interest based on the state's need to promote health and safety matters within its boundaries. The United States Court of Appeals of the Eighth Circuit has expressed that:

(a) State's power to regulate commerce is greatest when they act on matters of local concern, and state regulations enacted to promote public health and safety are accorded particular deference. Challengers to state regulations enacted to further public safety must overcome a 'strong presumption of their validity'. . . . [t]he Court consistently has incorporated into its analysis some evaluation of the burden that the legislation in question places on interstate commerce. The balancing must, however, reflect great deference due state safety legislation. The challengers may prevail only if the burden on interstate commerce is clearly excessive in relation to the safety purpose of the state legislation.

Burlington Northern R. Co. v. State of Nebraska, 802 F.2d 994 (8th Cir. 1986) (Citations omitted). The Court outlines the deference it gives to states to determine the best means to achieve an outcome in matters of health and safety. Such deference is limited in cases where the burden placed on interstate commerce is excessive given the likely benefits sought by the state.

The environmental and other benefits gained from implementing LB 389 would be considered the state's interest in this matter under its concern for the health and safety of its citizens. These benefits would be balanced against the possible burden to interstate commerce. Courts would grant deference to the State of Nebraska in adopting LB 389 if they reasoned that the burden from requiring a greater use of oxygenated gasoline was not excessive when compared to the benefits achieved by the legislation.

In our opinion, given the current design of the distribution network in Nebraska for the delivery of gasoline, it would appear that such burdens would be minimal when compared to the likely benefits gained from increased use of ethanol. Thus, courts would have to make the final

⁴Such benefits are based on findings presented by the American Coalition for Ethanol.

determination as to whether the burden was excessive given the likely benefits.

CONCLUSION

In our opinion, LB 389 would be upheld as constitutional, even if current federal law were repealed, because in our estimation, the likely benefits gained by the implementation of LB 389 would exceed the burden imposed upon interstate commerce. This burden is minimal given the manner in which gasoline is brought into the state through pipelines, the ease in which oxygenated fuels are added and mixed at the pipeline terminals, and the ability of the distributor to continue to deliver non-oxygenated gasoline to out-of-state retail service stations.

Sincerely,
Don Stenberg
Attorney General

(Signed) Jason W. Hayes
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Legislature

02-36-16

VISITORS

Visitors to the Chamber were Michael P. Dineen from Millard; Dorothy Elias from Omaha; Dee Kucera from Columbus; 44 fourth grade students and teachers from North Bend Public School; Andy Laws from Gering and Steve Laws from Scottsbluff; JoAnne Frey, Jane Nider, and Megan Waldo from Beatrice; and 40 fourth grade students and teachers from Lyons-Decatur Elementary School.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Quandahl, the Legislature adjourned until 9:00 a.m., Thursday, March 11, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY – MARCH 11, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 11, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mmes. Brown, Crosby, Messrs. Hartnett, and Landis who were excused; and Messrs. Coordsen, Dierks, Engel, Hilgert, Matzke, D. Pederson, Wickersham, Mmes. Kiel, C. Peterson, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

STANDING COMMITTEE REPORT Business and Labor

LEGISLATIVE BILL 608. Placed on General File as amended.
Standing Committee amendment to LB 608:
AM0744

- 1 1. On page 6, line 5, after "leave" insert ". When an
- 2 agreement between the employer and a bargaining unit representative
- 3 does not allocate vacation pay allowance or pay in lieu of vacation
- 4 to a specified period of time during a period of temporary layoff
- 5 or plant shutdown, the payment by the employer or his or her
- 6 designated representative will be deemed to be wages as defined in
- 7 this section in the week or weeks the vacation is actually taken.
- 8 Notwithstanding any other provision of the Employment Security Law,
- 9 an employee who is not employed during a plant shutdown for
- 10 vacation purposes shall not be deemed to be on a leave of absence
- 11 or unavailable for work merely by reason of the fact that his or

12 her collective bargaining agents agreed to the vacation."

(Signed) Floyd P. Vrtiska, Chairperson

ANNOUNCEMENTS

Mr. Landis designates LB 505 as his priority bill.

Mr. Byars designates LB 356 as his priority bill.

Mr. Matzke designates LB 608 as his priority bill.

Ms. Schimek designates LB 480 as her priority bill.

Mr. Coordsen designates LB 419 as his priority bill.

Mrs. Brown designates LB 637 as her priority bill.

The Revenue Committee designates LB 36 and LB 670 as its priority bills.

The Banking, Commerce and Insurance Committee designates LB 827 as its priority bill.

Mr. Bruning designates LB 78 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 41. Introduced by Janssen, 15.

WHEREAS, the North Bend Central Lady Tigers won the Class C-1 Girls' State Basketball Tournament; and

WHEREAS, the Lady Tigers were runners-up last year; and

WHEREAS, the team won 25 games to maintain an undefeated season; and
WHEREAS, Jenny Pollard, Robyn Fittje, Sheila Mueller, Tami Hunke, Shannon Emanuel, Michelle Settles, Katie Blacketer, Anita Winkelman, Dana Gross-Rhode, Danielle Settles, Niki Hunke, Whitney Arneal, Stephanie Anderson, and Shari Elofson contributed greatly to the team's success; and

WHEREAS, the team won its final game by 25 points with a score of 57-32; and

WHEREAS, Coach Jim Dodge and Assistant Coach Tony Allgood displayed and provided effective guidance throughout the season; and

WHEREAS, the Lady Tigers exemplified dedication, discipline, and perseverance through talent combined with hard work.

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

1. That the Legislature recognizes and congratulates the North Bend Lady Tigers basketball team and their coaches, parents, and supporters.

2. That a copy of this resolution be sent to the North Bend Central Public Schools.

Laid over.

UNANIMOUS CONSENT - Room Change

Mr. Schrock asked unanimous consent that the Natural Resources Committee conduct its hearing on Tuesday, March 16, 1999, in Room 2102 instead of Room 1525. No objections. So ordered.

ANNOUNCEMENTS

The Natural Resources Committee designates LB 863 as its priority bill.

Mrs. C. Peterson designates LB 150 as her priority bill.

UNANIMOUS CONSENT - Member Excused

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

ANNOUNCEMENT

The Chair announced today is Senator Raikes' birthday.

MOTIONS - Approve Appointments

Mr. Janssen moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 876: General Stanley Heng - Military Department.

Voting in the affirmative, 31:

Baker	Coordsen	Lynch	Raikes	Smith
Bohlke	Cudaback	Matzke	Redfield	Stuhr
Bourne	Janssen	Pedersen, Dw.	Robak	Suttle
Bromm	Jensen	Preister	Schellpeper	Thompson
Bruning	Jones	Price	Schmitt	Tyson
Byars	Kremer	Quandahl	Schrock	Wehrbein
Connealy				

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Beutler	Brashear	Hudkins	Kristensen
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Excused and not voting, 13:

Brown	Crosby	Dierks	Engel	Hartnett
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Hilgert	Landis	Peterson, C.	Vrtiska	Wickersham
Kiel	Pederson, D.	Schimek		

The appointment was confirmed with 31 ayes, 1 nay, 4 present and not voting, and 13 excused and not voting.

Mr. Janssen moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 876: Wally Jernigan - Athletic Commission.

Voting in the affirmative, 31:

Baker	Coordsen	Kremer	Price	Schrock
Bohlke	Cudaback	Lynch	Quandahl	Smith
Bourne	Hudkins	Matzke	Redfield	Stuhr
Bromm	Janssen	Pedersen, Dw.	Robak	Suttle
Bruning	Jensen	Pederson, D.	Schellpeper	Thompson
Byars	Jones	Preister	Schmitt	Wehrbein
Connealy				

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Beutler	Brashear	Kristensen	Raikes	Tyson
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Excused and not voting, 12:

Brown	Engel	Kiel	Peterson, C.	Vrtiska
Crosby	Hartnett	Landis	Schimek	Wickersham
Dierks	Hilgert			

The appointment was confirmed with 31 ayes, 1 nay, 5 present and not voting, and 12 excused and not voting.

Mr. Janssen moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 876: Ken Winters - State Fire Marshal.

Voting in the affirmative, 28:

Baker	Coordsen	Kremer	Raikes	Smith
Bohlke	Cudaback	Pedersen, Dw.	Redfield	Stuhr
Bourne	Hudkins	Pederson, D.	Robak	Suttle
Bruning	Janssen	Preister	Schellpeper	Thompson
Byars	Jensen	Price	Schmitt	Tyson
Connealy	Jones	Quandahl		

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Beutler	Bromm	Lynch	Schrock	Wehrbein
Brashear	Kristensen	Matzke		

Excused and not voting, 12:

Brown	Engel	Kiel	Peterson, C.	Vrtiska
Crosby	Hartnett	Landis	Schimek	Wickersham
Dierks	Hilgert			

The appointment was confirmed with 28 ayes, 1 nay, 8 present and not voting, and 12 excused and not voting.

MOTION - Return LB 514 to Select File

Mr. Kristensen moved to return LB 514 to Select File for the following specific amendment:

FA47

Strike the enacting clause.

Mr. Kristensen withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 514. With Emergency.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-609, Reissue Revised Statutes of Nebraska, and sections 75-609.01, 86-1401, 86-1405, and 86-1410, Revised Statutes Supplement, 1998; to restrict ex parte communications; to change provisions relating to access charges and universal service; to provide an exemption from certain surcharges; to eliminate a termination date; to harmonize provisions; to repeal the original sections; to outright repeal section 86-1411, Revised Statutes Supplement, 1998; 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, 38:

Baker	Beutler	Bohlke	Bourne	Brashear
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Bromm	Hilgert	Lynch	Raikes	Smith
Bruning	Hudkins	Matzke	Robak	Stuhr
Byars	Janssen	Pedersen, Dw.	Schellpeper	Suttle
Chambers	Jensen	Pederson, D.	Schimek	Thompson
Connealy	Jones	Preister	Schmitt	Tyson
Coordsen	Kremer	Price	Schrock	Wehrbein
Cudaback	Kristensen	Quandahl		

Voting in the negative, 1:

Redfield

Excused and not voting, 10:

Brown	Dierks	Hartnett	Landis	Vrtiska
Crosby	Engel	Kiel	Peterson, C.	Wickersham

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 514A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 514, Ninety-sixth Legislature, First Session, 1999; 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, 38:

Baker	Chambers	Jensen	Preister	Schmitt
Beutler	Connealy	Jones	Price	Schrock
Bohlke	Coordsen	Kremer	Quandahl	Smith
Bourne	Cudaback	Kristensen	Raikes	Suttle
Brashear	Dierks	Lynch	Robak	Thompson
Bromm	Hilgert	Matzke	Schellpeper	Tyson
Bruning	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Byars	Janssen	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 2:

Redfield Stuhr

Excused and not voting, 9:

Brown	Engel	Kiel	Peterson, C.	Wickersham
Crosby	Hartnett	Landis	Vrtiska	

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 359. With Emergency.

A BILL FOR AN ACT relating to communications; to amend section 71-4727, Reissue Revised Statutes of Nebraska, and sections 71-4728, 71-4732, 86-1302 to 86-1304, 86-1306, and 86-1307, Revised Statutes Supplement, 1998; to authorize interpreter services for deaf or hard of hearing persons as prescribed; to authorize fees; to change eligibility criteria for specialized telecommunications equipment; to define and redefine terms; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 38:

Baker	Connealy	Jones	Price	Schrock
Bohlke	Coordsen	Kremer	Quandahl	Smith
Bourne	Cudaback	Kristensen	Redfield	Stuhr
Brashear	Dierks	Lynch	Robak	Suttle
Bromm	Hilgert	Matzke	Schellpeper	Thompson
Bruning	Hudkins	Pedersen, Dw.	Schimek	Tyson
Byars	Janssen	Pederson, D.	Schmitt	Wehrbein
Chambers	Jensen	Preister		

Voting in the negative, 1:

Raikes

Present and not voting, 1:

Beutler

Excused and not voting, 9:

Brown	Engel	Kiel	Peterson, C.	Wickersham
Crosby	Hartnett	Landis	Vrtiska	

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 359A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 359, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Jones	Quandahl	Schrock
Bohlke	Coordsen	Kremer	Raikes	Smith
Bourne	Cudaback	Kristensen	Redfield	Stuhr
Brashear	Dierks	Lynch	Robak	Suttle
Bromm	Hilgert	Pedersen, Dw.	Schellpeper	Thompson
Bruning	Hudkins	Pederson, D.	Schimpek	Tyson
Byars	Janssen	Preister	Schmitt	Wehrbein
Chambers	Jensen	Price		

Voting in the negative, 0.

Present and not voting, 2:

Beutler Matzke

Excused and not voting, 9:

Brown	Engel	Kiel	Peterson, C.	Wickersham
Crosby	Hartnett	Landis	Vrtiska	

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

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 362.

A BILL FOR AN ACT relating to libraries; to state intent; to provide for public library federations; to define terms; to provide for boards, tax levies, funds, basic public library services, and reports; and to provide powers and duties.

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, 39:

Baker	Chambers	Jones	Price	Schrock
Beutler	Connealy	Kremer	Quandahl	Smith
Bohlke	Coordsen	Kristensen	Raikes	Stuhr
Bourne	Cudaback	Lynch	Redfield	Suttle
Brashear	Hilgert	Matzke	Robak	Thompson
Bromm	Hudkins	Pedersen, Dw.	Schellpeper	Tyson
Bruning	Janssen	Pederson, D.	Schimek	Wehrbein
Byars	Jensen	Preister	Schmitt	

Voting in the negative, 0.

Excused and not voting, 10:

Brown	Dierks	Hartnett	Landis	Vrtiska
Crosby	Engel	Kiel	Peterson, C.	Wickersham

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 366 with 33 ayes, 2 nays, 4 present and not voting, and 10 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 366.

A BILL FOR AN ACT relating to the practice of psychology; to amend sections 43-129, 43-146.03, 71-1,206.01, 71-1,206.13, 71-1,206.14, 71-1,206.25, 71-1,206.27, 71-1,206.28, and 71-1,206.29, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-147, and 71-1,103, Revised Statutes Supplement, 1998; to provide for a provisional license; 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, 39:

Baker	Connealy	Jones	Price	Schrock
Beutler	Coordsen	Kremer	Quandahl	Smith
Bohlke	Cudaback	Kristensen	Raikes	Stuhr
Bourne	Dierks	Lynch	Redfield	Suttle
Brashear	Hilgert	Matzke	Robak	Thompson
Bruning	Hudkins	Pedersen, Dw.	Schellpeper	Tyson
Byars	Janssen	Pederson, D.	Schimek	Wehrbein
Chambers	Jensen	Preister	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 9:

Brown	Engel	Kiel	Peterson, C.	Wickersham
Crosby	Hartnett	Landis	Vrtiska	

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 379. With Emergency.

A BILL FOR AN ACT relating to physician assistants; to amend sections 28-415 and 71-1,107.30, Reissue Revised Statutes of Nebraska, and sections 28-401 and 28-412, Revised Statutes Supplement, 1998; to change provisions relating to prescribing medications; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 39:

Baker	Chambers	Jones	Price	Schrock
Beutler	Connealy	Kremer	Quandahl	Smith
Bohlke	Coordsen	Kristensen	Raikes	Stuhr
Bourne	Dierks	Lynch	Redfield	Suttle
Brashear	Hilgert	Matzke	Robak	Thompson
Bromm	Hudkins	Pedersen, Dw.	Schellpeper	Tyson
Bruning	Janssen	Pederson, D.	Schimek	Wehrbein
Byars	Jensen	Preister	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 9:

Brown	Engel	Kiel	Peterson, C.	Wickersham
Crosby	Hartnett	Landis	Vrtiska	

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 238.

A BILL FOR AN ACT relating to state government; to amend section 81-2603, Reissue Revised Statutes of Nebraska, and section 81-2304, Revised Statutes Supplement, 1998; to change membership on an advisory council; to authorize expense reimbursement for advisory committee members; 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, 39:

Baker	Chambers	Jensen	Preister	Schrock
Beutler	Connealy	Jones	Price	Smith
Bohlke	Coordsen	Kremer	Quandahl	Stuhr
Bourne	Cudaback	Kristensen	Raikes	Suttle
Brashear	Dierks	Lynch	Robak	Thompson
Bromm	Hilgert	Matzke	Schellpeper	Tyson
Bruning	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Byars	Janssen	Pederson, D.	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Redfield

Excused and not voting, 9:

Brown	Engel	Kiel	Peterson, C.	Wickersham
Crosby	Hartnett	Landis	Vrtiska	

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 436 with 32 ayes, 2 nays, 6 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 436.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3232, 2-3235, and 2-3254, Reissue Revised Statutes of Nebraska, and sections 2-3212.01, 2-3219, 2-3222, 2-3226, 2-3228, 2-3233, and 2-3234, Revised Statutes Supplement, 1998; to delete references to certain sections; to eliminate provisions relating to rules and regulations and appeals; to harmonize provisions; to repeal the original sections; and to outright repeal section 2-3204, 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, 40:

Baker	Chambers	Jensen	Preister	Schmitt
Beutler	Connealy	Jones	Price	Schrock
Bohlke	Coordsen	Kremer	Quandahl	Smith
Bourne	Cudaback	Kristensen	Raikes	Stuhr
Brashear	Dierks	Lynch	Redfield	Suttle
Bromm	Hilgert	Matzke	Robak	Thompson
Bruning	Hudkins	Pedersen, Dw.	Schellpeper	Tyson
Byars	Janssen	Pederson, D.	Schimek	Wehrbein

Voting in the negative, 0.

Excused and not voting, 9:

Brown	Engel	Kiel	Peterson, C.	Wickersham
Crosby	Hartnett	Landis	Vrtiska	

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 461. With Emergency.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Revised Statutes Supplement, 1998; to authorize use of telephone conference calls; to harmonize provisions; 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, 40:

Baker	Connealy	Jones	Preister	Schmitt
Beutler	Coordsen	Kiel	Price	Schrock
Bohlke	Cudaback	Kremer	Quandahl	Smith
Bourne	Dierks	Kristensen	Raikes	Stuhr
Brashear	Hilgert	Lynch	Redfield	Suttle
Bromm	Hudkins	Matzke	Robak	Thompson
Bruning	Janssen	Pedersen, Dw.	Schellpeper	Tyson
Byars	Jensen	Pederson, D.	Schimek	Wehrbein

Voting in the negative, 1:

Chambers

Excused and not voting, 8:

Brown	Engel	Landis	Vrtiska	Wickersham
Crosby	Hartnett	Peterson, C.		

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 566.

A BILL FOR AN ACT relating to public bidding; to amend section 18-2442, Reissue Revised Statutes of Nebraska, and section 70-637, Revised Statutes Supplement, 1998; to change provisions relating to bidding requirements for certain purchases by certain public corporations and public power and irrigation districts; 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, 40:

Baker	Connealy	Jones	Preister	Schmitt
Bohlke	Coordsen	Kiel	Price	Schrock
Bourne	Cudaback	Kremer	Quandahl	Smith
Brashear	Dierks	Kristensen	Raikes	Stuhr
Bromm	Hilgert	Lynch	Redfield	Suttle
Bruning	Hudkins	Matzke	Robak	Thompson
Byars	Janssen	Pedersen, Dw.	Schellpeper	Tyson
Chambers	Jensen	Pederson, D.	Schimek	Wehrbein

Voting in the negative, 1:

Beutler

Excused and not voting, 8:

Brown	Engel	Landis	Vrtiska	Wickersham
Crosby	Hartnett	Peterson, C.		

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

LEGISLATIVE BILL 596.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1504, Reissue Revised Statutes of Nebraska; to change provisions relating to community college areas; 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, 39:

Baker	Connealy	Jones	Preister	Schmitt
Beutler	Coordsen	Kiel	Price	Schrock
Bohlke	Cudaback	Kremer	Quandahl	Smith
Bourne	Dierks	Kristensen	Raikes	Stuhr
Brashear	Hilgert	Lynch	Redfield	Suttle
Bromm	Hudkins	Matzke	Robak	Tyson
Bruning	Janssen	Pedersen, Dw.	Schellpeper	Wehrbein
Byars	Jensen	Pederson, D.	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Thompson

Excused and not voting, 8:

Brown	Engel	Landis	Vrtiska	Wickersham
Crosby	Hartnett	Peterson, C.		

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

LEGISLATIVE BILL 682.

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1003, Reissue Revised Statutes of Nebraska; to change trustee authorization 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, 39:

Baker	Connealy	Jones	Price	Schrock
Beutler	Coordsen	Kiel	Quandahl	Smith
Bohlke	Cudaback	Kremer	Raikes	Stuhr
Bourne	Dierks	Lynch	Redfield	Suttle
Brashear	Hilgert	Matzke	Robak	Thompson
Bromm	Hudkins	Pedersen, Dw.	Schellpeper	Tyson
Bruning	Janssen	Pederson, D.	Schimek	Wehrbein
Byars	Jensen	Preister	Schmitt	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Kristensen

Excused and not voting, 8:

Brown	Engel	Landis	Vrtiska	Wickersham
Crosby	Hartnett	Peterson, C.		

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 784 with 34 ayes, 2 nays, 5 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 784.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1505 and 81-1507, Revised Statutes Supplement, 1998; to change provisions relating to powers of the Environmental Quality Council and the Director of Environmental Quality; and to repeal the original sections.

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

Voting in the affirmative, 41:

Baker	Bourne	Bruning	Connealy	Dierks
Beutler	Brashear	Byars	Coordsen	Hilgert
Bohlke	Bromm	Chambers	Cudaback	Hudkins

Janssen	Lynch	Price	Schellpeper	Stuhr
Jensen	Matzke	Quandahl	Schimek	Suttle
Jones	Pedersen, Dw.	Raikes	Schmitt	Thompson
Kiel	Pederson, D.	Redfield	Schrock	Tyson
Kremer	Preister	Robak	Smith	Wehrbein
Kristensen				

Voting in the negative, 0.

Excused and not voting, 8:

Brown	Engel	Landis	Vrtiska	Wickersham
Crosby	Hartnett	Peterson, C.		

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 514, 514A, 359, 359A, 362, 366, 379, 238, 436, and 461.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 789.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1507 and 81-1508.02, Revised Statutes Supplement, 1998; to change provisions relating to violator hearings and fines; 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, 35:

Baker	Byars	Kiel	Quandahl	Schrock
Beutler	Chambers	Kremer	Raikes	Smith
Bohlke	Coordsen	Kristensen	Redfield	Stuhr
Bourne	Dierks	Matzke	Robak	Suttle
Brashear	Hilgert	Pedersen, Dw.	Schellpeper	Thompson
Bromm	Hudkins	Pederson, D.	Schimek	Tyson
Bruning	Jones	Price	Schmitt	Wehrbein

Voting in the negative, 0.

Present and not voting, 6:

Connealy	Janssen	Jensen	Lynch	Preister
Cudaback				

Excused and not voting, 8:

Brown	Engel	Landis	Vrtiska	Wickersham
Crosby	Hartnett	Peterson, C.		

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

LEGISLATIVE BILL 315.

A BILL FOR AN ACT relating to judges; to amend section 25-2905, Reissue Revised Statutes of Nebraska; to create the Nebraska County Court Judges Association; 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, 30:

Baker	Byars	Kremer	Preister	Schmitt
Beutler	Chambers	Kristensen	Price	Schrock
Bohlke	Connealy	Lynch	Quandahl	Suttle
Bourne	Hilgert	Matzke	Raikes	Thompson
Brashear	Janssen	Pedersen, Dw.	Robak	Tyson
Bruning	Kiel	Pederson, D.	Schellpeper	Wehrbein

Voting in the negative, 9:

Coordsen	Hudkins	Jones	Schimek	Stuhr
Dierks	Jensen	Redfield	Smith	

Present and not voting, 2:

Bromm	Cudaback
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Excused and not voting, 8:

Brown	Engel	Landis	Vrtiska	Wickersham
Crosby	Hartnett	Peterson, C.		

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

LEGISLATIVE BILL 333.

A BILL FOR AN ACT relating to drugs and devices; to provide restrictions on disposal of dispensed drugs and devices.

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, 39:

Baker	Chambers	Jensen	Price	Schrock
Beutler	Connealy	Jones	Quandahl	Smith
Bohlke	Coordsen	Kiel	Raikes	Stuhr
Bourne	Cudaback	Kremer	Redfield	Suttle
Brashear	Dierks	Lynch	Robak	Thompson
Bromm	Hilgert	Matzke	Schellpeper	Tyson
Bruning	Hudkins	Pederson, D.	Schimek	Wehrbein
Byars	Janssen	Preister	Schmitt	

Voting in the negative, 1:

Pedersen, Dw.

Present and not voting, 1:

Kristensen

Excused and not voting, 8:

Brown	Engel	Landis	Vrtiska	Wickersham
Crosby	Hartnett	Peterson, C.		

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

LEGISLATIVE BILL 333A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 333, Ninety-sixth Legislature, First Session, 1999; and to reduce an appropriation.

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, 39:

Baker	Bourne	Bruning	Connealy	Dierks
Beutler	Brashear	Byars	Coordsen	Hilgert
Bohlke	Bromm	Chambers	Cudaback	Hudkins

Janssen	Kristensen	Quandahl	Schimek	Suttle
Jensen	Lynch	Raikes	Schmitt	Thompson
Jones	Pederson, D.	Redfield	Schrock	Tyson
Kiel	Preister	Robak	Smith	Wehrbein
Kremer	Price	Schellpeper	Stuhr	

Voting in the negative, 1:

Pedersen, Dw.

Present and not voting, 1:

Matzke

Excused and not voting, 8:

Brown	Engel	Landis	Vrtiska	Wickersham
Crosby	Hartnett	Peterson, C.		

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

SPEAKER KRISTENSEN PRESIDING

MOTION - Return LB 17 to Select File

Mr. Coordsen moved to return LB 17 to Select File for the Coordsen-Jensen specific amendment, AM0617, found on page 828.

The Coordsen motion to return prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 17. The Coordsen-Jensen specific amendment, AM0617, found on page 828, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 148 to Select File

Mr. Jensen moved to return LB 148 to Select File for his specific amendment, AM0530, found on page 817.

Mrs. Stuhr, Messrs. Janssen, and Chambers asked unanimous consent to be

excused. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Jensen motion to return prevailed with 31 ayes, 1 nay, 5 present and not voting, and 12 excused and not voting.

Messrs. Hilgert, Cudaback, Bromm, and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 148. The Jensen specific amendment, AM0530, found on page 817, was adopted with 26 ayes, 2 nays, 5 present and not voting, and 16 excused and not voting.

Advanced to E & R for reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 566, 596, 682, 784, 789, 315, 333, and 333A.

MOTION - Return LB 148A to Select File

Mr. Jensen moved to return LB 148A to Select File for his specific amendment, AM0531, found on page 818.

The Jensen motion to return prevailed with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 148A. The Jensen specific amendment, AM0531, found on page 818, was adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

Advanced to E & R for reengrossment.

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 272 and 272A.

Enrollment and Review Change to LB 272

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

ER9027

1. In the Standing Committee amendments, AM0228, on page 2, line 7, "its" has been inserted after "or".

(Signed) Adrian M. Smith, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 42.** Introduced by Bromm, 23.

WHEREAS, the East Butler Tigers won the Class D state wrestling meet; and

WHEREAS, the Tigers qualified 10 wrestlers for the state meet; and

WHEREAS, all 10 wrestlers scored points for the team; and

WHEREAS, all 10 wrestlers won at least one match; and

WHEREAS, the Tigers finished first in every invitational and won every duel they participated in this season; and

WHEREAS, Travis Havlovic, Jeremy Pelan, Scott Hula, Ben Zitek, Chuck Klement, Dustin Valenti, Zach Kastl, and Don Rech contributed greatly to the team's success; and

WHEREAS, Vince Tesinsky placed first in Class D at 160 pounds; and

WHEREAS, Jim Zitek capped a perfect 36-0 season by placing first in Class D at 145 pounds; and

WHEREAS, the Tigers exemplified dedication, discipline, and perseverance through talent and hard work; and

WHEREAS, Coach Gary McGrath and his assistants displayed and provided effective guidance and leadership throughout the season.

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

1. That the Legislature recognizes and congratulates the East Butler Tigers wrestling team and their coaches, parents, and supporters.

2. That a copy of this resolution be sent to East Butler Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 43. Introduced by Dierks, 40.

WHEREAS, Nebraska's agricultural heritage and economy is dependent upon the harvest, storage, and transportation of grain; and

WHEREAS, there are 357 grain elevators with 663 million bushels of storage and 55,000 farms with 1.02 billion bushels of storage in Nebraska; and

WHEREAS, Nebraska grain elevators are valued neighbors to and located in close proximity to homes, schools, farms, and businesses in most of all Nebraska's communities; and

WHEREAS, Nebraska grain elevators, feed mills, processors, and growers are committed to protecting the health and safety of applicators and workers and to the well-being of the public; and

WHEREAS, grain elevators are located in Nebraska communities near railroads and highways to facilitate the transportation of grain; and

WHEREAS, Nebraska is a leader in the nation and in the world in grain production; and

WHEREAS, Nebraska grain elevators, feed mills, processors, and growers are committed to producing an adequate, safe, and high quality food supply for domestic and world consumers; and

WHEREAS, treaties and established trade relations may require pest-controlled grain before grain can be exported; and

WHEREAS, insect pests in grain without fumigation treatment could create health risks and reduce the quality of the grain marketed from Nebraska; and

WHEREAS, aluminum and magnesium phosphide gas are cost-effective fumigants used both by commercial elevators and farmers in the storage of grain in Nebraska; and

WHEREAS, the federal Environmental Protection Agency (EPA) acknowledges few, if any, viable alternatives to the use of aluminum and magnesium phosphide gas exist for fumigation to control pests in stored grain; and

WHEREAS, the current label restrictions for aluminum and magnesium phosphide gas provide for the safe and effective use of the product; and

WHEREAS, the State of Nebraska practices rigorous enforcement of the label restrictions on fumigants, ensures adequate training of certified applicators, and conducts a fumigation and grain storage project to inspect the use of fumigants; and

WHEREAS, restrictions in the use of fumigants in grain storage and transport should be based only on sound scientific reasoning, available technology, and analysis of risk level and avoid raising undue public alarm over unsubstantiated or inconsequential risk.

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

1. That the Congress of the United States direct the federal Environmental Protection Agency to curtail implementation of new restrictions from its Reregistration Eligibility Decision (RED) on phosphide gas that would require a 500-foot buffer zone and other restrictions that effectively preclude the use of aluminum or magnesium phosphide in most of Nebraska's grain storage facilities and grain transportation; and

2. That the Congress of the United States direct the federal Environmental Protection Agency to ensure that risk mitigation allowances for aluminum or magnesium phosphide are clearly demonstrated as necessary to protect human health, are based upon sound science and reliable information, are economically and operationally reasonable, and will permit the use of these products in accordance with the label.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 43 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR **Committee**
43 Agriculture

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MOTIONS - Print in Journal

Mr. Wehrbein filed the following motion to LB 148:
Bracket to January 10, 2000.

Mr. Bromm filed the following motion to LB 612:
Bracket to January 10, 2000.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 417:
AM0751

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. Section 49-1493, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 49-1493. The individuals listed in subdivisions (1) ~~to~~
- 6 through (11) of this section shall file with the commission a
- 7 statement of financial interests as provided in sections 49-1496
- 8 and 49-1497 for the preceding calendar year on or before April 1 of
- 9 each year in which such individual holds such a position. An
- 10 individual who leaves office shall, within thirty days after
- 11 leaving office, file a statement covering the period since the
- 12 previous statement was filed. Disclosure of the interest named in
- 13 sections 49-1496 to 49-1498 shall be made by:
- 14 (1) An individual holding a state executive office as
- 15 provided in Article IV of the Constitution of Nebraska, including
- 16 the Governor, Lieutenant Governor, Secretary of State, Auditor of
- 17 Public Accounts, State Treasurer, Attorney General, Tax
- 18 Commissioner, and heads of such other executive departments as set
- 19 forth in the Constitution or as may be established by law;
- 20 (2) An individual holding the office of Commissioner of
- 21 Education, member of the State Board of Education, member of the

- 22 Board of Regents of the University of Nebraska with the exception
 23 of student members, or member of the Coordinating Commission for
 24 Postsecondary Education;
- 1 (3) A member of the Board of Parole;
 - 2 (4) A member of the Public Service Commission;
 - 3 (5) A member of the Legislature;
 - 4 (6) A member of the board of directors or an officer of a
 5 district organized under the provisions of Chapter 70;
 - 6 (7) A member of any board or commission of the state or
 7 any county which examines or licenses a business; ~~trade, or~~
 8 ~~profession~~ or which determines rates for or otherwise regulates a
 9 business;
 - 10 (8) A member of a land-use planning commission, zoning
 11 commission, or authority of the state or any county with a
 12 population of more than one hundred thousand inhabitants;
 - 13 (9) An elected official of a city of the primary or
 14 metropolitan class;
 - 15 (10) An elected county official; and
 - 16 (11) An official or employee of the state designated by
 17 rules and regulations of the commission who is responsible for
 18 taking or recommending official action of a nonministerial nature
 19 with regard to:
 - 20 (a) Contracting or procurement;
 - 21 (b) Administering or monitoring grants or subsidies;
 - 22 (c) Land-use planning or zoning;
 - 23 (d) Inspecting, licensing, regulating, or auditing any
 24 person; or
 - 25 (e) Any similar action."

Mr. Jensen filed the following amendment to LB 324:
 AM0705

- 1 1. Insert the following new section:
- 2 "Sec. 5. (1) For purposes of this section, Master
 3 Settlement Agreement means the settlement agreement (and related
 4 documents) entered into on November 23, 1998, by the state and
 5 leading United States tobacco manufacturers.
- 6 (2) The Tobacco Enforcement Fund is created. Any money
 7 received by the state from the State Enforcement Fund established
 8 as part of the Master Settlement Agreement shall be deposited into
 9 the Tobacco Enforcement Fund. The fund shall be used by the
 10 Attorney General to enforce the Master Settlement Agreement and to
 11 investigate and litigate potential violations of state tobacco
 12 laws. The Attorney General may contract with the Nebraska State
 13 Patrol and local law enforcement agencies to assist with the
 14 investigation. The contractual costs may be paid from the fund.
 15 Any money in the fund available for investment shall be invested by
 16 the state investment officer pursuant to the Nebraska Capital
 17 Expansion Act and the Nebraska State Funds Investment Act."
- 18 2. Renumber the remaining section accordingly.

ANNOUNCEMENTS

Mr. Wehrbein designates LB 630 as his priority bill.

Mr. Schmitt designates LB 205 as his priority bill.

Mr. Quandahl designates LB 881 as his priority bill.

Mr. D. Pederson designates LB 548 as his priority bill.

The Agriculture Committee designates LB 404 and LB 730 as its priority bills.

The Nebraska Retirement Systems Committee designates LB 538 and LB 687 as its priority bills.

Mr. Kristensen designates LB 496 as his priority bill.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 498. Placed on Select File as amended.

E & R amendment to LB 498:

AM7081

- 1 1. On page 1, line 4, strike "a term" and insert
- 2 "terms"; in line 5 strike the second "and"; and in line 6 after
- 3 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 574. Placed on Select File as amended.

E & R amendment to LB 574:

AM7082

- 1 1. On page 1, line 3, after "Agreement" insert "; and to
- 2 declare an emergency".
- 3 2. On page 5, line 8, strike "Product Manufacturer" and
- 4 insert "product manufacturer".
- 5 3. On page 9, line 6, after "retailer" insert a comma.

LEGISLATIVE BILL 386. Placed on Select File as amended.

E & R amendment to LB 386:

AM7083

- 1 1. On page 9, line 11, strike "Services" and insert
- 2 "Service".

LEGISLATIVE BILL 386A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 246. Indefinitely postponed.

LEGISLATIVE BILL 874. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

Natural Resources

LEGISLATIVE BILL 701. Placed on General File as amended.

Standing Committee amendment to LB 701:

AM0719

1 1. Strike original section 3 and insert the following
2 new sections:

3 "Sec. 3. Section 37-1012, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 37-1012. (1) The Game and Parks Commission shall have
6 the same responsibility with regard to division fences as a private
7 landowner as provided in sections 34-101 to 34-117, except that in
8 those areas where a state recreational trail is developed, the
9 commission shall have the same responsibility as a railroad as
10 provided in sections 74-601 to 74-604 where a single landowner's
11 property is divided by a state recreational trail. In areas where
12 a state recreational trail does not divide a single landowner's
13 property, the commission shall be responsible for one hundred
14 percent of the construction or replacement cost and the landowner
15 shall be responsible for all of the maintenance of the fence, but
16 the type of fence required under section 74-601 shall not be
17 required for those areas where a state recreational trail is
18 developed. In such areas the type of fence may be (a) wire fence
19 of at least four barbed wires, of a size not less than twelve and
20 one-half gauge fencing wire, to be secured to posts, the posts to
21 be at no greater distance than one rod from each other or (b) a
22 fence of any type that is agreed to by the commission and adjoining
23 landowner.

24 (2) The commission shall adopt and promulgate rules and
1 regulations to carry out this section.

2 Sec. 4. Section 37-1007, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 37-1007. Whenever abandoned railroad right-of-way trails
5 are developed pursuant to the Trail Development Assistance Act,
6 boundary fences shall be constructed and maintained as required ~~for~~
7 ~~railroads in sections 74-601 to 74-604 under section 37-1012 unless~~
8 such construction and maintenance is waived in writing by affected
9 adjoining property owners. Such fences shall be deemed to be
10 manifestly designed to exclude intruders for the purposes of
11 subdivision (1)(c) of section 28-521."

12 2. On page 4, line 14, after "37-303" insert ",

13 37-1007,".

14 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 748. Indefinitely postponed.

LEGISLATIVE BILL 749. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 204. Placed on General File.

LEGISLATIVE BILL 729. Placed on General File as amended.

Standing Committee amendment to LB 729:

AM0513

1 1. On page 2, strike beginning with "(e)" in line 16
2 through "(f)" in line 17 and insert "or (e)".

3 2. On page 3, after line 10 insert the following new
4 subsections:

5 "(5) If the Secretary of State refuses to accept for
6 filing any initiative or referendum pursuant to subsection (2) of
7 this section, any resident may apply, within ten days after such
8 refusal, to the district court of Lancaster County for a writ of
9 mandamus. If it is decided by the court that such petition
10 complies with the requirements of subsection (2) of this section,
11 the Secretary of State shall accept the petition for filing.

12 (6) If the Secretary of State accepts for filing any
13 initiative or referendum petition pursuant to this section, any
14 resident may apply, within ten days after such acceptance, to the
15 district court of Lancaster County for an order enjoining the
16 Secretary of State and all other officers from performing any of
17 the other acts described in sections 32-1401 to 32-1416. If such a
18 suit is filed, the person who is the sponsor of record of the
19 petition shall be a necessary party defendant in such suit. If it
20 is decided by the court that such petition violates the
21 requirements set forth in subsection (2) of this section, it shall
22 enter an order enjoining the Secretary of State and all other
23 officers from performing any of the acts described in sections
24 32-1401 to 32-1416.

1 (7) Suits under subsections (5) and (6) of this section
2 shall be advanced on the court docket and heard and decided by the
3 court as quickly as possible. Either party may appeal to the Court
4 of Appeals within ten days after a decision is rendered. The
5 appeal procedures described in the Administrative Procedure Act
6 shall not apply to this section."; and strike beginning with "(5)"
7 in line 23 through "(6)" in line 24 and insert "or (5)".

8 3. On page 4, line 25, after the period insert "Any such
9 suit may be commenced at any time after the initiative or
10 referendum petition has been filed in the office of the Secretary

11 of State pursuant to section 32-1407 and prior to the election at
12 which the initiative or referendum measure is to be submitted to
13 the registered voters."

14 4. On page 5, after line 5 insert the following new
15 subsection:

16 "(5) For purposes of this section, not legally sufficient
17 means that an initiative or referendum petition (a) interferes with
18 the legislative prerogative contained in the Constitution of
19 Nebraska that the necessary revenue of the state and its
20 governmental subdivisions shall be raised by taxation in the manner
21 as the Legislature may direct, (b) does not comply with sections
22 32-1401 to 32-1416, (c) would violate the Constitution of the
23 United States, (d) would violate the laws of the United States, or
24 (e) fails to comply with the procedural limitations imposed by the
25 Constitution of Nebraska."

(Signed) DiAnna R. Schimek, Chairperson

VISITORS

Visitors to the Chamber were Dale Alumni Association from Columbus; 35 third and fourth grade students and teachers from St. Patrick's School, Lincoln; and 31 sixth grade students and teachers from Lakeview School, Lincoln.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

ADJOURNMENT

At 12:11 p.m., on a motion by Mr. Quandahl, the Legislature adjourned until 9:00 a.m., Friday, March 12, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY – MARCH 12, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 12, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Donald Morton, United Methodist Church, Culbertson, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Kristensen, and Vrtiska who were excused; and Mmes. Bohlke, Brown, Robak, Messrs. Beutler, Brashear, Bromm, Dierks, Hilgert, Landis, Dw. Pedersen, Schrock, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

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

The following bills were correctly engrossed: LBs 54, 226, 375, 407, 407A, and 813.

Enrollment and Review Change to LB 226

The following changes, required to be reported for publication in the Journal, have been made:
ER9023

1. On page 1, the matter beginning with "provide" in line 2 through line 5 has been struck and "limit certain disciplinary proceedings and criminal prosecutions; and to provide duties for the Board of Examiners in Medicine

and Surgery." inserted.

Enrollment and Review Change to LB 813

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

ER9019

1. In the Wickersham amendment, AM0481, on page 1, line 1, "11, after the stricken 'all'" has been struck and "10, after '(4)'" inserted.

2. On page 39, line 15, "subdivision (2) of" has been inserted after "to".

3. On page 90, the matter beginning with "For" in line 19 through "support" in line 20 and all amendments thereto have been struck, the old matter shown as stricken, and "Support" inserted.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 674. Placed on General File as amended.
(Standing Committee amendment, AM0733, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Elaine Stuhr, Chairperson

Health and Human Services

LEGISLATIVE BILL 781. Placed on General File.

LEGISLATIVE BILL 240. Placed on General File as amended.
Standing Committee amendment to LB 240:

AM0487

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 43-1303, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 43-1303. (1) The state board shall meet at least twice
- 5 per year. The state board shall establish a statewide register of
- 6 all foster care placements occurring within the state, and there
- 7 shall be a monthly report made to the state board registry of all
- 8 foster care placements by the Department of Health and Human
- 9 Services, any child-placing agency, or any or court. For each
- 10 child entering and leaving foster care, such monthly report shall
- 11 consist of identifying information, placement information, and the
- 12 plan or permanency plan developed by the person or court in charge
- 13 of the child pursuant to section 43-1312. Every The department and
- 14 every court and child-placing agency shall report any foster care
- 15 placement within three working days. The report shall contain the

16 following information:

17 (a) Child identification information, including name,
18 social security number, date of birth, gender, race, and religion;

19 (b) Identification information for parents and
20 stepparents as necessary, including name, social security number,
21 address, and status of parental rights;

22 (c) Placement information, including initial placement
23 date, current placement date, and the name and address of the
24 foster care provider;

1 (d) Court status information, including which court has
2 jurisdiction, initial custody date, court hearing date, and results
3 of the court hearing;

4 (e) Custodial entity;

5 (f) Case worker; and

6 (g) Case plan.

7 In order to achieve uniformity in reporting, the state board shall
8 prescribe the format to be used in reporting the information
9 required by this subsection.

10 (2) The state board shall review the activities of local
11 boards and may adopt and promulgate its own rules and regulations.
12 Such rules and regulations shall provide for the following:

13 ~~(1)~~ (a) Establishment of training programs for local
14 board members which shall include an initial training program and
15 periodic inservice training programs;

16 ~~(2)~~ (b) Development of procedures for local boards;

17 ~~(3)~~ (c) Establishment of a central record-keeping
18 facility for all local board files, including individual case
19 reviews;

20 ~~(4)~~ (d) Accumulation of data and the making of annual
21 reports on children in foster care. Such reports shall include ~~(a)~~
22 ~~(i)~~ personal data on length of time in foster care, ~~(b)~~ ~~(ii)~~ number
23 of placements, ~~(c)~~ ~~(iii)~~ frequency and results of court review, and
24 ~~(d)~~ ~~(iv)~~ number of children supervised by the foster care programs
25 in the state annually;

26 ~~(5)~~ (e) To the extent not prohibited by section 43-1310,
27 evaluation of the judicial and administrative data collected on
1 foster care and the dissemination of such data to the judiciary,
2 public and private agencies, the Department of Health and Human
3 Services department, and members of the public; and

4 ~~(6)~~ (f) Manner in which the state board shall determine
5 the appropriateness of requesting a review hearing as provided for
6 in section 43-1313.

7 (3) The state board, upon completion of a review of local
8 board activities, shall report and make recommendations to the
9 department and county welfare offices. Such reports and
10 recommendations shall include, but not be limited to, the annual
11 judicial and administrative data collected on foster care pursuant
12 to ~~subsection (4)~~ subsection (2) of this section and the annual
13 evaluation of such data. In addition the state board shall provide

14 copies of such reports and recommendations to each court having the
 15 authority to make foster care placements. The state board may
 16 visit and observe foster care facilities in order to ascertain
 17 whether the individual physical, psychological, and sociological
 18 needs of each foster child are being met.

19 Sec. 2. Section 43-1304, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 43-1304. The state board shall establish local foster
 22 care review boards for the review of cases of children in foster
 23 care placement. The state board shall select members to serve on
 24 local boards from a list of applications submitted to the state
 25 board. Each local board shall consist of five not less than four
 26 and not more than ten members. The members of the board shall
 27 reasonably represent the various social, economic, racial, and
 1 ethnic groups of the county or counties from which its members may
 2 be appointed. A person employed by the state board, the Department
 3 of Health and Human Services, a child-caring agency, a
 4 child-placing agency, or a court shall not be appointed to a local
 5 board. A list of the members of each local board shall be sent to
 6 the ~~Department of Health and Human Services~~ department.

7 2. On page 3, line 15, strike "section" and insert
 8 "sections 43-1303, 43-1304, and"; and in line 16 strike "is" and
 9 insert "are".

10 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 698. Placed on General File as amended.
 Standing Committee amendment to LB 698:
 AM0696

1 1. Insert the following new sections:
 2 "Sec. 10. Section 71-1774, Revised Statutes Supplement,
 3 1998, is amended to read:
 4 71-1774. For purposes of the Licensed Practical
 5 Nurse-Certified Act:
 6 (1) Administration includes observing, initiating,
 7 monitoring, discontinuing, maintaining, regulating, adjusting,
 8 documenting, assessing, planning, intervening, and evaluating;
 9 (2) Approved certification course means a course for the
 10 education and training of a licensed practical nurse-certified
 11 which the board has approved;
 12 (3) Board means the Board of Nursing;
 13 (4) ~~Delegation means the decision by a registered nurse~~
 14 ~~to give the responsibility for the performance of an act or~~
 15 ~~procedure to a licensed practical nurse-certified;~~
 16 (5) Department means the Department of Health and Human
 17 Services Regulation and Licensure;
 18 (6) (5) Direct supervision means that the licensed
 19 practitioner or registered nurse is in the clinical area and
 20 retains accountability for patient care;
 21 (7) (6) Initial venipuncture means the initiation of

22 intravenous therapy based on a new order from a licensed
23 practitioner for an individual for whom a previous order for
24 intravenous therapy was not in effect;

1 (8) ~~(7)~~ Intravenous therapy means the therapeutic
2 infusion or injection of substances through the venous system;

3 (9) ~~(8)~~ Licensed practical nurse-certified means a
4 licensed practical nurse ~~providing services in a long-term care~~
5 ~~facility or in a hospital~~ who meets the standards established
6 pursuant to section 71-1777 and who holds a valid certificate
7 issued by the department pursuant to the act;

8 ~~(10)~~ ~~(9)~~ Licensed practitioner means any person
9 authorized by state law to prescribe intravenous therapy and
10 nasogastric tube insertion;

11 ~~(11)~~ ~~(10)~~ Nasogastric tube insertion means the placing of
12 a tube via the nares or mouth into the stomach; and

13 ~~(12)~~ ~~(11)~~ Pediatric patient means a patient who is
14 younger than eighteen years old and who weighs thirty-five
15 kilograms or less.

16 Sec. 11. Section 71-1775, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-1775. (1) Administration of intravenous therapy or
19 nasogastric tube insertion shall be a responsibility of the
20 registered nurse as ordered by a licensed practitioner.

21 (2) ~~A registered nurse may delegate the activities~~
22 ~~identified in section 71-1776 to a licensed practical~~
23 ~~nurse-certified in keeping with the registered nurse's professional~~
24 ~~judgment. The registered nurse so delegating shall remain~~
25 ~~accountable for the application of the nursing process and nursing~~
26 ~~theory when making the decision to delegate and for supervision.~~

27 ~~(3)~~ A licensed practical nurse-certified may, under the
1 direction of a registered nurse or licensed practitioner, perform
2 the activities identified in ~~such section~~ section 71-1776 after the
3 registered nurse or licensed practitioner has performed a physical
4 assessment of the patient.

5 ~~(4)~~ ~~(3)~~ A registered nurse or licensed practitioner
6 shall not direct a licensed practical nurse-certified to perform
7 ~~and a registered nurse shall not delegate to a licensed practical~~
8 ~~nurse-certified~~ any activities associated with centrally inserted
9 central venous lines except under direct supervision. Activities
10 in centrally inserted central line therapy appropriate to ~~delegate~~
11 ~~to or~~ direct the licensed practical nurse-certified to perform,
12 including types of central lines and methods of central line
13 access, shall be defined in rules and regulations of the board.

14 ~~(5)~~ ~~(4)~~ A licensed practitioner or registered nurse need
15 not be on the premises in order for the licensed practical
16 nurse-certified to perform directed ~~or delegated~~ activities except
17 for (a) initial venipuncture for purposes of peripheral intravenous
18 therapy, (b) initial nasogastric tube insertion, and (c) centrally
19 inserted central-line activities.

20 (6) (5) A licensed practitioner or registered nurse shall
21 be present at least once during each twenty-four-hour interval and
22 more frequently when a significant change in therapy or client
23 condition has occurred to assess the client when the licensed
24 practical nurse-certified is performing the activities identified
25 in section 71-1776.

26 Sec. 12. Section 71-1776, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 71-1776. A licensed practical nurse-certified may
2 perform the following activities related to the administration of
3 intravenous therapy and nasogastric tube insertion under the
4 direction of a registered nurse or licensed practitioner; ~~or as~~
5 ~~delegated by a registered nurse:~~

6 (1) Calculate the rate of intravenous fluid infusions,
7 except for pediatric patients;

8 (2) Perform venipuncture, excluding jugular, for purposes
9 of peripheral intravenous therapy, except (a) for pediatric
10 patients or (b) with devices which exceed three inches in length.
11 Direct supervision by a licensed practitioner or registered nurse
12 shall be required for initial venipuncture for purposes of
13 peripheral intravenous therapy;

14 (3) Except in the case of a pediatric patient, add
15 medicated solutions, ~~which have been commercially prepared or~~
16 ~~prepared by a pharmacist, licensed practitioner, or registered~~
17 ~~nurse to intravenous lines:~~ Acceptable methods of preparation and
18 administration and acceptable medications shall be those for which
19 nursing interventions are routine and predictable in nature related
20 to individual responses and adverse reactions and as defined in
21 rules and regulations of the board;

22 (4) Flush intravenous ports with heparin solution or
23 saline solution; and

24 (5) ~~Add pain medication solutions which have been~~
25 ~~commercially prepared or prepared by a pharmacist, licensed~~
26 ~~practitioner, or registered nurse to a patient-controlled infusion~~
27 ~~pump if reprogramming of such pump is not required; and~~

1 (6) Insert flexible nasogastric tubes that are
2 non-styles-guided. Direct supervision by a licensed practitioner
3 or registered nurse shall be required for initial nasogastric tube
4 insertion.

5 Sec. 14. Since an emergency exists, this act takes
6 effect when passed and approved according to law."

7 2. On page 9, line 16, strike "individual", show as
8 stricken, and insert "adult"; in line 17 strike "that individual",
9 show as stricken, and insert "such adult"; in lines 17 and 18
10 strike "any individual who is not competent" and insert "a minor
11 child or legally incompetent adult"; in line 19 strike
12 "individual", show as stricken, and insert "minor child or adult";
13 strike beginning with "individual" in line 21 through "individual"
14 in line 27, show the old matter as stricken, and insert "minor

15 child or adult is unable to perform for himself or herself and
16 which the attending physician or registered nurse determines can be
17 safely performed in the home and community by a designated care
18 aide as directed by a competent adult"; and in line 28 strike
19 "individual", show as stricken, and insert "adult".

20 3. On page 10, strike the new matter in lines 1 through
21 3 and insert "For purposes of this section, caretaker means a
22 person (1) who directs the health maintenance activities of a minor
23 child or legally incompetent adult and (2) who is the parent,
24 foster parent, legal guardian, or person with a durable power of
25 attorney for the health care of such minor child or legally
26 incompetent adult.".

27 4. On page 11, line 28, strike "and" and after the last
1 comma insert "71-1775, and 71-1776,".

2 5. On page 12, line 2, strike "and 71-1,132.37" and
3 insert "71-1,132.37, and 71-1774".

4 6. Renumber the remaining section accordingly.

LEGISLATIVE BILL 494. Indefinitely postponed.

LEGISLATIVE BILL 757. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 1999, at 1:10 p.m., were the following bills: LBs 514, 514A, 359, 359A, 362, 366, 379, 238, 436, 461, 566, 596, 682, 784, 789, 315, 333, and 333A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ANNOUNCEMENTS

Mr. Jensen designates LB 559 as his priority bill.

Mr. Smith designates LB 849 as his priority bill.

Ms. Redfield designates LB 770 as her priority bill.

Mr. Beutler designates LB 427 as his priority bill.

Mr. Raikes designates LB 271 as his priority bill.

The Health and Human Services Committee designates LB 594 and LB 828 as its priority bills.

Mr. Tyson designates LB 444 as his priority bill.

The Executive Board designates LR 4CA and LR 5CA as its priority resolutions.

Mrs. Thompson designates LB 652 as her priority bill.

Mr. Chambers designates LB 76 as his priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 12, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Abboud, Chris - Lincoln; City of Omaha (Withdrawn 03/04/1999);
Metropolitan Omaha Convention, Sports & Entertainment Authority
Heavrin, Mary Beth - Omaha; Southwest Omaha Republican Women
Kracke, Donald - Beatrice; Nebraska Livestock Markets Association
Radcliffe and Associates
Radcliffe, Walter H. - Lincoln; Nebraska SID Association
Skochdopole, R. A. - Omaha; Nebraska SID Association

RESOLUTION

LEGISLATIVE RESOLUTION 44. Introduced by Kremer, 34.

WHEREAS, the Sandy Creek girls' basketball team, coached by Russ Ninemire, won the Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Sandy Creek Lady Cougars, since the 1990-91 season, have compiled a record of 208-17 and won 63 consecutive games since the 1997 season; and

WHEREAS, the Sandy Creek Lady Cougars claimed their fourth straight C-2 title; and

WHEREAS, the 1999 tournament was the ninth straight trip to the girls' state basketball tournament by the Sandy Creek Lady Cougars.

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

1. That the Legislature extends its congratulations to the 1999 Sandy Creek girls' basketball team and Coach Russ Ninemire.
2. That a copy of this resolution be sent to Sandy Creek High School.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LR 41. No objections. So ordered.

REPORTS

The following reports were received by the Legislature:

Education, Department of

Nebraska School Finance Review Committee Annual Report
Report on the Status of Negotiations between the Nebraska Association of
Public Employees, AFSCME, Local 61

Environmental Quality, Department of

Livestock Waste Management Report

Revenue, Department of

Property Tax Division - Redevelopment Projects of Cities Using Tax
Increment Financing Report
Research Division - Nebraska Statistics of Income Report

Roads, Department of

Highway Cash fund and Roads Operation Cash fund for February 1999

RESOLUTION

LEGISLATIVE RESOLUTION 38. Read. Considered.

Mr. Hilgert requested a record vote on the adoption of the resolution.

Voting in the affirmative, 28:

Baker	Crosby	Jones	Peterson, C.	Schmitt
Bourne	Cudaback	Kiel	Preister	Smith
Brown	Engel	Kremer	Price	Stuhr
Bruning	Hilgert	Lynch	Redfield	Thompson
Byars	Janssen	Matzke	Schellpeper	Tyson
Connealy	Jensen	Pederson, D.		

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Brashear	Hudkins	Raikes	Suttle	Wehrbein
Coordsen	Quandahl	Schimek		

Excused and not voting, 12:

Beutler	Dierks	Landis	Robak	Vrtiska
Bohlke	Hartnett	Pedersen, Dw.	Schrock	Wickersham
Bromm	Kristensen			

LR 38 was adopted with 28 ayes, 1 nay, 8 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 126. The pending Standing Committee amendment, AM0099, found on page 411 and considered on page 871, was renewed.

Mr. Schellpeper renewed his pending amendment, AM0734, found on page 895, to the Standing Committee amendment.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA48

Amend Committee Amendments (AM0099)

P.1, line 15, strike beginning with "Such" through the period in line 18.

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:

AM0769

(Amendments to Standing Committee amendments, AM0099)

- 1 1. On page 1, strike beginning with "be" in line 12
- 2 through "shall" in line 13; and strike beginning with "Such" in
- 3 line 15 through the period in line 18.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 820. Placed on General File.

LEGISLATIVE BILL 74. Placed on General File as amended.
Standing Committee amendment to LB 74:
AM0740

- 1 1. On page 2, line 6, after "felony" insert an
- 2 underscored period; and strike beginning with "and" in line 6
- 3 through the period in line 7 and show the old matter as stricken.

LEGISLATIVE BILL 302. Placed on General File as amended.

Standing Committee amendment to LB 302:

AM0741

- 1 1. On page 2, line 4, after "Governor" insert "and two
- 2 ex officio members. The two ex officio members shall be the
- 3 chairperson of the Transportation Committee of the Legislature or
- 4 his or her designee and the chairperson of the Banking, Commerce
- 5 and Insurance Committee of the Legislature or his or her designee"
- 6 and after "The" insert "appointed".
- 7 2. On page 4, line 5, strike "January 1, 2000" and
- 8 insert "July 1, 2000".

(Signed) Curt Bromm, Chairperson

Education

LEGISLATIVE RESOLUTION 20CA. Placed on General File.

LEGISLATIVE BILL 713. Indefinitely postponed.

LEGISLATIVE BILL 716. Indefinitely postponed.

LEGISLATIVE BILL 769. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

ANNOUNCEMENTS

Mr. Brashear designates LB 299 as his priority bill.

Mr. Engel designates LB 539 as his priority bill.

Mr. Schrock designates LB 605 as his priority bill.

Mr. Hilgert designates LB 176 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 126. Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA49

Amend Committee Amendment

Strike all of section 6

Messrs. Dierks and Coordsen asked unanimous consent to be excused. No objections. So ordered.

Mr. Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Chambers	Kremer	Raikes	Schimek	Suttle
Jensen	Quandahl	Redfield	Smith	Thompson

Voting in the negative, 27:

Baker	Byars	Janssen	Pederson, D.	Schmitt
Bohlke	Connealy	Jones	Peterson, C.	Schrock
Bourne	Crosby	Landis	Preister	Stuhr
Brashear	Cudaback	Matzke	Price	Tyson
Bromm	Hilgert	Pedersen, Dw.	Schellpeper	Wehrbein
Bruning	Hudkins			

Present and not voting, 2:

Brown	Kiel
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Excused and not voting, 10:

Beutler	Dierks	Hartnett	Lynch	Vrtiska
Coordsen	Engel	Kristensen	Robak	Wickersham

The Chambers amendment lost with 10 ayes, 27 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Schellpeper requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 11:

Baker	Connealy	Janssen	Quandahl	Schimek
Bourne	Cudaback	Jones	Schellpeper	Schrock

Tyson

Voting in the negative, 27:

Bohlke	Chambers	Landis	Preister	Smith
Brashear	Crosby	Matzke	Price	Stuhr
Bromm	Hilgert	Pedersen, Dw.	Raikes	Suttle
Brown	Jensen	Pederson, D.	Redfield	Thompson
Bruning	Kiel	Peterson, C.	Robak	Wehrbein
Byars	Kremer			

Present and not voting, 1:

Schmitt

Excused and not voting, 10:

Beutler	Dierks	Hartnett	Kristensen	Vrtiska
Coordsen	Engel	Hudkins	Lynch	Wickersham

The Standing Committee amendment, as amended, lost with 11 ayes, 27 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Janssen moved to indefinitely postpone LB 126.

Laid over.

LEGISLATIVE BILL 314. Title read. Considered.

Mr. Brashear asked unanimous consent to be excused. No objections. So ordered.

MR. WEHRBEIN PRESIDING

The Standing Committee amendment, AM0328, found on page 599, was considered.

Mrs. Bohlke renewed her pending amendment, AM0710, printed separately and referred to on page 878, to the Standing Committee amendment.

The Bohlke amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Landis and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 26 ayes,

0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 27 ayes, 1 nay, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 314A. Title read. Considered.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Tyson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baker	Connealy	Jensen	Preister	Schrock
Bohlke	Crosby	Jones	Price	Smith
Bromm	Cudaback	Kremer	Schellpeper	Stuhr
Bruning	Hudkins	Pedersen, Dw.	Schimek	Suttle
Byars	Janssen	Peterson, C.	Schmitt	Thompson

Voting in the negative, 10:

Beutler	Brown	Matzke	Quandahl	Redfield
Bourne	Hilgert	Pederson, D.	Raikes	Tyson

Present and not voting, 3:

Chambers	Kiel	Wehrbein
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Excused and not voting, 11:

Brashear	Engel	Kristensen	Lynch	Vrtiska
Coordsen	Hartnett	Landis	Robak	Wickersham
Dierks				

Advanced to E & R for review with 25 ayes, 10 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

ANNOUNCEMENTS

The Judiciary Committee designates LB 623 as its priority bill.

Mr. Hartnett designates LB 105 as his priority bill.

The Urban Affairs Committee designates LB 739 and LB 740 as its priority bills.

Mr. Bourne designates LB 147 as his priority bill.

Mr. Baker designates LB 791 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB 571 and LB 729 as its priority bills.

The Transportation Committee designates LB 556 and LB 188 as its priority bills.

The Appropriations Committee designates LB 683 and LB 685 as its priority bills.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 36. Placed on General File as amended.

Standing Committee amendment to LB 36:

AM0752

- 1 1. Strike original section 28.
- 2 2. On page 38, line 8, strike "77-1330,".
- 3 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 418. Indefinitely postponed.

LEGISLATIVE BILL 636. Indefinitely postponed.

(Signed) George Coordsen, Vice Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 506. Placed on General File.

LEGISLATIVE BILL 604. Placed on General File.

LEGISLATIVE BILL 801. Placed on General File as amended.

Standing Committee amendment to LB 801:

AM0749

- 1 1. On page 3, strike lines 12 through 25 and insert
- 2 "building construction contract is required by law to be awarded,
- 3 it shall be awarded to the lowest responsible bidder.".

LEGISLATIVE BILL 821. Placed on General File as amended.

Standing Committee amendment to LB 821:

AM0652

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 43-1503, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 43-1503. For the purposes of the Nebraska Indian Child
- 6 Welfare Act, except as may be specifically provided otherwise, the

7 term:

8 (1) Child custody proceeding shall mean and include:

9 (a) Foster care placement which shall mean any action
10 removing an Indian child from its parent or Indian custodian for
11 temporary placement in a foster home or institution or the home of
12 a guardian or conservator where the parent or Indian custodian
13 cannot have the child returned upon demand, but where parental
14 rights have not been terminated;

15 (b) Termination of parental rights which shall mean any
16 action resulting in the termination of the parent-child
17 relationship;

18 (c) Preadoptive placement which shall mean the temporary
19 placement of an Indian child in a foster home or institution after
20 the termination of parental rights, but prior to or in lieu of
21 adoptive placement; and

22 (d) Adoptive placement which shall mean the permanent
23 placement of an Indian child for adoption, including any action
24 resulting in a final decree of adoption.

1 Such term or terms shall not include a placement based
2 upon an act which, if committed by an adult, would be deemed a
3 crime or upon an award, in a divorce proceeding, of custody to one
4 of the parents;

5 (2) Extended family member shall be as defined by the law
6 or custom of the Indian child's tribe or, in the absence of such
7 law or custom, shall be a person who has reached the age of
8 eighteen and who is the Indian child's grandparent, aunt or uncle,
9 brother or sister, brother-in-law or sister-in-law, niece or
10 nephew, first or second cousin, or stepparent;

11 (3) Indian means any person who is a member of an Indian
12 tribe, or who is an Alaska Native and a member of a regional
13 corporation defined in section 7 of the Alaska Native Claims
14 Settlement Act, 43 U.S.C. 1606;

15 (4) Indian child means any unmarried person who is under
16 age eighteen and is either (a) a member of an Indian tribe or (b)
17 is eligible for membership in an Indian tribe and is the biological
18 child of a member of an Indian tribe;

19 (5) Indian child's tribe means (a) the Indian tribe in
20 which an Indian child is a member or eligible for membership or (b)
21 in the case of an Indian child who is a member of or eligible for
22 membership in more than one tribe, the Indian tribe with which the
23 Indian child has the more significant contacts;

24 (6) Indian custodian means any Indian person who has
25 legal custody of an Indian child under tribal law or custom or
26 under state law or to whom temporary physical care, custody, and
27 control has been transferred by the parent of such child;

1 (7) Indian organization means any group, association,
2 partnership, limited liability company, corporation, or other legal
3 entity owned or controlled by Indians or a majority of whose
4 members are Indians;

5 (8) Indian tribe means any Indian tribe, band, nation, or
6 other organized group or community of Indians recognized as
7 eligible for the services provided to Indians by the secretary
8 because of their status as Indians, including any Alaska Native
9 village as defined in section 3(c) of the Alaska Native Claims
10 Settlement Act, as amended, 42 U.S.C. 1602(c);

11 (9) Parent means any biological parent or parents of an
12 Indian child or any Indian person who has lawfully adopted an
13 Indian child, including adoptions under tribal law or custom. It
14 does not include the unwed father when paternity has not been
15 acknowledged or established;

16 (10) Reservation means Indian country as defined in 18
17 U.S.C. 1151 and any lands, not covered under such section, title to
18 which is either held by the United States in trust for the benefit
19 of any Indian tribe or individual or held by any Indian tribe or
20 individual subject to a restriction by the United States against
21 alienation;

22 (11) Secretary means the Secretary of the Interior; ~~and~~

23 (12) Tribal court means a court with jurisdiction over
24 child custody proceedings and which is either a Court of Indian
25 Offenses, a court established and operated under the code or custom
26 of an Indian tribe, or any other administrative body of a tribe
27 which is vested with authority over child custody proceedings; and

1 (13) Tribal service area means a geographic area in which
2 tribal services and programs are provided to Native American
3 people.

4 Sec. 2. Section 71-1906, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-1906. In order to achieve the goals and further the
7 purposes of the federal Indian Child Welfare Act and the Nebraska
8 Indian Child Welfare Act, it is the intent of the Legislature that
9 Native American families have the option to meet separate licensing
10 standards for Native American foster homes located outside the
11 boundaries of any Indian reservation or tribal service area.

12 Sec. 3. Section 71-1906.02, Revised Statutes Supplement,
13 1998, is amended to read:

14 71-1906.02. An advisory committee is established which
15 shall be made up of Native Americans knowledgeable in Indian child
16 welfare matters jointly appointed by the executive director of the
17 Commission on Indian Affairs and the Director of Health and Human
18 Services. The advisory committee shall advise the department and
19 the commission on the development of the appropriate standards for
20 the licensing of Native American foster homes located outside the
21 boundaries of any Indian reservation or tribal service area.

22 Sec. 4. Section 71-5009.01, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-5009.01. Regional governing boards shall not be
25 required to provide the matching funds provided for in the Nebraska
26 Comprehensive Community Mental Health Services Act for mental

27 health treatment programs located on Indian reservations or tribal
1 service areas.

2 Sec. 5. Section 71-5027, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-5027. The six regional governing boards established
5 pursuant to section 71-5004 shall provide community alcoholism
6 facilities, programs, and services. The boards shall provide funds
7 for such community-based projects. Federal funding, private
8 sources, third-party payments, and fees collected may be used as
9 sources of necessary funds. Each regional governing board shall
10 provide one dollar for every three dollars provided by the state
11 General Fund. Of the amount provided by each regional governing
12 board, not less than forty percent shall be provided by local and
13 county taxes and the remainder shall come from other nonfederal
14 sources. Regional governing boards shall not be required to
15 provide such matching funds for alcohol treatment programs located
16 on Indian reservations or programs administered by Indian tribes.
17 The regional governing boards shall account for all sources and
18 expenditure of funds for any agency receiving any state funds under
19 the provisions of sections 71-5016 to 71-5040, 83-1009, and
20 83-1009.01.

21 Sec. 6. Section 81-2508, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-2508. (1) For the purpose of administration of the
24 Commission on Indian Affairs during the interim between its regular
25 quarterly meetings, there is hereby established an executive board
26 of the Commission on Indian Affairs consisting of the ~~chairman~~
27 chairperson of the commission, two members representing the
1 reservations or tribal service areas, one member representing the
2 urban areas, and one member who represents the western Nebraska
3 areas or is the member at large.

4 (2) The executive board shall have the authority to enter
5 into contracts for consultation services, supplies, and equipment
6 if the amount contracted for does not exceed the sum of two
7 thousand dollars in any one contract, and to supervise all programs
8 relating to the affairs of Indian tribes instituted and authorized
9 by the commission.

10 Sec. 7. Original sections 43-1503, 71-1906, 71-5009.01,
11 71-5027, and 85-2508, Reissue Revised Statutes of Nebraska, and
12 section 71-1906.02, Revised Statutes Supplement, 1998, are
13 repealed."

(Signed) DiAnna R. Schimek, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 149.

Enrollment and Review Change to LB 149

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

ER9024

1. In the Bohlke amendment, AM0164, on page 1, lines 3, 7, and 11, "1999-2000" has been struck and "1999-00" inserted.

2. On page 2, line 8, "1999-2000" has been struck and "1999-00" inserted; and in line 16 the period has been struck and an underscored comma inserted.

3. On page 9, line 24, reinstate the stricken comma.

4. On page 40, line 18; and page 41, line 14, "thereafter" has been inserted after "and".

(Signed) Adrian M. Smith, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 654A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 654, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

AMENDMENT - Print in Journal

Mr. D. Pederson filed the following amendment to LB 417:
AM0792

- 1 1. Strike original section 2 and insert the following
- 2 new sections:
- 3 "Section 1. Section 49-1459, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 49-1459. (1) Except as provided in subsection (2) of
- 6 this section, campaign statements as required by the Nebraska
- 7 Political Accountability and Disclosure Act shall be filed
- 8 according to the following schedule:
- 9 (a) A first preelection campaign statement shall be filed
- 10 not later than the thirtieth day before the election. The closing
- 11 date for a campaign statement filed under this subdivision shall be

12 the thirty-fifth day before the election;

13 (b) A second preelection campaign statement shall be
14 filed not later than the tenth day before the election. The
15 closing date for a campaign statement filed under this subdivision
16 shall be the fifteenth day before the election; and

17 (c) A postelection campaign statement shall be filed not
18 later than the fortieth day following the primary election and the
19 ~~sixtieth~~ seventieth day following the general election. The
20 closing date for a postprimary election campaign statement filed
21 under this subdivision shall be the thirty-fifth day following the
22 election. The closing date for a postgeneral election campaign
23 statement filed under this subdivision shall be December 31 of the
24 year in which the election is held. If all liabilities of a
1 candidate and committee are paid before the closing date and
2 additional contributions are not expected, the campaign statement
3 may be filed at any time after the election, but not later than the
4 dates provided under this subdivision.

5 (2) Any committee may file a statement in writing with
6 the commission indicating that the committee does not expect to
7 receive contributions or make expenditures of more than one
8 thousand dollars in the calendar year of an election. Such written
9 statement shall be signed by the committee treasurer or the
10 assistant treasurer, and in the case of a candidate committee, it
11 shall also be signed by the candidate. Such written statement
12 shall be filed on or before the thirtieth day before the election.
13 A committee which files a written statement pursuant to this
14 subsection is not required to file campaign statements according to
15 the schedule prescribed in subsection (1) of this section but shall
16 file a sworn statement of exemption not later than the fortieth day
17 following the primary election and the ~~sixtieth~~ seventieth day
18 following the general election stating only that the committee did
19 not, in fact, receive or expend an amount in excess of one thousand
20 dollars. If the committee receives contributions or makes
21 expenditures of more than one thousand dollars during the election
22 year, the committee is then subject to all campaign filing
23 requirements under subsection (1) of this section.

24 Sec. 3. Original sections 49-1459 and 49-1493, Reissue
25 Revised Statutes of Nebraska, are repealed."

26 2. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

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

Department of Correctional Services
Harold Clarke

Nebraska Commission on Law Enforcement and Criminal Justice
Allen Curtis

Nebraska State Patrol
Tom Nesbitt

Department of Aeronautics
Kenneth Penney Jr.

VOTE: Aye: Senators Schimek, Cudaback, Janssen, Kremer, Quandahl, Schmitt, and Smith. Nay: None. Absent: Senator Vrtiska.

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

Department of Veterans Affairs
Keith Fickenscher

Governor's Policy Research Office
Lauren Hill

Department of Administrative Services
Lori McClurg

VOTE: Aye: Senators Schimek, Cudaback, Janssen, Kremer, Quandahl, Schmitt, Smith, and Vrtiska. Nay: None. Absent: None.

(Signed) DiAnna R. Schimek, Chairperson

VISITORS

Visitors to the Chamber were 16 students from Central America and chaperones; Bob and Ashley Elwell from Seward; Don, Nancy, Tyler, and Nathan Cruise from Sidney; Cindy and Aimee Blauvelt from Scottsbluff and David Berry from Gering; and Kathy, Bradley, and Morgan Hall and Renee and Caitlin Sullivan from North Platte.

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Monday, March 15, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY – MARCH 15, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 15, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Chaplain Rich Carlson, Union College, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Vrtiska who was excused; and Messrs. Brashear, Kristensen, Matzke, Dw. Pedersen, Schrock, Wickersham, Mmes. Brown, Kiel, and C. Peterson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

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

The following bill was correctly reengrossed: LB 17.

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 141, 234, and LR 11CA.

Enrollment and Review Change to LB 141

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

ER9026

1. In the Bromm-Wickersham amendment, AM0684, sections 2, 15, and 16 have been renumbered as sections 1, 10, and 11, respectively.

2. In the E & R Amendments, AM7021, on page 1, line 3 "change" has been struck; and line 4 has been struck and "harmonize." inserted.

3. On page 1, line 2, "23-120," has been struck; in line 3 "60-3006," has been struck; in line 4 "13-509" has been struck and "13-520" inserted and "77-125," has been struck; in line 5 "77-1514" has been struck and "77-3442" inserted; and in line 6 "to provide an exemption from levy limits for airport authorities;" has been inserted after the semicolon.

Enrollment and Review Change to LB 234

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

ER9025

1. On page 1, line 1, "voter registration" has been struck and "government" inserted; and in line 3 "registration" has been struck and "voter registration; to require backup files of electronic records as prescribed; to provide duties" inserted.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 662. Placed on General File as amended.

Standing Committee amendment to LB 662:

AM0731

- 1 1. Strike original section 2.
- 2 2. On page 2, lines 3 and 4, strike "personal property
- 3 or"; and in line 10 strike "procedure to condemn property", show as
- 4 stricken, and insert "power of eminent domain".
- 5 3. Renumber the remaining section accordingly.

(Signed) Curt Bromm, Chairperson

Health and Human Services

LEGISLATIVE BILL 480. Placed on General File.

LEGISLATIVE BILL 548. Placed on General File as amended.

Standing Committee amendment to LB 548:

AM0699

- 1 1. Strike original sections 1 and 2 and insert the
- 2 following new sections:
- 3 "Section 1. Section 43-2515, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 43-2515. On or before October 1, 1993, and for each year

6 thereafter, the Department of Health and Human Services Finance and
7 Support and the State Department of Education shall jointly certify
8 to the budget administrator of the budget division of the
9 Department of Administrative Services the amount of federal
10 medicaid funds paid to school districts pursuant to the Early
11 Intervention Act for special education services for children five
12 years of age and older. The Except as provided in section 3 of
13 this act, the General Fund appropriation to the State Department of
14 Education for state special education aid shall be decreased by an
15 amount equal to the amount that would have been reimbursed with
16 state general funds to the school districts through the special
17 education reimbursement process for special education services for
18 children five years of age and older that was paid to school
19 districts or approved cooperatives with federal medicaid funds.

20 It is the intent of the Legislature that an amount equal
21 to the amount that would have been reimbursed with state general
22 funds to the school districts, certified to the budget
23 administrator, be appropriated from the General Fund to aid in
24 carrying out the provisions of the Early Intervention Act and other
1 related early intervention services.

2 Sec. 2. The Department of Health and Human Services
3 Finance and Support may contract with school districts and
4 educational service units to provide medicaid administrative
5 outreach services.

6 Sec. 3. The Department of Health and Human Services
7 Finance and Support shall take all lawful actions to provide
8 federal medicaid funds to reimburse school districts and
9 educational service units for allowable administrative costs
10 expended in the delivery of outreach services to medicaid eligible
11 children. Any such funding shall not be subject to section
12 43-2515. Federal medicaid funds made available under this section
13 shall supplement and not supplant state special education funding.
14 The department shall cooperate with school districts and
15 educational service units to generate matching funds for medicaid
16 administrative outreach services with district or educational
17 service unit approval.

18 Sec. 6. This act becomes operative January 1, 2000."

19 2. On page 2, lines 13 and 21, after "Services" insert
20 "Finance and Support"; in line 15 strike "1" and insert "2"; in
21 lines 19 and 20 strike "1 to 4" and insert "2 to 5"; in line 22
22 strike "December 1, 1999" and insert "February 1, 2000"; and in
23 line 25 after "medicaid" insert "administrative".

24 3. Insert underscoring in original sections 3 and 4.

25 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 800. Placed on General File as amended.
Standing Committee amendment to LB 800:
AM0566

1 1. On page 3, line 18, after "assistant" insert an

- 2 underscored comma and strike "or a licensed dental hygienist," and
3 show the old matter as stricken.
4 2. On page 5, line 26, strike "hygienist or" and insert
5 "hygienist pursuant to section 71-193.18 or the".

(Signed) Jim Jensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 469. Title read. Considered.

The Standing Committee amendment, AM0576, found on page 847, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Beutler offered the following amendment:
AM0805

- 1 1. Strike original sections 11 to 13 and all amendments
2 thereto and insert the following new sections:
3 "Sec. 11. A violation of the Telemarketing and Prize
4 Promotions Act shall be a deceptive trade practice under the
5 Uniform Deceptive Trade Practices Act and all the provisions of the
6 Uniform Deceptive Trade Practices Act shall apply to such
7 violations except as the Telemarketing and Prize Promotions Act may
8 otherwise specifically provide.
9 Sec. 12. Section 87-302, Reissue Revised Statutes of
10 Nebraska, is amended to read:
11 87-302. (a) A person engages in a deceptive trade
12 practice when, in the course of his or her business, vocation, or
13 occupation, he or she:
14 (1) Passes off goods or services as those of another;
15 (2) Causes likelihood of confusion or of misunderstanding
16 as to the source, sponsorship, approval, or certification of goods
17 or services;
18 (3) Causes likelihood of confusion or of misunderstanding
19 as to affiliation, connection, or association with, or
20 certification by, another;
21 (4) Uses deceptive representations or designations of
22 geographic origin in connection with goods or services;
23 (5) Represents that goods or services have sponsorship,
24 approval, characteristics, ingredients, uses, benefits, or
1 quantities that they do not have or that a person has a
2 sponsorship, approval, status, affiliation, or connection that he
3 or she does not have;
4 (6) Represents that goods are original or new if they are
5 deteriorated, altered, reconditioned, reclaimed, used, or
6 secondhand, except that sellers may repair damage to and make
7 adjustments on or replace parts of otherwise new goods in an effort
8 to place such goods in compliance with factory specifications;

- 9 (7) Represents that goods or services are of a particular
 10 standard, quality, or grade, or that goods are of a particular
 11 style or model, if they are of another;
 12 (8) Disparages the goods, services, or business of
 13 another by false or misleading representation of fact;
 14 (9) Advertises goods or services with intent not to sell
 15 them as advertised;
 16 (10) Advertises goods or services with intent not to
 17 supply reasonably expectable public demand, unless the
 18 advertisement discloses a limitation of quantity;
 19 (11) Makes false or misleading statements of fact
 20 concerning the reasons for, existence of, or amounts of price
 21 reductions;
 22 (12) Uses or promotes the use of a chain distributor
 23 scheme in connection with the solicitation of business or personal
 24 investments from members of the public; or
 25 (13) With respect to a sale or lease to a natural person
 26 of goods or services purchased or leased primarily for personal,
 27 family, household, or agricultural purposes, uses or employs any
 1 referral or chain referral sales technique, plan, arrangement, or
 2 agreement; or
 3 (14) Violates the Telemarketing and Prize Promotions Act.
 4 (b) In order to prevail in an action under sections
 5 ~~87-301 to 87-306~~ the Uniform Deceptive Trade Practices Act, a
 6 complainant need not prove competition between the parties.
 7 (c) This section does not affect unfair trade practices
 8 otherwise actionable at common law or under other statutes of this
 9 state.
 10 Sec. 13. Original section 87-302, Reissue Revised
 11 Statutes of Nebraska, is repealed."
 12 2. On page 2, line 1, strike "13" and insert "11".
 13 3. Insert underscoring in the original sections and all
 14 amendments thereto.

Mr. Beutler withdrew his amendment.

Advanced to E & R for review with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 99. Title read. Considered.

PRESIDENT MAURSTAD PRESIDING

The Standing Committee amendment, AM0477, found on page 714, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 38.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 505. Placed on General File as amended.

Standing Committee amendment to LB 505:

AM0793

- 1 1. Strike original sections 2 and 4 and insert the
- 2 following new sections:
- 3 "Sec. 2. Section 77-2602, Revised Statutes Supplement,
- 4 1998, is amended to read:
- 5 77-2602. (1) Every person engaged in distributing or
- 6 selling cigarettes at wholesale in this state shall pay to the Tax
- 7 Commissioner of this state a special privilege tax. This shall be
- 8 in addition to all other taxes. It shall be paid prior to or at
- 9 the time of the sale, gift, or delivery to the retail dealer in the
- 10 several amounts as follows: On each package of cigarettes
- 11 containing not more than twenty cigarettes, one dollar per package
- 12 commencing on the effective date of this act until January 1, 2003,
- 13 thirty-four cents per package on and after January 1, 2003; and on
- 14 packages containing more than twenty cigarettes, the same tax as
- 15 provided on packages containing not more than twenty cigarettes for
- 16 the first twenty cigarettes in each package and a tax of
- 17 one-twentieth of the tax on the first twenty cigarettes on each
- 18 cigarette in excess of twenty cigarettes in each package.
- 19 Commencing ~~July 1, 1994~~ on the effective date of this act, and
- 20 continuing until ~~July 1, 2009~~ January 1, 2003, the State Treasurer
- 21 shall place the equivalent of ~~twenty-one~~ twenty-six cents of such
- 22 tax less three million dollars each fiscal year of proceeds of such
- 23 tax in the General Fund. Commencing January 1, 2003, and
- 24 continuing until July 1, 2009, the State Treasurer shall place the
- 1 equivalent of twenty-one cents of such tax less three million
- 2 dollars each fiscal year of the proceeds of such tax in the General
- 3 Fund. Commencing July 1, 2009, the State Treasurer shall place the
- 4 equivalent of twenty-one cents of such tax in the General Fund.
- 5 For purposes of this section, the equivalent of a specified number
- 6 of cents of the tax shall mean that portion of the proceeds of the
- 7 tax equal to the specified number divided by one hundred until
- 8 January 1, 2003, and thirty-four on and after January 1, 2003. The
- 9 State Treasurer shall distribute the remaining proceeds of such tax
- 10 in the following order:
- 11 (a) First, beginning July 1, 1980, the State Treasurer
- 12 shall place the equivalent of one cent of such tax in the Nebraska
- 13 Outdoor Recreation Development Cash Fund. For distributions
- 14 occurring on or after July 1, 1999, and before January 1, 2003, the

15 distribution under this subdivision shall not be less than the
16 amount distributed under this subdivision for FY1997-98. Any money
17 needed to increase the amount distributed under this subdivision to
18 the FY1997-98 amount shall reduce the distribution to the General
19 Fund;

20 (b) Second, beginning July 1, 1993, the State Treasurer
21 shall place the equivalent of eight cents until January 1, 2003,
22 and three cents on and after January 1, 2003, of such tax in the
23 Department of Health and Human Services Finance and Support Cash
24 Fund to carry out sections 81-637 to 81-640. For distributions
25 occurring on or after July 1, 1999, and before January 1, 2003, the
26 distribution under this subdivision shall not be less than the
27 amount distributed under this subdivision for FY1997-98. Any money
1 needed to increase the amount distributed under this subdivision to
2 the FY1997-98 amount shall reduce the distribution to the General
3 Fund;

4 (c) Third, beginning July 1, 1995, the State Treasurer
5 shall place the equivalent of two cents of such tax in the City of
6 Omaha Public Events Facilities Fund for each fiscal year through
7 fiscal year 2000-01. The Legislature shall appropriate all sums
8 inuring to the fund to the city of Omaha upon evidence that any
9 amounts so appropriated are matched with funds derived from sources
10 other than state funds in amounts equivalent to one dollar for
11 every two dollars appropriated. For distributions occurring on or
12 after July 1, 1999, and before January 1, 2003, the distribution
13 under this subdivision shall not be less than the amount
14 distributed under this subdivision for FY1997-98. Any money needed
15 to increase the amount distributed under this subdivision to the
16 FY1997-98 amount shall reduce the distribution to the General Fund;

17 (d) Fourth, beginning July 1, 1997, and continuing until
18 July 1, 2001, the State Treasurer shall place the equivalent of
19 seven cents of such tax in the Building Renewal Allocation Fund for
20 each fiscal year, for the purposes stated in the Deferred Building
21 Renewal Act. Beginning July 1, 2001, and continuing until all the
22 purposes of the Deferred Building Renewal Act have been fulfilled,
23 the State Treasurer shall place the equivalent of nine cents of
24 such tax in the Building Renewal Allocation Fund. The Legislature
25 shall appropriate each fiscal year all sums inuring to the fund,
26 plus interest earnings for the Task Force for Building Renewal to
27 be used to carry out its duties and to fulfill the purposes of the
1 Deferred Building Renewal Act. Unexpended balances existing at the
2 end of each fiscal year shall be, and are hereby, reappropriated.
3 For distributions occurring on or after July 1, 1999, and before
4 January 1, 2003, the distribution under this subdivision shall not
5 be less than the amount distributed under this subdivision for
6 FY1997-98. Any money needed to increase the amount distributed
7 under this subdivision to the FY1997-98 amount shall reduce the
8 distribution to the General Fund;

9 (e) Fifth, the State Treasurer shall place the difference

10 between the equivalent of fifteen cents until January 1, 2003, and
11 thirteen cents on and after January 1, 2003, of such tax and the
12 sum of the amounts distributed pursuant to subdivisions (a) through
13 (d) of this subsection in a special fund to be known as the
14 Nebraska Capital Construction Fund; ~~and~~

15 (f) Sixth, beginning July 1, 1994, and continuing until
16 July 1, 2009, the State Treasurer shall place in the Municipal
17 Infrastructure Redevelopment Fund the sum of three million dollars
18 each fiscal year to carry out the Municipal Infrastructure
19 Redevelopment Fund Act. The Legislature shall appropriate the sum
20 of three million dollars each year for fiscal year 1994-95 through
21 fiscal year 2008-09;

22 (g) Seventh, beginning July 1, 1999, and until January 1,
23 2003, the State Treasurer shall place the equivalent of
24 twenty-seven cents of such tax in the Excellence in Health Care
25 Trust Fund; and

26 (h) Eight, beginning July 1, 1999, and until January 1,
27 2003, the State Treasurer shall place the remaining proceeds of
1 such tax in the Tobacco Prevention, Control, and Enforcement Fund.

2 (2) The Legislature hereby finds and determines that the
3 projects funded from the Municipal Infrastructure Redevelopment
4 Fund, the City of Omaha Public Events Facilities Fund, and the
5 Building Renewal Allocation Fund are of critical importance to the
6 State of Nebraska. It is the intent of the Legislature that the
7 allocations and appropriations made by the Legislature to such
8 funds or, in the case of allocations for the Municipal
9 Infrastructure Redevelopment Fund, to the particular municipality's
10 account not be reduced until all contracts and securities relating
11 to the construction and financing of the projects or portions of
12 the projects funded from such funds or accounts of such funds are
13 completed or paid or, in the case of the Municipal Infrastructure
14 Redevelopment Fund, the earlier of such date or July 1, 2009, and
15 that until such time any reductions in the cigarette tax rate made
16 by the Legislature shall be simultaneously accompanied by
17 equivalent reductions in the amount dedicated to the General Fund
18 from cigarette tax revenue. Any provision made by the Legislature
19 for distribution of the proceeds of the cigarette tax for projects
20 or programs other than those to (a) the General Fund, (b) the
21 Nebraska Outdoor Recreation Development Cash Fund, (c) the
22 Department of Health and Human Services Finance and Support Cash
23 Fund, (d) the Municipal Infrastructure Redevelopment Fund, (e) the
24 City of Omaha Public Events Facilities Fund, ~~and~~ (f) the Building
25 Renewal Allocation Fund, (g) the Excellence in Health Care Trust
26 Fund, and (h) the Tobacco Prevention, Control, and Enforcement Fund
27 shall not be made a higher priority than or an equal priority to
1 any of the programs or projects specified in subdivisions (a)
2 through ~~(f)~~ (h) of this subsection.

3 Sec. 4. Section 77-4008, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-4008. (1) ~~Commencing on or after January 1, 1988, a~~
6 tax is hereby imposed upon the first owner of tobacco products to
7 be sold in this state. The tax shall be forty-five percent until
8 January 1, 2003, and fifteen percent on and after January 1, 2003,
9 of (a) the purchase price of such tobacco products paid by the
10 first owner or (b) the price at which a first owner who made,
11 manufactured, or fabricated the tobacco product sells the items to
12 others. Such tax shall be in addition to all other taxes.
13 (2) Whenever any person who is licensed under section
14 77-4009 purchases tobacco products from another person licensed
15 under section 77-4009, the seller shall be liable for the payment
16 of the tax."

LEGISLATIVE BILL 605. Placed on General File as amended.
Standing Committee amendment to LB 605:
AM0771

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 66-489, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 66-489. (1) At the time of filing the return required by
6 section 66-488, such supplier, distributor, wholesaler, or importer
7 shall, in addition to the tax imposed pursuant to sections
8 66-4,140, 66-4,142, 66-4,145, and 66-4,146 and in addition to the
9 other taxes provided for by law, pay a tax of ten and one-half
10 cents per gallon upon all motor vehicle fuel as shown by such
11 return, except that (a) from January 1, 2000, through the last day
12 of the month that the State Treasurer certifies to the Department
13 of Revenue that the balance in the Ethanol Production Incentive
14 Cash Fund is less than one million dollars, the tax shall be two
15 cents per gallon less on motor vehicle fuel containing a minimum of
16 ten percent blend of agricultural ethyl alcohol, the purity of
17 which is at least ninety-nine percent alcohol, than on motor
18 vehicle fuel which does not contain such a blend, and (b) there
19 shall be no tax on the motor vehicle fuel reported if (a) (i) the
20 required taxes on the motor vehicle fuel have been paid, (b) (ii)
21 the motor vehicle fuel has been sold to a licensed exporter
22 exclusively for resale or use in another state, (c) (iii) the motor
23 vehicle fuel has been sold from a Nebraska barge line terminal,
24 pipeline terminal, or refinery by a licensed supplier to a licensed
1 distributor, (d) (iv) the motor vehicle fuel has been sold by a
2 licensed distributor or licensed importer to a licensed distributor
3 or to a licensed wholesaler and the seller acquired ownership of
4 the motor vehicle fuel directly from a licensed supplier at or from
5 a refinery, barge, barge line, or pipeline terminal in this state
6 or was the first importer of such fuel into this state, or (e) (v)
7 as otherwise provided in this section. Such supplier, distributor,
8 wholesaler, or importer shall remit such tax to the department.
9 (2) Agricultural ethyl alcohol shall be exempt from the

10 taxes imposed under this section and sections 66-4,140, 66-4,142,
11 66-4,145, and 66-4,146 and any other taxes provided for by law
12 until the agricultural ethyl alcohol is (a) sold to any person who
13 is not a Nebraska licensed motor vehicle fuels supplier,
14 distributor, wholesaler, or importer, (b) placed directly into a
15 motor vehicle, or (c) blended with gasoline. Agricultural ethyl
16 alcohol that is blended with gasoline shall become subject to the
17 taxes imposed under this section and sections 66-4,140, 66-4,142,
18 66-4,145, and 66-4,146 and any other taxes provided for by law at
19 the same time as the gasoline with which it is blended becomes
20 subject to such taxes or upon blending if such taxes have already
21 been paid on the gasoline.

22 (3)(a) Motor vehicle fuel, methanol, and all blending
23 agents or fuel expanders shall be exempt from the taxes imposed by
24 this section and sections 66-4,140, 66-4,142, 66-4,145, and
25 66-4,146, when the fuel is used for buses equipped to carry more
26 than seven persons for hire and engaged entirely in the
27 transportation of passengers for hire within municipalities or
1 within a radius of six miles thereof.

2 (b) The owner or agent of any bus equipped to carry more
3 than seven persons for hire and engaged entirely in the
4 transportation of passengers for hire within municipalities, or
5 within a radius of six miles thereof, in lieu of the excise tax
6 provided for in this section, shall pay an equalization fee of a
7 sum equal to twice the amount of the registration fee applicable to
8 such vehicle under the laws of this state. Such equalization fee
9 shall be paid in the same manner as the registration fee and be
10 disbursed and allocated as registration fees.

11 (c) Nothing in this section shall be construed as
12 permitting motor vehicle fuel to be sold tax exempt. The
13 department shall refund tax paid on motor vehicle fuel used in
14 buses deemed exempt by this section.

15 Sec. 2. Section 66-4,105, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 66-4,105. There is hereby levied and imposed an excise
18 tax of ten and one-half cents per gallon, increased by the amounts
19 imposed or determined under sections 66-4,140, 66-4,142, 66-4,145,
20 and 66-4,146, upon the use of all motor vehicle fuel used in this
21 state and due the State of Nebraska under section 66-489, except
22 that from January 1, 2000, through the last day of the month that
23 the State Treasurer certifies to the Department of Revenue that the
24 balance in the Ethanol Production Incentive Cash Fund is less than
25 one million dollars, the excise tax shall be two cents per gallon
26 less on motor vehicle fuel containing a minimum of ten percent
27 blend of agricultural ethyl alcohol, the purity of which is at
1 least ninety-nine percent alcohol, than on motor vehicle fuel which
2 does not contain such a blend. Users of motor vehicle fuel subject
3 to taxation under this section shall be allowed the same
4 exemptions, deductions, and rights of reimbursement as are

5 authorized and permitted by Chapter 66, article 4. For purposes of
6 this section and section 66-4,106, use shall mean the purchase or
7 consumption of motor vehicle fuel in this state.

8 Sec. 3. Section 66-1345, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 66-1345. (1) There is hereby created the Ethanol
11 Production Incentive Cash Fund which shall be used by the board to
12 pay the credits created in section 66-1344 to the extent provided
13 in this section. Any money in the fund available for investment
14 shall be invested by the state investment officer pursuant to the
15 Nebraska Capital Expansion Act and the Nebraska State Funds
16 Investment Act. The State Treasurer shall transfer to the Ethanol
17 Production Incentive Cash Fund such money as shall be (a)
18 appropriated to the Ethanol Production Incentive Cash Fund by the
19 Legislature, (b) given as gifts, bequests, grants, or other
20 contributions to the Ethanol Production Incentive Cash Fund from
21 public or private sources, (c) made available due to failure to
22 fulfill conditional requirements pursuant to investment agreements
23 entered into prior to April 30, 1992, (d) received as return on
24 investment of the Ethanol Authority and Development Cash Fund, (e)
25 credited to the Ethanol Production Incentive Cash Fund from the
26 fertilizer fee pursuant to section 77-4401, (f) credited to the
27 Ethanol Production Incentive Cash Fund from the excise taxes
1 imposed by section 66-1345.01, and (g) credited to the Ethanol
2 Production Incentive Cash Fund pursuant to section 66-1345.04.

3 (2) The Department of Revenue shall, at the end of each
4 calendar quarter, notify the State Treasurer of the amount of motor
5 fuel tax that was not collected in the preceding calendar quarter
6 due to the credits provided in section 66-1344. The State
7 Treasurer shall transfer from the Ethanol Production Incentive Cash
8 Fund to the Highway Trust Fund an amount equal to such credits less
9 the following amounts:

10 (a) For 1993, 1994, and 1995, the amount generated during
11 the calendar quarter by a one-cent tax on motor fuel pursuant to
12 sections 66-489, 66-668, and 66-6,107;

13 (b) For 1996, the amount generated during the calendar
14 quarter by a three-quarters-cent tax on motor fuel pursuant to such
15 sections;

16 (c) For 1997, the amount generated during the calendar
17 quarter by a one-half-cent tax on motor fuel pursuant to such
18 sections; and

19 (d) For 1998, 1999, and 2000, no reduction.

20 The amounts shall be transferred through December 31,
21 2000. For 1993 through 1997, if the amount generated pursuant to
22 subdivisions (a), (b), and (c) of this subsection and the amount
23 transferred pursuant to subsection (1) of this section are not
24 sufficient to fund the credits provided in section 66-1344, then
25 the credits shall be funded through the Ethanol Production
26 Incentive Cash Fund but shall not be funded through either the

27 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
 1 2000, the credits provided in such section shall be funded through
 2 the Ethanol Production Incentive Cash Fund but shall not be funded
 3 through either the Highway Cash Fund or the Highway Trust Fund.

4 (3) The State Treasurer shall transfer from the Ethanol
 5 Production Incentive Cash Fund to the Management Services Expense
 6 Revolving Fund the amount reported under subsection (4) of section
 7 66-1345.02 for each calendar quarter of the fiscal year as provided
 8 in such subsection.

9 (4) Beginning January 1, 2000, the State Treasurer shall
 10 transfer from the Ethanol Production Incentive Cash Fund to the
 11 Highway Trust Fund an amount equal to the reduction in the motor
 12 fuel tax due to the provisions of subdivision (1)(a) of section
 13 66-489 and section 66-4,105. The Department of Revenue shall, at
 14 the end of each calendar month, notify the State Treasurer of the
 15 amount of motor fuel tax not collected in the preceding month due
 16 to such reduction in tax rates. When the balance in the Ethanol
 17 Production Incentive Cash Fund is less than one million dollars,
 18 the State Treasurer shall immediately certify such fact to the
 19 department. The department shall then notify each distributor,
 20 wholesaler, or importer that the reduction in tax rates for ethanol
 21 blended fuels shall cease at the end of the current calendar month.

22 (5) In the fourth year following the certification made
 23 in subsection (4) of this section, On February 15, 2001, the State
 24 Treasurer shall transfer any unexpended and unobligated funds from
 25 the Ethanol Production Incentive Cash Fund to the Nebraska Corn
 26 Development, Utilization, and Marketing Fund and Grain Sorghum
 27 Development, Utilization, and Marketing Fund in the same proportion
 1 as funds were collected pursuant to section 66-1345.01 from corn
 2 and grain sorghum.

3 Sec. 4. Original sections 66-489, 66-4,105, and 66-1345,
 4 Reissue Revised Statutes of Nebraska, are repealed."

(Signed) George Coordsen, Vice Chairperson

Natural Resources

LEGISLATIVE RESOLUTION 31. Reported to the Legislature for further consideration.

LEGISLATIVE BILL 389. Placed on General File as amended.

Standing Committee amendment to LB 389:

AM0755

- 1 1. Strike original section 3.
- 2 2. On page 2, strike beginning with "Beginning" in line
- 3 1 through line 19 and insert "Sales of oxygenated gasoline in
- 4 Nebraska shall be reported monthly by sellers to the Motor Fuel Tax
- 5 Enforcement and Collection Division of the Department of Revenue on
- 6 a form prescribed by the division. The division shall prepare a

- 7 report on oxygenated gasoline sales and submit the report to the
8 Clerk of the Legislature no later than April 30, 2000. If the
9 report concludes that less than one-half of all gasoline sold for
10 use as motor fuel between October 1999 and March 2000 met the
11 oxygen requirement in this subsection, then all gasoline sold for
12 use as motor fuel in Nebraska shall meet the oxygen requirement in
13 this subsection beginning July 1, 2000, except as provided in
14 subsections (3) and (4) of this section. For purposes of this
15 section, oxygenated gasoline means gasoline that contains an oxygen
16 content equal to or greater than two and seven-tenths percent by
17 weight except as provided in subsections (3) and (4) of this
18 section.
- 19 (2) Beginning in 2001, the division shall prepare a
20 report on oxygenated gasoline sales in the preceding year and
21 submit the report to the Clerk of the Legislature no later than
22 April 30 each year."
- 23 3. Renumber the remaining section accordingly.

(Signed) Ed Schrock, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 45. Introduced by C. Peterson, 35; Schmitt, 41; Hilgert, 7; Tyson, 19.

PURPOSE: To examine and seek to determine the appropriate administrative structure for the oversight and operation of the Nebraska veterans homes with respect to the adoption of LB 530 (1995). The resolution shall systematically examine the effect that the existing structure has on the satisfactory delivery of services and the efficient use of resources and shall include, among other things, issues regarding quality of care and accountability of the Nebraska veterans homes to veterans and their families.

LB 530 was adopted in 1995 and changed the provisions of sections 81-1108.15 and related sections of law which provide, with certain exceptions, for central administration, operation, and maintenance of state facilities by the state building division of the Department of Administrative Services. The plan adopted in LB 530 called for the maintenance departments at the veterans homes in Grand Island and Scottsbluff to shift over on July 1, 1998. Currently, it is planned that the Department of Administrative Services will assume these responsibilities for the Norfolk Veterans' Home in 1999-00 and the Thomas Fitzgerald Veterans' Home in Omaha in the 2001-03 biennium.

This study should include the following elements:

(1) An examination of the costs and other factors that determine maintenance and administrative responsibilities. The centralization of facility maintenance allows the state building division to utilize regional facility managers as opposed to requiring a facility manager at each building site. Currently, a regional facility manager's time is allocated proportionally to ten facilities in this region which includes the two veterans homes in Grand

Island and Scottsbluff;

(2) Review all issues and policies which underlie the present statutory organization of the veterans' homes to determine whether or not veterans homes should be excluded from state building division oversight due to their inclusion resulting in a hardship due to exceptional and unusual circumstances. Exemptions were provided to the University of Nebraska, the state colleges, the Board of Educational Lands and Funds, the Department of Roads, and the Game and Parks Commission in LB 530;

(3) The Department of Health and Human Services currently pays the state building division to administer, operate, and maintain these two facilities. An examination shall be conducted regarding how and why priorities for maintenance at the veterans homes, which can change on an hourly basis, differ from those agencies which were exempted in LB 530; whether the administrator, who is licensed and legally responsible for the total care of the members of the facility, should have the flexibility to shift priorities according to the current needs of the facility; and whether portions of that care can be assigned to other individuals;

(4) Determine initial and continuing eligibility for licensure and certification requirements regarding an administrator's license to ensure compliance with federal and state law and to provide oversight and consistency while providing for quality assurance; what legal ramifications exist regarding liability; and whether the administrator or the Department of Administrative Services accepts full legal responsibility for the facility;

(5) Consideration of the fact that veterans homes are twenty-four hour facilities and require different considerations regarding the nature of economic efficiencies; and

(6) Determine the impact regarding current law which authorizes the state building division to assess a depreciation charge for facilities that it administers. Funds accumulated as the result of assessment of the depreciation charge are authorized to be expended to accomplish building renewal projects as described in the Deferred Building Renewal Act. Under current law, veterans homes administered by the division would be subject to this depreciation charge.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That, in conjunction with the Government, Military and Veterans Affairs Committee, individuals representing the state building division, the budget division, the Department of Health and Human Services Regulation and Licensure, the veterans homes, the Task Force for Building Renewal, all interested members of the Legislature, and members of the public shall participate and assist the committee in its findings.

3. That the committee shall conduct public hearings across the state and at least one public hearing shall be held at each of the four veterans homes located in Grand Island, Scottsbluff, Norfolk, and Omaha, providing an opportunity for public comment and discussion with all employees and residents regarding their concerns with the current administrative structure

at each of the facilities.

4. That the committee shall, upon the conclusion of its study, submit a written report of its findings, including all transcripts of public hearings held across the state in each of the four veterans homes, together with its recommendations, to the Legislative Council or Legislature.

5. That the Government, Military and Veterans Affairs Committee shall conduct a review of LB 193 (1999), in order to amend or prepare for reintroduction in the next legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 46. Introduced by C. Peterson, 35.

PURPOSE: To encourage the establishment and enhancement of permanent endowment funds to benefit Nebraskans. For purposes of the study, a permanent endowment is an endowment fund of any organization incorporated in Nebraska or established primarily for the benefit of Nebraska citizens or groups which is tax exempt by the Internal Revenue Service.

The study shall contain the following elements:

(1) Determine the qualifications and conditions that must be met to qualify as a permanent endowment, such as (a) the endowment must be irrevocable and permanent, (b) the income granted from the endowment must be directed to recipients in a manner which qualifies for tax deductibility as a charitable contribution under the Internal Revenue Code, and (c) the endowment's principal, revenue, and disbursements must be managed in a manner that guards against erosion by meeting the prudent investor rule;

(2) Define the various types of planned gifts and which type would qualify. Generally speaking, planned gifts are used by individuals to make an irrevocable commitment of a principal asset for the future and sometimes immediate benefit of charity. In most planned gifts, the donor retains the use of assets during his or her lifetime usually because he or she can't afford to forfeit the earning power of the asset;

(3) Whether planned gifts to permanent endowment funds, as opposed to gifts to other charitable fundraising, be singled out for credit. Endowments can heighten public confidence in an organization and spur increased giving for current needs. Planned gifts often increase spendable income enabling the donors to have extra income out of which they frequently increase their giving to annual campaigns for current needs;

(4) How Nebraska ranks in the nation in foundation assets and in foundation giving. Endowments offer a tangible way of enlarging the charitable pie and enable donors to accomplish their charitable goals in communities they know and love; and

(5) Review any additional issues and policies that the committee deems necessary to conduct a thorough examination of endowment philanthropy.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall hold at least one public hearing to receive

public comment and input regarding the promotion of endowed philanthropy by seeking enactment of a tax credit to encourage greater giving to endowments.

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

Referred to the Executive Board.

STANDING COMMITTEE REPORTS

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Central Interstate Low-Level Radioactive Waste Compact

F. Gregory Hayden

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Schrock, and Stuhr.

Nay: None. Absent: Senators Bohlke and Preister.

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Central Interstate Low-Level Radioactive Waste Compact

Craig Zeisler

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Schrock, and Stuhr.

Nay: None. Absent: Senators Bohlke and Preister.

(Signed) Ed Schrock, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 608. Title read. Considered.

The Standing Committee amendment, AM0744, found on page 913, was considered.

Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Matzke requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA50

- 1 1. On page 6, line 5, after "leave" insert ". When an
- 2 agreement between the employer and a bargaining unit representative
- 3 does not allocate vacation pay allowance or pay in lieu of vacation
- 4 to a specified period of time during a period of temporary layoff
- 5 or plant shutdown, the payment by the employer or his or her
- 6 designated representative will be deemed to be wages as defined in
- 7 this section in the week or weeks the vacation is actually taken.

The first Standing Committee amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Standing Committee amendment is as follows:

FA51

- 8 Notwithstanding any other provision of the Employment Security Law,
- 9 an employee who is not employed during a plant shutdown for
- 10 vacation purposes shall not be deemed to be on a leave of absence
- 11 or unavailable for work merely by reason of the fact that his or
- 12 her collective bargaining agents agreed to the vacation."

Mr. Hilgert requested a record vote on the second Standing Committee amendment.

Voting in the affirmative, 5:

Bourne	Connealy	Hilgert	Preister	Schimek
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Voting in the negative, 24:

Baker	Byars	Jones	Price	Schmitt
Bohlke	Coordsen	Kremer	Quandahl	Smith
Bromm	Crosby	Matzke	Raikes	Stuhr
Brown	Engel	Pederson, D.	Redfield	Tyson
Bruning	Jensen	Peterson, C.	Schellpeper	

Present and not voting, 12:

Beutler	Dierks	Kiel	Lynch	Suttle
Chambers	Hartnett	Landis	Schrock	Thompson
Cudaback	Janssen			

Excused and not voting, 8:

Brashear	Kristensen	Robak	Wehrbein	Wickersham
Hudkins	Pedersen, Dw.	Vrtiska		

The second Standing Committee amendment lost with 5 ayes, 24 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Beutler moved to indefinitely postpone LB 608.

Mr. Beutler withdrew his motion to indefinitely postpone.

Pending.

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 67A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 113A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 424. Advanced to E & R for engrossment.

LEGISLATIVE BILL 552. E & R amendment, AM7079, found on page 791, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 250. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 608. Mr. Beutler offered the following amendment:
FA52

Strike the new language on page 10.

Mr. Beutler withdrew his amendment.

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

Advanced to E & R for review with 37 ayes, 3 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Dw. Pedersen, Schrock, and Byars asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 150. Title read. Considered.

The Standing Committee amendment, AM0437, found on page 753, was considered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 47. Introduced by C. Peterson, 35.

WHEREAS, the Grand Island Islanders won the Class A Boys' State High School Basketball Championship by a score of 73-46; and

WHEREAS, it has been 51 years since Grand Island's last Class A crown in 1948; and

WHEREAS, high school sports can do so much for the young people who choose to participate; and

WHEREAS, these team members have learned that the value of tenacity, hard work, and practice; and

WHEREAS, the Islanders illustrated dedication, discipline, and perseverance through their combined talents; and

WHEREAS, the key for the Islanders was the chemistry between the players and the coaching staff, exemplified by Coach Dave Oman who displayed and provided effective guidance throughout the season.

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

1. That the Legislature recognizes and congratulates the Grand Island Islanders boys' basketball team and their coaches, parents, and supporters.

2. That a copy of this resolution be sent to the Grand Island Senior High School.

Laid over.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 148 and 148A.

(Signed) Adrian M. Smith, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 54A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 54, Ninety-sixth Legislature, First Session, 1999.

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 150:

AM0789

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. This act shall be known and may be cited as
4 the Telephone Consumer Slamming Prevention Act.

5 Sec. 2. It is the policy of this state to ensure that
6 all subscribers are protected from the unauthorized switching of a
7 telecommunications company selected by the subscriber to provide
8 telecommunications service.

9 Sec. 3. For purposes of the Telephone Consumer Slamming
10 Prevention Act, the definitions found in section 86-802 shall be
11 used.

12 Sec. 4. Except as provided in section 86-808, the
13 Telephone Consumer Slamming Prevention Act shall apply to all
14 telecommunications companies providing basic local exchange
15 service, intra-LATA interexchange service, inter-LATA interexchange
16 service, and any other telecommunications services to subscribers
17 in this state.

18 Sec. 5. Except when a subscriber initiates or changes
19 service by contacting the telecommunications company directly, no
20 telecommunications company shall submit or execute a change in a
21 subscriber's provider of basic local exchange service, intra-LATA
22 interexchange service, or inter-LATA interexchange service without:

23 (1) Written change authorization from the subscriber;

24 (2) Toll-free electronic authorization placed from the
1 telephone number which is the subject of the change order; or

2 (3) Oral authorization obtained by an independent third
3 party.

4 A separate and distinct authorization shall be required
5 to submit or execute a change of service for any or all of the
6 following services provided to subscribers in this state: Basic
7 local exchange service, intra-LATA interexchange service,
8 inter-LATA interexchange service, or any other telecommunications
9 services.

10 Sec. 6. Within thirty days after a subscriber changes
11 his or her authorized provider of basic local exchange service,
12 intra-LATA interexchange service, or inter-LATA interexchange
13 service, the new authorized service provider shall provide to such
14 subscriber written confirmation of such change. The written
15 confirmation shall (1) describe clearly and simply the nature of

16 the subscription change, (2) not be a part of, or attached to, any
17 other document, (3) not contain any promotion, offer, or
18 inducement, and (4) be mailed to the subscriber's billing address.

19 Sec. 7. (1) The procedures in this section shall apply
20 only after a subscriber has determined that an unauthorized change
21 has occurred in violation of section 5 of this act, and the
22 subscriber has paid charges to an allegedly unauthorized
23 telecommunications company. Upon receiving notification from the
24 subscriber or a company that a subscriber has been subjected to an
25 unauthorized change and that the subscriber has paid charges to an
26 allegedly unauthorized company, the properly authorized company
27 shall, within thirty days, request from the allegedly unauthorized
1 company proof of verification of the subscriber's authorization to
2 change companies. Within ten days after receiving such request,
3 the allegedly unauthorized company shall forward to the authorized
4 company either:

5 (a) Proof of verification of the subscriber's
6 authorization to change companies; or

7 (b) The following:

8 (i) An amount equal to all charges paid by the subscriber
9 to the unauthorized company;

10 (ii) An amount equal to any charge required to return the
11 subscriber to his or her properly authorized company, if
12 applicable; and

13 (iii) Copies of any telephone bills issued from the
14 unauthorized company to the subscriber.

15 (2) If an authorized telecommunications company incurs
16 any billing and collection expenses in collecting charges from the
17 unauthorized company, the unauthorized company shall reimburse the
18 authorized company for reasonable expenses.

19 (3) When a subscriber notifies the unauthorized company,
20 rather than the authorized company, of an unauthorized change, the
21 unauthorized company shall immediately notify the authorized
22 company.

23 (4) Upon receipt from the unauthorized company of the
24 amount described in subdivision (1)(b)(i) of this section, the
25 authorized company shall provide a refund or credit to the
26 subscriber of all charges paid in excess of what the authorized
27 company would have charged the subscriber absent the unauthorized
1 change. If the authorized company has not received from the
2 unauthorized company an amount equal to charges paid by the
3 subscriber to the unauthorized company, the authorized company is
4 not required to provide any refund or credit. The authorized
5 company shall, within sixty days after it receives notification of
6 the unauthorized change, inform the subscriber if it has failed to
7 collect any charges from the unauthorized company and inform the
8 subscriber of his or her right to pursue a claim against the
9 unauthorized company for a refund of all charges paid to the
10 unauthorized company.

(5) When possible, the properly authorized company shall reinstate the subscriber in any premium program in which that subscriber was enrolled prior to the unauthorized change, if that subscriber's participation in the premium program was terminated because of the unauthorized change. If the subscriber has paid charges to the unauthorized company, the properly authorized company shall also provide or restore to the subscriber any premiums to which the subscriber would have been entitled had the unauthorized change not occurred. The authorized company shall comply with the requirements of this subsection regardless of whether it is able to recover from the unauthorized company any charges that were paid by the subscriber.

(6) The Public Service Commission may from time to time review and adjust the reimbursement procedures in a manner consistent with federal law.

Sec. 8. If the Public Service Commission finds that a telecommunications company has violated section 7 of this act, the commission shall order the company to take corrective action as necessary and the company may be subject to administrative penalties pursuant to section 8 of this act. Any money collected by the commission pursuant to this section shall be remitted to the State Treasurer for credit to the permanent school fund.

Sec. 9. (1) The Public Service Commission may, after hearing, impose an administrative penalty for a violation of the Telephone Consumer Slamming Prevention Act. The penalty for a violation shall not exceed two thousand dollars. Every violation associated with a specific access line within the state shall be considered a separate and distinct violation.

(2) The amount of an administrative penalty shall be based on:

(a) The seriousness of the violation, including the nature, circumstances, extent, and gravity of a prohibited act;

(b) The history of previous violations;

(c) The amount necessary to deter future violations; and

(d) Any efforts to correct the violation.

(3) Any administrative penalty may be appealed, and the appeal shall be in accordance with sections 75-136 to 75-139.

Sec. 10. The Public Service Commission shall adopt and promulgate competitively neutral rules and regulations to implement the Telephone Consumer Slamming Prevention Act, including rules and regulations that:

(1) Ensure that subscribers are protected from deceptive practices in the obtaining of authorizations and verifications required by section 5 of this act;

(2) Are applicable to all basic local exchange service, intra-LATA interexchange service, inter-LATA interexchange service, and other telecommunications services provided by telecommunications companies in this state;

(3) Maintain records, provide procedures, and establish

6 performance standards for telecommunications companies with respect
7 to changes in an authorized telecommunications company pursuant to
8 the act;

9 (4) Establish and administer a slamming complaint system
10 for subscribers of telecommunications service and enforce the
11 provisions of the act; and

12 (5) Are consistent with the rules and regulations
13 prescribed by the Federal Communications Commission for the
14 selection of telecommunications companies. The Public Service
15 Commission may adopt and promulgate rules and regulations
16 consistent with any regulations of the Federal Communications
17 Commission which are consistent with the purposes of the act.

18 Sec. 11. (1) No telecommunications company shall
19 initiate or bill additional telecommunications services not
20 required by the Public Service Commission to be offered and for
21 which the subscriber did not explicitly request or subscribe. If
22 (a) a charge is assessed on a per-use basis for a service described
23 in this subsection and (b) the subscriber notifies the providing
24 telecommunications company that the subscriber did not utilize the
25 service or the subscriber did not authorize the utilization of the
26 service, the providing telecommunications company shall initiate a
27 refund of the charge or apply the charge as a credit to the
1 subscriber's next monthly bill.

2 (2) If a providing telecommunications company receives a
3 notification pursuant to subdivision (1)(b) of this section, the
4 company shall inform the subscriber of the ability to block
5 services from future use by the subscriber and shall block the
6 services from future use by the subscriber if the subscriber so
7 requests. If a subscriber requests that the company not block the
8 service or later requests to have the block lifted, the subscriber
9 shall be responsible for charges caused by the future utilization
10 of such service. The company shall not charge a reoccurring fee
11 for blocking such service.

12 Sec. 11. If any section of this act or any part of any
13 section is declared invalid or unconstitutional, the declaration
14 shall not affect the validity or constitutionality of the remaining
15 portions.

16 Sec. 12. Since an emergency exists, this act takes
17 effect when passed and approved according to law."

UNANIMOUS CONSENT - Add Cointroducers

Mr. Smith asked unanimous consent to have his name added as cointroducer to LB 849. No objections. So ordered.

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 150. No objections. So ordered.

Mr. Brashear asked unanimous consent to have his name added as

cointroducer to LB 299. No objections. So ordered.

VISITORS

Visitors to the Chamber were Steve, Wendy, Brittany, Jonathon, Brenton, Katie, and Kathy Zenor from Bellevue; Championship Team of the State Decathlon Contest and sponsors from Nemaha Valley High School, Cook; and 42 fifth grade students and teachers from Milliken Park Elementary School, Fremont.

ADJOURNMENT

At 12:00 noon, on a motion by Ms. Schimek, the Legislature adjourned until 9:00 a.m., Tuesday, March 16, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY – MARCH 16, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 16, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Vrtiska who was excused; and Messrs. Brashear, Hilgert, Jensen, Matzke, D. Pederson, Schrock, and Mrs. Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 314. Placed on Select File as amended.
(E & R amendment, AM7084, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 314A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 67A and 113A.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

**STANDING COMMITTEE REPORT
Banking, Commerce and Insurance**

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Department of Banking and Finance
Samuel P. Baird, Director

VOTE: Aye: Senators Landis, Tyson, Bourne, Byars, Jensen, Kremer, and Schmitt. Nay: None. Absent: Senator Bruning.

(Signed) David M. Landis, Chairperson

MESSAGE FROM THE GOVERNOR

March 18, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed as Director of Environmental Quality:

APPOINTEE:
Michael J. Linder, 7715 Karl Dr., Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 36 and LR 37 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 36 and 37.

MOTIONS - Approve Appointments

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 960: Harold Clarke - Department of Correctional Services; Allen Curtis - Nebraska Commission on Law Enforcement and Criminal Justice; Tom Nesbitt - Nebraska State Patrol; and Kenneth Penney Jr. - Department of Aeronautics.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 960: Harold Clarke - Department of Correctional Services.

Voting in the affirmative, 34:

Baker	Chambers	Hartnett	Pederson, D.	Robak
Beutler	Connealy	Hudkins	Peterson, C.	Schimek
Bourne	Coordsen	Janssen	Preister	Schmitt
Bromm	Crosby	Kremer	Price	Smith
Brown	Cudaback	Lynch	Quandahl	Stuhr
Bruning	Dierks	Matzke	Raikes	Suttle
Byars	Engel	Pedersen, Dw.	Redfield	

Voting in the negative, 0.

Present and not voting, 8:

Bohlke	Kristensen	Schellpeper	Tyson	Wickersham
Jones	Landis	Thompson		

Excused and not voting, 7:

Brashear	Jensen	Schrock	Vrtiska	Wehrbein
Hilgert	Kiel			

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

The second division is as follows:

Ms. Schimek moved the adoption of the report of the Government, Military

and Veterans Affairs Committee for the following appointments found on page 961: Allen Curtis - Nebraska Commission on Law Enforcement and Criminal Justice; Tom Nesbitt - Nebraska State Patrol; and Kenneth Penney Jr. - Department of Aeronautics.

Voting in the affirmative, 32:

Baker	Crosby	Kiel	Peterson, C.	Schmitt
Beutler	Cudaback	Kremer	Preister	Schrock
Bourne	Hartnett	Landis	Price	Smith
Bromm	Hudkins	Lynch	Quandahl	Suttle
Brown	Janssen	Matzke	Redfield	Tyson
Bruning	Jensen	Pedersen, Dw.	Robak	Wickersham
Byars	Jones			

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Bohlke	Coordsen	Kristensen	Schellpeper	Stuhr
Brashear	Dierks	Pederson, D.	Schimek	Thompson
Connealy	Engel	Raikes		

Excused and not voting, 3:

Hilgert	Vrtiska	Wehrbein
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The appointments were confirmed with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 961: Keith Fickenschier - Department of Veterans Affairs; Lauren Hill - Governor's Policy Research Office; and Lori McClurg - Department of Administrative Services.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 961: Keith Fickenschier - Department of Veterans Affairs.

Voting in the affirmative, 32:

Baker	Connealy	Kiel	Price	Schmitt
Beutler	Crosby	Lynch	Quandahl	Schrock
Bourne	Cudaback	Matzke	Raikes	Smith
Brashear	Engel	Pederson, D.	Redfield	Suttle
Brown	Hudkins	Peterson, C.	Robak	Tyson
Bruning	Janssen	Preister	Schimek	Wickersham
Byars	Jones			

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Bohlke	Dierks	Kremer	Pedersen, Dw.	Stuhr
Bromm	Hartnett	Kristensen	Schellpeper	Thompson
Coordsen	Jensen	Landis		

Excused and not voting, 3:

Hilgert Vrtiska Wehrbein

The appointment was confirmed with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

The second division is as follows:

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 961: Lauren Hill - Governor's Policy Research Office; and Lori McClurg - Department of Administrative Services.

Voting in the affirmative, 38:

Baker	Connealy	Janssen	Preister	Schmitt
Beutler	Coordsen	Jones	Price	Schrock
Bourne	Crosby	Kiel	Quandahl	Smith
Brashear	Cudaback	Kristensen	Raikes	Stuhr
Brown	Dierks	Landis	Redfield	Suttle
Bruning	Engel	Matzke	Robak	Tyson
Byars	Hartnett	Pederson, D.	Schimek	Wickersham
Chambers	Hudkins	Peterson, C.		

Voting in the negative, 0.

Present and not voting, 8:

Bohlke	Jensen	Lynch	Schellpeper	Thompson
Bromm	Kremer	Pedersen, Dw.		

Excused and not voting, 3:

Hilgert

Vrtiska

Wehrbein

The appointments were confirmed with 38 ayes, 0 nays, 8 present and not voting and, 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 150. The Standing Committee amendment, AM0437, found on page 753 and considered on page 981, was renewed.

Mr. Landis offered the following amendment to the Standing Committee amendment:

AM0816

(Amendments to Standing Committee amendments, AM0437)

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. This act shall be known and may be cited as

4 the Telephone Consumer Slamming Prevention Act.

5 Sec. 2. It is the policy of this state to ensure that

6 all subscribers are protected from the unauthorized switching of a

7 telecommunications company selected by the subscriber to provide

8 telecommunications service.

9 Sec. 3. For purposes of the Telephone Consumer Slamming

10 Prevention Act, the definitions found in section 86-802 shall be

11 used.

12 Sec. 4. Except as provided in section 86-808, the

13 Telephone Consumer Slamming Prevention Act shall apply to all

14 telecommunications companies providing basic local exchange

15 service, intra-LATA interexchange service, inter-LATA interexchange

16 service, and any other telecommunications services to subscribers

17 in this state.

18 Sec. 5. Except when a subscriber initiates or changes

19 service by contacting the telecommunications company directly, no

20 telecommunications company shall submit or execute a change in a

21 subscriber's provider of basic local exchange service, intra-LATA

22 interexchange service, or inter-LATA interexchange service without:

23 (1) Written change authorization from the subscriber;

1 (2) Toll-free electronic authorization placed from the

2 telephone number which is the subject of the change order; or

3 (3) Oral authorization obtained by an independent third

4 party.

5 A separate and distinct authorization shall be required

6 to submit or execute a change of service for any or all of the

7 following services provided to subscribers in this state: Basic

8 local exchange service, intra-LATA interexchange service,
9 inter-LATA interexchange service, or any other telecommunications
10 services.

11 Sec. 6. Within thirty days after a subscriber changes
12 his or her authorized provider of basic local exchange service,
13 intra-LATA interexchange service, or inter-LATA interexchange
14 service, the new authorized service provider shall provide to such
15 subscriber written confirmation of such change. The written
16 confirmation shall (1) describe clearly and simply the nature of
17 the subscription change, (2) not be a part of, or attached to, any
18 other document, (3) not contain any promotion, offer, or
19 inducement, and (4) be mailed to the subscriber's billing address.

20 Sec. 7. (1) The procedures in this section shall apply
21 only after a subscriber has determined that an unauthorized change
22 has occurred in violation of section 5 of this act, and the
23 subscriber has paid charges to an allegedly unauthorized
24 telecommunications company. Upon receiving notification from the
25 subscriber or a company that a subscriber has been subjected to an
26 unauthorized change and that the subscriber has paid charges to an
27 allegedly unauthorized company, the properly authorized company
1 shall, within thirty days, request from the allegedly unauthorized
2 company proof of verification of the subscriber's authorization to
3 change companies. Within ten days after receiving such request,
4 the allegedly unauthorized company shall forward to the authorized
5 company either:

6 (a) Proof of verification of the subscriber's
7 authorization to change companies; or

8 (b) The following:

9 (i) An amount equal to all charges paid by the subscriber
10 to the unauthorized company;

11 (ii) An amount equal to any charge required to return the
12 subscriber to his or her properly authorized company, if
13 applicable; and

14 (iii) Copies of any telephone bills issued from the
15 unauthorized company to the subscriber.

16 (2) If an authorized telecommunications company incurs
17 any billing and collection expenses in collecting charges from the
18 unauthorized company, the unauthorized company shall reimburse the
19 authorized company for reasonable expenses.

20 (3) When a subscriber notifies the unauthorized company,
21 rather than the authorized company, of an unauthorized change, the
22 unauthorized company shall immediately notify the authorized
23 company.

24 (4) Upon receipt from the unauthorized company of the
25 amount described in subdivision (1)(b)(i) of this section, the
26 authorized company shall provide a refund or credit to the
27 subscriber of all charges paid in excess of what the authorized
1 company would have charged the subscriber absent the unauthorized
2 change. If the authorized company has not received from the

3 unauthorized company an amount equal to charges paid by the
4 subscriber to the unauthorized company, the authorized company is
5 not required to provide any refund or credit. The authorized
6 company shall, within sixty days after it receives notification of
7 the unauthorized change, inform the subscriber if it has failed to
8 collect any charges from the unauthorized company and inform the
9 subscriber of his or her right to pursue a claim against the
10 unauthorized company for a refund of all charges paid to the
11 unauthorized company.

12 (5) When possible, the properly authorized company shall
13 reinstate the subscriber in any premium program in which that
14 subscriber was enrolled prior to the unauthorized change, if that
15 subscriber's participation in the premium program was terminated
16 because of the unauthorized change. If the subscriber has paid
17 charges to the unauthorized company, the properly authorized
18 company shall also provide or restore to the subscriber any
19 premiums to which the subscriber would have been entitled had the
20 unauthorized change not occurred. The authorized company shall
21 comply with the requirements of this subsection regardless of
22 whether it is able to recover from the unauthorized company any
23 charges that were paid by the subscriber.

24 (6) The Public Service Commission may from time to time
25 review and adjust the reimbursement procedures in a manner
26 consistent with federal law.

27 Sec. 8. If the Public Service Commission finds that a
1 telecommunications company has violated section 7 of this act, the
2 commission shall order the company to take corrective action as
3 necessary and the company may be subject to administrative
4 penalties pursuant to section 8 of this act. Any money collected
5 by the commission pursuant to this section shall be remitted to the
6 State Treasurer for credit to the permanent school fund.

7 Sec. 9. (1) The Public Service Commission may, after
8 hearing, impose an administrative penalty for a violation of the
9 Telephone Consumer Slamming Prevention Act. The penalty for a
10 violation shall not exceed two thousand dollars. Every violation
11 associated with a specific access line within the state shall be
12 considered a separate and distinct violation.

13 (2) The amount of an administrative penalty shall be
14 based on:

15 (a) The nature, circumstances, extent, and gravity of a
16 prohibited act;

17 (b) The history of previous violations;

18 (c) The amount necessary to deter future violations; and

19 (d) Any efforts to correct the violation.

20 (3) Any administrative penalty may be appealed, and the
21 appeal shall be in accordance with sections 75-136 to 75-139.

22 Sec. 10. The Public Service Commission shall adopt and
23 promulgate competitively neutral rules and regulations to implement
24 the Telephone Consumer Slamming Prevention Act, including rules and

25 regulations that:

26 (1) Ensure that subscribers are protected from deceptive
27 practices in the obtaining of authorizations and verifications
1 required by section 5 of this act;

2 (2) Are applicable to all basic local exchange service,
3 intra-LATA interexchange service, inter-LATA interexchange service,
4 and other telecommunications services provided by
5 telecommunications companies in this state;

6 (3) Maintain records, provide procedures, and establish
7 performance standards for telecommunications companies with respect
8 to changes in an authorized telecommunications company pursuant to
9 the act;

10 (4) Establish and administer a slamming complaint system
11 for subscribers of telecommunications service and enforce the
12 provisions of the act; and

13 (5) Are consistent with the rules and regulations
14 prescribed by the Federal Communications Commission for the
15 selection of telecommunications companies. The Public Service
16 Commission may adopt and promulgate rules and regulations
17 consistent with any regulations of the Federal Communications
18 Commission which are consistent with the purposes of the act.

19 Sec. 11. (1) No telecommunications company shall
20 initiate or bill additional telecommunications services not
21 required by the Public Service Commission to be offered and for
22 which the subscriber did not explicitly request or subscribe. If
23 (a) a charge is assessed on a per-use basis for a service described
24 in this subsection and (b) the subscriber notifies the providing
25 telecommunications company that the subscriber did not utilize the
26 service or the subscriber did not authorize the utilization of the
27 service, the providing telecommunications company shall initiate a
1 refund of the charge or apply the charge as a credit to the
2 subscriber's next monthly bill.

3 (2) If a providing telecommunications company receives a
4 notification pursuant to subdivision (1)(b) of this section, the
5 company shall inform the subscriber of the ability to block
6 services from future use by the subscriber and shall block the
7 services from future use by the subscriber if the subscriber so
8 requests. If a subscriber requests that the company not block the
9 service or later requests to have the block lifted, the subscriber
10 shall be responsible for charges caused by the future utilization
11 of such service. The company shall not charge a reoccurring fee
12 for blocking such service.

13 Sec. 12. If any section of this act or any part of any
14 section is declared invalid or unconstitutional, the declaration
15 shall not affect the validity or constitutionality of the remaining
16 portions.

17 Sec. 13. Since an emergency exists, this act takes
18 effect when passed and approved according to law."

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Landis amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Landis withdrew his amendment, AM0789, found on page 982.

Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 174. Placed on General File.

LEGISLATIVE BILL 444. Indefinitely postponed.

(Signed) John A. Hilgert, Vice Chairperson

General Affairs

LEGISLATIVE BILL 659. Placed on General File.

LEGISLATIVE BILL 719. Placed on General File.

LEGISLATIVE BILL 97. Indefinitely postponed.

LEGISLATIVE BILL 184. Indefinitely postponed.

LEGISLATIVE BILL 262. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

AMENDMENT - Print in Journal

Mr. Lynch filed the following amendment to LB 659:

AM0445

- 1 1. Strike original section 4 and insert the following
- 2 new sections:
- 3 "Sec. 8. Section 9-329, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 9-329. (1) ~~No sales agent~~ Unless otherwise authorized by
- 6 the department, no person shall market, sell, or deliver any pickle
- 7 card unit to any pickle card operator without first obtaining a
- 8 license as a sales agent.

9 (2) Any person wishing to operate as a sales agent in
10 this state shall file an application with the department for a
11 license on a form prescribed by the department. Each application
12 for a license shall include (a) the name, address, and social
13 security number of the person applying for the license, (b) the
14 name and state identification number of the licensed organization
15 for which any pickle card units are to be marketed or sold by the
16 applicant, and (c) such other information which the department
17 deems necessary.

18 A statement signed by the person licensed as a
19 utilization-of-funds member signifying that such licensed
20 organization approves the applicant to act as a sales agent on
21 behalf of such organization shall accompany each sales agent's
22 application for a license. No person licensed as a
23 utilization-of-funds member shall be licensed as a sales agent.

24 A fee of fifty dollars shall be charged for each license
1 issued pursuant to this section. The department shall remit the
2 proceeds from such fee to the State Treasurer for credit to the
3 Charitable Gaming Operations Fund. Such licenses shall expire on
4 September 30 of each year or such other date which the department
5 may prescribe by rule and regulation and may be renewed annually.
6 An application for license renewal shall be submitted to the
7 department at least forty-five days prior to the expiration date of
8 the license.

9 (3) The information required by this section shall be
10 kept current. A sales agent shall notify the department within
11 thirty days if any information in the application is no longer
12 correct and shall supply the correct information.

13 (4) The department may prescribe a separate application
14 form for renewal purposes.

15 (5) The department may issue a temporary license pending
16 receipt of additional information or further inquiry.

17 Sec. 27. Section 9-352, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 9-352. (1) Except when another penalty is specifically
20 provided, any person or licensee, or employee or agent thereof, who
21 violates any provision of the Nebraska Pickle Card Lottery Act, or
22 who causes, aids, abets, or conspires with another to cause any
23 person or licensee or any employee or agent thereof to violate the
24 act, shall be guilty of a Class I misdemeanor for the first offense
25 and a Class IV felony for any second or subsequent violation. Any
26 licensee guilty of violating any provision of the act more than
27 once in a twelve-month period may have its license canceled or
1 revoked. Such matters may also be referred to any other state
2 licensing agencies for appropriate action.

3 (2) Each of the following violations of the Nebraska
4 Pickle Card Lottery Act shall be a Class IV felony:

5 (a) Giving, providing, or offering to give or provide,
6 directly or indirectly, to any public official, employee, or agent

7 of this state, or any agencies or political subdivisions of this
8 state, any compensation or reward or share of the money for
9 property paid or received through gambling activities regulated
10 under Chapter 9 in consideration for obtaining any license,
11 authorization, permission, or privilege to participate in any
12 gaming operations except as authorized under Chapter 9 or any rules
13 and regulations adopted and promulgated pursuant to such chapter;

14 (b) Making or receiving payment of a portion of the
15 purchase price of pickle cards by a seller of pickle cards to a
16 buyer of pickle cards to induce the purchase of pickle cards or to
17 improperly influence future purchases of pickle cards;

18 (c) Using bogus, counterfeit, or nonopaque pickle cards,
19 pull tabs, break opens, punchboards, jar tickets, or any other
20 similar card, board, or ticket or substituting or using any pickle
21 cards, pull tabs, or jar tickets that have been marked or tampered
22 with;

23 (d) Intentionally employing or possessing any device to
24 facilitate cheating in any lottery by the sale of pickle cards or
25 use of any fraudulent scheme or technique in connection with any
26 lottery by the sale of pickle cards when the amount gained or
intended to be gained through the use of such items, schemes, or
1 techniques is three hundred dollars or more;

2 (e) Knowingly filing a false report under the Nebraska
3 Pickle Card Lottery Act;

4 (f) Knowingly falsifying or making any false entry in any
5 books or records with respect to any transaction connected with the
6 conduct of a lottery by the sale of pickle cards; or

7 (g) Knowingly selling or distributing or knowingly
8 receiving with intent to sell or distribute pickle cards, ~~or~~ pickle
9 card units, or any pickle card dispensing devices authorized by
10 section 1 of this act without first obtaining a license in
11 accordance with the Nebraska Pickle Card Lottery Act pursuant to
12 section 9-329, 9-329.03, 9-330, or 9-332.

13 (3) In all proceedings initiated in any court or
14 otherwise under the act, it shall be the duty of the Attorney
15 General and appropriate county attorney to prosecute and defend all
16 such proceedings.

17 (4) The failure to do any act required by or under the
18 Nebraska Pickle Card Lottery Act shall be deemed an act in part in
19 the principal office of the department. Any prosecution under such
20 act may be conducted in any county where the defendant resides or
21 has a place of business or in any county in which any violation
22 occurred.

23 (5) In the enforcement and investigation of any offense
24 committed under the act, the department may call to its aid any
25 sheriff, deputy sheriff, or other peace officer in the state."

26 2. On page 2, line 2, after "any" insert "coin-operated
27 or currency-operated"; in lines 3 and 4 strike "or other physical
1 object"; in line 14 after "tokens" insert "nor shall such device

2 accumulate credits for winning pickle cards. No device authorized
3 by this section shall have a top or candle light located on the
4 upper surface of the device, have a handle located on the side of
5 the device which may or may not be pulled, or display at any time
6 spinning reels".

7 3. On page 3, lines 1 and 4, after "units" insert "or
8 devices authorized by section 1 of this act".

9 4. On page 4, line 6, strike "electronically" and after
10 "is" insert "electronically"; and in line 8 strike "or other
11 physical object".

12 5. On page 11, line 23; page 12, line 28; page 15, line
13 18; page 26, lines 14, 18, and 23; page 27, line 5; page 28, line
14 23; page 32, line 7; page 33, line 28; page 34, lines 13 and 28;
15 and page 35, lines 7, 12, and 21, before "electronic" insert
16 "physical or".

17 6. On page 16, line 19, strike "of pickle cards or
18 pickle card units" and show as stricken.

19 7. On page 17, line 1, after "operator" insert ", unless
20 otherwise authorized by the department"; and in line 28 strike "and
21 devices".

22 8. On page 18, line 6, strike "or", show as stricken,
23 and insert an underscored comma; in line 7 strike "or any" and
24 insert ", or"; in line 11 strike the second "or", show as stricken
25 and insert ", or"; in line 12 after "pickle card units" insert ",
26 or pickle card dispensing devices authorized by section 1 of this
27 act"; and in line 13 after "Class II" insert "or Class III".

1 9. On page 19, line 26, strike "electronic".

2 10. On page 20, strike beginning with "selling" in line
3 7 through "state" in line 11 and show the old matter as stricken;
4 and strike beginning with "of" in line 21 through "units" in line
5 22 and show as stricken.

6 11. On page 21, lines 5 and 13, after "constructed"
7 insert "or electronically displayed"; in line 16 after "physically"
8 insert "or electronically"; and strike the new matter beginning
9 with "or" in line 16 through "act" in line 17.

10 12. On page 22, lines 6 and 10, strike "pickle card's
11 tab or tabs", show the old matter as stricken, and insert "pickle
12 cards"; in line 8 strike "tabs", show as stricken, and insert
13 "pickle cards"; in line 11 strike "tab or tabs", show as stricken,
14 and insert "pickle card"; in line 13 strike "tabs or" and show as
15 stricken; in line 14 strike "tabs," and show the old matter as
16 stricken; and in line 15 strike the underscored comma.

17 13. On page 23, line 9, strike "or", show as stricken,
18 and insert an underscored comma; in lines 9 through 11 strike the
19 new matter and insert ", or pickle card dispensing device
20 authorized by section 1 of this act"; in lines 13 and 24, after
21 "Class II" insert "or Class III"; in line 15 strike the second
22 "or", show as stricken, and insert an underscored comma; in lines
23 16 and 17 strike the new matter and insert ", or pickle card

24 dispensing devices authorized by section 1 of this act"; in line 19
 25 strike "No", show as stricken, and insert "Unless authorized by the
 26 department, no"; strike the new matter in lines 20 and 21 and
 27 insert "or any pickle card dispensing device authorized by section
 1 1 of this act"; and in line 28 after "any" insert "pickle card".

2 14. On page 25, line 28, strike "Pickle", show as
 3 stricken, and insert "Unless otherwise authorized by the
 4 department, pickle" and strike "by the sales" and show as stricken.

5 15. On page 26, line 1, strike "agent to the", show as
 6 stricken, and insert "to a"; strike beginning with the first "in"
 7 in line 1 through the underscored comma in line 3 and insert "only
 8 by a sales agent's"; and in line 3 strike the first "or", show as
 9 stricken, and insert ", by", after the second "delivery" insert
 10 "arranged by a sales agent," and after "mail" insert an underscored
 11 comma.

12 16. On page 30, strike lines 7 through 11.

13 17. On page 34, line 8, strike "pickle cards or pickle
 14 card units", show as stricken, and insert "contraband goods"; and
 15 in line 25 strike "or", show as stricken, and insert an underscored
 16 comma and after "units" insert ", or coin-operated or
 17 currency-operated pickle card dispensing devices for the physical
 18 or electronic dispensing of pickle cards".

19 18. On page 35, line 23, strike "or", show as stricken,
 20 and insert an underscored comma and after "units" insert ", or
 21 coin-operated or currency-operated pickle card dispensing devices
 22 for the physical or electronic dispensing of pickle cards".

23 19. On page 36, line 11, strike "9-312,"; in line 12
 24 after "9-322," insert "9-329," and in lines 13 and 14 strike "and
 25 9-351," and insert "9-351, and 9-352,".

26 20. Renumber the remaining sections and correct internal
 27 references accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Linder, Michael J., Director - Department of Environmental Quality --
 Natural Resources

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

ANNOUNCEMENT

Speaker Kristensen designates LBs 73, 115, 171, 175, 217, 229, 240, 241, 242, 332, 337, 352, 414, 451, 482, 518, 521, 543, 592, 621, 698, 712, 779, LR 18CA, and LR 20CA as his priority bills and resolutions.

GENERAL FILE**LEGISLATIVE BILL 179.** Title read. Considered.

The Standing Committee amendment, AM0659, printed separately and referred to on page 858, was considered.

Messrs. Quandahl and Brashear asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA53

6 Sec. 3. Section 77-3507, Revised Statutes Supplement,
7 1998, is amended to read:
8 77-3507. (1) All homesteads in this state shall be
9 assessed for taxation the same as other property, except that there
10 shall be exempt from taxation on homesteads of qualified claimants
11 a percentage of the exempt amount as limited by section 77-3506.03.
12 The percentage of the exempt amount shall be determined based on
13 the household income of a claimant pursuant to subsections (2)
14 through (6) (4) of this section.

15 (2) For 1996, for a qualified married claimant, the
16 percentage of the exempt amount for which the claimant shall be
17 eligible shall be the percentage in Column B which corresponds with
18 the claimant's income in Column A in the table found in this
19 subsection:

20 Column A	Column B
21 Household Income	Percentage
22 In Dollars	Of Relief
23 0 through 18,000	100
24 18,001 through 19,000	85
25 19,001 through 20,000	70
26 20,001 through 21,000	55
27 21,001 through 22,000	40
1 22,001 through 23,000	25
2 23,001 and over	0

3 (3) For 1996, for a qualified single claimant, the
4 percentage of the exempt amount for which the claimant shall be
5 eligible shall be the percentage in Column B which corresponds with
6 the claimant's household income in Column A in the table found in
7 this subsection:

8 Column A	Column B
9 Household Income	Percentage
10 In Dollars	Of Relief

11	0 through 15,500	100
12	15,501 through 16,300	85
13	16,301 through 17,100	70
14	17,101 through 17,900	55
15	17,901 through 18,700	40
16	18,701 through 19,500	25
17	19,501 and over	0

(4) For 1997, for a qualified married or closely related claimant, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's income in Column A in the table found in this subsection:

23	Column A	Column B
24	Household Income	Percentage
25	In Dollars	Of Relief
26	0 through 19,300	100
27	19,301 through 20,300	85
1	20,301 through 21,300	70
2	21,301 through 22,300	55
3	22,301 through 23,300	40
4	23,301 through 24,300	25
5	24,301 and over	0

(5) For 1997, for a qualified single claimant, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection:

11	Column A	Column B
12	Household Income	Percentage
13	In Dollars	Of Relief
14	0 through 16,600	100
15	16,601 through 17,400	85
16	17,401 through 18,200	70
17	18,201 through 19,000	55
18	19,001 through 19,800	40
19	19,801 through 20,600	25
20	20,601 and over	0

(6) For exemption applications filed in calendar year 1998 and each year thereafter, the income eligibility amounts in subsections (4) and (5) of this section shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code. The income eligibility amounts shall be adjusted for cumulative inflation since 1997. If any amount is not a multiple of one hundred dollars, the amount shall be rounded to the next lower multiple of one hundred dollars.

(2) For 2000, for a qualified married or closely related claimant, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's income in Column A in the

6 table found in this subsection.

7	<u>Column A</u>	<u>Column B</u>
8	<u>Household Income</u>	<u>Percentage</u>
9	<u>In Dollars</u>	<u>Of Relief</u>
10	<u>0 through 22,500</u>	<u>100</u>
11	<u>22,501 through 23,700</u>	<u>85</u>
12	<u>23,701 through 24,900</u>	<u>70</u>
13	<u>24,901 through 26,100</u>	<u>55</u>
14	<u>26,101 through 27,300</u>	<u>40</u>
15	<u>27,301 through 28,500</u>	<u>25</u>
16	<u>28,501 and over</u>	<u>0</u>

17 (3) For 2000, for a qualified single claimant, the
 18 percentage of the exempt amount for which the claimant shall be
 19 eligible shall be the percentage in Column B which corresponds with
 20 the claimant's household income in Column A in the table found in
 21 this subsection.

22	<u>Column A</u>	<u>Column B</u>
23	<u>Household Income</u>	<u>Percentage</u>
24	<u>In Dollars</u>	<u>Of Relief</u>
25	<u>0 through 19,200</u>	<u>100</u>
26	<u>19,201 through 20,200</u>	<u>85</u>
27	<u>20,201 through 21,200</u>	<u>70</u>
1	<u>21,201 through 22,200</u>	<u>55</u>
2	<u>22,201 through 23,200</u>	<u>40</u>
3	<u>23,201 through 24,200</u>	<u>25</u>
4	<u>24,201 and over</u>	<u>0</u>

5 (4) For exemption applications filed in calendar year
 6 2001 and each year thereafter, the income eligibility amounts in
 7 subsections (2) and (3) of this section shall be adjusted for
 8 inflation by the method provided in section 151 of the Internal
 9 Revenue Code. The income eligibility amounts shall be adjusted for
 10 cumulative inflation since 2000. If any amount is not a multiple
 11 of one hundred dollars, the amount shall be rounded to the next
 12 lower multiple of one hundred dollars.

13 (2) For 1996, for a married claimant as described in
 14 subsection (1) of this section, the percentage of the exempt amount
 15 for which the claimant is eligible shall be the percentage in
 16 Column B which corresponds with the claimant's household income in
 17 Column A in the table found in this subsection.

23	<u>Column A</u>	<u>Column B</u>
24	<u>Household Income</u>	<u>Percentage</u>
25	<u>In Dollars</u>	<u>Of Relief</u>
26	<u>0 through 20,000</u>	<u>100</u>
27	<u>20,001 through 21,000</u>	<u>85</u>
1	<u>21,001 through 22,000</u>	<u>70</u>
2	<u>22,001 through 23,000</u>	<u>55</u>
3	<u>23,001 through 24,000</u>	<u>40</u>
4	<u>24,001 through 25,000</u>	<u>25</u>
5	<u>25,001 and over</u>	<u>0</u>

(3) For 1996, for a single claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection:

Column A	Column B
Household Income	Percentage
In Dollars	Of Relief
0 through 17,500	100
17,501 through 18,300	85
18,301 through 19,100	70
19,101 through 19,900	55
19,901 through 20,700	40
20,701 through 21,500	25
21,501 and over	0

(4) For 1997, for a married or closely related claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's income in Column A in the table found in this subsection:

Column A	Column B
Household Income	Percentage
In Dollars	Of Relief
0 through 21,200	100
21,201 through 22,200	85
22,201 through 23,200	70
23,201 through 24,200	55
24,201 through 25,200	40
25,201 through 26,200	25
26,201 and over	0

(5) For 1997, for a single claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection:

Column A	Column B
Household Income	Percentage
In Dollars	Of Relief
0 through 18,600	100
18,601 through 19,400	85
19,401 through 20,200	70
20,201 through 21,000	55
21,001 through 21,800	40
21,801 through 22,600	25
22,601 and over	0

(6) For exemption applications filed in calendar year 1998 and each year thereafter, the income eligibility amounts in subsections (4) and (5) of this section shall be adjusted for inflation by the method provided in section 151 of the Internal

1 Revenue Code. The income eligibility amounts shall be adjusted for
2 cumulative inflation since 1997. If any amount is not a multiple
3 of one hundred dollars, the amount shall be rounded to the next
4 lower multiple of one hundred dollars.

5 (2) For 2000, for a married or closely related claimant
6 as described in subsection (1) of this section, the percentage of
7 the exempt amount for which the claimant shall be eligible shall be
8 the percentage in Column B which corresponds with the claimant's
9 income in Column A in the table found in this subsection.

10 Column A	Column B
11 Household Income	Percentage
12 In Dollars	Of Relief
13 0 through 24,700	100
14 24,701 through 25,900	85
15 25,901 through 27,100	70
16 27,101 through 28,300	55
17 28,301 through 29,500	40
18 29,501 through 30,700	25
19 30,701 and over	0

20 (3) For 2000, for a single claimant as described in
21 subsection (1) of this section, the percentage of the exempt amount
22 for which the claimant shall be eligible shall be the percentage in
23 Column B which corresponds with the claimant's household income in
24 Column A in the table found in this subsection.

25 Column A	Column B
26 Household Income	Percentage
27 In Dollars	Of Relief
1 0 through 21,600	100
2 21,601 through 22,600	85
3 22,601 through 23,600	70
4 23,601 through 24,600	55
5 24,601 through 25,600	40
6 25,601 through 26,600	25
7 26,601 and over	0

8 (4) For exemption applications filed in calendar year
9 2001 and each year thereafter, the income eligibility amounts in
10 subsections (2) and (3) of this section shall be adjusted for
11 inflation by the method provided in section 151 of the Internal
12 Revenue Code. The income eligibility amounts shall be adjusted for
13 cumulative inflation since 2000. If any amount is not a multiple
14 of one hundred dollars, the amount shall be rounded to the next
15 lower multiple of one hundred dollars.

16 Sec. 5. Section 77-3509, Revised Statutes Supplement,
17 1998, is amended to read:

18 77-3509. (1) All homesteads in this state shall be
19 assessed for taxation the same as other property, except that there
20 shall be exempt from taxation, on any homestead of (a) any veteran
21 as defined in section 80-401.01 drawing compensation from the
22 United States Department of Veterans Affairs because of one hundred

23 percent disability and not eligible for total exemption under
 24 sections 77-3526 to 77-3528 or the unremarried widow or widower of
 25 such veteran, (b) the unremarried widow or widower of any veteran,
 26 including those not listed in section 80-401.01, who died because
 27 of a service-connected disability, (c) the unremarried widow or
 1 widower of a serviceman or servicewoman who died while on active
 2 duty during the dates described in section 80-401.01, or (d) the
 3 unremarried widow or widower of a serviceman or servicewoman,
 4 including those not listed in section 80-401.01, whose death while
 5 on active duty was service-connected, a percentage of the exempt
 6 amount as limited by section 77-3506.03.

7 The exemption shall be based on the household income of a
 8 claimant pursuant to subsections (2) through (6) (4) of this
 9 section. Application for exemption under this section shall
 10 include certification of the status set forth in this section from
 11 the United States Department of Veterans Affairs.

12 (2) For 1996, for a married claimant as described in
 13 subsection (1) of this section, the percentage of the exempt amount
 14 for which the claimant is eligible shall be the percentage in
 15 Column B which corresponds with the claimant's household income in
 16 Column A in the table found in this subsection:

Column A	Column B
Household Income	Percentage
In Dollars	Of Relief
0 through 20,000	100
20,001 through 21,000	85
21,001 through 22,000	70
22,001 through 23,000	55
23,001 through 24,000	40
24,001 through 25,000	25
25,001 and over	0

27 (3) For 1996, for a single claimant as described in
 1 subsection (1) of this section, the percentage of the exempt amount
 2 for which the claimant is eligible shall be the percentage in
 3 Column B which corresponds with the claimant's household income in
 4 Column A in the table found in this subsection:

Column A	Column B
Household Income	Percentage
In Dollars	Of Relief
0 through 17,500	100
17,501 through 18,300	85
18,301 through 19,100	70
19,101 through 19,900	55
19,901 through 20,700	40
20,701 through 21,500	25
21,501 and over	0

15 (4) For 1997, for a married or closely related claimant
 16 as described in subsection (1) of this section, the percentage of
 17 the exempt amount for which the claimant shall be eligible shall be

18 the percentage in Column B which corresponds with the claimant's
19 income in Column A in the table found in this subsection:

20	Column A	Column B
21	Household Income	Percentage
22	In Dollars	Of Relief
23	0 through 21,200	100
24	21,201 through 22,200	85
25	22,201 through 23,200	70
26	23,201 through 24,200	55
27	24,201 through 25,200	40
1	25,201 through 26,200	25
2	26,201 and over	0

3 (5) For 1997, for a single claimant as described in
4 subsection (1) of this section, the percentage of the exempt amount
5 for which the claimant shall be eligible shall be the percentage in
6 Column B which corresponds with the claimant's household income in
7 Column A in the table found in this subsection:

8	Column A	Column B
9	Household Income	Percentage
10	In Dollars	Of Relief
11	0 through 18,600	100
12	18,601 through 19,400	85
13	19,401 through 20,200	70
14	20,201 through 21,000	55
15	21,001 through 21,800	40
16	21,801 through 22,600	25
17	22,601 and over	0

18 (6) For exemption applications filed in calendar year
19 1998 and each year thereafter, the income eligibility amounts in
20 subsections (4) and (5) of this section shall be adjusted for
21 inflation by the method provided in section 151 of the Internal
22 Revenue Code. The income eligibility amounts shall be adjusted for
23 cumulative inflation since 1997. If any amount is not a multiple
24 of one hundred dollars, the amount shall be rounded to the next
25 lower multiple of one hundred dollars.

26 (2) For 2000, for a married or closely related claimant
27 as described in subsection (1) of this section, the percentage of
1 the exempt amount for which the claimant shall be eligible shall be
2 the percentage in Column B which corresponds with the claimant's
3 income in Column A in the table found in this subsection:

4	Column A	Column B
5	Household Income	Percentage
6	In Dollars	Of Relief
7	0 through 24,700	100
8	24,701 through 25,900	85
9	25,901 through 27,100	70
10	27,101 through 28,300	55
11	28,301 through 29,500	40
12	29,501 through 30,700	25

17 Sec. 2. Section 77-3505.02, Revised Statutes Supplement,
18 1998, is amended to read:

19 77-3505.02. Maximum value shall mean:

20 (1) For applicants eligible under section 77-3507, one
21 hundred fifty percent of the average assessed value of
22 single-family residential property in the claimant's county of
23 residence as determined in section 77-3506.02 or ninety-five one
24 hundred seventy-five thousand dollars, whichever is greater; and

1 (2) For applicants eligible under sections 77-3508 and
2 77-3509, one hundred seventy-five percent of the average assessed
3 value of single-family residential property in the claimant's
4 county of residence as determined in section 77-3506.02 or one
5 hundred ~~ten~~ ninety thousand dollars, whichever is greater.

13 Sec. 4. Section 77-3508, Revised Statutes Supplement,
14 1998, is amended to read:

15 77-3508. (1) All homesteads in this state shall be
16 assessed for taxation the same as other property, except that there
17 shall be exempt from taxation, on any homestead of (a) veterans as
18 defined in section 80-401.01 who are totally disabled by a
19 non-service-connected accident or illness, (b) individuals who ~~are~~
20 ~~paralyzed in both legs such as to preclude locomotion without the~~
21 ~~regular aid of braces, crutches, canes, or wheelchairs; (c)~~
22 ~~individuals who have undergone amputation of both lower extremities~~
23 ~~such as to preclude locomotion without the regular aid of braces;~~
24 ~~crutches, canes, wheelchairs, or artificial limbs; (d) individuals~~
25 ~~with progressive neuromuscular or neurological disease such as to~~
26 ~~preclude locomotion without the regular aid of braces, crutches;~~
27 ~~canes, wheelchairs, or artificial limbs or who have permanently~~
1 ~~lost the use or control of both arms; and (e) have a permanent~~
2 ~~physical disability or who have lost all mobility such as to~~
3 ~~preclude locomotion without the regular use of a mechanical aid or~~
4 ~~prostheses, and (c) individuals who have undergone amputation of~~
5 ~~both arms above the elbow or who have a permanent partial~~
6 ~~disability of both arms in excess of seventy-five percent, a~~
7 percentage of the exempt amount as limited by section 77-3506.03.

8 The exemption shall be based on the household income of a claimant
9 pursuant to subsections (2) through ~~(6)~~ (4) of this section.

10 Application for such exemption shall include certification from a
11 qualified medical physician for subdivisions (1)(a) through ~~(4)(e)~~
12 (c) of this section or certification from the United States
13 Department of Veterans Affairs affirming that the homeowner is
14 totally disabled due to non-service-connected accident or illness
15 for subdivision (1)(a) of this section. Such certification from a
16 qualified medical physician shall be made on forms prescribed by
17 the Department of Revenue.

10 Sec. 6. Section 77-3513, Revised Statutes Supplement,
11 1998, is amended to read:

12 77-3513. (1) For tax year 1996 and subsequent tax years,
13 except as required by section 77-3514, if an owner is granted a

14 homestead exemption as provided in section 77-3507 or 77-3509 or
 15 subdivision (1)(b); ~~or (c); (d); or (e)~~ of section 77-3508, no
 16 reapplication need be filed for succeeding years, in which case the
 17 county assessor and Tax Commissioner shall determine whether the
 18 claimant qualifies for the homestead exemption in such succeeding
 19 years as otherwise provided in sections 77-3501 to 77-3529 as
 20 though a claim were made.

21 (2) It shall be the duty of each claimant who wants the
 22 homestead exemption provided in subdivision (1)(a) of section
 23 77-3508 to file an application therefor with the county assessor on
 24 or before June 30 of each year. Failure to do so shall constitute
 25 a waiver of the exemption for such year, except that the county
 26 board of the county in which the homestead is located may, by
 27 majority vote, extend the deadline to on or before July 20 of each
 1 year. An extension shall not be granted to an applicant who
 2 received an extension in the immediately preceding year.

3 Sec. 7. This act becomes operative on January 1, 2000.

4 Sec. 8. Original section 77-3501.01, Reissue Revised
 5 Statutes of Nebraska, and sections 77-3505.02, 77-3507 to 77-3509,
 6 and 77-3513, Revised Statutes Supplement, 1998, are repealed."

The second Standing Committee amendment was adopted with 26 ayes, 8
 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 30 ayes, 6 nays, 4 present and not voting,
 and 9 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 469. Placed on Select File as amended.

E & R amendment to LB 469:

AM7086

- 1 1. On page 1, line 2, after "Act" insert "; to provide a
- 2 penalty; and to provide severability".

LEGISLATIVE BILL 99. Placed on Select File.

LEGISLATIVE BILL 608. Placed on Select File as amended.

E & R amendment to LB 608:

AM7085

- 1 1. In the Standing Committee amendment, FA50, on page 1,
- 2 line 7, strike the underscored period.
- 3 2. On page 10, line 6, after "and" insert "Emergency".

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 738. Placed on General File.

LEGISLATIVE BILL 849. Placed on General File as amended.
(Standing Committee amendment, AM0735, may be found in the Bill Books.
The amendment has been printed separately and is on file in the Bill Room -
Room 1102.)

(Signed) D. Paul Hartnett, Chairperson

Education

LEGISLATIVE BILL 394. Indefinitely postponed.
LEGISLATIVE BILL 413. Indefinitely postponed.
LEGISLATIVE BILL 470. Indefinitely postponed.
LEGISLATIVE BILL 814. Indefinitely postponed.
LEGISLATIVE BILL 815. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 276. Indefinitely postponed.
LEGISLATIVE BILL 311. Indefinitely postponed.
LEGISLATIVE BILL 775. Indefinitely postponed.
LEGISLATIVE BILL 859. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Transportation

LEGISLATIVE BILL 704. Placed on General File as amended.
(Standing Committee amendment, AM0742, may be found in the Bill Books.
The amendment has been printed separately and is on file in the Bill Room -
Room 1102.)

LEGISLATIVE BILL 767. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 475:
AM0813

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 43-1503, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:

4 43-1503. For the purposes of the Nebraska Indian Child
5 Welfare Act, except as may be specifically provided otherwise, the
6 term:

7 (1) Child custody proceeding shall mean and include:

8 (a) Foster care placement which shall mean any action
9 removing an Indian child from its parent or Indian custodian for
10 temporary placement in a foster home or institution or the home of
11 a guardian or conservator where the parent or Indian custodian
12 cannot have the child returned upon demand, but where parental
13 rights have not been terminated;

14 (b) Termination of parental rights which shall mean any
15 action resulting in the termination of the parent-child
16 relationship;

17 (c) Preadoptive placement which shall mean the temporary
18 placement of an Indian child in a foster home or institution after
19 the termination of parental rights, but prior to or in lieu of
20 adoptive placement; and

21 (d) Adoptive placement which shall mean the permanent
22 placement of an Indian child for adoption, including any action
23 resulting in a final decree of adoption.

24 Such term or terms shall not include a placement based
1 upon an act which, if committed by an adult, would be deemed a
2 crime or upon an award, in a divorce proceeding, of custody to one
3 of the parents;

4 (2) Extended family member shall be as defined by the law
5 or custom of the Indian child's tribe or, in the absence of such
6 law or custom, shall be a person who has reached the age of
7 eighteen and who is the Indian child's grandparent, aunt or uncle,
8 brother or sister, brother-in-law or sister-in-law, niece or
9 nephew, first or second cousin, or stepparent;

10 (3) Indian means any person who is a member of an Indian
11 tribe, or who is an Alaska Native and a member of a regional
12 corporation defined in section 7 of the Alaska Native Claims
13 Settlement Act, 43 U.S.C. 1606;

14 (4) Indian child means any unmarried person who is under
15 age eighteen and is either (a) a member of an Indian tribe or (b)
16 is eligible for membership in an Indian tribe and is the biological
17 child of a member of an Indian tribe;

18 (5) Indian child's tribe means (a) the Indian tribe in
19 which an Indian child is a member or eligible for membership or (b)
20 in the case of an Indian child who is a member of or eligible for
21 membership in more than one tribe, the Indian tribe with which the
22 Indian child has the more significant contacts;

23 (6) Indian custodian means any Indian person who has
24 legal custody of an Indian child under tribal law or custom or
25 under state law or to whom temporary physical care, custody, and
26 control has been transferred by the parent of such child;

27 (7) Indian organization means any group, association,
1 partnership, limited liability company, corporation, or other legal

2 entity owned or controlled by Indians or a majority of whose
3 members are Indians;

4 (8) Indian tribe means any Indian tribe, band, nation, or
5 other organized group or community of Indians recognized as
6 eligible for the services provided to Indians by the secretary
7 because of their status as Indians, including any Alaska Native
8 village as defined in section 3(c) of the Alaska Native Claims
9 Settlement Act, as amended, 42 U.S.C. 1602(c);

10 (9) Parent means any biological parent or parents of an
11 Indian child or any Indian person who has lawfully adopted an
12 Indian child, including adoptions under tribal law or custom. It
13 does not include the unwed father when paternity has not been
14 acknowledged or established;

15 (10) Reservation means Indian country as defined in 18
16 U.S.C. 1151 and any lands, not covered under such section, title to
17 which is either held by the United States in trust for the benefit
18 of any Indian tribe or individual or held by any Indian tribe or
19 individual subject to a restriction by the United States against
20 alienation;

21 (11) Secretary means the Secretary of the Interior; ~~and~~

22 (12) Tribal court means a court with jurisdiction over
23 child custody proceedings and which is either a Court of Indian
24 Offenses, a court established and operated under the code or custom
25 of an Indian tribe, or any other administrative body of a tribe
26 which is vested with authority over child custody proceedings; ~~and~~

27 (13) Tribal service area means a geographic area in which
1 tribal services and programs are provided to Native American
2 people.

3 Sec. 3. Section 71-1906, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-1906. In order to achieve the goals and further the
6 purposes of the federal Indian Child Welfare Act and the Nebraska
7 Indian Child Welfare Act, it is the intent of the Legislature that
8 Native American families have the option to meet separate licensing
9 standards for Native American foster homes located outside the
10 boundaries of any Indian reservation or tribal service area.

11 Sec. 4. Section 71-1906.02, Revised Statutes Supplement,
12 1998, is amended to read:

13 71-1906.02. An advisory committee is established which
14 shall be made up of Native Americans knowledgeable in Indian child
15 welfare matters jointly appointed by the executive director of the
16 Commission on Indian Affairs and the Director of Health and Human
17 Services. The advisory committee shall advise the department and
18 the commission on the development of the appropriate standards for
19 the licensing of Native American foster homes located outside the
20 boundaries of any Indian reservation or tribal service area.

21 Sec. 5. Section 71-5009.01, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-5009.01. Regional governing boards shall not be

24 required to provide the matching funds provided for in the Nebraska
25 Comprehensive Community Mental Health Services Act for mental
26 health treatment programs located on Indian reservations or tribal
27 service areas.

1 Sec. 6. Section 71-5027, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-5027. The six regional governing boards established
4 pursuant to section 71-5004 shall provide community alcoholism
5 facilities, programs, and services. The boards shall provide funds
6 for such community-based projects. Federal funding, private
7 sources, third-party payments, and fees collected may be used as
8 sources of necessary funds. Each regional governing board shall
9 provide one dollar for every three dollars provided by the state
10 General Fund. Of the amount provided by each regional governing
11 board, not less than forty percent shall be provided by local and
12 county taxes and the remainder shall come from other nonfederal
13 sources. Regional governing boards shall not be required to
14 provide such matching funds for alcohol treatment programs located
15 on Indian reservations or programs administered by Indian tribes.
16 The regional governing boards shall account for all sources and
17 expenditure of funds for any agency receiving any state funds under
18 the provisions of sections 71-5016 to 71-5040, 83-1009, and
19 83-1009.01.

20 Sec. 7. Section 81-2508, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-2508. (1) For the purpose of administration of the
23 Commission on Indian Affairs during the interim between its regular
24 quarterly meetings, there is hereby established an executive board
25 of the Commission on Indian Affairs consisting of the ~~chairman~~
26 chairperson of the commission, two members representing the
27 reservations or tribal service areas, one member representing the
1 urban areas, and one member who represents the western Nebraska
2 areas or is the member at large.

3 (2) The executive board shall have the authority to enter
4 into contracts for consultation services, supplies, and equipment
5 if the amount contracted for does not exceed the sum of two
6 thousand dollars in any one contract, and to supervise all programs
7 relating to the affairs of Indian tribes instituted and authorized
8 by the commission.

9 Sec. 8. Original sections 43-1503, 71-1906, 71-5009.01,
10 71-5027, and 85-2508, Reissue Revised Statutes of Nebraska, and
11 section 71-1906.02, Revised Statutes Supplement, 1998, are
12 repealed."

Mr. Raikes filed the following amendment to LB 142:
AM0697

1 1. On page 2, line 26, after the period insert "The
2 amount allocated to each county, school district, and city or
3 village pursuant to this section shall be further allocated to each

- 4 individual fund for which property taxes are levied for each
5 subdivision in the same proportion that the levy of the fund bears
6 to the total levy on taxable property within the subdivision."

Mr. Beutler filed the following amendment to LB 142:

AM0818

- 1 1. Insert the following new sections:

2 "Section 1. Section 8-1120, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 8-1120. (1) Except as otherwise provided in this
5 section, the Securities Act of Nebraska shall be administered by
6 the Director of Banking and Finance who may employ such assistants
7 or counsel as may be reasonably necessary for the purpose thereof
8 and who may designate one of such assistants as an assistant
9 director. The director may delegate to such assistant director or
10 counsel any powers, authority, and duties imposed upon or granted
11 to the director under the act, such as may be lawfully delegated
12 under the common law or the statutes of this state. The director
13 may also employ special counsel with respect to any investigation
14 conducted by him or her under the act or with respect to any
15 litigation to which the director is a party under the act, except
16 that security issued by and representing an interest in or a debt
17 of, or guaranteed by, any insurance company shall be registered,
18 pursuant to the provisions of sections 8-1104 to 8-1109, with the
19 Director of Insurance who shall as to such registrations administer
20 and enforce the act, and as pertains to the administration and
21 enforcement of such registration of such securities all references
22 in the act to director shall mean the Director of Insurance.

23 (2) It shall be unlawful for the director or any of his
24 or her officers or employees to use for personal benefit any
1 information which is filed with or obtained by the director and
2 which is not made public. No provision of the act shall authorize
3 the director or any of his or her officers or employees to disclose
4 any such information except among themselves or when necessary or
5 appropriate in a proceeding or investigation under the act. No
6 provision of the act shall either create or derogate from any
7 privilege which exists at common law or otherwise when documentary
8 or other evidence is sought under a subpoena directed to the
9 director or any of his or her officers or employees.

10 (3) The director may from time to time make, amend, and
11 rescind such rules and forms as are necessary to carry out the act.
12 No rule or form may be made unless the director finds that the
13 action is necessary or appropriate in the public interest or for
14 the protection of investors and consistent with the purposes fairly
15 intended by the policy and provisions of the act.

16 In prescribing rules and forms the director may cooperate
17 with the securities administrators of the other states and the
18 Securities and Exchange Commission with a view to effectuating the
19 policy of the Securities Act of Nebraska to achieve maximum

20 uniformity in the form and content of registration statements,
21 applications, and reports wherever practicable. All rules and
22 forms of the director shall be published and mailed to each
23 registered broker-dealer.

24 (4) No provision of the act imposing any liability shall
25 apply to any act done or omitted in good faith in conformity with
26 any rule, form, or order of the director, notwithstanding that the
27 rule or form may later be amended or rescinded or be determined by
1 judicial or other authority to be invalid for any reason.

2 (5) Every hearing in an administrative proceeding shall
3 be public unless the director in his or her discretion grants a
4 request joined in by all the respondents that the hearing be
5 conducted privately.

6 (6) The Securities Act Cash Fund is created. All filing
7 fees, registration fees, and all other fees and all money collected
8 by or paid to the director under any of the provisions of the act
9 shall be remitted to the State Treasurer for credit to the fund,
10 except that registration fees collected by or paid to the Director
11 of Insurance pursuant to the provisions of the act shall be
12 credited to the Department of Insurance Cash Fund. The Securities
13 Act Cash Fund shall be used for the purpose of administering and
14 enforcing the provisions of the act, except that (a) transfers may
15 be made to the General Fund at the direction of the Legislature,
16 (b) and, for the calendar years of 2000 and 2001, two million
17 dollars shall be transferred in each year to the Affordable Housing
18 Trust Fund, and (c) for fiscal year 1999-00, six million dollars
19 shall be transferred to the Water Quality Trust Fund. All of such
20 money is appropriated and shall be appropriated for such purposes.
21 Any money in the Securities Act Cash Fund available for investment
22 shall be invested by the state investment officer pursuant to the
23 Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 (7) A document is filed when it is received by the
26 director. The director shall keep a register of all applications
27 for registration and registration statements which are or have ever
1 been effective under the Securities Act of Nebraska and all denial,
2 suspension, or revocation orders which have ever been entered under
3 the act. The register shall be open for public inspection. The
4 information contained in or filed with any registration statement,
5 application, or report may be made available to the public under
6 such rules as the director shall prescribe.

7 (8) Upon request and at such reasonable charges as he or
8 she shall prescribe, the director shall furnish to any person
9 photostatic or other copies, certified under his or her seal of
10 office if requested, of any entry in the register or any document
11 which is a matter of public record. In any proceeding or
12 prosecution under the act, any copy so certified shall be prima
13 facie evidence of the contents of the entry or document certified.

14 (9) The director in his or her discretion may honor

15 requests from interested persons for interpretative opinions.

16 Sec. 2. The Water Quality Trust Fund is created. The
17 interest earned on the fund shall be transferred to the Natural
18 Resources Enhancement Fund. Any money in the Water Quality Trust
19 Fund shall be invested pursuant to the Nebraska Capital Expansion
20 Act and the Nebraska State Funds Investment Act.

21 Sec. 4. Section 66-1345, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 66-1345. (1) There is hereby created the Ethanol
24 Production Incentive Cash Fund which shall be used by the board to
25 pay the credits created in section 66-1344 to the extent provided
26 in this section. Any money in the fund available for investment
27 shall be invested by the state investment officer pursuant to the
1 Nebraska Capital Expansion Act and the Nebraska State Funds
2 Investment Act. The State Treasurer shall transfer to the Ethanol
3 Production Incentive Cash Fund such money as shall be (a)
4 appropriated to the Ethanol Production Incentive Cash Fund by the
5 Legislature, (b) given as gifts, bequests, grants, or other
6 contributions to the Ethanol Production Incentive Cash Fund from
7 public or private sources, (c) made available due to failure to
8 fulfill conditional requirements pursuant to investment agreements
9 entered into prior to April 30, 1992, (d) received as return on
10 investment of the Ethanol Authority and Development Cash Fund, (e)
11 ~~credited to the Ethanol Production Incentive Cash Fund from the~~
12 ~~fertilizer fee pursuant to section 77-4401, (f) credited to the~~
13 ~~Ethanol Production Incentive Cash Fund from the excise taxes~~
14 ~~imposed by section 66-1345.01, and (g) (f) credited to the Ethanol~~
15 ~~Production Incentive Cash Fund pursuant to section 66-1345.04.~~

16 (2) The Department of Revenue shall, at the end of each
17 calendar quarter, notify the State Treasurer of the amount of motor
18 fuel tax that was not collected in the preceding calendar quarter
19 due to the credits provided in section 66-1344. The State
20 Treasurer shall transfer from the Ethanol Production Incentive Cash
21 Fund to the Highway Trust Fund an amount equal to such credits less
22 the following amounts:

23 (a) For 1993, 1994, and 1995, the amount generated during
24 the calendar quarter by a one-cent tax on motor fuel pursuant to
25 sections 66-489, 66-668, and 66-6,107;

26 (b) For 1996, the amount generated during the calendar
27 quarter by a three-quarters-cent tax on motor fuel pursuant to such
1 sections;

2 (c) For 1997, the amount generated during the calendar
3 quarter by a one-half-cent tax on motor fuel pursuant to such
4 sections; and

5 (d) For 1998, 1999, and 2000, no reduction.

6 The amounts shall be transferred through December 31,
7 2000. For 1993 through 1997, if the amount generated pursuant to
8 subdivisions (a), (b), and (c) of this subsection and the amount
9 transferred pursuant to subsection (1) of this section are not

10 sufficient to fund the credits provided in section 66-1344, then
11 the credits shall be funded through the Ethanol Production
12 Incentive Cash Fund but shall not be funded through either the
13 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
14 2000, the credits provided in such section shall be funded through
15 the Ethanol Production Incentive Cash Fund but shall not be funded
16 through either the Highway Cash Fund or the Highway Trust Fund.

17 (3) The State Treasurer shall transfer from the Ethanol
18 Production Incentive Cash Fund to the Management Services Expense
19 Revolving Fund the amount reported under subsection (4) of section
20 66-1345.02 for each calendar quarter of the fiscal year as provided
21 in such subsection.

22 (4) On February 15, 2001, the State Treasurer shall
23 transfer any unexpended and unobligated funds from the Ethanol
24 Production Incentive Cash Fund to the Nebraska Corn Development,
25 Utilization, and Marketing Fund and Grain Sorghum Development,
26 Utilization, and Marketing Fund in the same proportion as funds
27 were collected pursuant to section 66-1345.01 from corn and grain
1 sorghum.

2 Sec. 5. Section 77-4401, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 77-4401. (1) ~~Through December 31, 1996, there shall be~~
5 There is imposed a fee of ~~four dollars~~ seventy-five cents per ton
6 upon the gross tonnage of all sales, use, or other consumption in
7 this state of commercial fertilizers, ~~; and commencing January 1,~~
8 ~~1997, through December 31, 2000, there shall be imposed a fee of~~
9 ~~one dollar per ton upon such gross tonnage.~~ The fee shall be paid
10 by the purchaser of the commercial fertilizer. Any commercial
11 fertilizer subject to the sales and use tax pursuant to the
12 Nebraska Revenue Act of 1967 shall be exempt from the fee imposed
13 by this section. For purposes of this section, the definitions
14 found in section 81-2,162.02 shall apply.

15 (2) The fee imposed by this section shall be collected by
16 the seller and remitted to the ~~Department of Revenue for credit to~~
17 ~~the Ethanol Production Incentive Cash Fund through December 31,~~
18 ~~1996, and to the Natural Resources Enhancement Fund on and after~~
19 ~~January 1, 1997,~~ based on the gross tonnage of commercial
20 fertilizers sold during the preceding period. Payment of the fee
21 shall be accompanied by a report setting forth the gross tonnage of
22 commercial fertilizers sold by the seller. The report shall be on
23 a form prescribed by the Department of Revenue and shall include
24 such other information as the Tax Commissioner deems necessary.
25 The provisions of the Nebraska Revenue Act of 1967 applicable to
26 sales and use taxes shall apply to imposition of the fee.

27 (3) For purposes of this section, gross tonnage shall not
1 include water and other carriers added by the retail seller of the
2 fertilizer and shall not include sales of packages of fertilizers
3 containing ten pounds or less.

4 (4) Any person who purchased commercial fertilizer prior

- 5 to May 1, 1993, and paid a fee greater than three dollars per ton
 6 shall be entitled to a refund of the amount paid in excess of three
 7 dollars per ton.
 8 (5) The Tax Commissioner shall adopt and promulgate rules
 9 and regulations to carry out this section."
 10 2. On page 3, line 6, strike "section 60-3003" and
 11 insert "sections 8-1120, 60-3003, 66-1345, and 77-4401"; and in
 12 line 7 strike "is" and insert "are".
 13 3. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 142:

AM0817

- 1 1. Insert the following new sections:
 2 "Section 1. Section 8-1120, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 8-1120. (1) Except as otherwise provided in this
 5 section, the Securities Act of Nebraska shall be administered by
 6 the Director of Banking and Finance who may employ such assistants
 7 or counsel as may be reasonably necessary for the purpose thereof
 8 and who may designate one of such assistants as an assistant
 9 director. The director may delegate to such assistant director or
 10 counsel any powers, authority, and duties imposed upon or granted
 11 to the director under the act, such as may be lawfully delegated
 12 under the common law or the statutes of this state. The director
 13 may also employ special counsel with respect to any investigation
 14 conducted by him or her under the act or with respect to any
 15 litigation to which the director is a party under the act, except
 16 that security issued by and representing an interest in or a debt
 17 of, or guaranteed by, any insurance company shall be registered,
 18 pursuant to the provisions of sections 8-1104 to 8-1109, with the
 19 Director of Insurance who shall as to such registrations administer
 20 and enforce the act, and as pertains to the administration and
 21 enforcement of such registration of such securities all references
 22 in the act to director shall mean the Director of Insurance.
 23 (2) It shall be unlawful for the director or any of his
 24 or her officers or employees to use for personal benefit any
 1 information which is filed with or obtained by the director and
 2 which is not made public. No provision of the act shall authorize
 3 the director or any of his or her officers or employees to disclose
 4 any such information except among themselves or when necessary or
 5 appropriate in a proceeding or investigation under the act. No
 6 provision of the act shall either create or derogate from any
 7 privilege which exists at common law or otherwise when documentary
 8 or other evidence is sought under a subpoena directed to the
 9 director or any of his or her officers or employees.
 10 (3) The director may from time to time make, amend, and
 11 rescind such rules and forms as are necessary to carry out the act.
 12 No rule or form may be made unless the director finds that the
 13 action is necessary or appropriate in the public interest or for

14 the protection of investors and consistent with the purposes fairly
15 intended by the policy and provisions of the act.

16 In prescribing rules and forms the director may cooperate
17 with the securities administrators of the other states and the
18 Securities and Exchange Commission with a view to effectuating the
19 policy of the Securities Act of Nebraska to achieve maximum
20 uniformity in the form and content of registration statements,
21 applications, and reports wherever practicable. All rules and
22 forms of the director shall be published and mailed to each
23 registered broker-dealer.

24 (4) No provision of the act imposing any liability shall
25 apply to any act done or omitted in good faith in conformity with
26 any rule, form, or order of the director, notwithstanding that the
27 rule or form may later be amended or rescinded or be determined by
1 judicial or other authority to be invalid for any reason.

2 (5) Every hearing in an administrative proceeding shall
3 be public unless the director in his or her discretion grants a
4 request joined in by all the respondents that the hearing be
5 conducted privately.

6 (6) The Securities Act Cash Fund is created. All filing
7 fees, registration fees, and all other fees and all money collected
8 by or paid to the director under any of the provisions of the act
9 shall be remitted to the State Treasurer for credit to the fund,
10 except that registration fees collected by or paid to the Director
11 of Insurance pursuant to the provisions of the act shall be
12 credited to the Department of Insurance Cash Fund. The Securities
13 Act Cash Fund shall be used for the purpose of administering and
14 enforcing the provisions of the act, except that (a) transfers may
15 be made to the General Fund at the direction of the Legislature,
16 (b) and, for the calendar years of 2000 and 2001, two million
17 dollars shall be transferred in each year to the Affordable Housing
18 Trust Fund, and (c) for fiscal year 1999-00, six million dollars
19 shall be transferred to the Water Quality Trust Fund. All of such
20 money is appropriated and shall be appropriated for such purposes.
21 Any money in the Securities Act Cash Fund available for investment
22 shall be invested by the state investment officer pursuant to the
23 Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 (7) A document is filed when it is received by the
26 director. The director shall keep a register of all applications
27 for registration and registration statements which are or have ever
1 been effective under the Securities Act of Nebraska and all denial,
2 suspension, or revocation orders which have ever been entered under
3 the act. The register shall be open for public inspection. The
4 information contained in or filed with any registration statement,
5 application, or report may be made available to the public under
6 such rules as the director shall prescribe.

7 (8) Upon request and at such reasonable charges as he or
8 she shall prescribe, the director shall furnish to any person

9 photostatic or other copies, certified under his or her seal of
10 office if requested, of any entry in the register or any document
11 which is a matter of public record. In any proceeding or
12 prosecution under the act, any copy so certified shall be prima
13 facie evidence of the contents of the entry or document certified.

14 (9) The director in his or her discretion may honor
15 requests from interested persons for interpretative opinions.

16 Sec. 2. The Water Quality Trust Fund is created. The
17 interest earned on the fund shall be transferred to the Natural
18 Resources Enhancement Fund. Any money in the Water Quality Trust
19 Fund shall be invested pursuant to the Nebraska Capital Expansion
20 Act and the Nebraska State Funds Investment Act."

21 2. On page 3, line 6, strike "section" and insert
22 "sections 8-1120"; and in line 7 strike "is" and insert "are".

23 3. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 142:

AM0819

1 1. Insert the following new sections:

2 "Section 1. Section 8-1120, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 8-1120. (1) Except as otherwise provided in this
5 section, the Securities Act of Nebraska shall be administered by
6 the Director of Banking and Finance who may employ such assistants
7 or counsel as may be reasonably necessary for the purpose thereof
8 and who may designate one of such assistants as an assistant
9 director. The director may delegate to such assistant director or
10 counsel any powers, authority, and duties imposed upon or granted
11 to the director under the act, such as may be lawfully delegated
12 under the common law or the statutes of this state. The director
13 may also employ special counsel with respect to any investigation
14 conducted by him or her under the act or with respect to any
15 litigation to which the director is a party under the act, except
16 that security issued by and representing an interest in or a debt
17 of, or guaranteed by, any insurance company shall be registered,
18 pursuant to the provisions of sections 8-1104 to 8-1109, with the
19 Director of Insurance who shall as to such registrations administer
20 and enforce the act, and as pertains to the administration and
21 enforcement of such registration of such securities all references
22 in the act to director shall mean the Director of Insurance.

23 (2) It shall be unlawful for the director or any of his
1 or her officers or employees to use for personal benefit any
2 information which is filed with or obtained by the director and
3 which is not made public. No provision of the act shall authorize
4 the director or any of his or her officers or employees to disclose
5 any such information except among themselves or when necessary or
6 appropriate in a proceeding or investigation under the act. No
7 provision of the act shall either create or derogate from any
privilege which exists at common law or otherwise when documentary

8 or other evidence is sought under a subpoena directed to the
9 director or any of his or her officers or employees.

10 (3) The director may from time to time make, amend, and
11 rescind such rules and forms as are necessary to carry out the act.
12 No rule or form may be made unless the director finds that the
13 action is necessary or appropriate in the public interest or for
14 the protection of investors and consistent with the purposes fairly
15 intended by the policy and provisions of the act.

16 In prescribing rules and forms the director may cooperate
17 with the securities administrators of the other states and the
18 Securities and Exchange Commission with a view to effectuating the
19 policy of the Securities Act of Nebraska to achieve maximum
20 uniformity in the form and content of registration statements,
21 applications, and reports wherever practicable. All rules and
22 forms of the director shall be published and mailed to each
23 registered broker-dealer.

24 (4) No provision of the act imposing any liability shall
25 apply to any act done or omitted in good faith in conformity with
26 any rule, form, or order of the director, notwithstanding that the
27 rule or form may later be amended or rescinded or be determined by
1 judicial or other authority to be invalid for any reason.

2 (5) Every hearing in an administrative proceeding shall
3 be public unless the director in his or her discretion grants a
4 request joined in by all the respondents that the hearing be
5 conducted privately.

6 (6) The Securities Act Cash Fund is created. All filing
7 fees, registration fees, and all other fees and all money collected
8 by or paid to the director under any of the provisions of the act
9 shall be remitted to the State Treasurer for credit to the fund,
10 except that registration fees collected by or paid to the Director
11 of Insurance pursuant to the provisions of the act shall be
12 credited to the Department of Insurance Cash Fund. The Securities
13 Act Cash Fund shall be used for the purpose of administering and
14 enforcing the provisions of the act, except that (a) transfers may
15 be made to the General Fund at the direction of the Legislature,
16 (b) and, for the calendar years of 2000 and 2001, two million
17 dollars shall be transferred in each year to the Affordable Housing
18 Trust Fund, and (c) for fiscal year 1999-00, six million dollars
19 shall be transferred to the Water Quality Trust Fund. All of such
20 money is appropriated and shall be appropriated for such purposes.
21 Any money in the Securities Act Cash Fund available for investment
22 shall be invested by the state investment officer pursuant to the
23 Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 (7) A document is filed when it is received by the
26 director. The director shall keep a register of all applications
27 for registration and registration statements which are or have ever
1 been effective under the Securities Act of Nebraska and all denial,
2 suspension, or revocation orders which have ever been entered under

3 the act. The register shall be open for public inspection. The
4 information contained in or filed with any registration statement,
5 application, or report may be made available to the public under
6 such rules as the director shall prescribe.

7 (8) Upon request and at such reasonable charges as he or
8 she shall prescribe, the director shall furnish to any person
9 photostatic or other copies, certified under his or her seal of
10 office if requested, of any entry in the register or any document
11 which is a matter of public record. In any proceeding or
12 prosecution under the act, any copy so certified shall be prima
13 facie evidence of the contents of the entry or document certified.

14 (9) The director in his or her discretion may honor
15 requests from interested persons for interpretative opinions.

16 Sec. 3. Section 66-1345, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 66-1345. (1) There is hereby created the Ethanol
19 Production Incentive Cash Fund which shall be used by the board to
20 pay the credits created in section 66-1344 to the extent provided
21 in this section. Any money in the fund available for investment
22 shall be invested by the state investment officer pursuant to the
23 Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act. The State Treasurer shall transfer to the Ethanol
25 Production Incentive Cash Fund such money as shall be (a)
26 appropriated to the Ethanol Production Incentive Cash Fund by the
27 Legislature, (b) given as gifts, bequests, grants, or other
1 contributions to the Ethanol Production Incentive Cash Fund from
2 public or private sources, (c) made available due to failure to
3 fulfill conditional requirements pursuant to investment agreements
4 entered into prior to April 30, 1992, (d) received as return on
5 investment of the Ethanol Authority and Development Cash Fund, (e)
6 credited to the Ethanol Production Incentive Cash Fund from the
7 fertilizer fee pursuant to section 77-4401, (f) credited to the
8 Ethanol Production Incentive Cash Fund from the excise taxes
9 imposed by section 66-1345.01, and (g) credited to the Ethanol
10 Production Incentive Cash Fund pursuant to section 66-1345.04.

11 (2) The Department of Revenue shall, at the end of each
12 calendar quarter, notify the State Treasurer of the amount of motor
13 fuel tax that was not collected in the preceding calendar quarter
14 due to the credits provided in section 66-1344. The State
15 Treasurer shall transfer from the Ethanol Production Incentive Cash
16 Fund to the Highway Trust Fund an amount equal to such credits less
17 the following amounts:

18 (a) For 1993, 1994, and 1995, the amount generated during
19 the calendar quarter by a one-cent tax on motor fuel pursuant to
20 sections 66-489, 66-668, and 66-6,107;

21 (b) For 1996, the amount generated during the calendar
22 quarter by a three-quarters-cent tax on motor fuel pursuant to such
23 sections;

24 (c) For 1997, the amount generated during the calendar

25 quarter by a one-half-cent tax on motor fuel pursuant to such
26 sections; and

27 (d) For 1998, 1999, and 2000, no reduction.

1 The amounts shall be transferred through December 31,
2 2000. For 1993 through 1997, if the amount generated pursuant to
3 subdivisions (a), (b), and (c) of this subsection and the amount
4 transferred pursuant to subsection (1) of this section are not
5 sufficient to fund the credits provided in section 66-1344, then
6 the credits shall be funded through the Ethanol Production
7 Incentive Cash Fund but shall not be funded through either the
8 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
9 2000, the credits provided in such section shall be funded through
10 the Ethanol Production Incentive Cash Fund but shall not be funded
11 through either the Highway Cash Fund or the Highway Trust Fund.

12 (3) The State Treasurer shall transfer from the Ethanol
13 Production Incentive Cash Fund to the Management Services Expense
14 Revolving Fund the amount reported under subsection (4) of section
15 66-1345.02 for each calendar quarter of the fiscal year as provided
16 in such subsection.

17 (4) On February 15, 2001, the State Treasurer shall
18 transfer unexpended and unobligated funds remaining in the Ethanol
19 Production Incentive Cash Fund, after all transfers from the
20 Ethanol Production Incentive Cash Fund to the Highway Trust Fund
21 are completed, to the Water Quality Trust Fund. On February 15,
22 2001, the State Treasurer shall transfer any unexpended and
23 unobligated funds from the Ethanol Production Incentive Cash Fund
24 to the Nebraska Corn Development, Utilization, and Marketing Fund
25 and Grain Sorghum Development, Utilization, and Marketing Fund in
26 the same proportion as funds were collected pursuant to section
27 66-1345.01 from corn and grain sorghum.

1 Sec. 4. The Water Quality Trust Fund is created. The
2 interest earned on the fund shall be transferred to the Natural
3 Resources Enhancement Fund. Any money in the Water Quality Trust
4 Fund shall be invested pursuant to the Nebraska Capital Expansion
5 Act and the Nebraska State Funds Investment Act."

6 2. On page 3, line 6, strike "section 60-3003" and
7 insert "sections 8-1120, 60-3003, and 66-1345"; and in line 7
8 strike "is" and insert "are".

9 3. Renumber the remaining sections accordingly.

Mr. Chambers filed the following amendment to LB 72:
AM0808

(Amendments to Final Reading (Second) copy)

1 1. Insert the following new section:

2 "Sec. 2. Section 29-1401, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 29-1401. (1) The district courts are hereby vested with
5 power to call grand juries. ~~It shall be mandatory for such~~
6 ~~district courts to call a grand jury in each case upon the petition~~

7 of the registered voters of the county of the number of not less
8 than ten percent of the total vote cast for the office of Governor
9 in such county at the most recent general election held for such
10 office.

11 (2) A grand jury may be called and summoned in the manner
12 provided by law on such day of a regular term of the district court
13 in each year in each county of the state as the district court may
14 direct and at such other times and upon such notice as the district
15 court may deem necessary.

16 (3) District courts shall call a grand jury in each case
17 that a petition meets the requirements of sections 29-1401.01 and
18 29-1401.02 and is signed by not less than ten percent of the
19 registered voters of the county who cast votes for the office of
20 Governor in such county at the most recent general election held
21 for such office.

22 (4) District courts shall call a grand jury in each case
23 upon certification by the county coroner or coroner's physician
1 that ~~an individual~~ a person has died while being apprehended by or
2 while in the custody of a law enforcement officer or detention
3 personnel. In each case subject to this subsection:

4 (a) Law enforcement personnel from the jurisdiction in
5 which the death occurred shall immediately secure the scene,
6 preserve all evidence, and investigate the matter as in any other
7 homicide. The case shall be treated as an open, ongoing matter
8 until all evidence, reports, and other relevant material which has
9 been assembled are transferred to the special prosecutor appointed
10 pursuant to subdivision (b) of this subsection;

11 (b) As soon as practicable, the court shall appoint a
12 special prosecutor who has had at least five years experience in
13 criminal litigation, including felony litigation. The special
14 prosecutor shall select a team of three peace officers, trained to
15 investigate homicides, from jurisdictions outside the jurisdiction
16 where the death occurred. The team shall examine all evidence
17 concerning the cause of death and present the findings of its
18 investigation to the special prosecutor; and

19 (c) A grand jury shall be impaneled within thirty days
20 after the certification by the county coroner or coroner's
21 physician, unless the court extends such time period upon the
22 showing of a compelling reason. Any grand jury called pursuant to
23 this section shall be limited in its charge, powers, duties,
24 proceedings, indictment, and report to the review of the incident
25 or incidents which caused it to be called."

26 2. On page 1, line 2; and page 3, line 19, after
27 "25-1633" insert ", 29-1401,".

1 3. On page 1, line 4, after the semicolon insert "to
2 change procedures relating to certain grand juries;"

3 4. On page 2, line 24, strike ", deliberations, and
4 voting".

5 5. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 153A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 153, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 179. No objections. So ordered.

Ms. Schimek and Mr. Bruning asked unanimous consent to have their names added as cointroducers to LB 150. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 881. No objections. So ordered.

VISITORS

Visitors to the Chamber were 33 students and teacher from Sandy Creek High School; former Senator Howard Lamb; Stacey Kubicek from Schuyler, Amanda Bergquist from Oxford, and Sherman Berg from Blair; Donna Jean and Gary Bieganski from McCook; 30 ninth grade students and teacher from Christian Academy, Omaha; Gene TeSelle from Tekamah; 65 second grade students and teachers from Rousseau Elementary School, Lincoln; and Stan Rosendahl, Joy Philippi, Alden Zuhlke, and Steve Cady from Nebraska Pork Producers Association.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Hilgert, the Legislature adjourned until 9:00 a.m., Wednesday, March 17, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY – MARCH 17, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 17, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Dean O'Bryan, Trinity Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Jones and Vrtiska who were excused; and Messrs. Coordsen, Tyson, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1000, line 43, delete "684" and add "337".
The Journal for the forty-sixth day was approved as corrected.

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

The following bills were correctly engrossed: LBs 250, 424, and 552.

Enrollment and Review Change to LB 424

The following changes, required to be reported for publication in the Journal, have been made:
ER9028

1. On page 3, line 26, "16" has been struck and "17" inserted.

Enrollment and Review Change to LB 552

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

ER9029

1. On page 1, line 5, "debtors' signature" has been struck and "signature and filing" inserted.
2. On page 7, line 8, "or her" has been inserted after "his".
3. On page 10, line 10; page 13, line 14; page 18, line 19; page 21, line 6; and page 23, line 11, the comma has been struck.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS**Education**

LEGISLATIVE BILL 354. Placed on General File.

LEGISLATIVE BILL 715. Placed on General File as amended.

(Standing Committee amendment, AM0834, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ardyce L. Bohlke, Chairperson

ANNOUNCEMENT

The Chair announced yesterday was Senator Brashear's birthday.

RESOLUTION

LEGISLATIVE RESOLUTION 48. Introduced by Connealy, 16.

WHEREAS, Christin Brown, an esteemed resident of Wisner and a student at Wisner-Pilger High School, has achieved national recognition for exemplary volunteer service by receiving a 1999 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Brown earned this award by giving generously of her time and energy to organize a Farm Safety Day Camp; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Brown who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates and honors Ms. Brown as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Ms. Brown.

Laid over.

MOTIONS - Approve Appointments

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 978: F. Gregory Hayden - Central Interstate Low-Level Radioactive Waste Compact.

Voting in the affirmative, 39:

Baker	Byars	Jensen	Pederson, D.	Schrock
Beutler	Connealy	Kiel	Peterson, C.	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Dierks	Kristensen	Quandahl	Suttle
Brashear	Engel	Landis	Redfield	Thompson
Bromm	Hartnett	Lynch	Schellpeper	Wehrbein
Brown	Hudkins	Matzke	Schimek	Wickersham
Bruning	Janssen	Pedersen, Dw.	Schmitt	

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Cudaback	Hilgert	Preister	Raikes
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Excused and not voting, 5:

Coordsen	Jones	Robak	Tyson	Vrtiska
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The appointment was confirmed with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 978: Craig Zeisler - Central Interstate Low-Level Radioactive Waste Compact.

Voting in the affirmative, 37:

Baker	Crosby	Kremer	Quandahl	Schrock
Bohlke	Cudaback	Landis	Raikes	Smith
Bourne	Dierks	Lynch	Redfield	Stuhr
Brashear	Engel	Pedersen, Dw.	Robak	Suttle
Bromm	Hilgert	Pederson, D.	Schellpeper	Thompson
Bruning	Hudkins	Peterson, C.	Schimek	Wehrbein
Byars	Janssen	Price	Schmitt	Wickersham
Connealy	Jensen			

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Beutler	Hartnett	Kristensen	Matzke	Preister
Brown	Kiel			

Excused and not voting, 4:

Coordsen	Jones	Tyson	Vrtiska
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The appointment was confirmed with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT Natural Resources

LEGISLATIVE BILL 176. Placed on General File as amended.

Standing Committee amendment to LB 176:

AM0756

- 1 1. Insert the following new section:
- 2 "Sec. 26. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 3, strike beginning with "swimming" in line 4
- 5 through line 6 and insert "in the water, (d) a bridge structure,
- 6 (e) any watercraft, or (f) a sewage pump-out facility."; in lines
- 7 11 and 12 strike "an unsafe distance" and insert "a distance of
- 8 less than thirty yards"; in line 19 after "person" insert "and the
- 9 personal watercraft is recommended by the manufacturer to tow such
- 10 devices"; and in lines 20 and 28 strike "January" and insert "May".

(Signed) Ed Schrock, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 131A. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 131, Ninety-sixth Legislature, First Session, 1999.

MOTION - Suspend Rules

Mrs. Bohlke moved to suspend the rules, Rule 8, section 5, to permit consideration of LB 149 on Final Reading prior to the passage of the Appropriation Bills.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Bohlke motion to suspend the rules prevailed with 40 ayes, 2 nays, 3 present and not voting, and 4 excused and not voting.

BILL 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 149 with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 149. With Emergency.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1005.01, 79-1007.02, 79-1008.01, 79-1010, 79-1015.01, 79-1018.01, 79-1022, 79-1026, 79-1027, 79-1028, 79-1031, 79-1031.01, 79-1083.02, 79-1083.03, and 79-1089, Revised Statutes Supplement, 1998; to provide for recalculation and recertification of state aid; to redefine terms; to change and eliminate provisions relating to allocated income tax funds, local effort rate, data reporting, and appropriations; to change dates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Mr. Chambers requested a roll call vote.

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

Voting in the affirmative, 43:

Baker

Beutler

Bohlke

Bourne

Brashear

Bromm	Hartnett	Landis	Quandahl	Smith
Bruning	Hilgert	Lynch	Raikes	Stuhr
Byars	Hudkins	Matzke	Robak	Suttle
Connealy	Janssen	Pedersen, Dw.	Schellpeper	Thompson
Coordsen	Jensen	Pederson, D.	Schimek	Tyson
Cudaback	Kiel	Peterson, C.	Schmitt	Wehrbein
Dierks	Kremer	Preister	Schrock	Wickersham
Engel	Kristensen	Price		

Voting in the negative, 3:

Chambers Crosby Redfield

Present and not voting, 1:

Brown

Excused and not voting, 2:

Jones Vrtiska

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

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 156. Placed on General File.

LEGISLATIVE BILL 712. Placed on General File as amended.

Standing Committee amendment to LB 712:

AM0750

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. In a county which has appointed a planning
- 4 commission and is actively preparing a comprehensive development
- 5 plan prior to June 1, 1999, a county board may adopt temporary
- 6 zoning regulations by resolution after appropriate notice and
- 7 hearing. Notice of the hearing shall be given in a newspaper of
- 8 general circulation in the county at least one time at least ten
- 9 days prior to the hearing. A copy of the proposed temporary zoning
- 10 regulations, including any resolution, map, or regulations shall be
- 11 available for inspection during regular business hours at the
- 12 office of the county clerk at least ten days prior to the hearing.
- 13 Sec. 2. Temporary zoning regulations adopted pursuant to
- 14 section 1 of this act:
- 15 (a) Shall consist of zoning regulations which have been
- 16 adopted by or are in use in another county from no more than five
- 17 of the closest geographically zoned counties. The county board may

18 adopt an entire set of zoning regulations from one county or may
19 adopt portions of the zoning regulations from each county;

20 (b) May not implement a moratorium on livestock waste
21 control facilities;

22 (c) Many not impact any land use existing and lawful at
23 the time temporary zoning is adopted;

24 (d) May implement setbacks for livestock operations or
1 livestock facilities of no more than one-half mile from the nearest
2 occupied residence, other than that occupied by the owner or
3 operator, or with the consent of the residence owner; and

4 (e) May prohibit livestock operations or livestock
5 facilities to be located within one mile of an incorporated city or
6 village or a concentration of ten or more residences within
7 one-quarter square mile.

8 Sec. 3. Any temporary zoning regulations adopted
9 pursuant to section 1 of this act shall expire January 1, 2001.

10 Sec. 4. Section 23-114, Revised Statutes Supplement,
11 1998, is amended to read:

12 23-114. (1) The county board shall have power: (a) To
13 provide for temporary zoning as provided in sections 1 to 3 of this
14 act; (b) to create a planning commission with the powers and duties
15 set forth in sections 23-114 to 23-114.05, 23-168.01 to 23-168.04,
16 23-172 to 23-174, 23-174.02, 23-373, and 23-376; ~~(b)~~ (c) to make,
17 adopt, amend, extend, and implement a county comprehensive
18 development plan; and ~~(e)~~ (d) to adopt a zoning resolution, which
19 shall have the force and effect of law.

20 (2) The zoning resolution may regulate and restrict: (a)
21 The location, height, bulk, number of stories, and size of
22 buildings and other structures, including tents, cabins, house
23 trailers, and automobile trailers; (b) the percentage of lot areas
24 which may be occupied; (c) building setback lines; (d) sizes of
25 yards, courts, and other open spaces; (e) the density of
26 population; (f) the uses of buildings; and (g) the uses of land for
27 agriculture, forestry, recreation, residence, industry, and trade,
1 after considering factors relating to soil conservation, water
2 supply conservation, surface water drainage and removal, or other
3 uses in the unincorporated area of the county.

4 (3)(a) The county board shall not adopt or enforce any
5 zoning resolution or regulation which prohibits the use of land for
6 a proposed residential structure for the sole reason that the
7 proposed structure is a manufactured home if such manufactured home
8 bears an appropriate seal which indicates that it was constructed
9 in accordance with the standards of the Uniform Standard Code for
10 Manufactured Homes and Recreational Vehicles, the Nebraska Uniform
11 Standards for Modular Housing Units Act, or the United States
12 Department of Housing and Urban Development. The county board may
13 require that a manufactured home be located and installed according
14 to the same standards for foundation system, permanent utility
15 connections, setback, and minimum square footage which would apply

- 16 to a site-built, single-family dwelling on the same lot. The
17 county board may also require that manufactured homes meet the
18 following standards:
- 19 (i) The home shall have no less than nine hundred square
20 feet of floor area;
 - 21 (ii) The home shall have no less than an eighteen-foot
22 exterior width;
 - 23 (iii) The roof shall be pitched with a minimum vertical
24 rise of two and one-half inches for each twelve inches of
25 horizontal run;
 - 26 (iv) The exterior material shall be of a color, material,
27 and scale comparable with those existing in residential site-built,
1 single-family construction;
 - 2 (v) The home shall have a nonreflective roof material
3 which is or simulates asphalt or wood shingles, tile, or rock; and
4 (vi) The home shall have wheels, axles, transporting
5 lights, and removable towing apparatus removed.
 - 6 (b) The county board may not require additional standards
7 unless such standards are uniformly applied to all single-family
8 dwellings in the zoning district.
 - 9 (c) Nothing in this subsection shall be deemed to
10 supersede any valid restrictive covenants of record.
 - 11 (4) For purposes of this section, manufactured home shall
12 mean (a) a factory-built structure which is to be used as a place
13 for human habitation, which is not constructed or equipped with a
14 permanent hitch or other device allowing it to be moved other than
15 to a permanent site, which does not have permanently attached to
16 its body or frame any wheels or axles, and which bears a label
17 certifying that it was built in compliance with National
18 Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280
19 et seq., promulgated by the United States Department of Housing and
20 Urban Development, or (b) a modular housing unit as defined in
21 section 71-1557 bearing a seal in accordance with the Nebraska
22 Uniform Standards for Modular Housing Units Act.
 - 23 (5) Special districts or zones may be established in
24 those areas subject to seasonal or periodic flooding, and such
25 regulations may be applied as will minimize danger to life and
26 property.
 - 27 (6) The powers conferred by this section shall not be
1 exercised within the limits of any incorporated city or village nor
2 within the area over which a city or village has been granted
3 zoning jurisdiction and is exercising such jurisdiction. At such
4 time as a city or village exercises control over an unincorporated
5 area by the adoption or amendment of a zoning ordinance, the
6 ordinance or amendment shall supersede any resolution or regulation
7 of the county.
 - 8 Sec. 5. Section 23-114.03, Reissue Revised Statutes of
9 Nebraska, is amended to read:
10 23-114.03. Zoning regulations shall be adopted or

11 amended by the county board only after the adoption of the county
12 comprehensive development plan by the county board and the receipt
13 of the planning commission's specific recommendations or by
14 adopting temporary zoning as provided in sections 1 to 3 of this
15 act. Such zoning regulations shall be consistent with the an
16 adopted comprehensive development plan and designed for the purpose
17 of promoting the health, safety, morals, convenience, order,
18 prosperity, and welfare of the present and future inhabitants of
19 Nebraska, including, among others, such specific purposes as:

- 20 (1) Developing both urban and nonurban areas;
- 21 (2) Lessening congestion in the streets or roads;
- 22 (3) Reducing the waste of excessive amounts of roads;
- 23 (4) Securing safety from fire and other dangers;
- 24 (5) Lessening or avoiding the hazards to persons and
25 damage to property resulting from the accumulation or runoff of
26 storm or flood waters;
- 27 (6) Providing adequate light and air;
- 1 (7) Preventing excessive concentration of population and
2 excessive and wasteful scattering of population or settlement;
- 3 (8) Promoting such distribution of population, such
4 classification of land uses, and such distribution of land
5 development as will assure adequate provisions for transportation,
6 water flowage, water supply, drainage, sanitation, recreation, soil
7 fertility, food supply, and other public requirements;
- 8 (9) Protecting the tax base;
- 9 (10) Protecting property against blight and depreciation;
- 10 (11) Securing economy in governmental expenditures;
- 11 (12) Fostering the state's agriculture, recreation, and
12 other industries;
- 13 (13) Encouraging the most appropriate use of land in the
14 county; and
- 15 (14) Preserving, protecting, and enhancing historic
16 buildings, places, and districts.

17 Within the area of jurisdiction and powers established by
18 section 23-114, the county board may divide the county into
19 districts of such number, shape, and area as may be best suited to
20 carry out the purposes of this section and regulate, restrict, or
21 prohibit the erection, construction, reconstruction, alteration, or
22 use of nonfarm buildings or structures and the use, conditions of
23 use, or occupancy of land. All such regulations shall be uniform
24 for each class or kind of land or buildings throughout each
25 district, but the regulations in one district may differ from those
26 in other districts. An official map or maps indicating the
27 districts and regulations shall be adopted, and within fifteen days
1 after adoption of such regulations or maps, they shall be published
2 in book or pamphlet form or once in a legal newspaper published in
3 and of general circulation in the county or, if none is published
4 in the county, in a legal newspaper of general circulation in the
5 county. Such regulations shall also be spread in the minutes of

6 the proceedings of the county board and such map or maps filed with
7 the county clerk. Nonfarm buildings are all buildings except those
8 buildings utilized for agricultural purposes on a farmstead of
9 twenty acres or more which produces one thousand dollars or more of
10 farm products each year.

11 Sec. 6. Section 23-114.05, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 23-114.05. The erection, construction, reconstruction,
14 alteration, repair, conversion, maintenance, or use of any
15 building, structure, automobile trailer, or land in violation of
16 sections 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172 to
17 23-174, 23-174.02, 23-373, and 23-376 and sections 1 to 3 of this
18 act or of any regulation made by the county board under such
19 sections shall be a misdemeanor. Any person, partnership, limited
20 liability company, association, club, or corporation violating such
21 sections or any regulation of the county board or erecting,
22 constructing, reconstructing, altering, or converting any structure
23 without having first obtained a permit shall be guilty of a Class
24 III misdemeanor. Each day such violation continues after notice of
25 violation has been given to the offender may be considered a
26 separate offense. In addition to other remedies, the county board
27 or the proper local authorities of the county, as well as any owner
1 or owners of real estate within the district affected by the
2 regulations, may institute any appropriate action or proceedings to
3 prevent such unlawful construction, erection, reconstruction,
4 alteration, repair, conversion, maintenance, or use, to restrain,
5 correct, or abate such violation, or to prevent the illegal act,
6 conduct, business, or use in or about such premises. Any taxpayer
7 or taxpayers of the county may institute proceedings to compel
8 specific performance by the proper official or officials of any
9 duty imposed by such sections or in resolutions adopted pursuant to
10 such sections.

11 Sec. 7. Original sections 23-114.03 and 23-114.05,
12 Reissue Revised Statutes of Nebraska, and section 23-114, Revised
13 Statutes Supplement, 1998, are repealed.

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

LEGISLATIVE BILL 844. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 150. Placed on Select File as amended.

E & R amendment to LB 150:

AM7087

- 1 1. In the Landis amendment, AM0816:

- 2 a. On page 2, line 22; and page 4, line 14, strike the
3 comma; and
4 b. On page 5, line 4, strike "8" and insert "9".

LEGISLATIVE BILL 179. Placed on Select File as amended.

E & R amendment to LB 179:

AM7088

- 1 1. In the Standing Committee amendments, AM0659:
2 a. On page 5, line 5; page 10, line 8; and page 15, line
3 2, after "claimant's" insert "household"; and
4 b. On page 16, strike beginning with "For" in line 12
5 through "except" in line 13, show as stricken, and insert "Except".
6 2. On page 1, line 1, after "amend" insert "section
7 77-3501.01, Reissue Revised Statutes of Nebraska, and" and after
8 "sections" insert "77-3505.02,"; in line 2 after the first comma
9 insert "and 77-3513,"; and in line 3 after the semicolon insert "to
10 redefine terms; to harmonize provisions; to provide an operative
11 date,".

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING **Revenue**

Wednesday, March 24, 1999
Tax Commissioner, Department of Revenue
Mary Jane Egr

1:00 p.m.

(Signed) William R. Wickersham, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 49. Introduced by Jensen, 20.

PURPOSE:

The Legislature finds that a vast array of health and human services programs create a complex system that is hard to understand and often difficult to access. Information and referral programs exist to assist individuals and families to identify and locate services to help them cope with difficulties they are experiencing or to enhance their well-being, but these information and referral systems are unconnected and lead to the potential of duplicate efforts and inefficiencies. Information and referral systems in other states are using "211" dialing to access services which have increased efficiencies for consumers seeking assistance from human services programs.

The Health and Human Services Committee of the Legislature shall conduct an interim study to determine the feasibility of a Statewide Information and Referral System. This study shall include, but not be limited to:

- (1) Determination of community need for information and referral services,

the level of service required, and interest in establishing and using a "211" number for access to services;

(2) Identification of existing information and referral services, including toll-free numbers, along with their intensity, scope, funding sources, geographical area, and population served;

(3) Compiling data and experiences of other states that have adopted a "211" dialing system for information, referral, and access to health and human services;

(4) Evaluation of the potential for use of the Internet and other technology to meet the need for or coordination of information and referral services;

(5) Identification of a structure that would best support an integrated community-based information and referral system using a "211" access number; and

(6) Identification of a strategy to eliminate duplicate efforts and bring efficiencies to access of information and referral for human services.

The interim study will solicit comments, suggestions, and recommendations from consumers and state and private agencies. The study may include a public hearing to include public input. The committee shall, upon the conclusion of the study, make a report of its findings, together with its recommendations, to the Legislative Council by December 1, 1999. If indicated and appropriate, enacting legislation will be drafted.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 50. Introduced by Schrock, 38.

WHEREAS, the Loomis Wolves won the Class D-2 Boys' State High School Basketball Championship by a score of 70-55; and

WHEREAS, this is the first time in school history that Loomis has claimed the Class D-2 title; and

WHEREAS, the Loomis Wolves posted a 24-1 record this year by scoring an average of 75 points per game while holding their opponents to 54 points per game; and

WHEREAS, the win in the title game extended the Loomis winning streak to 21 games which is the longest winning streak of any school in Nebraska this year.

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

1. That the Legislature recognizes and congratulates the Loomis Wolves boys' basketball team and Coach Randy Gilson.

2. That a copy of this resolution be sent to Loomis High School.

Laid over.

AMENDMENT - Print in Journal

Messrs. Jensen and Chambers filed the following amendment to LR 29:
AM0823

- 1 1. Strike the original "WHEREAS" paragraphs and all
2 amendments thereto and insert the following:
3 "WHEREAS, the State of Nebraska filed a lawsuit against
4 the tobacco industry on August 21, 1998, in the district court of
5 Lancaster County; and
6 WHEREAS, the State of Nebraska and forty-five other
7 states settled their lawsuits against the tobacco industry on
8 November 23, 1998, under terms of the Tobacco Master Settlement
9 Agreement (MSA) without any assistance from the federal government;
10 and
11 WHEREAS, under terms of the Master Settlement Agreement,
12 Nebraska's lawsuit against the tobacco industry was dismissed by
13 the district court of Lancaster County on December 20, 1998, and
14 State Specific Finality was achieved in the State of Nebraska on
15 January 20, 1999; and
16 WHEREAS, the State of Nebraska has passed legislation to
17 allocate its portion of settlement funds awarded under the Master
18 Settlement Agreement for the preservation of the health of its
19 citizens; and
20 WHEREAS, the federal government, through the Health Care
21 Financing Administration, has asserted that it is entitled to a
22 significant share of settlement funds awarded to the settling
23 states under the Master Settlement Agreement on the basis that such
24 funds represent a portion of federal Medicaid costs; and
1 WHEREAS, the federal government previously chose not to
2 exercise its option to file a federal lawsuit against the tobacco
3 industry, but on January 19, 1999, the President of the United
4 States announced plans to pursue federal claims against the tobacco
5 industry; and
6 WHEREAS, the State of Nebraska is entitled to all of its
7 portion of settlement funds negotiated in the Master Settlement
8 Agreement without any federal claim to such funds."

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: LB 149.

GENERAL FILE

LEGISLATIVE BILL 54A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 331. E & R amendment, AM7063, found on page 628, was adopted.

Mr. Landis renewed his pending amendment, AM0725, found on page 887.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Mr. Landis offered the following amendment:
AM0833

- 1 1. Insert the following new section:
- 2 "Sec. 3. This act becomes operative on January 1,
- 3 2000."
- 4 2. Renumber the remaining section accordingly.

The Landis amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 612. Mr. Bromm renewed his pending motion, found on page 935, to bracket until January 10, 2000.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Messrs. Brashear and Bruning asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Bromm moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Bromm motion to bracket prevailed with 26 ayes, 17 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 295. Placed on General File.

LEGISLATIVE BILL 299. Placed on General File.

LEGISLATIVE BILL 493. Placed on General File.

LEGISLATIVE BILL 867. Placed on General File.

LEGISLATIVE BILL 52. Placed on General File as amended.

Standing Committee amendment to LB 52:

AM0786

- 1 1. On page 2, lines 15 and 22, strike "ten" and insert
- 2 "thirty".

LEGISLATIVE BILL 76. Placed on General File as amended.

Standing Committee amendment to LB 76:

AM0785

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 29-2521.02, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 29-2521.02. (1) The Supreme Court shall within a
- 6 reasonable time after July 22, 1978, review and analyze all cases
- 7 involving criminal homicide committed on or after April 20, 1973.
- 8 Such review and analysis shall examine ~~(1)~~ (a) the facts including
- 9 mitigating and aggravating circumstances, ~~(2)~~ (b) the charges
- 10 filed, ~~(3)~~ (c) the crime for which defendant was convicted, and ~~(4)~~
- 11 (d) the sentence imposed. Such review shall be updated as new
- 12 criminal homicide cases occur.
- 13 (2) Following the transmittal of a report of the
- 14 Commission on Law Enforcement and Criminal Justice pursuant to
- 15 subdivision (7) of section 81-1425 and subsequent reports updating
- 16 such report, the Supreme Court may take judicial notice of such
- 17 reports in undertaking the determinations required by sections
- 18 29-2521.01 to 29-2521.04.
- 19 Sec. 2. Section 29-2528, Reissue Revised Statutes of
- 20 Nebraska, is amended to read:
- 21 29-2528. ~~In~~ (1) Except as provided in subsection (2) of
- 22 this section, in all cases when the death penalty has been imposed
- 23 by the district court, the Supreme Court shall, after consideration
- 24 of the appeal, order the prisoner to be discharged, a new trial to
- 1 be had, or appoint a day certain for the execution of the sentence.
- 2 (2)(a) The Supreme Court shall not appoint a day certain
- 3 for the execution of a death sentence that falls during the period
- 4 beginning on the effective date of this act and ending on September
- 5 1, 2002.
- 6 (b) During the moratorium period specified in subdivision
- 7 (a) of this subsection, the special procedures in cases of homicide
- 8 provided in sections 29-2519 to 29-2546 and any other proceedings

9 related to capital cases, including motions for postconviction
10 relief, shall continue to be operative and shall proceed as if no
11 such moratorium were in place, except that no day certain for
12 execution shall be appointed that falls during the moratorium
13 period.

14 (c) During the moratorium period specified in subdivision
15 (a) of this subsection, the Supreme Court may appoint a day certain
16 for the execution of a death sentence that does not fall during the
17 moratorium period.

18 Sec. 3. Section 81-1425, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-1425. The executive director of the commission shall:

21 (1) Supervise and be responsible for the administration
22 of the policies established by the commission;

23 (2) Establish a Jail Standards subdivision within the
24 commission and establish, consolidate, or abolish any other
25 administrative subdivision within the commission and appoint and
26 remove for cause the heads thereof, and delegate appropriate powers
27 and duties to them;

1 (3) Establish and administer projects and programs for
2 the operation of the commission;

3 (4) Appoint and remove employees of the commission and
4 delegate appropriate powers and duties to them;

5 (5) Make rules and regulations for the management and the
6 administration of policies of the commission and the conduct of
7 employees under his or her jurisdiction;

8 (6) Collect, develop, and maintain statistical
9 information, records, and reports as the commission may determine
10 relevant to its functions;

11 (7) Prior to September 1, 2001, review and analyze all
12 cases involving criminal homicide committed on or after April 20,
13 1973. The review and analysis shall examine (a) the facts,
14 including mitigating and aggravating circumstances, (b) to the
15 extent such can be ascertained, the race, gender, religious
16 preference, and economic status of the defendant, (c) the charges
17 filed, (d) the result of the judicial proceeding in each case, and
18 (e) the sentence imposed. Upon the completion of such review, the
19 report of such shall be transmitted to the Governor, the Clerk of
20 the Legislature, and the Chief Justice of the Supreme Court. The
21 review and analysis shall be updated as new cases of criminal
22 homicide occur. The commission shall report on such updating
23 annually to the parties named in this subdivision;

24 (8) Transmit monthly to the commission a report of the
25 operations of the commission for the preceding calendar month;

26 (9) Execute and carry out the provisions of all
27 contracts, leases, and agreements authorized by the commission with
1 agencies of federal, state, or local government, corporations, or
2 persons;

3 (10) Perform such additional duties as may be

- 4 assigned to him or her by the commission, the chairperson of the
5 commission, or by law; and
6 ~~(10)~~ (11) Exercise all powers and perform all duties
7 necessary and proper in carrying out his or her responsibilities.
8 Sec. 4. Original sections 29-2521.02, 29-2528, and
9 81-1425, Reissue Revised Statutes of Nebraska, are repealed."

LEGISLATIVE BILL 112. Placed on General File as amended.
Standing Committee amendment to LB 112:
AM0758

- 1 1. On page 2, line 14, strike ", and providers" and
2 insert "if the recipients are entitled to payment of or
3 reimbursement for the costs of such medical services under the
4 terms and provisions of a policy, subscription, or agreement with
5 an insurer, a health maintenance organization, a preferred provider
6 organization, or another similar source as provided in subdivision
7 (1) of this section. Providers"; and strike beginning with "for"
8 in line 15 through "sought" in line 16.
9 2. On page 3, line 11, after the semicolon insert "and";
10 and strike beginning with "Personally" in line 12 through "(3)" in
11 line 14.
12 3. On page 5, line 9, after the second period insert
13 "(1)"; and after line 27 insert the following new subsection:
14 "(2) Any person who denies medical services to any
15 individual who is arrested, detained, taken into custody, or
16 incarcerated, solely on the basis that the individual is without a
17 policy, subscription, or agreement with an insurer, a health
18 maintenance organization, a preferred provider organization, or
19 other similar source of health insurance, shall be guilty of
20 nonfeasance, shall be removed from his or her employment
21 immediately, and shall be answerable to the individual denied
22 medical services in civil damages."

LEGISLATIVE BILL 224. Placed on General File as amended.
Standing Committee amendment to LB 224:
AM0738

- 1 1. On page 2, strike beginning with "the" in line 12
2 through line 13 and insert "SESAC, Inc.;".
3 2. On page 3, strike beginning with "and" in line 18
4 through line 23 and insert "relating to performing rights and
5 remedies for the infringement of those rights. Upon request of the
6 proprietor, the performing rights society shall provide
7 documentation of such federal law."
8 3. On page 4, line 23, after the period insert "The act
9 does not apply to a contract or other license arrangement between a
10 performing rights society and a proprietor resulting from a
11 proceeding under 17 U.S.C. 501."; and in line 28 strike "Such
12 investigations shall".
13 4. On page 5, strike line 1; and strike beginning with

14 "Any" in line 5 through line 8.

LEGISLATIVE BILL 476. Placed on General File as amended.
Standing Committee amendment to LB 476:
AM0761

- 1 1. On page 3, lines 6 and 7, strike "while in areas
2 under the control of the Game and Parks Commission".
- 3 2. On page 4, line 16, strike "seventy-five" and insert
4 "one hundred".
- 5 3. On page 5, line 18, after "residence" insert ", to
6 the troop area commander of the Nebraska State Patrol"; strike
7 beginning with "The" in line 20 through "residence" in line 22 and
8 insert "Any peace officer"; in line 24 after the comma insert
9 "copies of offense reports, complaints, or investigative reports
10 or".
- 11 4. On page 7, lines 5 and 18, after "involuntarily"
12 insert "or voluntarily admitted under emergency protective
13 custody"; in line 17, after "been" insert "(a)"; and in line 21
14 strike the second "or" and insert "within the three-year period
15 immediately preceding the date on which the application for a
16 license to carry a concealed handgun is submitted or (b)".
- 17 5. On page 8, line 4, after "(d)" insert "has received
18 mental health treatment pursuant to a commitment order of a mental
19 health board, and"; and in line 11 strike "and" and insert "unless
20 the applicant has been".
- 21 6. On page 10, line 21, strike the first "the" and
22 insert "an", after "and" insert "within thirty days after a", and
23 strike the second "the".
- 24 7. On page 20, strike beginning with "portion" in line 5
1 through "premises" in line 6 and insert "room or rooms in which
2 alcoholic liquor is dispensed of an establishment having a license
3 issued under the Nebraska Liquor Control Act for the sale of
4 alcoholic liquor for consumption on the premises".
- 5 8. On page 21, line 18 after "shall" insert "forthwith".
- 6 9. On page 22, line 17, after "disclosure" insert "a
7 except that the Nebraska State Patrol shall not be restricted from
8 interviewing, on a confidential basis, persons who are mentioned
9 in reports or complaints submitted to the Nebraska State Patrol
10 pursuant to subdivision (3)(b) of section 6 of this act".
- 11 10. On page 23, line 11, after "as" insert "the
12 Superintendent of Law Enforcement and Public Safety certifies to
13 the Governor that".
- 14 11. On page 41, lines 3 through 5, strike "such time as
15 applications for licenses to carry concealed handguns are accepted
16 by the Nebraska State Patrol" and insert "ninety days after the
17 date the Superintendent of Law Enforcement and Public Safety
18 certifies to the Governor that a system of maintaining a listing of
19 licensees and pertinent information regarding issued licensees
20 pursuant to section 21 of this act is installed and operational".

LEGISLATIVE BILL 524. Placed on General File as amended.
Standing Committee amendment to LB 524:

AM0655

- 1 1. On page 2, line 6, strike "any person residing" and
- 2 insert "a Nebraska resident or a person attending an institution of
- 3 higher education".
- 4 2. On page 7, line 1, after "dollars" insert ", except
- 5 that the registration fee shall be one hundred dollars for a
- 6 registrant under subsection (8) of this section"; in line 4 strike
- 7 "and"; and in line 12 after "denial" insert "; and
- 8 (8) If the registrant files a certified copy of an
- 9 athlete agent certification of registration, or document of similar
- 10 import, from another state with the Secretary of State and such
- 11 state's registration requirements are substantially similar to or
- 12 more stringent than the provisions of the Athlete Agent
- 13 Registration and Accountability Act, the Secretary of State shall
- 14 accept the certified copy in lieu of the registration requirements
- 15 in subsections (1) through (3) of this section. The certified copy
- 16 shall not bear a date of more than sixty days prior to the date the
- 17 registrant files with the Secretary of State".

LEGISLATIVE BILL 623. Placed on General File as amended.

Standing Committee amendment to LB 623:

AM0760

- 1 1. Insert the following new section:
- 2 "Sec. 6. The district courts may accept arraignments in
- 3 writing if the detainee or prisoner has entered a not guilty plea
- 4 in county court. The arraignment form shall contain the necessary
- 5 consent and waiver of the right to a physical appearance and shall
- 6 be signed by the detainee or prisoner and his or her counsel of
- 7 record, if any.".
- 8 2. On page 2, line 2, strike "6" and insert "7"; in line
- 9 3 after "appearances" insert "and certain district court
- 10 arraignments by writing".
- 11 3. On page 4, line 13, after "proceeding" insert "unless
- 12 an appeal is taken, in which case the original videotape shall be
- 13 preserved until all appeals are concluded".
- 14 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 652. Placed on General File as amended.

(Standing Committee amendment, AM0717, may be found in the Bill Books.
The amendment has been printed separately and is on file in the Bill Room -
Room 1102.)

LEGISLATIVE BILL 192. Indefinitely postponed.

LEGISLATIVE BILL 472. Indefinitely postponed.

LEGISLATIVE BILL 512. Indefinitely postponed.

LEGISLATIVE BILL 610. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Agriculture

LEGISLATIVE BILL 573. Placed on General File as amended.
Standing Committee amendment to LB 573:
AM0540

1 1. Strike the original sections and insert the following

2 new sections:

3 "Section 1. This act shall be known and may be cited as
4 the Controlled Substances Animal Welfare Act.

5 Sec. 2. The purpose of the Controlled Substances Animal
6 Welfare Act is to allow animal welfare organizations to obtain
7 proper controlled substances for the purpose of humane euthanasia
8 of seized, stray, injured, sick, homeless, abandoned, or unwanted
9 domesticated and nondomesticated or wild animals.

10 Sec. 3. For purposes of the Controlled Substances Animal
11 Welfare Act:

12 (1) Animal welfare organization means a Nebraska
13 nonprofit corporation whose purpose is promoting the welfare,
14 protection, and humane treatment of animals, and whose activities
15 may include the seizure, impoundment, boarding, or kenneling of
16 stray, injured, sick, homeless, abandoned, or unwanted animals;

17 (2) Euthanizing drug means sodium pentobarbital or any
18 controlled substance used for the purpose of humane euthanasia of
19 seized, stray, injured, sick, homeless, abandoned, or unwanted
20 animals; and

21 (3) Veterinarian means a person authorized by law to
22 practice veterinary medicine in this state.

23 Sec. 4. Possession and administration of a euthanizing
24 drug by an animal welfare organization shall be pursuant to a
1 collaborating veterinarian agreement. A collaborating veterinarian
2 agreement is between a veterinarian and an animal welfare
3 organization and includes:

4 (1) Designation of the responsible individual or
5 individuals for the animal welfare organization;

6 (2) Provisions for the proper storage and inventory of
7 the euthanizing drugs;

8 (3) Maintenance of effective controls against the
9 diversion of such drugs;

10 (4) Provisions for proper training of any animal welfare
11 organization staff whose duties include administering a euthanizing
12 drug. Such training includes information in at least the following
13 areas: The pharmacology, proper administration, and storage of
14 euthanizing drugs; federal and state laws regulating the storage
15 and inventory of euthanizing drugs; stress management; and proper
16 disposal of euthanized animals; and

17 (5) Maintenance of a valid veterinary-client-patient
18 relationship.

19 Pursuant to a collaborating veterinarian agreement, a
20 veterinarian shall maintain a separate registration at the

- 21 principal place of business of the animal welfare organization.
22 Sec. 5. If a veterinarian assists an animal welfare
23 organization in obtaining euthanizing drugs pursuant to a
24 collaborating veterinarian agreement authorized by the Controlled
25 Substances Animal Welfare Act, such veterinarian is not liable for
26 any acts or omissions on the part of the animal welfare
27 organization, except that disciplinary action may be taken against
1 the separate registration pursuant to section 28-409. The animal
2 welfare organization is liable under the Uniform Controlled
3 Substances Act for acts or omissions on the part of its staff
4 members."

LEGISLATIVE BILL 730. Placed on General File as amended.
Standing Committee amendment to LB 730:
AM0753

- 1 1. On page 2, line 7, after "Legislature" insert ", one
2 of whom shall be the chairperson of the Agriculture Committee"; and
3 after line 13 insert the following new paragraph:
4 "Members of the task force shall elect a chairperson and
5 a vice-chairperson. Eight members constitute a quorum, and a
6 majority vote of the entire membership is required for the
7 recommendations of the task force to be valid and official. The
8 task force shall meet at least six times prior to December 15,
9 1999."
10 2. On page 3, strike lines 9 and 10 and insert:
11 "(f) The validity of protecting national security
12 interests regarding food security.
13 A report of the".

LEGISLATIVE BILL 778. Placed on General File as amended.
Standing Committee amendment to LB 778:
AM0829

- 1 1. On page 3, line 13, after the period insert "A
2 properly executed bill of sale means a bill of sale that is
3 provided by the seller and received by the buyer.".
4 2. On page 12, strike beginning with "shall" in line 10
5 through "brand" in line 11 and insert "it is unlawful to use any
6 brand for branding any livestock unless the person using such brand
7 has recorded that brand with the Nebraska Brand Committee"; and in
8 line 13 strike "for brand recording purposes".
9 3. On page 20, line 16, strike "of" and insert "in" and
10 after "feedlot" insert "registered pursuant to sections 51 to 53 of
11 this act".
12 4. On page 29, line 19, after "cattle" insert
13 "originating from within the brand inspection area".

LEGISLATIVE BILL 679. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1999, at 10:50 a.m., was the following bill: LB 149.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORTS**Agriculture**

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

Climate Assessment Response Committee

Stanley Heng
Greg Ibach
Richard Nelson
Dave Vogler
Dayle Williamson

VOTE: Aye: Senators Cudaback, Dierks, Robak, Schellpeper, Schrock, and Vrtiska. Nay: Senator Chambers. Absent: Senator Hilgert.

(Signed) Merton L. Dierks, Chairperson

Judiciary

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

Chairperson, Nebraska Board of Parole

Linda Krutz

VOTE: Aye: Senators Baker, Bourne, Brashear, Chambers, Connealy, Hilgert, and Robak. Nay: None. Absent: Senator Dw. Pedersen.

(Signed) Kermit A. Brashear, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 51. Introduced by Connealy, 16.

WHEREAS, Gordon Mallory recently completed forty years of service with the Fort Calhoun Fire and Rescue Department; and

WHEREAS, during Mr. Mallory's forty-year tenure he served as fire chief for twenty-two years and was instrumental in starting a rescue squad service

in the community in 1970; and

WHEREAS, Mr. Mallory's volunteer service to the Fort Calhoun area over the past four decades have had a significant impact and deserves special recognition.

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

1. That the members of the Nebraska Legislature congratulate Gordon Mallory and extend their thanks for his years of volunteer service.

2. That the Clerk of the Legislature send a copy of this resolution to the Fort Calhoun Fire and Rescue Department for presentation to Mr. Mallory.

Laid over.

AMENDMENTS - Print in Journal

Mr. Jensen filed the following amendment to LB 574:

FA55

Strike section 1 and renumber the remaining sections accordingly.

Messrs. Beutler and D. Pederson filed the following amendment to LB 416: (Amendment, AM0835, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

BILL ON FIRST READING

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

LEGISLATIVE BILL 404A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 404, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 105. No objections. So ordered.

Mr. Smith asked unanimous consent to have his name added as cointroducer to LB 150. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 559. No objections. So ordered.

VISITORS

Visitors to the Chamber were 25 nursing students and teacher from Union College, Lincoln; Stacey Olsan from Gretna; 20 students and teacher from Immanuel Lutheran School, Polk; 40 fourth grade students and teachers from

Pershing Elementary, Lexington; and Suheil Saoud from Beirut, Lebanon.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, March 18, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY – MARCH 18, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 18, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Jim Brewer, First Methodist Church, Waverly, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Robak and Mr. Vrtiska who were excused; and Messrs. Beutler, Brashear, Kristensen, Lynch, Mmes. Bohlke, Crosby, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 54A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

**STANDING COMMITTEE REPORTS
Transportation**

LEGISLATIVE BILL 229. Placed on General File as amended.
Standing Committee amendment to LB 229:
AM0412

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 60-1436, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-1436. A manufacturer or distributor shall not require

6 or coerce any new motor vehicle dealer in this state to do any of
7 the following:

8 (1) Order or accept delivery of any new motor vehicle,
9 part or accessory, equipment, or other commodity not required by
10 law which was not voluntarily ordered by the new motor vehicle
11 dealer. This section shall not be construed to prevent the
12 manufacturer or distributor from requiring that new motor vehicle
13 dealers carry a reasonable inventory of models offered for sale by
14 the manufacturer or distributor;

15 (2) Offer or accept delivery of any new motor vehicle
16 with special features, accessories, or equipment not included in
17 the list price of the new motor vehicle as publicly advertised by
18 the manufacturer or distributor;

19 (3) Participate monetarily in any advertising campaign or
20 contest or purchase any promotional materials, display devices, or
21 display decorations or materials at the expense of the new motor
22 vehicle dealer;

23 (4) Enter into any agreement with the manufacturer or
24 distributor or do any other act prejudicial to the new motor
1 vehicle dealer by threatening to terminate a dealer agreement or
2 any contractual agreement or understanding existing between the
3 dealer and the manufacturer or distributor. Notice in good faith
4 to any dealer of the dealer's violation of any terms or provisions
5 of the dealer agreement shall not constitute a violation of Chapter
6 60, article 14;

7 (5) Change the capital structure of the new motor vehicle
8 dealership or the means by or through which the dealer finances the
9 operation of the dealership, if the dealership at all times meets
10 any reasonable capital standards determined by the manufacturer in
11 accordance with uniformly applied criteria;

12 (6) Refrain from participation in the management of,
13 investment in, or the acquisition of any other line of new motor
14 vehicle or related products as long as the dealer maintains a
15 reasonable line of credit for each make or line of vehicle, remains
16 in compliance with reasonable facilities requirements, and makes no
17 change in the principal management of the dealer;

18 (7) Prospectively assent to a release, assignment,
19 novation, waiver, or estoppel which would relieve any person from
20 liability imposed by Chapter 60, article 14, or require any
21 controversy between the new motor vehicle dealer and a manufacturer
22 or distributor to be referred to a person other than the duly
23 constituted courts of the state or the United States, if the
24 referral would be binding upon the new motor vehicle dealer; and

25 (8) Change the location of the new motor vehicle
26 dealership or make any substantial alterations to the dealership
27 premises, if such changes or alterations would be unreasonable;

1 (9) Release, convey, or otherwise provide customer
2 information if to do so is unlawful or if the customer objects in
3 writing to doing so, unless the information is necessary for the

4 manufacturer, factory branch, or distributor to meet its
5 obligations to consumers or the new motor vehicle dealer including
6 vehicle recalls or other requirements imposed by state or federal
7 law; and

8 (10) Release to any unaffiliated third party any customer
9 information which has been provided by the new motor vehicle dealer
10 to the manufacturer except as provided in subdivision (9) of this
11 section.

12 Sec. 2. Section 60-1437, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 60-1437. In addition to the restrictions imposed by
15 section 60-1436, a manufacturer or distributor shall not:

16 (1) Fail to deliver new motor vehicles or new motor
17 vehicle parts or accessories within a reasonable time and in
18 reasonable quantities relative to the new motor vehicle dealer's
19 market area and facilities, unless the failure is caused by acts or
20 occurrences beyond the control of the manufacturer or distributor
21 or unless the failure results from an order by the new motor
22 vehicle dealer in excess of quantities reasonably and fairly
23 allocated by the manufacturer or distributor;

24 (2) Refuse to disclose to a new motor vehicle dealer the
25 method and manner of distribution of new motor vehicles by the
26 manufacturer or distributor;

27 (3) Refuse to disclose to a new motor vehicle dealer the
1 total number of new motor vehicles of a given model which the
2 manufacturer or distributor has sold during the current model year
3 within the dealer's marketing district, zone, or region, whichever
4 geographical area is the smallest; ~~or~~

5 (4) Increase the price of any new motor vehicle which the
6 new motor vehicle dealer had ordered and delivered to the same
7 retail consumer for whom the vehicle was ordered, if the order was
8 made prior to the dealer's receipt of the written official price
9 increase notification. A sales contract signed by a private retail
10 consumer and binding on the dealer shall constitute evidence of
11 such order. In the event of manufacturer or distributor price
12 reduction or cash rebate, the amount of any reduction or rebate
13 received by a dealer shall be passed on to the private retail
14 consumer by the dealer. Any price reduction in excess of five
15 dollars shall apply to all vehicles in the dealer's inventory which
16 were subject to the price reduction. A price difference applicable
17 to a new model or series of motor vehicles at the time of the
18 introduction of the new model or series shall not be considered a
19 price increase or price decrease. This subdivision shall not apply
20 to price changes caused by the following:

21 (a) The addition to a motor vehicle of required or
22 optional equipment pursuant to state or federal law;

23 (b) In the case of foreign-made vehicles or components,
24 revaluation of the United States dollar; or

25 (c) Any increase in transportation charges due to an

- 26 increase in rates charged by a common carrier or other transporter;
27 or
1 (5) Fail or refuse to sell or offer to sell to all
2 franchised new motor vehicle dealers in a line-make every new motor
3 vehicle sold or offered for sale to any franchised new motor
4 vehicle dealer of the same line-make. However, the failure to
5 deliver any such new motor vehicle shall not be considered a
6 violation of this section if the failure is due to a lack of
7 manufacturing capacity or to a strike or labor difficulty, a
8 shortage of materials, a freight embargo, or any other cause over
9 which the franchisor has no control. A manufacturer or distributor
10 shall not require that any of its new motor vehicle dealers located
11 in this state pay any extra fee, purchase unreasonable or
12 unnecessary quantities of advertising displays or other materials,
13 or remodel, renovate, or recondition the new motor vehicle dealer's
14 existing facilities in order to receive any particular model or
15 series of vehicles manufactured or distributed by the manufacturer
16 for which the dealers have a valid franchise. Notwithstanding the
17 provisions of this subdivision, nothing contained in this section
18 shall be deemed to prohibit or prevent a manufacturer from
19 requiring that its franchised dealers located in this state
20 purchase special tools or equipment, stock reasonable quantities of
21 certain parts, or participate in training programs which are
22 reasonably necessary for those dealers to sell or service any model
23 or series of new motor vehicles. This subdivision shall not apply
24 to manufacturers of recreational vehicles.
25 Sec. 3. Original sections 60-1436 and 60-1437, Reissue
26 Revised Statutes of Nebraska, are repealed."

LEGISLATIVE BILL 393. Placed on General File as amended.
Standing Committee amendment to LB 393:
AM0827

- 1 1. On page 4, line 22, reinstate the stricken "a",
2 strike the new matter, and after "permit" insert "pursuant to
3 section 60-6,298".

LEGISLATIVE BILL 146. Indefinitely postponed.
LEGISLATIVE BILL 303. Indefinitely postponed.
LEGISLATIVE BILL 588. Indefinitely postponed.
LEGISLATIVE BILL 589. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

MESSAGES FROM THE GOVERNOR

March 17, 1999

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 514, 514A, 359, 359A, 362, 366, 379, 238, 436, 461, 566, 596, 682, 784, 789, 315, 333, and 333A were received in my office on March 11, 1999.

These bills were signed by me on March 17, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

March 16, 1999

The President, Speaker Kristensen
and Members of the Legislature
c/o Clerk of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Under the authority granted me by the Constitution and Nebraska Law, I hereby notify you, the members of the 96th Legislature, that I am on this day recalling for further review the following appointment that was submitted by the Honorable Ben Nelson but not yet confirmed:

Sam VanPelt -- Crime Victims Reparation Commission

I recognize the need to move quickly and will, therefore, place a high priority on expeditiously returning to you the appointment from above name in which I concur and will submit a new nomination.

Thank you for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

March 18, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Board of Public Roads Classifications and Standards:

APPOINTEE:

Darold Tagge, PO Box 23, Holdrege, NE 68949

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

March 18, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Environmental Trust Board:

APPOINTEE:

Susan Seacrest, 6540 Crooked Creek Dr., Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

March 18, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Environmental Trust Board:

APPOINTEES:

Gloria Erickson, 315 18th Ave., Holdrege, NE 68949

Paul Dunn, 5322 Corby St., #12, Omaha, NE 68104

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

March 18, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the State Emergency Response Commission:

APPOINTEES:

Richard Klauz, 400 N. Monroe, Lexington, NE 68850

Keith Mueller, 230 E. Joseph, Spalding, NE 68665

John Steinauer, 7321 S. 30, Lincoln, NE 68516

Florian Paskevic, 2803 S. 105 Ave., Omaha, NE 68124

Fred Hlava, Gordon, NE 69343

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

March 18, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Ethanol Board:

APPOINTEE:

James Ziebarth, RR 1, Box 14A, Wilcox, NE 68982

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

BILL ON FIRST READING

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

LEGISLATIVE BILL 179A. Introduced by Preister, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 179, Ninety-sixth Legislature, First Session, 1999.

STANDING COMMITTEE REPORT**Transportation**

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

Motor Carrier Advisory Council
Emil Beyer

VOTE: Aye: Senators Bromm, Jones, Hudkins, C. Peterson, Dw. Pedersen, Baker, Janssen, and Thompson. Nay: None. Absent: None.

(Signed) Curt Bromm, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 39 and LR 40 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 39 and 40.

MOTION - Approve Appointment

Mr. Landis moved the adoption of the report of the Banking, Commerce and

Insurance Committee for the following appointment found on page 988:
Samuel P. Baird - Nebraska Department of Banking and Finance.

Voting in the affirmative, 34:

Baker	Cudaback	Jones	Preister	Schmitt
Bohlke	Dierks	Kremer	Price	Smith
Bourne	Engel	Landis	Quandahl	Suttle
Bruning	Hartnett	Matzke	Raikes	Thompson
Byars	Hudkins	Pedersen, Dw.	Redfield	Tyson
Connealy	Janssen	Pederson, D.	Schellpeper	Wehrbein
Coordsen	Jensen	Peterson, C.	Schimek	

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Bromm	Hilgert	Schrock	Stuhr	Wickersham
Brown				

Excused and not voting, 8:

Beutler	Crosby	Kristensen	Robak	Vrtiska
Brashear	Kiel	Lynch		

The appointment was confirmed with 34 ayes, 1 nay, 6 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 211. Mr. Preister renewed his pending amendment, AM0692, found on page 877.

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

Advanced to E & R for engrossment.

LEGISLATIVE BILL 632. E & R amendment, AM7044, found on page 575, was adopted.

Messrs. Bromm and Dw. Pedersen offered the following amendment:

AM0413

1 1. Insert the following new sections:

2 "Sec. 7. Section 60-1436, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-1436. A manufacturer or distributor shall not require
5 or coerce any new motor vehicle dealer in this state to do any of
6 the following:

7 (1) Order or accept delivery of any new motor vehicle,
8 part or accessory, equipment, or other commodity not required by
9 law which was not voluntarily ordered by the new motor vehicle
10 dealer. This section shall not be construed to prevent the
11 manufacturer or distributor from requiring that new motor vehicle
12 dealers carry a reasonable inventory of models offered for sale by
13 the manufacturer or distributor;

14 (2) Offer or accept delivery of any new motor vehicle
15 with special features, accessories, or equipment not included in
16 the list price of the new motor vehicle as publicly advertised by
17 the manufacturer or distributor;

18 (3) Participate monetarily in any advertising campaign or
19 contest or purchase any promotional materials, display devices, or
20 display decorations or materials at the expense of the new motor
21 vehicle dealer;

22 (4) Enter into any agreement with the manufacturer or
23 distributor or do any other act prejudicial to the new motor
24 vehicle dealer by threatening to terminate a dealer agreement or
1 any contractual agreement or understanding existing between the
2 dealer and the manufacturer or distributor. Notice in good faith
3 to any dealer of the dealer's violation of any terms or provisions
4 of the dealer agreement shall not constitute a violation of Chapter
5 60, article 14;

6 (5) Change the capital structure of the new motor vehicle
7 dealership or the means by or through which the dealer finances the
8 operation of the dealership, if the dealership at all times meets
9 any reasonable capital standards determined by the manufacturer in
10 accordance with uniformly applied criteria;

11 (6) Refrain from participation in the management of,
12 investment in, or the acquisition of any other line of new motor
13 vehicle or related products as long as the dealer maintains a
14 reasonable line of credit for each make or line of vehicle, remains
15 in compliance with reasonable facilities requirements, and makes no
16 change in the principal management of the dealer;

17 (7) Prospectively assent to a release, assignment,
18 novation, waiver, or estoppel which would relieve any person from
19 liability imposed by Chapter 60, article 14, or require any
20 controversy between the new motor vehicle dealer and a manufacturer
21 or distributor to be referred to a person other than the duly
22 constituted courts of the state or the United States, if the
23 referral would be binding upon the new motor vehicle dealer; and

24 (8) Change the location of the new motor vehicle

25 dealership or make any substantial alterations to the dealership
26 premises, if such changes or alterations would be unreasonable;

27 (9) Release, convey, or otherwise provide customer
1 information if to do so is unlawful or if the customer objects in
2 writing to doing so, unless the information is necessary for the
3 manufacturer, factory branch, or distributor to meet its
4 obligations to consumers or the new motor vehicle dealer including
5 vehicle recalls or other requirements imposed by state or federal
6 law; and

7 (10) Release to any unaffiliated third party any customer
8 information which has been provided by the new motor vehicle dealer
9 to the manufacturer except as provided in subdivision (9) of this
10 section.

11 Sec. 8. Section 60-1437, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 60-1437. In addition to the restrictions imposed by
14 section 60-1436, a manufacturer or distributor shall not:

15 (1) Fail to deliver new motor vehicles or new motor
16 vehicle parts or accessories within a reasonable time and in
17 reasonable quantities relative to the new motor vehicle dealer's
18 market area and facilities, unless the failure is caused by acts or
19 occurrences beyond the control of the manufacturer or distributor
20 or unless the failure results from an order by the new motor
21 vehicle dealer in excess of quantities reasonably and fairly
22 allocated by the manufacturer or distributor;

23 (2) Refuse to disclose to a new motor vehicle dealer the
24 method and manner of distribution of new motor vehicles by the
25 manufacturer or distributor;

26 (3) Refuse to disclose to a new motor vehicle dealer the
27 total number of new motor vehicles of a given model which the
1 manufacturer or distributor has sold during the current model year
2 within the dealer's marketing district, zone, or region, whichever
3 geographical area is the smallest; or

4 (4) Increase the price of any new motor vehicle which the
5 new motor vehicle dealer had ordered and delivered to the same
6 retail consumer for whom the vehicle was ordered, if the order was
7 made prior to the dealer's receipt of the written official price
8 increase notification. A sales contract signed by a private retail
9 consumer and binding on the dealer shall constitute evidence of
10 such order. In the event of manufacturer or distributor price
11 reduction or cash rebate, the amount of any reduction or rebate
12 received by a dealer shall be passed on to the private retail
13 consumer by the dealer. Any price reduction in excess of five
14 dollars shall apply to all vehicles in the dealer's inventory which
15 were subject to the price reduction. A price difference applicable
16 to a new model or series of motor vehicles at the time of the
17 introduction of the new model or series shall not be considered a
18 price increase or price decrease. This subdivision shall not apply
19 to price changes caused by the following:

- 20 (a) The addition to a motor vehicle of required or
21 optional equipment pursuant to state or federal law;
- 22 (b) In the case of foreign-made vehicles or components,
23 revaluation of the United States dollar; or
- 24 (c) Any increase in transportation charges due to an
25 increase in rates charged by a common carrier or other transporter;
26 or
- 27 (5) Fail or refuse to sell or offer to sell to all
1 franchised new motor vehicle dealers in a line-make every new motor
2 vehicle sold or offered for sale to any franchised new motor
3 vehicle dealer of the same line-make. However, the failure to
4 deliver any such new motor vehicle shall not be considered a
5 violation of this section if the failure is due to a lack of
6 manufacturing capacity or to a strike or labor difficulty, a
7 shortage of materials, a freight embargo, or any other cause over
8 which the franchisor has no control. A manufacturer or distributor
9 shall not require that any of its new motor vehicle dealers located
10 in this state pay any extra fee, purchase unreasonable or
11 unnecessary quantities of advertising displays or other materials,
12 or remodel, renovate, or recondition the new motor vehicle dealer's
13 existing facilities in order to receive any particular model or
14 series of vehicles manufactured or distributed by the manufacturer
15 for which the dealers have a valid franchise. Notwithstanding the
16 provisions of this subdivision, nothing contained in this section
17 shall be deemed to prohibit or prevent a manufacturer from
18 requiring that its franchised dealers located in this state
19 purchase special tools or equipment, stock reasonable quantities of
20 certain parts, or participate in training programs which are
21 reasonably necessary for those dealers to sell or service any model
22 or series of new motor vehicles. This subdivision shall not apply
23 to manufacturers of recreational vehicles."
- 24 2. On page 14, line 14, strike "and 60-1419" and insert
25 "60-1419, 60-1436, and 60-1437".
- 26 3. Renumber the remaining section accordingly.

The Bromm-Dw. Pedersen amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 346. Mr. Landis renewed his pending motion, found on page 668, to indefinitely postpone.

Mr. Landis withdrew his motion to indefinitely postpone.

Mr. Landis requested a machine vote on the advancement of the bill.

Mr. Byars moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for engrossment with 29 ayes, 3 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORT **Enrollment and Review**

Correctly Engrossed

The following bill was correctly engrossed: LB 331.

Enrollment and Review Change to LB 331

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

ER9030

1. In the Landis amendment, AM0725, on page 5, line 12, the semicolon has been struck.

2. On page 1, the matter beginning with "prohibit" in line 3 through "penalties" in line 4 has been struck and "provide for monetary penalties; to change provisions relating to suspension or revocation of authority to provide compensation insurance; to provide powers and duties; to harmonize provisions; to provide an operative date" inserted.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS **Education**

LEGISLATIVE BILL 779. Placed on General File.

LEGISLATIVE BILL 810. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

Natural Resources

LEGISLATIVE RESOLUTION 27. Reported to the Legislature for further consideration.

(Signed) Ed Schrock, Chairperson

Revenue

LEGISLATIVE BILL 271. Placed on General File as amended.

(Standing Committee amendment, AM0853, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 557. Placed on General File as amended.

Standing Committee amendment to LB 557:

AM0855

- 1 1. Insert the following new section:
- 2 "Sec. 2. This act becomes operative on October 1,
- 3 1999."
- 4 2. Renumber the remaining section accordingly.

(Signed) William R. Wickersham, Chairperson

AMENDMENT - Print in JournalMr. Chambers filed the following amendment to LB 72:

AM0852

(Amendments to Second Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 29-1401, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 29-1401. (1) The district courts are hereby vested with
- 5 power to call grand juries. ~~It shall be mandatory for such~~
- 6 ~~district courts to call a grand jury in each case upon the petition~~
- 7 ~~of the registered voters of the county of the number of not less~~
- 8 ~~than ten percent of the total vote cast for the office of Governor~~
- 9 ~~in such county at the most recent general election held for such~~
- 10 ~~office.~~
- 11 (2) A grand jury may be called and summoned in the manner
- 12 provided by law on such day of a regular term of the district court
- 13 in each year in each county of the state as the district court may
- 14 direct and at such other times and upon such notice as the district
- 15 court may deem necessary.
- 16 (3) District courts shall call a grand jury in each case
- 17 that a petition meets the requirements of sections 29-1401.01 and
- 18 29-1401.02 and is signed by not less than ten percent of the
- 19 registered voters of the county who cast votes for the office of
- 20 Governor in such county at the most recent general election held
- 21 for such office.
- 22 (4) District courts shall call a grand jury in each case
- 23 upon certification by the county coroner or coroner's physician
- 1 that ~~an individual~~ a person has died while being apprehended by or
- 2 while in the custody of a law enforcement officer or detention
- 3 personnel. In each case subject to this subsection:
- 4 (a) Law enforcement personnel from the jurisdiction in
- 5 which the death occurred shall immediately secure the scene,
- 6 preserve all evidence, and investigate the matter as in any other
- 7 homicide. The case shall be treated as an open, ongoing matter
- 8 until all evidence, reports, and other relevant material which has
- 9 been assembled are transferred to the special prosecutor appointed
- 10 pursuant to subdivision (b) of this subsection;
- 11 (b) Except as provided in subdivision (4)(d) of this

12 section, as soon as practicable, the court shall appoint a special
 13 prosecutor who has had at least five years experience in criminal
 14 litigation, including felony litigation. The special prosecutor
 15 shall select a team of three peace officers, trained to investigate
 16 homicides, from jurisdictions outside the jurisdiction where the
 17 death occurred. The team shall examine all evidence concerning the
 18 cause of death and present the findings of its investigation to the
 19 special prosecutor;

20 (c) A grand jury shall be impaneled within thirty days
 21 after the certification by the county coroner or coroner's
 22 physician, unless the court extends such time period upon the
 23 showing of a compelling reason; and

24 (d) A special prosecutor need not be appointed in those
 25 cases in which the death has been certified by a licensed
 26 practicing physician to be from natural causes and that finding is
 27 presented to a grand jury. Any grand jury called pursuant to this
 1 section shall be limited in its charge, powers, duties,
 2 proceedings, indictment, and report to the review of the incident
 3 or incidents which caused it to be called."

4 2. On page 1, line 2; and page 3, line 19, after
 5 "25-1633" insert ", 29-1401,".

6 3. On page 1, line 4, after the semicolon insert "to
 7 change procedures relating to certain grand juries;".

8 4. On page 2, line 24, strike "deliberations, and
 9 voting".

10 5. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Game and Parks Commission

Connie Lapaseotes

VOTE: Aye: Senators Bohlke, Bromm, Bruning, Hudkins, Jones, Schrock, and Stuhr. Nay: Senator Preister. Absent: None.

(Signed) Ed Schrock, Chairperson

SELECT FILE

LEGISLATIVE BILL 324. E & R amendment, AM7075, found on page 727, was adopted.

Mr. Jensen renewed his pending amendment, AM0705, found on page 936.

The Jensen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 51. E & R amendment, AM7076, found on page 789, was adopted.

Mr. Brashear renewed his pending amendment, AM0633, found on page 819.

MR. COORDSEN PRESIDING

The Brashear amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 416. Mr. Beutler withdrew his amendment, AM0727, printed separately and referred to on page 896.

Messrs. Beutler and D. Pederson renewed their pending amendment, AM0835, printed separately and referred to on page 1049.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler-D. Pederson amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 417. Mr. Beutler renewed his pending amendment, AM0751, found on page 935.

Messrs. Schmitt and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Mr. D. Pederson withdrew his amendment, AM0792, found on page 959.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 578. E & R amendment, AM7078, found on page 792, was adopted.

Mr. Janssen renewed his pending amendment, AM0661, found on page 848.

The Janssen amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 199. E & R amendment, AM7077, found on page 792, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 498. E & R amendment, AM7081, found on page 937, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 574. E & R amendment, AM7082, found on page 937, was adopted.

Mr. Jensen renewed his pending amendment, FA55, found on page 1049.

Mr. D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Jensen amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

MESSAGE FROM THE GOVERNOR

March 18, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker,
and Members of the Legislature:

I am returning LB 149 without my signature and with my objections.

My veto of LB 149 has nothing to do with the additional \$19.4 million that this legislation will authorize to be distributed to Nebraska public schools under the state aid finance formula. To the contrary, had LB 149 centered solely on the issue of restoring additional funds to the school aid formula, then I would have signed the legislation into law. My objection to LB 149 arises from provisions of the bill which clearly obligate the State while removing the flexibility of elected officials to make spending decisions based

upon the entire state budget.

LB 149 changes the state aid calculation process to require that state aid amounts be certified each year on February 1. The legislation also amends the statutory finance formula by fixing one calculation factor, the local effort rate, at ten cents below the maximum property tax levy. The practical effect of this change is that the statutory formula will dictate to the Legislature a "needed" appropriation level. Combined, these LB 149 provisions prohibit the Legislature from either increasing or decreasing the certified state aid amount during budget deliberations which occur later in each calendar year. Thus, as adopted by the Legislature, LB 149 has severely limited elected officials' flexibility in the state budgeting process. This is poor public policy.

Sincerely,
(Signed) Mike Johanns
Governor

MOTION - Print in Journal

Mrs. Bohlke filed the following motion to LB 149:
That LB 149 become law notwithstanding the objections of the Governor.

STANDING COMMITTEE REPORT **Agriculture**

LEGISLATIVE BILL 835. Placed on General File as amended.
Standing Committee amendment to LB 835:
AM0814

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 "Section 1. Sections 1 to 31 of this act shall be known
- 4 and may be cited as the Competitive Livestock Markets Act.
- 5 Sec. 2. For purposes of the Competitive Livestock
- 6 Markets Act:
- 7 (1) Animal unit means one head of cattle, three calves
- 8 under four hundred fifty pounds, or five swine;
- 9 (2) Department means the Department of Agriculture;
- 10 (3) Director means the Director of Agriculture or his or
- 11 her designee;
- 12 (4) Livestock means live cattle or swine;
- 13 (5) Packer means a person, or agent of such person,
- 14 engaged in the business of slaughtering livestock in Nebraska in
- 15 excess of fifty thousand animal units per year; and
- 16 (6) Person includes individuals, firms, associations,
- 17 limited liability companies, and corporations and employees,
- 18 officers, or limited liability company members thereof.
- 19 Sec. 3. The Legislature finds that family farmers and
- 20 ranchers have been experiencing, with greater frequency, severely
- 21 depressed livestock market prices. These market conditions are

22 disproportionately affecting independent producers, which make up
23 the majority of farms and ranches, and are threatening the economic
24 stability of Nebraska's rural communities. The Legislature further
1 finds that packer concentration, vertical integration, and
2 contractual arrangements are undermining the system of price
3 discovery. If the absence of any meaningful federal response to
4 the conditions described, the purpose of the Competitive Livestock
5 Markets Act is to increase livestock market price transparency,
6 ensuring that producers can compete in a free and open market.
7 This is accomplished by establishing minimum price and contract
8 reporting requirements, eliminating volume premiums and
9 volume-based incentives, scrutinizing livestock production
10 contracts and marketing agreements, and statutorily reinforcing the
11 constitutional prohibition against the ownership, keeping, or
12 feeding of livestock by packers for the production of livestock or
13 livestock products.

14 Sec. 4. After the effective date of this act, it is
15 unlawful for a packer to be engaged in the ownership, keeping, or
16 feeding of livestock for the production of livestock or livestock
17 products.

18 Sec. 5. Whenever the Attorney General has reason to
19 believe that a packer is violating section 4 of this act, he or she
20 shall commence an action in district court to enjoin the livestock
21 operation. The court, upon determination that such packer is in
22 violation of section 4 of this act, shall order such livestock to
23 be removed and sold and shall assess the packer a fine of not less
24 than one thousand dollars for each day of violation.

25 Sec. 6. The proceeds from any livestock ordered to be
26 sold pursuant to section 5 of this act shall not be distributed
27 until all fines and costs associated with such action have been
1 paid. All money collected as a fine shall be remitted to the State
2 Treasurer for credit to the permanent school fund. All fines
3 levied under this section remaining unpaid shall constitute a debt
4 to the State of Nebraska which may be collected by lien foreclosure
5 or sued for and recovered in any proper form of action, in the name
6 of the State of Nebraska, in the district court of the county in
7 which the violation occurred.

8 Sec. 7. Except as provided in sections 8 and 9 of this
9 act, it is unlawful for a packer purchasing or entering into a
10 contract to purchase swine to pay or enter into a contract to pay
11 different prices to the sellers of the swine. This section shall
12 not be construed to mean that a price or payment method must remain
13 fixed throughout any marketing period.

14 Sec. 8. Section 7 of this act does not apply to any
15 direct, spot, or cash purchase of swine if the following
16 requirements are met:

17 (1) The difference in price is based on: (a) A payment
18 method specifying prices paid for criteria relating to carcass
19 merit; or (b) actual and quantifiable costs related to transporting

20 and acquiring the swine by the packer; and

21 (2) After making the payment to a seller, the packer
22 publishes and reports the payment information required under
23 section 13 of this act, including the payment method specifying
24 prices paid for criteria relating to carcass merit and to
25 transportation and acquisition costs.

26 Sec. 9. Section 7 of this act does not apply to any
27 contract to purchase swine at a certain date or time if the
1 following requirements are met:

2 (1) The difference in price is based on: (a) A payment
3 method specifying prices paid for criteria relating to carcass
4 merit; or (b) actual and quantifiable costs related to transporting
5 and acquiring the swine by the packer;

6 (2) The packer publishes and reports the payment
7 information required under section 13 of this act, including the
8 payment method specifying prices paid for criteria relating to
9 carcass merit and to transportation and acquisition costs;

10 (3) The packer publishes and reports the information
11 required under section 13 of this act, including the price to be
12 paid for swine to be delivered on specified delivery dates or
13 times; and

14 (4) An offer to enter into a contract for the delivery of
15 swine, according to the same terms and conditions, is made to other
16 sellers.

17 Sec. 10. Any agreement made by a packer in violation of
18 section 7 of this act is voidable by the seller.

19 Sec. 11. A seller may bring an action against any packer
20 violating section 7 of this act to recover damages sustained by
21 reason of such violation.

22 Sec. 12. Any packer acting in violation of section 7 of
23 this act is guilty of a Class IV misdemeanor and shall be fined
24 five hundred dollars per violation.

25 Sec. 13. Beginning January 3, 2000, a packer shall,
26 three times each day during which swine are purchased, report to
27 the department and to the United States Department of Agriculture,
1 agricultural market service livestock news branch, all swine that
2 are purchased in the cash, spot, or direct market since the last
3 report. A packer shall, one time each day during which swine are
4 purchased, report to the department and to the United States
5 Department of Agriculture, agricultural market service livestock
6 news branch, all swine that are purchased by contract that day.
7 Such reports shall be completed on forms prepared by the department
8 and shall include:

9 (1) The cash price paid and the number of swine purchased
10 in the cash, spot, or direct market at price intervals
11 representative of the day's trade;

12 (2) The base price paid and premium and discount payment
13 adjustments for quality characteristics including grade, yield, and
14 backfat;

15 (3) Base price and premium and discount factors for swine
16 purchased by way of a formula-based pricing system; and

17 (4) The number of swine purchased under contract, in
18 which the date of delivery is set for more than fourteen days after
19 the making of the contract, the base price to be paid, or the
20 formula that will be used to determine the base price to be paid.

21 The report shall not include information regarding the
22 identity of a seller.

23 Sec. 14. The department shall make report information
24 received under section 13 of this act available to the public in a
25 timely manner to permit the use of the information while it is
26 still relevant.

27 Sec. 15. The failure of a packer to report information
1 to the department as required in section 13 of this act is
2 punishable by a civil penalty not to exceed one thousand dollars
3 for each day that a complete report is not made available to the
4 department.

5 Sec. 16. The Attorney General shall enforce the
6 provisions of sections 7 to 15 of this act and the director shall
7 refer any violations of these provisions to the Attorney General.
8 The Attorney General or any person injured by a violation of these
9 provisions may bring an action in district court to restrain a
10 packer from violating these provisions.

11 Sec. 17. It is unlawful for a packer to enter into a
12 contract to purchase cattle for slaughter if:

13 (1) The contract specifies that the seller is not allowed
14 to report the terms of the contract; or

15 (2) The date of delivery of such cattle is not specified.

16 Sec. 18. Section 17 of this act does not apply to any
17 contract to purchase cattle for slaughter if the following
18 conditions are met:

19 (1) The contract to purchase cattle for slaughter
20 specifies the month of delivery and allows the seller to set the
21 week for delivery within such month; and

22 (2) The packer publishes and reports the contract
23 information as required under section 23 of this act, including
24 specified delivery dates or times.

25 Sec. 19. It is unlawful for a packer to enter into a
26 contract to purchase cattle for slaughter using a formula or grid
27 pricing mechanism if the packer fails to negotiate a base price
1 prior to the cattle being committed or scheduled for slaughter.

2 Sec. 20. Any contract to purchase cattle for slaughter
3 that is in violation of section 17 or 19 of this act is voidable by
4 the seller.

5 Sec. 21. A seller may bring an action against any packer
6 violating section 17 or 19 of this act to recover damages sustained
7 by reason of such violation.

8 Sec. 22. Any packer acting in violation of section 17 or
9 19 of this act shall be guilty of a Class IV misdemeanor and shall

10 be fined five hundred dollars per violation.

11 Sec. 23. Beginning January 3, 2000, a packer shall,
12 three times each day during which cattle are purchased, report to
13 the department and to the United States Department of Agriculture,
14 agricultural market service livestock news branch, all cattle that
15 are purchased in the cash, spot, or direct market since the last
16 report. A packer shall, one time each day during which cattle are
17 purchased, report to the department and to the United States
18 Department of Agriculture, agricultural market service livestock
19 news branch, all cattle that are purchased by contract that day.
20 Such reports shall be completed on forms prepared by the
21 department, in consultation with the agricultural market service
22 and shall include:

23 (1) The cash price paid and the number of cattle
24 purchased at price intervals representative of the day's trade;

25 (2) Quality characteristics, including sex of the cattle,
26 estimated percentage of the meat which will be graded choice or
27 better upon inspection based upon the United States Department of
1 Agriculture official grades, and estimated live weight, as well as
2 premium and discount factors that may apply to these
3 characteristics;

4 (3) Base price and premium and discount factors for
5 cattle purchased using a formula or grid pricing mechanism; and

6 (4) The delivery month, volume, and applicable basis
7 level for all cattle purchased under basis contract.

8 The report shall not include information regarding the
9 identity of a seller.

10 Sec. 24. The department shall make report information
11 received under section 23 of this act available to the public in a
12 timely manner to permit the use of the information while it is
13 still relevant.

14 Sec. 25. The failure of a packer to report information
15 to the director as required in section 23 of this act is punishable
16 by a civil penalty not to exceed one thousand dollars for each day
17 that a complete report is not made available to the department.

18 Sec. 26. The Attorney General shall enforce the
19 provisions of sections 17 to 25 of this act and the director shall
20 refer any violations of these provisions to the Attorney General.
21 The Attorney General or any person injured by a violation of these
22 provisions may bring an action in district court to restrain a
23 packer from violating these provisions.

24 Sec. 27. The department shall assess a fee not to exceed
25 two cents per animal unit reported under sections 13 and 23 of this
26 act as direct purchased or contract purchased.

27 Sec. 28. The Competitive Livestock Market Fund is
1 created. The fund shall be administered by the department. The
2 fund shall consist of investigative and enforcement expense
3 assessments against violators of the Competitive Livestock Markets
4 Act and fees paid by a packer pursuant to section 27 of this act.

5 The money in the fund shall be used to defray the investigative,
 6 enforcement, and reporting expenses of the department in
 7 administering the act. Any money in the fund available for
 8 investment shall be invested by the state investment officer
 9 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 10 State Funds Investment Act.

11 Sec. 29. The department shall adopt and promulgate rules
 12 and regulations to carry out the Competitive Livestock Markets Act.

13 Sec. 30. The Attorney General, for the enforcement of
 14 the Competitive Livestock Markets Act, shall have the authority to
 15 subpoena witnesses, compel their attendance, examine them under
 16 oath, and require the production of documents, records, or tangible
 17 things deemed relevant to the proper performance of his or her
 18 duties. Service of any subpoena shall be made in the manner
 19 prescribed by the rules of civil procedure.

20 Sec. 31. The Attorney General shall have the power and
 21 authority to enter into reciprocal agreements with the duly
 22 authorized representatives of other jurisdictions, federal or
 23 state, for the exchange of information on a cooperative basis which
 24 may assist in the proper administration of the Competitive
 25 Livestock Markets Act."

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 674. Title read. Considered.

PRESIDENT MAURSTAD PRESIDING

The Standing Committee amendment, AM0733, printed separately and referred to on page 942, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Coordsen requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Bohlke	Connealy	Hilgert	Pederson, D.	Schellpeper
Bourne	Coordsen	Hudkins	Peterson, C.	Schimek
Brashear	Crosby	Janssen	Preister	Schrock
Bromm	Dierks	Kremer	Price	Smith
Bruning	Engel	Kristensen	Raikes	Stuhr
Byars	Hartnett	Pedersen, Dw.	Redfield	Suttle

Thompson Tyson Wehrbein Wickersham

Voting in the negative, 0.

Present and not voting, 10:

Baker Brown Cudaback Jones Matzke
Beutler Chambers Jensen Landis Quandahl

Excused and not voting, 5:

Kiel Lynch Robak Schmitt Vrtiska

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 142. Title read. Considered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 820A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation relating to the provisions of Legislative Bill 820, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

LEGISLATIVE BILL 302A. Introduced by C. Peterson, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 302, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

LEGISLATIVE BILL 674A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 674, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 166. Indefinitely postponed.

LEGISLATIVE BILL 285. Indefinitely postponed.

LEGISLATIVE BILL 357. Indefinitely postponed.

LEGISLATIVE BILL 420. Indefinitely postponed.

LEGISLATIVE BILL 760. Indefinitely postponed.

LEGISLATIVE BILL 853. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Dunn, Paul - Nebraska Environmental Trust Board -- Natural Resources

Erickson, Gloria - Nebraska Environmental Trust Board -- Natural Resources

Seacrest, Susan - Nebraska Environmental Trust Board -- Natural Resources

Tagge, Darold - Board of Public Roads Classifications and Standards -- Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Cointroducer

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 849. No objections. So ordered.

VISITORS

Visitors to the Chamber were 27 students and teacher from Lexington High School; 36 seventh grade students and teacher from Sandy Creek; Dawn Haas, Paula and Mark Steffan, and Daniel McAdam from Case School, Elkhorn; 45 fourth, fifth, and sixth grade students and teachers from Chester-Hubbell-Byron School, Chester; 62 fifth grade students and teachers from Linden Elementary School, Fremont; 36 fourth grade students and teachers from Geneva Elementary School; and John Sohl from Wahoo and Dean Skokan from Fremont.

The Doctor of the Day was Dr. Donald Klitgaard from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Friday, March 19, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY – MARCH 19, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 19, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Dr. Mike Loudon, Eastridge Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Kremer, Matzke, and Vrtiska who were excused; and Messrs. Byars, Hilgert, Landis, Tyson, Ms. Price, Mmes. Kiel, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

**STANDING COMMITTEE REPORTS
Transportation**

LEGISLATIVE BILL 398. Placed on General File.

LEGISLATIVE BILL 584. Placed on General File as amended.
Standing Committee amendment to LB 584:
AM0854

- 1 1. On page 4, line 1, strike "may" and insert "shall";
- 2 and strike lines 2 through 4 and insert "driver or registered owner
- 3 of the motor vehicle upon showing proof that the operator's
- 4 license, registration, and license plates are not suspended or have
- 5 been reinstated. The decision of the law enforcement agency may be
- 6 appealed to district court.".

(Signed) Curt Bromm, Chairperson

MESSAGES FROM THE GOVERNOR

March 19, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Educational Telecommunications Commission:

APPOINTEES:

Paul McIntosh, 407 N. 11, Norfolk, NE 68701
John Heil, 1405 S. 133, Omaha, NE 68144
Ann Pickel, 2008 S. 145 Ave., Omaha, NE 68144
William T. Griffin, 2012 Greenbriar Ln., Lincoln, NE 68506
Randall Bretz, 3700 S. 32nd Pl., Lincoln, NE 68502

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

March 19, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Natural Resources Commission:

APPOINTEES:

Jim VanMarter, 135 S. W. 9, Holdrege, NE 68949
Wayne Madsen, PO Box 98, Trenton, NE 69044
Roger Korell, RR 1, Box 297, Bayard, NE 69334

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns

Governor

vfp/

March 19, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Commission for Deaf & Hard of Hearing:

APPOINTEES:

Marian Reyburn, 1405 North Avenue, Omaha, NE 68114
Eleanor Propp, 7931 Lillibridge St., Lincoln, NE 68506

The aforementioned names are respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

March 19, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed to the Commission for Deaf & Hard of Hearing:

APPOINTEE:

Brent Welsch, 3650 Orchard Ave., #108, Omaha, NE 68107

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

ATTORNEY GENERAL'S OPINION

Opinion No. 99012

DATE: March 17, 1999

SUBJECT: LB 407; Constitutionality Of A Proposed Child Support Commission Under The Separation Of Powers Provision Of The Nebraska Constitution; Art. II, § 1.

REQUESTED BY: Senator George Coordsen
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

LB 407 would establish the Child Support Commission (the "Commission") in Nebraska. That Commission would be made up of: 1. two professionals who work in the field of economics, mathematics, or other field of expertise relevant to child support, 2. two judges whose jurisdiction includes domestic relations, 3. two members of the Nebraska State Bar Association who practice domestic relations, 4. two members of the Nebraska Legislature, 5. a custodial parent and 6. a noncustodial parent. Some of the members of that Commission would be appointed by the Nebraska Supreme Court and others would be appointed by the Legislature. Under the bill's provisions, the Commission would review the child support guidelines established by the Nebraska Supreme Court under Neb. Rev. Stat. § 42-364.16 (1998), and make recommendations, if appropriate, concerning amendments to those guidelines in an annual report to the Legislative Council and the Supreme Court. Section 4 (3) of the bill also provides that: The Supreme Court shall review the commission's report. The Supreme Court may amend the child support guidelines established pursuant to section 42-374.16 based upon the commission's recommendations.

You are apparently concerned that officials from multiple branches of government would serve on the Commission under the terms of LB 407. You have therefore requested our opinion as to "... whether LB 407 is in conflict with Article II, Section 1 of the Nebraska Constitution [dealing with distribution or separation of governmental powers], and more specifically whether it is in conflict with the "Conway rule" set forth in *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991)."

In our Op. Att'y Gen. No. 93008 (February 19, 1993), we considered the constitutionality of a bill which would have created government committees made up of representatives from different branches of state government to study government efficiency. We will quote from that previous opinion at length, because much of the analysis there is directly pertinent to the matters raised in your opinion request:

Article II, Section 1 of the Nebraska Constitution provides that:

The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Since LB 355 requires each of the various government assessment committees to be made up of representatives of different branches of government, there is some question as to whether the bill would violate Article II, Section 1. We assume that concern was partially the reason for your opinion request.

The Nebraska Supreme Court most recently dealt with Article II, Section 1 of the Nebraska Constitution in *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991). In the *Conway* case, the court held that state Senator Gerald Conway could not both serve in the Legislature and also act as an assistant professor at Wayne State College. The court indicated that such dual service violated Article II, Section 1 since Senator Conway was an officer in the Legislative branch of government and also an employee within the Executive branch of government through his employment at Wayne State. In the course of the *Conway* opinion, the court set out the following rule which governs the application of Article II, Section 1 to the activities of government officials:

... article II prohibits one who exercises the power of one branch--that is, an officer in the broader sense of the word--from being a member--that is, either an officer or employee--of another branch.

Id. at 782, 472 N.W.2d at 412.

While the application of the *Conway* rule is clear in the factual context of that case, application of the rule in other situations can be more problematic. As a result, we have issued several opinions subsequent to *Conway* which deal with application of the rule to various fact situations. *See* Op. Att'y Gen. No. 92115 (October 1, 1992) (Supreme Court Judges could serve on Judicial Nominating Commissions); Op. Att'y Gen. No. 92076 (June 3, 1992) (Members of the Judicial branch could serve on the Youth Services Planning Committee but not on the Juvenile Services Grant Committee); Op. Att'y Gen. No. 92073 (May 28, 1992) (Judges could serve on the Judicial Resources Commission); Op. Att'y Gen. No. 92022 (February 18, 1992) (Judicial branch employees could serve on the Juvenile Justice Advisory Committee but not on the Crime Commission). Apart from these opinions specifically dealing with the effect and application of the *Conway* rule, we have also written numerous other opinions, before and after the *Conway* decision, dealing generally with members of the Legislature serving on boards or

committees of another branch of government. *See* Op. Att'y Gen. No. 92046 (March 19, 1992) (Members of the Legislature cannot serve on the Nebraska School Accountability Commission); Op. Att'y Gen. No. 91016 (March 13, 1991) (Members of the Legislature cannot generally serve on commissions, boards or committees housed in the Executive branch of state government); Op. Att'y Gen. No. 86038 (March 21, 1986) (Members of the Legislature could serve on an educational service unit planning committee); Op. Att'y Gen. No. 69 (April 23, 1985) (The Chair of the Legislature's Revenue Committee could not serve on a Agricultural Land Valuation Advisory Board); Op. Att'y Gen. No. 37 (April 4, 1983) (Members of the Legislature could not serve along with the Governor and the Tax Commissioner on a State Tax Board which would take the place of the State Board of Equalization); 1967-68 Rep. Att'y Gen. 120 (Opinion No. 86, July 7, 1967) (State Senators could not serve as members of the Nebraska Coordinating Council for Higher Education).

It obviously is difficult to generalize the application of the *Conway* rule to all the various fact situations which have developed or may develop in state government. However, most often, the acceptability of a particular statutory plan which combines members of more than one branch of government on the same body seems to turn on whether the proposed body creates new state officers, as that term is legally defined, within a particular branch of government. If the members of the newly created governmental body are state officers, then there are potential problems with the *Conway* rule. On the other hand, if the new body does not create state officers, then, in most instances, the positions created do not involve an employment relationship, and there is no problem under *Conway*.

The Nebraska Supreme Court has indicated that an office is "a public station or employment, conferred by the appointment of government; and embraces the ideas of tenure, duration, emolument and duties." *State ex rel. O'Connor v. Tusa*, 130 Neb. 528, 535-536, 265 N.W. 524, 528 (1936). Indicia of a public office include: 1. creation by constitution or a statute, 2. a continuing position not occasional or contractual, 3. a fixed term of office and 4. the official has an independence beyond that of employees. *Eason v. Majors*, 111 Neb. 288, 196 N.W. 133 (1923). With respect to the authority of public officers, the Court in *Conway* stated, "[i]t may be said that the almost universal rule is that, in order to indicate office, the duties must partake in some degree of the sovereign powers of the state." 238 Neb. at 771, 772, 472 N.W.2d at 407. As a result, a public office is "a governmental position, the duties of which invest the incumbent with some aspect of the sovereign power." *Id.*

Op. Att'y Gen. No. 93008 (February 19, 1993) 2-4. In the present situation, it does not appear to us that the members of the Child Support Commission proposed by LB 407 would be employees of the State of Nebraska under that

bill. Therefore, as was the case in Opinion No. 93008, the constitutionality of LB 407 under art. II, § 1 turns on whether the members of the Commission would be officers of the State of Nebraska by virtue of their service on the Commission.¹ In that regard, the definition of "office" remains the same as that described in Opinion No. 93008.

Under the provisions of LB 407, the Child Support Commission would be established by statute. In addition, the bill would establish statutory appointment procedures for members of the Commission, and Commission members would have a term of office and specific statutory duties. These are all indicia of public office. On the other hand, the Commission could hire consultants, researchers and other support staff only with the prior approval of the chairperson of the Executive Board of the Legislative Council. More importantly, the Commission's recommendations would be advisory only, and the Supreme Court would not be bound to amend its child support guidelines based upon the Commission's recommendations.

All things considered, we do not believe that members of the Child Support Commission proposed under LB 407 would be officers of the State, primarily because their role would be advisory only and, as a result, they would not exercise any of the sovereign powers of State government. That conclusion is supported by the result in Op. Att'y Gen. No. 92073 (May 28, 1992). In that opinion, we considered the constitutionality of the Judicial Resources Commission, a commission made up of judges, members of the bar, and citizens which made recommendations to the Legislature as to the existence of judicial vacancies and the boundaries of judicial districts. While statutory appointment procedures existed for membership in the Judicial Resources Commission and its members were appointed for a specific term of office and had specific statutory duties, we concluded that members of that Commission were not state officers because its recommendations were advisory only, and therefore, its members did not exercise any powers of the state. Op. Att'y Gen. No. 92073 (May 28, 1992) 3,4. For much the same reasons, we do not believe that members of the Child Support Commission proposed by LB 407 would be state officers. Consequently, in our view, that bill is permissible under art. II, § 1 of the Nebraska Constitution.

¹ If the members of the Child Support Commission are state officers, LB 407 would likely also violate art. IV, § 10 of the Nebraska Constitution, since the bill would involve a legislative appointment. *See Neeman v. Nebraska Resources Commission*, 191 Neb. 672 at 676, 217 N.W.2d 166 (1974); Op. Att'y Gen. No. 69 (April 23, 1985).

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

cc. Patrick O'Donnell
Clerk of the Legislature
05-39-10.14

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 19, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Arent Fox Kintner Plotkin & Kahn

Hoagland, Peter - Washington, DC; ASARCO Incorporated

Cavanaugh, Patrick - Omaha; Cavanaugh Law Office

Grant, Rhonda K. - Lansing, MI; Jackson National Life Insurance Company

James P. Cavanaugh - Omaha; Jane Burke Law Offices

Mueller, William J./Ruth & Mueller LLC

Mueller, William J. - Lincoln; Metabolife International, Inc.

Pursley, Jeff (Withdrawn 03/12/1999) - Lincoln; Aliant Communications Inc.
(Withdrawn 03/12/1999)

Ruth, Larry L./Ruth & Mueller LLC

Ruth, Larry L. - Lincoln; Metabolife International, Inc.

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Employee Relations Report

Revenue, Department of

Charitable Gaming Annual Report

Employment and Investment Growth Act, Employment Expansion and
Investment Incentive Act, and Quality Jobs Act Annual Report

University of Nebraska

Collective Bargaining Negotiations Status Report

MOTION - Print in Journal

Mr. Tyson filed the following motion to LB 444:

To place LB 444 on General File notwithstanding the action of the Business and Labor Committee, pursuant to Rule 3, Section 17.

MOTIONS - Approve Appointments

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointments found on page 1048: Stanley Heng, Greg Ibach, Richard Nelson, Dave Vogler, and Dayle Williamson - Climate Assessment Response Committee.

Voting in the affirmative, 30:

Baker	Connealy	Janssen	Peterson, C.	Smith
Bohlke	Crosby	Jensen	Redfield	Stuhr
Brashear	Cudaback	Kristensen	Schellpeper	Suttle
Bromm	Dierks	Landis	Schimek	Thompson
Brown	Engel	Pedersen, Dw.	Schmitt	Wehrbein
Bruning	Hartnett	Pederson, D.	Schrock	Wickersham

Voting in the negative, 1:

Chambers

Present and not voting, 9:

Beutler	Coordsen	Jones	Preister	Raikes
Bourne	Hudkins	Lynch	Quandahl	

Excused and not voting, 9:

Byars	Kiel	Matzke	Robak	Vrtiska
Hilgert	Kremer	Price	Tyson	

The appointments were confirmed with 30 ayes, 1 nay, 9 present and not voting, and 9 excused and not voting.

Mr. Brashear moved the adoption of the report of the Judiciary Committee for the following appointment found on page 1048: Linda Krutz - Chairperson, Nebraska Board of Parole.

Voting in the affirmative, 32:

Baker	Connealy	Jensen	Raikes	Smith
Bohlke	Coordsen	Kristensen	Redfield	Stuhr
Bourne	Crosby	Landis	Schellpeper	Suttle
Brashear	Cudaback	Pedersen, Dw.	Schimek	Thompson
Bromm	Dierks	Pederson, D.	Schmitt	Wehrbein
Bruning	Hilgert	Peterson, C.	Schrock	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Engel	Hudkins	Lynch	Quandahl
Brown	Hartnett	Jones	Preister	

Excused and not voting, 8:

Byars	Kremer	Price	Tyson	Vrtiska
Kiel	Matzke	Robak		

The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Bromm moved the adoption of the report of the Transportation Committee for the following appointment found on page 1058: Emil Beyer - Motor Carrier Advisory Council.

Voting in the affirmative, 32:

Baker	Connealy	Hudkins	Pederson, D.	Smith
Bohlke	Coordsen	Janssen	Peterson, C.	Stuhr
Bourne	Crosby	Jensen	Raikes	Suttle
Brashear	Cudaback	Kristensen	Redfield	Thompson
Bromm	Dierks	Landis	Schellpeper	Wehrbein
Brown	Hartnett	Pedersen, Dw.	Schmitt	Wickersham
Bruning	Hilgert			

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Beutler	Jones	Preister	Schimek	Schrock
Engel	Lynch	Quandahl		

Excused and not voting, 8:

Byars	Kremer	Price	Tyson	Vrtiska
Kiel	Matzke	Robak		

The appointment was confirmed with 32 ayes, 1 nay, 8 present and not voting, and 8 excused and not voting.

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 1065: Connie Lapaseotes - Game and Parks Commission.

Voting in the affirmative, 33:

Baker	Byars	Hilgert	Peterson, C.	Schrock
Bohlke	Connealy	Hudkins	Quandahl	Smith
Bourne	Coordsen	Janssen	Raikes	Stuhr
Brashear	Crosby	Jensen	Redfield	Tyson
Bromm	Cudaback	Jones	Schellpeper	Wehrbein
Brown	Dierks	Pedersen, Dw.	Schmitt	Wickersham
Bruning	Engel	Pederson, D.		

Voting in the negative, 3:

Beutler Chambers Preister

Present and not voting, 7:

Hartnett Landis Schimek Suttle Thompson
Kristensen Lynch

Excused and not voting, 6:

Kiel Matzke Price Robak Vrtiska
Kremer

The appointment was confirmed with 33 ayes, 3 nays, 7 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Bromm's birthday.

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 87 with 32 ayes, 2 nays, 9 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to government; to amend sections 13-303, 13-318, 13-319, 13-903, 13-2004, 13-2025.01, 14-102, 14-1805, 16-6, 110, 17-174, 18-2704, 19-3801, 23-2809, 23-3637, 29-215, 35-514.02, 35-1204, 37-334, 39-2114, 46-1502, 47-603, 48-193, 51-201, 58-202, 58-219, 58-239, 58-503, 60-335, 72-1403, 73-101, 74-1305, 77-2704.15, 79-1233, 81-829.39, 81-8,210, 81-8,239.01, 81-8,303, 81-1164, and 81-2216, Reissue Revised Statutes of Nebraska, and sections 13-520, 13-2401, 18-1716, 70-628.04, 77-3442, 79-1028, 79-1204, 81-1117, 81-1391, 84-1202, and 84-1411, Revised Statutes Supplement, 1998; to adopt the Joint Public Agency Act; to harmonize provisions; to provide severability; and to repeal the original sections.

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

Voting in the affirmative, 41:

Baker Bohlke Bourne Brashear Bromm

Bruning	Engel	Kristensen	Quandahl	Smith
Byars	Hartnett	Landis	Raikes	Stuhr
Chambers	Hilgert	Lynch	Redfield	Suttle
Connealy	Hudkins	Pedersen, Dw.	Schellpeper	Thompson
Coordsen	Janssen	Pederson, D.	Schimek	Tyson
Crosby	Jensen	Peterson, C.	Schmitt	Wehrbein
Cudaback	Jones	Preister	Schrock	Wickersham
Dierks				

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Brown
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Excused and not voting, 6:

Kiel	Matzke	Price	Robak	Vrtiska
Kremer				

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 60.

A BILL FOR AN ACT relating to the board of state canvassers; to amend section 32-1037, Reissue Revised Statutes of Nebraska; to provide that the board's duty is ministerial in nature; and to repeal the original section.

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

Voting in the affirmative, 42:

Baker	Chambers	Hudkins	Pederson, D.	Schrock
Beutler	Connealy	Janssen	Peterson, C.	Smith
Bohlke	Coordsen	Jensen	Preister	Stuhr
Bourne	Crosby	Jones	Quandahl	Suttle
Brashear	Cudaback	Kristensen	Raikes	Thompson
Bromm	Dierks	Landis	Schellpeper	Tyson
Brown	Engel	Lynch	Schimek	Wehrbein
Bruning	Hartnett	Pedersen, Dw.	Schmitt	Wickersham
Byars	Hilgert			

Voting in the negative, 1:

Redfield

Excused and not voting, 6:

Kiel	Matzke	Price	Robak	Vrtiska
Kremer				

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

LEGISLATIVE BILL 100.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2201 and 30-24,125, Revised Statutes Supplement, 1998; to provide for and change provisions relating to transfer of real and personal property; 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, 40:

Baker	Chambers	Hilgert	Pedersen, Dw.	Schmitt
Bohlke	Connealy	Hudkins	Pederson, D.	Schrock
Bourne	Coordsen	Janssen	Peterson, C.	Smith
Brashear	Crosby	Jensen	Quandahl	Stuhr
Bromm	Cudaback	Jones	Raikes	Suttle
Brown	Dierks	Kristensen	Redfield	Thompson
Bruning	Engel	Landis	Schellpeper	Wehrbein
Byars	Hartnett	Lynch	Schimek	Wickersham

Voting in the negative, 1:

Beutler

Present and not voting, 2:

Preister	Tyson
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Excused and not voting, 6:

Kiel	Matzke	Price	Robak	Vrtiska
Kremer				

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

LEGISLATIVE BILL 101.

A BILL FOR AN ACT relating to energy; to create the Biopower Steering Committee; to provide powers and duties; and to create a fund.

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:

Baker	Chambers	Hudkins	Pederson, D.	Schmitt
Beutler	Connealy	Janssen	Peterson, C.	Smith
Bohlke	Coordsen	Jensen	Preister	Stuhr
Bourne	Crosby	Jones	Quandahl	Suttle
Brashear	Cudaback	Kristensen	Raikes	Thompson
Bromm	Dierks	Landis	Redfield	Tyson
Brown	Engel	Lynch	Schellpeper	Wehrbein
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wickersham
Byars	Hilgert			

Voting in the negative, 0.

Present and not voting, 1:

Schrock

Excused and not voting, 6:

Kiel	Matzke	Price	Robak	Vrtiska
Kremer				

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

LEGISLATIVE BILL 214.

A BILL FOR AN ACT relating to sales tax; to amend section 77-2702.07, Reissue Revised Statutes of Nebraska, and section 77-2702.13, Revised Statutes Supplement, 1998; to provide for taxation of prepaid telephone calling cards or authorization numbers; to redefine terms; 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, 38:

Baker	Bruning	Engel	Kristensen	Redfield
Beutler	Byars	Hartnett	Landis	Schellpeper
Bohlke	Connealy	Hilgert	Lynch	Schimek
Bourne	Coordsen	Hudkins	Pedersen, Dw.	Schmitt
Brashear	Crosby	Janssen	Peterson, C.	Schrock
Bromm	Cudaback	Jensen	Preister	Smith
Brown	Dierks	Jones	Raikes	Stuhr

Thompson Tyson Wehrbein

Voting in the negative, 0.

Present and not voting, 5:

Chambers Pederson, D. Quandahl Suttle Wickersham

Excused and not voting, 6:

Kiel Matzke Price Robak Vrtiska
Kremer

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

LEGISLATIVE BILL 380.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1057 and 68-1060, Reissue Revised Statutes of Nebraska; to change provisions relating to implementation of the managed care system; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 42:

Baker	Chambers	Hudkins	Peterson, C.	Schrock
Beutler	Connealy	Janssen	Preister	Smith
Bohlke	Coordsen	Jensen	Quandahl	Stuhr
Bourne	Crosby	Jones	Raikes	Suttle
Brashear	Cudaback	Kristensen	Redfield	Thompson
Bromm	Dierks	Landis	Schellpeper	Tyson
Brown	Engel	Lynch	Schimek	Wehrbein
Bruning	Hartnett	Pedersen, Dw.	Schmitt	Wickersham
Byars	Hilgert			

Voting in the negative, 0.

Present and not voting, 1:

Pederson, D.

Excused and not voting, 6:

Kiel Matzke Price Robak Vrtiska
Kremer

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 411 with 36 ayes, 2 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 411.

A BILL FOR AN ACT relating to nursing home administration; to amend sections 71-6053, 71-6055, 71-6056, 71-6058, 71-6060, 71-6061, 71-6063, 71-6065, and 71-6067, Reissue Revised Statutes of Nebraska, and section 71-6054, Revised Statutes Supplement, 1998; to change provisions relating to licensing requirements, training programs, inactive license status, preceptors, and the board of examiners; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 43:

Baker	Connealy	Janssen	Preister	Schrock
Beutler	Coordsen	Jensen	Quandahl	Smith
Bohlke	Crosby	Jones	Raikes	Stuhr
Bourne	Cudaback	Kristensen	Redfield	Suttle
Brashear	Dierks	Landis	Robak	Thompson
Brown	Engel	Lynch	Schellpeper	Tyson
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hilgert	Pederson, D.	Schmitt	Wickersham
Chambers	Hudkins	Peterson, C.		

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 5:

Kiel	Kremer	Matzke	Price	Vrtiska
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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 440.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3449 and 81-3453, Revised Statutes Supplement, 1998; to provide an exemption from the act for certain commercial or industrial buildings; 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, 39:

Baker	Connealy	Janssen	Preister	Schrock
Beutler	Coordsen	Jensen	Quandahl	Smith
Bohlke	Cudaback	Jones	Raikes	Stuhr
Brashear	Dierks	Kiel	Redfield	Thompson
Bromm	Engel	Landis	Robak	Tyson
Brown	Hartnett	Pedersen, Dw.	Schellpeper	Wehrbein
Bruning	Hilgert	Pederson, D.	Schimek	Wickersham
Byars	Hudkins	Peterson, C.	Schmitt	

Voting in the negative, 4:

Chambers	Crosby	Lynch	Suttle
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Present and not voting, 2:

Bourne	Kristensen
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Excused and not voting, 4:

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

LEGISLATIVE BILL 440A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 440, Ninety-sixth Legislature, First Session, 1999.

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, 36:

Baker	Connealy	Hudkins	Pederson, D.	Schrock
Beutler	Coordsen	Janssen	Peterson, C.	Smith
Bohlke	Cudaback	Jensen	Quandahl	Stuhr
Brashear	Dierks	Jones	Raikes	Thompson
Bromm	Engel	Kiel	Robak	Tyson
Brown	Hartnett	Landis	Schellpeper	Wehrbein
Bruning	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Byars				

Voting in the negative, 6:

Chambers	Lynch	Redfield	Schimek	Suttle
Crosby				

Present and not voting, 3:

Bourne	Kristensen	Preister
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Excused and not voting, 4:

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

LEGISLATIVE BILL 479.

A BILL FOR AN ACT relating to the state lottery; to amend sections 9-803 and 9-805, Reissue Revised Statutes of Nebraska; to change provisions relating to major procurements and agreements; 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, 36:

Baker	Connealy	Hudkins	Pedersen, Dw.	Schmitt
Beutler	Coordsen	Janssen	Pederson, D.	Schrock
Bohlke	Cudaback	Jones	Peterson, C.	Smith
Bourne	Dierks	Kiel	Quandahl	Stuhr
Brashear	Engel	Kristensen	Raikes	Tyson
Bromm	Hartnett	Landis	Robak	Wehrbein
Bruning	Hilgert	Lynch	Schellpeper	Wickersham
Byars				

Voting in the negative, 5:

Brown	Chambers	Crosby	Redfield	Schimek
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Present and not voting, 4:

Jensen	Preister	Suttle	Thompson
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Excused and not voting, 4:

Kremer	Matzke	Price	Vrtiska
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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 703 with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 703.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2320, and 48-1401, Reissue Revised Statutes of Nebraska, and sections 23-2301, 23-2323.01, 24-706, 24-710.10, 24-710.11, 79-921, 79-933.03 to 79-933.06, 79-933.08, 79-947.04, 79-947.05, 81-2027.06, 81-2027.07, 81-2031, 84-1301, 84-1307, 84-1310.01, 84-1311, 84-1322, 84-1323.01, 84-1325, and 84-1504, Revised Statutes Supplement, 1998; to change provisions relating to repayment of contributions, military service credits, deferred compensation, annual benefits and adjustments, investment result liability, consumer price indices, disability, membership, and administrative expenses; to define and redefine terms; to provide duties; 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:

Baker	Chambers	Hudkins	Peterson, C.	Schrock
Beutler	Connealy	Janssen	Preister	Smith
Bohlke	Coordsen	Jensen	Quandahl	Stuhr
Bourne	Crosby	Jones	Raikes	Suttle
Brashear	Cudaback	Kiel	Redfield	Thompson
Bromm	Dierks	Kristensen	Robak	Tyson
Brown	Engel	Landis	Schellpeper	Wehrbein
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wickersham
Byars	Hilgert	Pederson, D.	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 4:

Kremer Matzke Price Vrtiska

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 703A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 703, Ninety-sixth Legislature, First Session, 1999.

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

Voting in the affirmative, 41:

Baker	Connealy	Janssen	Pederson, D.	Schmitt
Beutler	Coordsen	Jensen	Peterson, C.	Schrock
Bohke	Crosby	Jones	Preister	Smith
Bourne	Dierks	Kiel	Raikes	Stuhr
Brashear	Engel	Kristensen	Redfield	Thompson
Bromm	Hartnett	Landis	Robak	Tyson
Bruning	Hilgert	Lynch	Schellpeper	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schimek	Wickersham
Chambers				

Voting in the negative, 0.

Present and not voting, 4:

Brown Cudaback Quandahl Suttle

Excused and not voting, 4:

Kremer Matzke Price Vrtiska

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 802 with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 802.

A BILL FOR AN ACT relating to elections; to amend sections 32-226, 32-231 to 32-233, 32-235 to 32-240, 32-515, 32-606, 32-608, 32-622, 32-916, 32-947, 32-1022, and 32-1027, Reissue Revised Statutes of Nebraska; to change provisions relating to judges and clerks of election, filing for office, withdrawing a filing for office, and absentee ballot identification envelopes; to provide for district inspectors in certain counties; 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:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Bohlke	Coorsden	Jensen	Preister	Smith
Bourne	Crosby	Jones	Quandahl	Stuhr
Brashear	Cudaback	Kiel	Raikes	Suttle
Bromm	Dierks	Kristensen	Redfield	Thompson
Brown	Engel	Landis	Robak	Tyson
Bruning	Hartnett	Lynch	Schellpeper	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schimek	Wickersham
Chambers	Hudkins	Pederson, D.	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

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

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 14CA.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer shall be chosen at the general election held in November, 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor, nominated by the same party. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the method of nominating and electing the Lieutenant Governor.

For

Against".

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

Voting in the affirmative, 35:

Baker

Beutler

Bohlke

Bourne

Brashear

Brown	Hartnett	Kiel	Peterson, C.	Schrock
Bruning	Hilgert	Kristensen	Quandahl	Smith
Byars	Hudkins	Landis	Raikes	Suttle
Cudaback	Janssen	Lynch	Redfield	Thompson
Dierks	Jensen	Pedersen, Dw.	Schellpeper	Wehrbein
Engel	Jones	Pederson, D.	Schmitt	Wickersham

Voting in the negative, 8:

Bromm	Coordsen	Robak	Stuhr	Tyson
Connealy	Crosby	Schimek		

Present and not voting, 2:

Chambers Preister

Excused and not voting, 4:

Kremer	Matzke	Price	Vrtiska
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A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 375.

A BILL FOR AN ACT relating to court records; to amend section 43-102, Reissue Revised Statutes of Nebraska, and section 30-2608, Revised Statutes Supplement, 1998; to provide for all guardianship and adoption filings to be kept by the clerk of the county court; 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:

Baker	Chambers	Hudkins	Pederson, D.	Schmitt
Beutler	Connealy	Janssen	Peterson, C.	Schrock
Bohlke	Coordsen	Jensen	Preister	Smith
Bourne	Crosby	Jones	Quandahl	Stuhr
Brashear	Cudaback	Kiel	Raikes	Suttle
Bromm	Dierks	Kristensen	Redfield	Thompson
Brown	Engel	Landis	Robak	Tyson
Bruning	Hartnett	Lynch	Schellpeper	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schimek	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 17.

A BILL FOR AN ACT relating to medical records; to provide for copies to patients from health care providers as prescribed.

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:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Bohlke	Coordsen	Jensen	Preister	Smith
Bourne	Crosby	Jones	Quandahl	Stuhr
Brashear	Cudaback	Kiel	Raikes	Suttle
Bromm	Dierks	Kristensen	Redfield	Thompson
Brown	Engel	Landis	Robak	Tyson
Bruning	Hartnett	Lynch	Schellpeper	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schimek	Wickersham
Chambers	Hudkins	Pederson, D.	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

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

LEGISLATIVE BILL 234.

A BILL FOR AN ACT relating to government; to amend sections 32-301, 32-313, 32-315, 32-326 to 32-330, 32-628, 32-914.01 to 32-915, and 32-1002, Reissue Revised Statutes of Nebraska; to provide for electronic records of voter registration; to require backup files of electronic records as prescribed; to provide duties; 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:

Baker	Chambers.	Hudkins	Peterson, C.	Schrock
Beutler	Connealy	Janssen	Preister	Smith
Bohlke	Coordsen	Jensen	Quandahl	Stuhr
Bourne	Crosby	Jones	Raikes	Suttle
Brashear	Cudaback	Kiel	Redfield	Thompson
Bromm	Dierks	Kristensen	Robak	Tyson
Brown	Engel	Landis	Schellpeper	Wehrbein
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wickersham
Byars	Hilgert	Pederson, D.	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 4:

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

WITHDRAW - Amendments to LB 72

Mr. Chambers withdrew his amendments, FA35 and AM0808, found on pages 693 and 1024, to LB 72.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 87, 60, 100, 101, 214, 380, 411, 440, 440A, 479, 703, 703A, 802, 375, 17, 234, and LR 14CA.

MOTION - Return LB 72 to Select File

Mr. Chambers moved to return LB 72 to Select File for his specific

amendment, AM0852, found on page 1064.

Messrs. Landis, Lynch, Jones, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to return prevailed with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 72. The Chambers specific amendment, AM0852, found on page 1064, was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

AMENDMENTS - Print in Journal

Mr. Tyson filed the following amendment to LB 444:
AM0874

- 1 1. Strike original sections 3, 5, and 6 and insert the
- 2 following new sections:
- 3 "Sec. 3. For purposes of the Nebraska Municipal
- 4 Comparability Act, metropolitan area means an area so designated by
- 5 the United State Office of Management and Budget.
- 6 Sec. 5. (1) In industrial disputes involving municipal
- 7 employees, the Commission of Industrial Relations shall make
- 8 comparisons in accordance with the following requirements:
- 9 (a) For a city of the first or second class or village,
- 10 comparisons shall not include an employer located outside the State
- 11 of Nebraska, unless:
- 12 (i) The population of the city in question exceeds
- 13 thirty-nine thousand inhabitants;
- 14 (ii) The industrial dispute involves employees employed
- 15 in a municipal power generation facility; or
- 16 (iii) The city or village is located within a
- 17 metropolitan area in which a city of the metropolitan class is
- 18 located;
- 19 (b) A comparison shall not include an employer located in
- 20 a metropolitan area if the municipality which is the subject of the
- 21 litigation is not included in a metropolitan area; and
- 22 (c) A comparison shall not include an employer located in
- 23 an area with a population of more than double or less than one-half
- 24 the city or village population or the metropolitan area population
- 1 of the municipality which is the subject of the litigation.
- 2 (2) The requirements of the Nebraska Municipal
- 3 Comparability Act shall not apply to cities of the metropolitan
- 4 class or cities of the primary class.
- 5 Sec. 6. If the Commission of Industrial Relations finds

6 that any city of the first or second class or village does not have
7 sufficient comparables inside the State of Nebraska under the
8 population comparability requirements of the Nebraska Municipal
9 Comparability Act, such cities or villages may be compared with
10 out-of-state comparables in states contiguous to Nebraska which
11 meet the population comparability requirements of the Nebraska
12 Municipal Comparability Act."

Mr. Wickersham filed the following amendment to LB 194:
AM0869

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 34. Sections 12, 13, 36, and 37 of this act become
- 3 operative on January 1, 2000. The other sections of this act
- 4 become operative on their effective date.
- 5 Sec. 36. Original sections 77-1233.04 and 77-1233.06,
- 6 Revised Statutes Supplement, 1998, are repealed.
- 7 Sec. 37. The following section is outright repealed:
- 8 Section 77-1233.05, Revised Statutes Supplement, 1998."
- 9 2. On page 1, line 14, after the last semicolon insert
- 10 "to provide operative dates;".
- 11 3. On page 36, line 10, strike the new matter and
- 12 reinstate the stricken matter; and in line 28 strike "77-1233.04,
- 13 77-1233.06,".
- 14 4. On page 37, line 6, strike "sections 77-425 and
- 15 77-1233.05" and insert "section 77-425".
- 16 5. Renumber the remaining sections accordingly.

Mrs. Bohlke filed the following amendment to LB 475:
AM0873

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Section 1. (1) Teaching American Indian languages is
- 3 essential to the proper education of American Indian children.
- 4 School districts and postsecondary educational institutions may
- 5 employ approved American Indian language teachers to teach their
- 6 native language. For purposes of this section, approved American
- 7 Indian language teacher means a teacher who has passed the tribe's
- 8 written and oral approval test.
- 9 (2) Approved American Indian language teachers that do
- 10 not also have a Nebraska teaching certificate shall not teach any
- 11 subject other than the American Indian language they are approved
- 12 to teach by the tribe.
- 13 (3) Each tribe shall develop both a written and an oral
- 14 test that must be successfully completed in order to determine that
- 15 a teacher is approved to teach the tribe's native language. When
- 16 developing such approval tests, the tribe shall include, but not be
- 17 limited to, which dialects will be used, whether it will
- 18 standardize its writing system, and how the teaching methods will

- 19 be evaluated in the classroom. The teacher approval tests shall be
 20 administered at a community college or state college."
 21 2. On page 1, line 1, strike "public health and welfare"
 22 and insert "Native Americans"; and in line 3 after "residents"
 23 insert "; and to provide for native-language teaching approval".

Mrs. Stuhr filed the following amendment to LB 495:

(Amendment, AM0875, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Hilgert filed the following amendment to LB 224:

AM0056

- 1 1. On page 2, line 5, after "work" insert ", other than
 2 a motion picture or audiovisual work or part of a motion picture or
 3 audiovisual work,".
 4 2. On page 4, line 23, after "sections" insert "28-1323
 5 to 28-1326 or".

Mrs. Bohlke filed the following amendment to LB 704:

(Amendment, AM0885, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Brashear filed the following amendment to LB 476:

AM0888

- 1 1. On page 20, line 23, strike the last "the" and insert
 2 "such"; and in line 25 strike "section" and insert "subsection".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Bretz, Randall - Nebraska Educational Telecommunications Commission -- Education

Griffin, William T. - Nebraska Educational Telecommunications Commission -- Education

Heil, John - Nebraska Educational Telecommunications Commission -- Education

McIntosh, Paul - Nebraska Educational Telecommunications Commission -- Education

Pickel, Ann - Nebraska Educational Telecommunications Commission -- Education

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

STANDING COMMITTEE REPORT

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Power Review Board
Mark Hunzeker

VOTE: Aye: Senators Bohlke, Bromm, Bruning, Hudkins, Jones, Schrock, and Stuhr. Nay: None. Present and not voting: Senator Preister. Absent: None.

(Signed) Ed Schrock, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 52. Introduced by C. Peterson, 35; Jensen, 20; Suttle, 10; Thompson, 14.

PURPOSE: To study the current and possible future role of the State of Nebraska in the oversight, regulation, and distribution of Schedule II controlled substances, as it pertains to individuals receiving hospice care and individuals in hospice programs operated by certified, licensed medical facilities in the State of Nebraska.

Public policy should recognize the dual effect of controlled substances on public health to obtain the broadest of medical benefits while reducing the risks of diversion and abuse. When controlled substances are used for medical purposes, they can provide great improvements in the quality of life for people with debilitating diseases, conditions, and pain.

A balanced drug policy should provide ample authority to address problems without interfering in the use of controlled substances in the medical care of patients. Drug laws have a dual purpose; achieving both ends must be emphasized, and only in this way will the greatest health benefit be realized.

This study is requested on the belief that hospice care in Nebraska should be founded on the conviction that the final stages of life should be lived with the greatest degree of comfort and dignity possible.

The study shall include the following elements:

1. A review of the Code of Federal Regulations, Title 21, Chapter II, Drug Enforcement Administration, Part 1306, Controlled Substances in Schedule II shall be conducted. This study shall examine current statutory guidelines and review federal laws pertaining to the distribution of Schedule II controlled substances to the hospice patient. A comparison and analysis of both federal and state laws shall be made.

2. An analysis of the term "emergency situation" and a determination as to how it applies to the care of a patient receiving hospice care, including whether a terminally ill patient qualifies as an "emergency situation" under

state or federal law.

3. Under subdivision (1)(a) of section 28-414 a schedule II controlled substance cannot be dispensed without a written prescription except in emergency circumstances and as provided under subdivision (1)(b) of section 28-414. In the age of the facsimile, a physician can fax the prescription to a pharmacist who can then deliver it if the patient is in a long-term facility. The study shall include an analysis of whether only residents of long-term care facilities receive this consideration or whether persons entering hospice programs in terminal condition also should be accorded the same privileges as if they were in a long-term care facility or hospital.

4. A review of current statutes as they apply to the duties of the county coroner and his or her responsibility or protocol as related to unattended deaths.

5. To address these issues, individuals from the Nebraska Hospice Association shall be contacted and included in this study in order to obtain additional input and insight into specific areas of concern and the problems associated with hospice care.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 51, 211, 324, 346, and 632.

Enrollment and Review Change to LB 51

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

ER9033

1. On page 1, the matter beginning with "criminal" in line 1 through line 4 has been struck and "courts; to amend sections 29-901 and 33-126.05, Reissue Revised Statutes of Nebraska; to change provisions relating to bail and miscellaneous fees; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 211

The following changes, required to be reported for publication in the

Journal, have been made:

ER9031

1. In the Preister amendment, AM0692, on page 1, line 18, "the" has been inserted after "at".

2. On page 1, the matter beginning with "the" in line 2 through "building" in line 3 and all amendments thereto have been struck and "certain state vehicles and buildings; to provide exemptions" inserted.

Enrollment and Review Change to LB 324

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

ER9034

1. On page 1, the matter beginning with "the" in line 1 through line 5 and all amendments thereto have been struck and "health care; to amend sections 71-7605, 71-7608, and 71-7612, Revised Statutes Supplement, 1998; to define terms; to change provisions relating to investment income of certain funds; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 632

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

ER9032

1. On page 1, line 3, "and 60-1419" has been struck and "60-1419, 60-1436, and 60-1437" inserted; and in line 7 "to prohibit certain acts by manufacturers and distributors;" has been inserted after the semicolon.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 603. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

Education

LEGISLATIVE BILL 812. Placed on General File as amended.

Standing Committee amendment to LB 812:

AM0879

- 1 1. Strike original sections 1 to 6 and 8 to 10.
- 2 2. On page 8, line 2, strike "1999-2000" and insert
- 3 "2000-01" and after "year" insert "beginning with the assessment of
- 4 reading and writing".
- 5 3. On page 9, line 2, after the period insert the
- 6 following new subsection:

- 7 "(5) Any school district selected to participate in the
 8 National Assessment of Educational Progress shall participate to
 9 the full extent requested by the National Center for Educational
 10 Statistics or its designated subcontractors."
- 11 4. On page 22, strike beginning with "79-808" in line 22
 12 through the third comma in line 23; and strike beginning with "and"
 13 in line 23 through "are" in line 24 and insert "Revised Statutes
 14 Supplement, 1998, is".
- 15 5. Renumber the remaining sections accordingly.

(Signed) Ardyce L. Bohlke, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 19, 1999, at 11:10 a.m., were the following bills: LBs 87, 60, 100, 101, 214, 380, 411, 440, 440A, 479, 703, 703A, 802, 375, 17, and 234.

(Signed) Rosie Ziems
 Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 19, 1999, at 11:10 a.m., was the following resolution: LR 14CA.

(Signed) Rosie Ziems
 Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Mr. Tyson filed the following amendment to LB 72:

FA56

Amend (AM852)

On Page 2 line 27 reinstate the stricken language thru Page 3 line 3

VISITORS

Visitors to the Chamber were Andrew Hammond from Southeast High School, Lincoln; group with Leadership Columbus; 38 Girl Scouts and leader from Scottsbluff; Senator D. Pederson's grandchildren, Tim and Matt Pederson, from North Platte; Senator Bourne's son, Jack, from Omaha; 60 fourth grade students and teachers from Valley Elementary School; and 15 sixth grade students and teacher from Cornerstone Christian School, Bellevue.

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 12:15 p.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Monday, March 22, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY – MARCH 22, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 22, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Steve Para, Saint John's Lutheran Church, Beatrice, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Vrtiska who was excused; and Mmes. Bohlke, Kiel, Robak, Messrs. Brashear, Bromm, Dierks, Engel, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

**STANDING COMMITTEE REPORT
Education**

LEGISLATIVE BILL 684. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 41, LR 42, and LR 44 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 41, 42, and 44.

RESOLUTIONS

LEGISLATIVE RESOLUTION 53. Introduced by Wickersham, 49.

WHEREAS, the Chadron Cardinals boys basketball team won the 1999 Class B State Basketball Championship on March 13, 1999; and

WHEREAS, the Cardinals defeated Schuyler 48-47 in a come-from-behind victory; and

WHEREAS, the Cardinals completed their season with a 21-3 record; and

WHEREAS, the Cardinals have won their second state championship in three years, having also won in 1997; and

WHEREAS, the players, coaches, and staff deserve recognition for their efforts.

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

1. That the Legislature recognizes and congratulates the Chadron Cardinals boys basketball team and the coaches for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Chadron Cardinals boys basketball team.

Laid over.

LEGISLATIVE RESOLUTION 29. Considered.

Messrs. Jensen and Chambers renewed their pending amendment, AM0823, found on page 1039.

The Jensen-Chambers amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LR 29, as amended, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 142. The Standing Committee amendment, AM0404, found on page 619, was considered.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Beutler renewed his pending amendment, AM0581, found on page 782.

SPEAKER KRISTENSEN PRESIDING

Mr. Wickersham requested a ruling of the Chair on whether the Beutler amendment is germane to the bill.

The Chair ruled the Beutler amendment is not germane to the bill.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 12 ayes, 22 nays, 12 present and not voting, and 3 excused and not voting.

The Chair was sustained.

Pending.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendments to LB 314:

AM0860

(Amendments to E & R amendments, AM7084)

- 1 1. On page 1, strike beginning with "any" in line 5
- 2 through "funds" in line 7 and insert "money"; and strike beginning
- 3 with "The" in line 10 through the period in line 14.
- 4 2. On page 3, strike beginning with "Up" in line 14
- 5 through "(6)" in line 22; and in line 26 strike "(7)" and insert
- 6 "(6)".
- 7 3. On page 4, line 3, strike "(8)" and insert "(7)".

AM0861

(Amendments to E & R amendments, AM7084)

- 1 1. On page 1, line 20, after "if" insert "the district
- 2 has budgeted and used its maximum allowable reserve funds, the
- 3 district is unable to borrow the amount requested from other
- 4 sources at reasonable rates, and".
- 5 2. On page 3, line 11, after "The" insert "district has
- 6 budgeted and used its maximum allowable reserve funds, the district
- 7 is unable to borrow the amount requested from other sources at
- 8 reasonable rates, and the".

AM0862

(Amendments to E & R amendments, AM7084)

- 1 1. On page 1, line 18, after "district" insert "in the
- 2 sparse or very sparse cost grouping as described in section
- 3 79-1007.02".
- 4 2. On page 2, lines 4 and 9 strike "standard" and insert
- 5 "district's".

AM0863

(Amendments to E & R amendments, AM7084)

- 1 1. On page 1, line 22, strike beginning with "include"
- 2 through "not" and insert "are".

AM0864

(Amendments to E & R amendments, AM7084)

1. On page 2, line 5, after the semicolon insert "and";
2. strike lines 6 through 10; and in line 11 strike "(c)" and insert
3. "(b)".

AM0865

(Amendments to E & R amendments, AM7084)

1. On page 1, line 7; page 3, line 27; and page 14, line
2. 26, strike "reimbursed" and insert "repaid".
2. On page 2, strike beginning with "If" in line 13
3. through the second "the" in line 15 and insert "The"; in line 15
4. strike "reimburse" and insert "repay"; and strike beginning with
5. "and" in line 23 through "fund" in line 24; and in line 24 strike
6. "repayment" and insert "the district's repayment to the fund".
3. On page 3, line 12, strike "make" through "to" and
8. insert "repay".
4. On page 4, lines 10 and 11, strike "any repayment
10. conditions" and insert "amounts repaid".
- 11.

AM0866

(Amendments to E & R amendments, AM7084)

1. On page 1, line 18, strike "A" and insert "For school
2. fiscal years 1999-2000, 2000-01, and 2001-02, a".

AM0867

(Amendments to E & R amendments, AM7084)

1. On page 2, line 11, after "officials" insert ", other
2. than any person employed by or serving on the school board of the
3. requesting district".

STANDING COMMITTEE REPORT

General Affairs

LEGISLATIVE BILL 791. Placed on General File as amended.

Standing Committee amendment to LB 791:

AM0754

1. Strike original section 1 and insert the following
2. new section:
3. "Section 1. Section 9-812, Revised Statutes Supplement,
4. 1998, is amended to read:
5. 9-812. (1) All money received from the operation of
6. lottery games conducted pursuant to the State Lottery Act in
7. Nebraska shall be deposited in the State Lottery Operation Trust
8. Fund, which fund is hereby created. All payments of expenses of
9. the operation of the lottery games shall be made from the State
10. Lottery Operation Cash Fund. In accordance with legislative
11. appropriations, money for payments for expenses of the division
12. shall be transferred from the State Lottery Operation Trust Fund to
13. the State Lottery Operation Cash Fund, which fund is hereby
14. created. All money necessary for the payment of lottery prizes

15 shall be transferred from the State Lottery Operation Trust Fund to
16 the State Lottery Prize Trust Fund, which fund is hereby created.
17 The amount used for the payment of lottery prizes shall not be less
18 than forty percent of the dollar amount of the lottery tickets
19 which have been sold. The amount used by the division for
20 compensation of lottery game retailers shall be at least six
21 percent of the dollar amount of the lottery tickets which have been
22 sold. At least ~~twenty-five~~ fifteen percent of the dollar amount of
23 the lottery tickets which have been sold on an annualized basis
24 shall be transferred from the State Lottery Operation Trust Fund to
1 the Education Innovation Fund, the Nebraska Environmental Trust
2 Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and
3 one-half percent of the money remaining after the payment of prizes
4 and operating expenses shall be transferred to the Education
5 Innovation Fund. Forty-nine and one-half percent of the money
6 remaining after the payment of prizes and operating expenses shall
7 be transferred to the Nebraska Environmental Trust Fund to be used
8 as provided in the Nebraska Environmental Trust Act. One percent
9 of the money remaining after the payment of prizes and operating
10 expenses shall be transferred to the Compulsive Gamblers Assistance
11 Fund to be used as provided in sections 83-162.01 to 83-162.04.
12 The division shall report on a quarterly basis lottery ticket
13 sales, prize expenses, and operating expenses to the General
14 Affairs Committee of the Legislature, the Excellence in Education
15 Council, the Nebraska Environmental Trust Board, and the Nebraska
16 Advisory Commission on Compulsive Gambling.

17 (2) The Education Innovation Fund is hereby created.
18 Each fiscal year beginning with fiscal year 1994-95, at least
19 seventy-five percent of the lottery proceeds allocated to the
20 Education Innovation Fund shall be available for disbursement. The
21 Education Innovation Fund shall be allocated in the following
22 manner: Up to ten percent to fund the mentor teacher program
23 pursuant to the Quality Education Accountability Act; up to seventy
24 percent as quality education incentives pursuant to the act; and up
25 to twenty percent of the fund shall be allocated by the Governor
26 through incentive grants to encourage the development of strategic
1 school improvement plans by school districts for accomplishing high
2 performance learning and to encourage schools to establish
3 innovations in programs or practices that result in restructuring
4 of school organization, school management, and instructional
5 programs which bring about improvement in the quality of education.
6 Such incentive grants allocated by the Governor are intended to
7 provide selected school districts, teachers or groups of teachers,
8 nonprofit educational organizations, educational service units, or
9 cooperatives funding for the allowable costs of implementing pilot
10 projects and model programs.

11 From the funds allocated by the Governor, minigrants
12 shall be available to school districts to support the development
13 of strategic school improvement plans which shall include

13 statements of purposes and goals for the districts. The plans
14 shall also include the specific statements of improvement or
15 strategic initiatives designed to improve quality learning for
16 every student.

17 In addition to the minigrants granted for the development
18 of strategic school improvement plans, school districts with annual
19 budget expenditures of three hundred fifty thousand dollars or less
20 are eligible for minigrants from the funds allocated by the
21 Governor for the purposes allowed in subdivisions (2)(a) through
22 (q) of this section. The amount of this type of minigrant shall
23 not exceed five thousand dollars. The school district shall
24 present a curriculum support plan with its application for the
25 grant. The curriculum support plan must show how the district is
26 working to achieve one or more of the allowed purposes and how the
27 grant will be used to directly advance the plan to achieve one or
1 more of these purposes. The plan must be signed by the school
2 administrator and a school board representative. The application
3 for the grant shall be brief. The Excellence in Education Council
4 shall select the recipients of this type of minigrant and shall
5 administer such minigrants.

6 From the funds allocated by the Governor, major
7 competitive grants shall be available to support innovative
8 programs which are directly related to the strategic school
9 improvement plans. The development of a strategic school
10 improvement plan by a school district shall be required before a
11 grant is awarded. Annual reports shall be made by program
12 recipients documenting the effectiveness of the program in
13 improving the quality of education as designed in the strategic
14 school improvement plans. Special consideration shall be given to
15 plans which contain public or private matching funds and
16 cooperative agreements, including agreements for in-kind services.
17 Purposes for which such major competitive grants would be offered
18 shall include:

19 (a) Professional staff development programs to provide
20 funds for teacher and administrator training and continuing
21 education to upgrade teaching and administrative skills;

22 (b) The development of strategic school improvement plans
23 by school districts;

24 (c) Educational technology assistance to public schools
25 for the purchase and operation of computers, telecommunications
26 equipment and services, and other forms of technological innovation
27 which may enhance classroom teaching, instructional management, and
1 districtwide administration pursuant to the state's goal of
2 ensuring that all kindergarten through grade twelve public school
3 districts or affiliated school systems have a direct connection to
4 a statewide public computer information network by June 30, 2000.
5 The telecomputing equipment and services needed to meet this goal
6 may be funded under this subsection, sections 79-1233 and 79-1310,
7 or any combination of such subsection and sections. Such

8 telecommunications equipment, services, and forms of technical
9 innovation shall be approved by the State Department of Education
10 only after review by the technical panel created in section
11 86-1511;

12 (d) An educational accountability program to develop an
13 educational indicators system to measure the performance and
14 outcomes of public schools and to ensure efficiency in operations;

15 (e) Alternative programs for students, including
16 underrepresented groups, at-risk students, and dropouts;

17 (f) Programs that demonstrate improvement of student
18 performance against valid national and international achievement
19 standards;

20 (g) Early childhood and parent education which emphasizes
21 child development;

22 (h) Programs using decisionmaking models that increase
23 involvement of parents, teachers, and students in school
24 management;

25 (i) Increased involvement of the community in order to
26 achieve increased confidence in and satisfaction with its schools;

27 (j) Development of magnet or model programs designed to
1 facilitate desegregation;

2 (k) Programs that address family and social issues
3 impairing the learning productivity of students;

4 (l) Programs enhancing critical and higher-order thinking
5 capabilities;

6 (m) Programs which produce the quality of education
7 necessary to guarantee a competitive work force;

8 (n) Programs designed to increase productivity of staff
9 and students through innovative use of time;

10 (o) Training programs designed to benefit teachers at all
11 levels of education by increasing their ability to work with
12 educational technology in the classroom;

13 (p) Approved accelerated or differentiated curriculum
14 programs under sections 79-1106 to 79-1108.03; and

15 (q) Programs for students with disabilities receiving
16 special education under the Special Education Act and students
17 needing support services as defined in section 79-1185, which
18 programs demonstrate improved outcomes for students through
19 emphasis on prevention and collaborative planning.

20 The Governor shall establish the Excellence in Education
21 Council. The Governor shall appoint eleven members to the council
22 including representatives of educational organizations,
23 postsecondary educational institutions, the business community, and
24 the general public, members of school boards and parent education
25 associations, school administrators, and at least four teachers who
26 are engaged in classroom teaching. The State Department of
27 Education shall provide staff support for the council to administer
1 the Education Innovation Fund, including the Quality Education
2 Accountability Act. The council shall have the following powers

3 and duties:

- 4 (i) In consultation with the State Department of
5 Education, develop and publish criteria for the awarding of
6 incentive grants allocated by the Governor for programs pursuant to
7 this subsection, including minigrants;
- 8 (ii) Provide recommendations to the Governor regarding
9 the selection of projects to be funded and the distribution and
10 duration of project funding. For projects recommended under
11 subdivision (2)(c) of this section, the council shall also provide
12 recommendations to the Nebraska Information Technology Commission
13 for its review and recommendations to the Governor;
- 14 (iii) Establish standards, formats, procedures, and
15 timelines for the successful implementation of approved programs
16 funded by incentive grants allocated by the Governor from the
17 Education Innovation Fund;
- 18 (iv) Assist school districts in determining the
19 effectiveness of the innovations in programs and practices and
20 measure the subsequent degree of improvement in the quality of
21 education;
- 22 (v) Consider the reasonable distribution of funds across
23 the state and all classes of school districts;
- 24 (vi) Carry out its duties pursuant to the Quality
25 Education Accountability Act; and
- 26 (vii) Provide annual reports to the Governor concerning
27 programs funded by the fund. Each report shall include the number
1 of applicants and approved applicants, an overview of the various
2 programs, objectives, and anticipated outcomes, and detailed
3 reports of the cost of each program.
- 4 To assist the council in carrying out its duties, the
5 State Board of Education shall, in consultation with the council,
6 adopt and promulgate rules and regulations establishing criteria,
7 standards, and procedures regarding the selection and
8 administration of programs funded from the Education Innovation
9 Fund, including the Quality Education Accountability Act.
- 10 (3) Recipients of incentive grants allocated by the
11 Governor from the Education Innovation Fund shall be required to
12 provide, upon request, such data relating to the funded programs
13 and initiatives as the Governor deems necessary.
- 14 (4) Any money in the State Lottery Operation Trust Fund,
15 the State Lottery Operation Cash Fund, the State Lottery Prize
16 Trust Fund, or the Education Innovation Fund available for
17 investment shall be invested by the state investment officer
18 pursuant to the Nebraska Capital Expansion Act and the Nebraska
19 State Funds Investment Act.
- 20 (5) Unclaimed prize money on a winning lottery ticket
21 shall be retained for a period of time prescribed by rules and
22 regulations. If no claim is made within such period, the prize
23 money shall be used at the discretion of the Tax Commissioner for
24 any of the purposes prescribed in this section."

(Signed) Stan Schellpeper, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 176A. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 176, Ninety-sixth Legislature, First Session, 1999.

NOTICE OF COMMITTEE HEARING Education

Tuesday, April 13, 1999

1:15 p.m.

Nebraska Educational Telecommunications Commission

Paul McIntosh

John Heil

Ann Pickel

William T. Griffin

Randall Bretz

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 142. Mr. Beutler asked unanimous consent to replace his pending amendment, AM0579, found on page 782, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM0579, found on page 782.

Mr. Beutler offered the following substitute amendment:

FA57

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 77-27,136, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-27,136. The Legislature shall appropriate seventeen
- 5 million ~~nine~~ two hundred thousand dollars of all funds collected by
- 6 a general sales tax and income tax for aid to incorporated
- 7 municipalities, ~~thirteen million five~~ twelve million eight hundred
- 8 thousand dollars for aid to counties, and ~~seven two million one~~
- 9 hundred thousand dollars for aid to natural resources districts.
- 10 Sec. 4. Original section 77-27,136, Reissue Revised
- 11 Statutes of Nebraska, is repealed."
- 12 2. On page 3, line 5, strike "This act becomes" and
- 13 insert "Sections 1 and 5 of this act become" and after the period
- 14 insert "The other sections of this act become operative on their

15 effective date."

16 3. Renumber the remaining sections accordingly.

Mr. Beutler moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of FA57 to LB 142.

Mr. Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Beutler requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 21:

Baker	Byars	Hilgert	Kristensen	Preister
Beutler	Chambers	Jensen	Matzke	Schimek
Bourne	Connealy	Kiel	Pedersen, Dw.	Thompson
Brashear	Crosby	Kremer	Pederson, D.	Wehrbein
Brown				

Voting in the negative, 20:

Bohlke	Hartnett	Lynch	Redfield	Stuhr
Bruning	Hudkins	Peterson, C.	Schellpeper	Suttle
Coorsden	Jones	Price	Schrock	Tyson
Cudaback	Landis	Raikes	Smith	Wickersham

Present and not voting, 4:

Bromm	Dierks	Janssen	Schmitt
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Excused and not voting, 4:

Engel	Quandahl	Robak	Vrtiska
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The Beutler motion to suspend the rules failed with 21 ayes, 20 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM0582 to LB 142.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 199, 416, 417, 498, 574, and 578.

Enrollment and Review Change to LB 416

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

ER9037

1. On page 1, the matter beginning with "49-1413" in line 2 through "49-1469" in line 3 has been struck and "32-1604.01, 49-1413, 49-1445, 49-1446.05, 49-1449, 49-1451, 49-1455 to 49-1459, 49-1463, 49-1467, 49-1469, 49-1469.04, 49-1479.01, 49-1483.03, 49-1488.01, and 49-14,126" inserted; in line 6 "and loans" has been struck and "loans, reports, late filing fees, and a civil penalty" inserted.

2. On page 7, lines 14, 19, and 26, the semicolon has been struck, shown as stricken, and an underscored period inserted; and in line 26 "and" has been struck and shown as stricken.

Enrollment and Review Change to LB 417

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

ER9038

1. On page 1, line 4, "interest" has been struck and "interests" inserted.

Enrollment and Review Change to LB 574

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

ER9035

1. In the Standing Committee amendment, AM0386, on page 1, line 4, "the first" has been inserted after "strike".

2. On page 3, line 15, "sections 1 to 3 of" has been struck.

3. On page 5, line 3, "3" has been struck and "2" inserted.

Enrollment and Review Change to LB 578

The following changes, required to be reported for publication in the

Journal, have been made:
ER9036

1. The E & R amendment, AM7078, has been struck.

LEGISLATIVE BILL 674. Placed on Select File as amended.

E & R amendment to LB 674:

AM7089

- 1 1. In the Standing Committee amendments, AM0733, on page
- 2 9, line 20; and page 32, line 13, strike "retirement".
- 3 2. On page 1, strike beginning with "the" in line 1
- 4 through line 10 and insert "retirement; to amend sections 79-947.01
- 5 and 79-975, Reissue Revised Statutes of Nebraska, and sections
- 6 24-701, 24-710.07, 79-902, 79-934, 81-2014, and 81-2027.03, Revised
- 7 Statutes Supplement, 1998; to change provisions relating to
- 8 supplemental cost-of-living adjustments; to eliminate and transfer
- 9 funds; to change a monthly formula annuity; to eliminate an
- 10 obsolete reference; to redefine terms; to provide duties; to
- 11 harmonize provisions; to repeal the original sections; to outright
- 12 repeal sections 24-710.08, 79-947.02, and 81-2027.04."

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mrs. Kiel filed the following amendments to LB 476:

AM0923

- 1 1. On page 9, strike beginning with "unless" in line 20
- 2 through "expunged" in line 23.

AM0922

- 1 1. On page 9, strike beginning with "within" in line 16
- 2 through "submitted" in line 18.

AM0921

- 1 1. On page 9, line 3, strike "three-year" and insert
- 2 "twenty-year".

AM0920

- 1 1. On page 8, line 22, strike "three" and insert
- 2 "twenty".

AM0919

- 1 1. On page 8, line 20, strike "three" and insert
- 2 "twenty".

AM0918

- 1 1. On page 8, line 11, strike "five" and insert
- 2 "twenty".

AM0917

- 1 1. On page 8, line 5, strike "five" and insert "twenty".

AM0913

- 1 1. On page 7, line 1, strike "three" and insert
- 2 "twenty".

AM0914

- 1 1. On page 7, line 2, strike "three" and insert
- 2 "twenty".

AM0915

- 1 1. On page 7, lines 9 and 14, strike "three-year" and
- 2 insert "twenty-year".

AM0916

- 1 1. On page 7, line 22, strike "three-year" and insert
- 2 "twenty-year".

Mrs. Thompson filed the following amendments to LB 476:

AM0907

- 1 1. On page 20, line 2, after the semicolon insert
- 2 "organized sporting event not related to firearms";".

AM0925

- 1 1. On page 7, lines 1 and 2; page 8, lines 20 and 22;
- 2 and page 9, lines 20 and 22, strike "three" and insert "ten".
- 3 2. On page 9, line 16, strike "three-year" and insert
- 4 "ten-year".

AM0906

- 1 1. On page 10, line 1, after "(14)" insert "He or she
- 2 has not, within the ten-year period preceding submittal of the
- 3 permit application, been adjudicated as being a juvenile described
- 4 in subdivision (2) of section 43-247 or under a similar law of any
- 5 other state for an act that would have constituted a felony had the
- 6 applicant been an adult at the time of the commission of the act
- 7 and does not have any unresolved charges for such an act pending in
- 8 this state, any other state, or the United States. If the
- 9 applicant was committed to the Office of Juvenile Services pursuant
- 10 to subdivision (1) of section 43-286, the ten-year period is
- 11 calculated from the date of release from commitment, otherwise the
- 12 ten-year period is calculated from the date of adjudication;
- 13 (15) He or she has not, within the ten-year period
- 14 preceding submittal of the permit application, (a) been adjudicated
- 15 as being a juvenile described in subdivision (1) of section 43-247
- 16 for any act that would constitute third degree assault under
- 17 section 28-310, misdemeanor third degree sexual assault under
- 18 section 28-320, misdemeanor child abuse under section 28-707, or a

19 violation of any city or village ordinance or any law of another
 20 state or the United States that includes similar elements or (b)
 21 been adjudicated as being a juvenile described in subdivision (1)
 22 or (2) of section 43-247 for committing an offense involving the
 23 use of force against a spouse, a former spouse, or a child, which
 24 would have constituted a misdemeanor or a felony had the applicant
 1 been an adult at the time of the commission of the act, and the
 2 applicant does not have any unresolved charges for any such acts
 3 pending in this state, any other state, or the United States. If
 4 the applicant was committed to the Office of Juvenile Services
 5 pursuant to subdivision (1) of section 43-286, the ten-year period
 6 is calculated from the date of release from commitment, otherwise
 7 the ten-year period is calculated from the date of adjudication;
 8 (16)"; in line 4 strike "(15)" and insert "(17)"; in line
 9 7 strike "(16)" and insert "(18)"; and in line 9 strike "(17)" and
 10 insert "(19)".

VISITORS

Visitors to the Chamber were Dr. Bill Agnew from Chadron State College, Mark Moran from Scottsbluff, Sally Jourdan from Hay Springs, and Ce Merriyan from Western Nebraska Community College; Future Leaders Conference members from across the state; 15 members of Sidney Area Leadership and leaders; 36 fourth grade students and teachers from Lincoln Christian School; 27 fourth grade students and teacher from Pawnee City School; and 14 seniors and teacher from Arnold.

RECESS

At 12:02 p.m., on a motion by Mr. Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Vrtiska who was excused; and Messrs. Beutler, Brashear, Landis, and Mrs. Robak who were excused until they arrive.

PRESIDENT MAURSTAD PRESIDING

NOTICE OF COMMITTEE HEARING Nebraska Retirement Systems

Tuesday, March 30, 1999
NE Investment Council Annual Report

12:45 p.m.

(Signed) Elaine Stuhr, Chairperson

MOTION - Override Veto on LB 149

Mrs. Bohlke renewed her pending motion, found on page 1068, that LB 149 become law notwithstanding the objections of the Governor.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 3 nays, and 12 not voting.

Mr. Chambers requested a roll call vote on the Bohlke motion to override the Governor's veto.

Mrs. Suttle requested the roll call vote be taken in reverse order.

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

Voting in the affirmative, 39:

Beutler	Dierks	Kristensen	Price	Smith
Bohlke	Hartnett	Landis	Quandahl	Stuhr
Bourne	Hilgert	Lynch	Raikes	Suttle
Bromm	Hudkins	Matzke	Robak	Thompson
Byars	Janssen	Pedersen, Dw.	Schellpeper	Tyson
Connealy	Jones	Pederson, D.	Schimek	Wehrbein
Coordsen	Kiel	Peterson, C.	Schmitt	Wickersham
Cudaback	Kremer	Preister	Schrock	

Voting in the negative, 7:

Baker	Bruning	Crosby	Jensen	Redfield
Brown	Chambers			

Present and not voting, 2:

Brashear Engel

Excused and not voting, 1:

Vrtiska

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

UNANIMOUS CONSENT - Members Excused

Messrs. Bruning and Quandahl asked unanimous consent to be excused until

they return. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 72.

Enrollment and Review Change to LB 72

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

ER9039

1. In the Chambers amendment, AM0852, on page 2, line 11, "~~(4)(d)~~" has been struck and "(d)" inserted; and in line 12 "section" has been struck and "subsection" inserted.

(Signed) Adrian M. Smith, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 54. Introduced by Raikes, 25.

WHEREAS, the Lincoln Christian Crusaders are the 1999 Nebraska boys state basketball Class C-1 champions, having defeated the Fairbury Jeffs, 52-50, March 13, 1999, in Lincoln; and

WHEREAS, team members are Tom Cockle, Andy Drevo, Ben Duval, Steve Fielder, Jared Harms, Justin Harms, Matt Kessner, Ryan Lidolph, John Lowe, Lucas Megrue, Leif Olson, Seth Rexilius, Toby Samuelson, Sean Swihart, and Dustin Weckesser; team managers are Nat Crawford, Evan Eberspacher, Josh Megrue, Matt Phelps, and Peter Simmons; and the Crusaders coaches are Scott Shepard, Wes Shepard, Sam Nelson, Jared Dworak, and Rich Simmons; and

WHEREAS, this championship season reflects not only the athletic ability of each individual member, but also the team's commitment and hard work, as well as the guidance and support of Coach Shepard and the students, parents, teachers, and administration of Lincoln Christian Junior-Senior High School.

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

1. That the Legislature congratulates the Lincoln Christian Crusaders on winning the 1999 Class C-1 state title.

2. That a copy of this resolution be provided to each member of the Crusaders basketball team, Coach Scott Shepard, and George F. Lockyer, principal of Lincoln Christian Junior-Senior High School.

Laid over.

AMENDMENT - Print in Journal

Messrs. Bromm and Dw. Pedersen filed the following amendment to LB 427:
AM0845

- 1 1. On page 3, line 8, strike the first "or"; and in line
- 2 9 after "purposes" insert ", or (d) for the sale of or subscription
- 3 to a newspaper authorized by law to provide public notice in
- 4 Nebraska about activities of state government or its political
- 5 subdivisions".

COMMUNICATION

March 22, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 48-503, R.R.S. we are forwarding LB 149 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 149 notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bill 149, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this twenty-second day of March 1999.

(Signed) David I. Maurstad
President of the Legislature

UNANIMOUS CONSENT - Member Excused

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 142. Mr. Beutler renewed his pending motion, found on page 1121, to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM0582.

Mr. Beutler withdrew his motion to suspend the rules.

Mr. Beutler withdrew his amendments, AM0582 and AM0583, found on pages 785 and 786.

Ms. Redfield renewed her pending amendment, AM0571, found on page 788.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Redfield moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Coordsen requested a roll call vote on the Redfield amendment.

Voting in the affirmative, 39:

Baker	Connealy	Jensen	Peterson, C.	Smith
Beutler	Coordsen	Jones	Preister	Stuhr
Bourne	Crosby	Kiel	Price	Suttle
Brashear	Cudaback	Kremer	Raikes	Thompson
Bromm	Dierks	Landis	Redfield	Tyson
Brown	Engel	Lynch	Schellpeper	Wehrbein
Bruning	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Byars	Hudkins	Pederson, D.	Schrock	

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Bohlke	Kristensen	Matzke	Robak	Schimek
Janssen				

Excused and not voting, 3:

Hartnett	Quandahl	Vrtiska
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The Redfield amendment was adopted with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Landis and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Raikes renewed his pending amendment, AM0697, found on page 1014.

Mr. Raikes withdrew his amendment.

Messrs. Coordsen, Brashear, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved to suspend the rules, Rule 7, Section 3(d), to consider AM0818 to LB 142 at this time.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler withdrew his motion to suspend the rules.

Mr. Beutler withdrew his amendments, AM0818, AM0817, and AM0819, found on pages 1015, 1019, and 1021.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 142A. Title read. Considered.

Mr. Kristensen withdrew his amendment, AM0563, found on page 763.

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 495. Title read. Considered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0390, found on page 609, was considered.

Mrs. Stuhr renewed her pending amendment, AM0875, printed separately and referred to on page 1104, to the Standing Committee amendment.

Mr. Chambers moved to bracket LB 495 until January 15, 2000.

Messrs. Dw. Pedersen, Dierks, Hilgert, and Ms. Price asked unanimous consent to be excused. No objections. So ordered.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?"

Mrs. Brown moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, and 21 not voting.

Mrs. Stuhr requested a roll call vote on the Chambers motion to bracket.

Voting in the affirmative, 10:

Baker	Bourne	Chambers	Raikes	Tyson
Beutler	Bruning	Kiel	Smith	Wickersham

Voting in the negative, 20:

Bohlke	Connealy	Hudkins	Peterson, C.	Schrock
Brashear	Coordsen	Janssen	Redfield	Stuhr
Bromm	Cudaback	Jones	Schellpeper	Suttle
Byars	Engel	Kremer	Schimek	Thompson

Present and not voting, 6:

Brown	Pederson, D.	Preister	Schmitt	Wehrbein
Jensen				

Excused and not voting, 13:

Crosby	Hilgert	Lynch	Price	Robak
Dierks	Kristensen	Matzke	Quandahl	Vrtiska
Hartnett	Landis	Pedersen, Dw.		

The Chambers motion to bracket failed with 10 ayes, 20 nays, 6 present and not voting, and 13 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mrs. Suttle and Mr. Chambers filed the following amendment to LB 68: AM0909

(Amendments to Final Reading copy)

- 1 1. Strike sections 55, 60, and 63.
- 2 2. On page 2, line 4, strike "87" and insert "84".
- 3 3. On page 5, strike beginning with "cutting" in line 13
- 4 through "person" in line 16 and insert "attaching, applying,
- 5 fitting, shaping, or adjusting artificial nails using acrylic,
- 6 resin, fabric, or gel application systems"; strike beginning with

7 "attaching" in line 19 through "systems" in line 21 and insert
 8 "cutting, filing, buffing, shaping, trimming, polishing, coloring,
 9 tinting, cleansing, reshaping, or other cosmetic acts on the nails
 10 of a person when done in conjunction with the activities described
 11 in subdivisions (1) and (2) of this section"; in line 22 strike
 12 "use" and insert "application"; and in line 24 after "person"
 13 insert "when done in conjunction with the activities described in
 14 subdivisions (1) and (2) of this section".

15 4. On page 6, line 28, strike "person licensed under the
 16 act" and insert "licensed nail technologist or nail technology
 17 instructor".

18 5. On page 8, line 1, strike the new matter.

19 6. On page 12, strike line 18 and insert:

20 "Instructor 10-300 16-500 25-75".

21 7. On page 14, lines 23 and 24, strike "school" and
 22 insert "establishment".

23 8. On page 15, line 14, strike "59" and insert "58".

1 9. On page 16, line 18; and page 21, line 1, strike "six
 2 hundred hours" and insert "not less than one hundred fifty hours
 3 and not more than three hundred hours, as set by the board".

4 10. On page 16, line 22; and page 21, line 12, strike
 5 "six hundred hours" and insert "not less than one hundred fifty
 6 hours and not more than three hundred hours, as set by the board".

7 11. On page 22, line 27, after "once" insert "for each
 8 temporary practitioner".

9 12. On page 24, strike beginning with "renewal" in line
 10 25 through "dollars" in line 26 and insert "fees".

11 13. On page 25, strike beginning with "I" in line 13
 12 through line 18.

13 14. On page 30, lines 9 and 26, after "inactive" insert
 14 "or revoked"; and in lines 14, 16, 19, and 22 after "inactive"
 15 insert "or revoked for".

16 15. On page 33, strike beginning with "The" in line 9
 17 through "(c)" in line 14; and in line 15 strike "(d)" and insert
 18 "(c)".

19 16. On page 34, line 19, after "cosmetology" insert ",
 20 barbering,".

21 17. On page 36, line 10, strike "61" and insert "59";
 22 and strike beginning with "or" in line 18 through "license" in line
 23 19.

24 18. On page 37, line 21, strike "cosmetology or".

25 19. On page 41, line 2, strike "licensees" and insert
 26 "persons licensed or registered under the Nebraska Cosmetology
 27 Act"; in line 14 strike "81" and insert "78"; strike beginning with
 1 "Cosmetology" in line 18 through the period in line 19; and strike
 2 beginning with "A" in line 26 through line 28.

3 20. On page 42, line 1, strike "technology program".

4 21. On page 43, line 16, after "persons" insert
 5 "licensed or registered under the act".

- 6 22. On page 48, line 13, strike "76" and insert "73".
 7 23. On page 50, lines 5 and 24; page 51, line 19; and
 8 page 52, lines 2, 10, 20 and 21, and 24, strike "cosmetology salon
 9 or".
 10 24. On page 50, line 6, strike "cosmetologists and".
 11 25. On page 60, line 3, after the second comma insert
 12 "nail technology temporary practitioners".
 13 26. Renumber the remaining sections accordingly.

Messrs. Jensen, Byars, Dierks, Tyson, Ms. Price, Mmes. Thompson, and Suttle filed the following amendment to LB 828:

AM0851

(Amendments to Standing Committee amendments, AM0673)

- 1 1. Strike sections 40, 78, 136, and 168.
 2 2. On page 4, lines 14 and 15, strike "sections 5, 78,
 3 and 136" and insert "section 5".
 4 3. On page 49, lines 3 and 4; and page 76, lines 20 and
 5 21, reinstate the stricken matter and strike the new matter.
 6 4. On page 158, line 5; and page 159, lines 17 and 18,
 7 strike the new matter.
 8 5. On page 193, line 1, strike "71-148".
 9 6. Renumber the remaining sections accordingly.

Mrs. Kiel filed the following amendments to LB 476:

AM0928

- 1 1. On page 10, strike lines 7 and 8 and insert
 2 "(16) He or she has a demonstrable need to carry a
 3 concealed handgun. A person who has a demonstrable need means a
 4 person who has been threatened or someone who currently has a
 5 protection order, a harassment protection order, a foreign
 6 protection order, or a foreign harassment protection order against
 7 someone else".

AM0936

- 1 1. On page 20, strike lines 18 through 28 and insert:
 2 "(6) A licensee shall not carry a concealed handgun onto
 3 the premises of a private business unless the owner, business or
 4 commercial lessee, or manager of the private business permits
 5 licensees to carry concealed handguns onto the premises. If the
 6 building or the premises are open to the public, the owner,
 7 business or commercial lessee, or manager of the private business
 8 shall post conspicuous signs at all entrances to the building or
 9 premises informing patrons and employees that the carrying of
 10 concealed handguns is permitted in the building or on the premises.
 11 An employee who is a licensee is prohibited from carrying a
 12 concealed handgun onto the property of his or her employer unless
 13 authorized by the employer. An employee who is a licensee shall
 14 have written authorization from his or her employer on his or her
 15 person at all times while carrying a concealed handgun on the

- 16 property of the employer. If an employer permits employees who are
 17 licensees to carry concealed handguns, the employer shall post
 18 conspicuous signs at all entrances to the building or premises
 19 informing patrons and employees that one or more employees are
 20 permitted to carry concealed handguns. An employee who is a
 21 licensee may carry a concealed handgun in his or her vehicle which
 22 is in the employer's building or on the employer's premises so long
 23 as the handgun is not removed from the vehicle or brandished while
 24 the vehicle is in the employer's building or on the employer's
 1 premises. An employee who is a licensee shall not carry a
 2 concealed handgun in a vehicle owned by the employer unless the
 3 employer has given such employee written authorization to carry a
 4 concealed handgun in a vehicle owned by the employer."
 5 2. On page 21, strike lines 1 through 8.

AM0935

- 1 1. On page 24, after line 22, insert the following new
 2 paragraph:
 3 "A licensee who points or brandishes a handgun while
 4 driving will be considered to have indicated an indifferent or
 5 wanton disregard for the safety of persons or property to the
 6 standard of reckless driving as provided in section 60-6.213 and
 7 shall be subject to all penalties for a violation of such
 8 section."

AM0934

- 1 1. On page 20, line 4, after the last semicolon insert
 2 "day care facility, day care grounds, vehicle owned by a day care,
 3 or an activity or event sponsored by a day care;".

AM0933

- 1 1. On page 20, line 12, after "(b)" insert "A licensee
 2 shall not carry a concealed handgun into any place of worship.
 3 (c)".

AM0932

- 1 1. On page 20, line 12 after "(b)" insert "A licensee
 2 under the Concealed Handgun License Act shall not carry a concealed
 3 handgun into any establishment that sells firearms, firearm
 4 modification equipment, or ammunition. A person's license to sell
 5 firearms will be suspended for one year if any licensee under the
 6 act carries a concealed handgun into such an establishment
 7 regardless of whether such person has knowledge of the concealed
 8 handgun or not.
 9 (c)".

AM0931

- 1 1. On page 38, line 3, after "prohibit" insert "or
 2 otherwise modify or restrict the"; in lines 3 and 4 strike "except

3 as provided in" and insert "including licensees under"; in line 22
 4 after "punish" insert "or otherwise modify or restrict"; and in
 5 line 23 strike "except as provided in" and insert "including
 6 licensees under".

7 2. On page 39, line 18, after "punish" insert "or
 8 otherwise modify or restrict" and strike "except as provided in"
 9 and insert "including licensees under".

AM0930

1 1. On page 20, line 4, after the last semicolon insert
 2 "law firm, law office, or other place where an attorney or
 3 counselor at law may work";.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 485. Placed on General File as amended.

Standing Committee amendment to LB 485:

AM0605

1 1. On page 4, line 22, after "Counties" insert "using
 2 the alphanumeric system shall affix on the license plates of
 3 vehicles licensed therein a sticker with the name of the county on
 4 it. Such sticker shall be designed and provided by the Department
 5 of Motor Vehicles.
 6 (3) Counties".

LEGISLATIVE BILL 585. Placed on General File as amended.

Standing Committee amendment to LB 585:

AM0858

1 1. Insert the following new sections:
 2 "Section 1. Section 53-186, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 53-186. (1) Except as provided in subsection (2) of this
 5 section, it shall be unlawful for any person to consume alcoholic
 6 liquor (a) ~~in the public streets, alleys, parking areas, roads, or~~
 7 ~~highways;~~ (b) ~~inside vehicles while upon the public streets,~~
 8 ~~alleys, parking areas, roads, or highways;~~ or (c) upon property
 9 owned or controlled by the state or any governmental subdivision
 10 thereof unless authorized by the governing bodies having
 11 jurisdiction over such property.
 12 (2) The commission may issue licenses for the sale of
 13 alcoholic liquor at retail (a) on lands owned by public power
 14 districts, public power and irrigation districts, the Bureau of
 15 Reclamation, or the Corps of Army Engineers or (b) for locations
 16 within or on structures on land owned by the state, cities, or
 17 villages or on lands controlled by airport authorities. The
 18 issuance of a license under this subsection shall be subject to the
 19 consent of the local governing body having jurisdiction over the
 20 site for which the license is requested as provided in the Nebraska

21 Liquor Control Act.

22 Sec. 2. (1) For purposes of this section, open alcoholic
23 beverage container means any bottle, can, or other receptacle:

24 (a) That contains any amount of alcoholic liquor; and

1 (b)(i) That is open or has a broken seal or (ii) the
2 contents of which are partially removed.

3 (2) Except as provided in subsection (4) of this section,
4 it is unlawful for any person in the passenger compartment of a
5 motor vehicle to possess an open alcoholic beverage container while
6 the motor vehicle is located in a public parking area or on any
7 highway in this state.

8 (3) Except as provided in section 53-186, it is unlawful
9 for any person to consume alcoholic liquor (a) in a public parking
10 area or on any highway in this state or (b) inside motor vehicles
11 while in a public parking area or on any highway in this state.

12 (4) The following exceptions apply to this section:

13 (a) Persons who are passengers of but who are not
14 operating a motor vehicle subject to regulation pursuant to Chapter
15 75, article 3, may possess open alcoholic beverage containers while
16 such vehicle is in a public parking area or on any highway in this
17 state; and

18 (b) Persons who are passengers in the living quarters of
19 a self-propelled mobile home or cabin trailer as defined in section
20 60-301, but who are not operating the self-propelled mobile home or
21 motor vehicle towing the cabin trailer, may possess open alcoholic
22 beverage containers while such vehicle is in a public parking area
23 or on any highway in this state.

24 Sec. 3. Section 60-4,182, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 60-4,182. In order to prevent and eliminate successive
27 traffic violations, there is hereby provided a point system dealing
1 with traffic violations as disclosed by the files of the director.

2 The following point system shall be adopted:

3 (1) Conviction of motor vehicle homicide -- 12 points;

4 (2) Third offense drunken driving in violation of any
5 city or village ordinance or of section 60-6,196, as disclosed by
6 the records of the director, regardless of whether the trial court
7 found the same to be a third offense -- 12 points;

8 (3) Failure to stop and render aid as required under the
9 laws of this state in the event of involvement in a motor vehicle
10 accident resulting in the death or personal injury of another -- 6
11 points;

12 (4) Failure to stop and render aid as required under the
13 laws of this state or any city or village ordinance in the event of
14 a motor vehicle accident resulting in property damage if such
15 accident is reported by the owner or operator within twelve hours
16 from the time of the accident -- 4 points, otherwise -- 8 points,
17 and for purposes of this subdivision a telephone call or other
18 notification to the appropriate peace officers shall be deemed to

19 be a report;

20 (5) Driving a motor vehicle while under the influence of
21 alcoholic liquor or any drug or when such person has a
22 concentration of ten-hundredths of one gram or more by weight of
23 alcohol per one hundred milliliters of his or her blood or urine or
24 per two hundred ten liters of his or her breath in violation of any
25 city or village ordinance or of section 60-6,196 -- 6 points;

26 (6) Willful reckless driving in violation of any city or
27 village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

1 (7) Careless driving in violation of any city or village
2 ordinance or of section 60-6,212 -- 4 points;

3 (8) Negligent driving in violation of any city or village
4 ordinance -- 3 points;

5 (9) Reckless driving in violation of any city or village
6 ordinance or of section 60-6,213 -- 5 points;

7 (10) Speeding in violation of any city or village
8 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

9 (a) Not more than five miles per hour over the speed
10 limit -- 1 point;

11 (b) More than five miles per hour but not more than ten
12 miles per hour over the speed limit -- 2 points; and

13 (c) More than ten miles per hour over the speed limit --
14 3 points; ~~except that one point shall be assessed upon conviction~~
15 ~~of exceeding by not more than ten miles per hour, two points shall~~
16 ~~be assessed upon conviction of exceeding by more than ten miles per~~
17 ~~hour but not more than fifteen miles per hour, and three points~~
18 ~~shall be assessed upon conviction of exceeding by more than fifteen~~
19 ~~miles per hour the speed limits provided for in subdivision (1)(e);~~
20 ~~(f); or (g) of section 60-6,186;~~

21 (11) Failure to yield to a pedestrian not resulting in
22 bodily injury to a pedestrian -- 2 points;

23 (12) Failure to yield to a pedestrian resulting in bodily
24 injury to a pedestrian -- 4 points; and

25 (13) All other traffic violations involving the operation
26 of motor vehicles by the operator for which reports to the
27 Department of Motor Vehicles are required under sections 60-497.01
1 and 60-497.02, not including violations involving an occupant
2 protection system pursuant to section 60-6,270, parking violations,
3 violations for operating a motor vehicle without a valid operator's
4 license in the operator's possession, muffler violations,
5 overwidth, overheight, or overlength violations, motorcycle or
6 moped protective helmet violations, or overloading of trucks -- 1
7 point.

8 All such points shall be assessed against the driving
9 record of the operator as of the date of the violation for which
10 conviction was had. Points may be reduced by the department under
11 section 60-4,188.

12 In all cases, the forfeiture of bail not vacated shall be
13 regarded as equivalent to the conviction of the offense with which

14 the operator was charged.

15 The point system shall not apply to persons convicted of
16 traffic violations committed while operating a bicycle.

17 Sec. 5. Section 60-682.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-682.01. (1) ~~Any~~ Except as provided in subsection (2)
20 of this section, any person who operates a vehicle in violation of
21 any maximum speed limit established for any highway ~~or freeway~~ is
22 guilty of a traffic infraction and upon conviction shall be fined:

23 (a) Ten dollars for traveling one to five miles per hour
24 over the authorized speed limit;

25 (b) Twenty-five dollars for six to ten miles per hour
26 over the authorized speed limit;

27 (c) Seventy-five dollars for traveling eleven to fifteen
1 miles per hour over the authorized speed limit;

2 (d) One hundred twenty-five dollars for traveling sixteen
3 to twenty miles per hour over the authorized speed limit; and

4 (e) Two hundred dollars for traveling twenty-one miles
5 per hour or more over the authorized speed limit.

6 (2) Any person who operates a vehicle in violation of any
7 maximum speed limit established for the National System of
8 Interstate and Defense Highways is guilty of a traffic infraction
9 and upon conviction shall be fined:

10 (a) Fifty dollars for traveling one to five miles per
11 hour over the authorized speed limit;

12 (b) One hundred dollars for traveling six to ten miles
13 per hour over the authorized speed limit;

14 (c) One hundred fifty dollars for traveling eleven to
15 fifteen miles per hour over the authorized speed limit;

16 (d) Two hundred dollars for traveling sixteen to twenty
17 miles per hour over the authorized speed limit; and

18 (e) Three hundred dollars for traveling twenty-one miles
19 per hour or more over the authorized speed limit.

20 (3) The fines prescribed in ~~subsection~~ subsections (1)
21 and (2) of this section shall be doubled if the violation occurs
22 within a maintenance, repair, or construction zone established
23 pursuant to section 60-6,188. For purposes of this subsection,
24 maintenance, repair, or construction zone means (a) the portion of
25 a highway identified by posted or moving signs as being under
26 maintenance, repair, or construction or (b) the portion of a
27 highway identified by maintenance, repair, or construction zone
1 speed limit signs displayed pursuant to section 60-6,188. The
2 maintenance, repair, or construction zone starts at the location of
3 the first sign identifying the maintenance, repair, or construction
4 zone and continues until a posted or moving sign indicates that the
5 maintenance, repair, or construction zone has ended.

6 ~~(3)~~ (4) The fines prescribed in subsection (1) of this
7 section shall be doubled if the violation occurs within a school
8 crossing zone as defined in section 60-658.01."

2. On page 2, line 3, strike "section 4" and insert "sections 2 and 8".
3. On page 3, line 26; page 4, line 11; page 5, lines 3 and 15; page 6, lines 8 and 21; page 11, line 19; page 12, lines 3 and 25; page 13, line 8; page 14, lines 2 and 16; and page 16, lines 22 and 28, strike "impounded" and insert "immobilized".
4. On page 3, line 27; page 4, line 11; page 5, lines 4 and 15; page 6, lines 8 and 21; page 11, line 19; page 12, lines 3 and 25; page 13, line 8; and page 14, lines 3 and 16, strike "4" and insert "8".
5. On page 16, strike beginning with "exceeding" in line 23 through "longer" in line 24 and insert "less than five days and not longer than one year".
6. On page 16, line 25; and page 17, line 6, strike "impoundment" and insert "immobilization".
7. On page 17, after line 13, insert the following new subsection:
"(4) For purposes of this section, immobilized or immobilization means (a) the removal or impoundment of such owner's motor vehicle or motor vehicles or the rendering of such motor vehicle or motor vehicles inoperable or (b) the revocation or suspension of the motor vehicle's or motor vehicles' registration, including license plates, at the discretion of the court."; and in line 14 strike "60-601" and insert "53-186, 60-4,182, 60-601, 60-682.01".
8. Renumber the remaining sections accordingly.

(Signed) Curt Bromm, Chairperson

Natural Resources

LEGISLATIVE BILL 822. Placed on General File as amended.
 Standing Committee amendment to LB 822:
 AM0948

1. Strike the original sections and insert the following new sections:
- "Section 1. Section 54-2401, Reissue Revised Statutes of Nebraska, is amended to read:
- 54-2401. Sections 54-2401 to 54-2414 and section 3 of this act shall be known and may be cited as the Livestock Waste Management Act.
- Sec. 2. Section 54-2404, Reissue Revised Statutes of Nebraska, is amended to read:
- 54-2404. (1) When there is a potential for discharge into waters of the state, as determined by the department:
- (a) No person shall construct a livestock waste control facility without first obtaining a construction permit from the department; and
- (b) No person shall operate a livestock waste control

16 facility without an operating permit or interim use authorization
17 from the department.

18 (2) Livestock waste control facilities shall be
19 classified according to the maximum number of animal units for
20 which the livestock waste control facility is designed. The
21 council, in adopting rules and regulations under section 54-2413,
22 shall set out the requirements for any livestock waste control
23 facility which is reclassified after permit issuance.

24 Classifications shall be as follows:

1 (a) A class I livestock waste control facility is
2 designed for one thousand or less animal units;

3 (b) A class II livestock waste control facility is
4 designed for more than one thousand and five thousand or less
5 animal units;

6 (c) A class III livestock waste control facility is
7 designed for more than five thousand animal units and twenty
8 thousand or less animal units; and

9 (d) A class IV livestock waste control facility is
10 designed for more than twenty thousand animal units.

11 (3)(a) No new class II, class III, or class IV livestock
12 waste control facility shall be permitted in any part of a
13 watershed that feeds into a cold water class A stream, as defined
14 by the Department of Environmental Quality for trout streams,
15 except for:

16 (i) Existing livestock waste control facilities. If an
17 existing livestock operation does not currently have a waste
18 control facility and upon inspection by the department a
19 determination is made that one is necessary, the owner or operator
20 will be required to construct such a facility in accordance with
21 the Livestock Waste Management Act;

22 (ii) New livestock waste control facilities for which an
23 application has been received and deemed complete by the department
24 prior to January 1, 1999; and

25 (iii) Livestock operations that are exempt from permit
26 requirements as set forth in rules and regulations adopted under
27 the act.

1 (b) Expansion of facilities in existence on January 1,
2 1999, in any part of a watershed that feeds into a cold water class
3 A stream, shall be limited as follows:

4 (i) Class I facilities may expand up to and not to exceed
5 a class II facility and no further expansion is allowed in a
6 livestock operation at that site;

7 (ii) Class II facilities may expand up to and not to
8 exceed a class III facility and no further expansion is allowed in
9 a livestock operation at that site;

10 (iii) Class III facilities may expand up to a thirty
11 thousand animal unit class IV facility and no further expansion is
12 allowed in a livestock operation at that site;

13 (iv) Class IV facilities may expand up to fifty percent

14 of the animal units in the operation as of January 1, 1999, and no
 15 further expansion is allowed in a livestock operation at that site;
 16 and

17 (v) Each class is limited to the expansion allowed which
 18 can occur over a period of time.

19 The owner or operator of any such facility shall request
 20 the department to inspect the existing facilities and make a
 21 determination as to whether the existing facilities meet the
 22 requirements for any expansion or whether additional facilities
 23 would be needed to accommodate the proposed expansion according to
 24 rules and regulations adopted and promulgated by the Environmental
 25 Quality Council.

26 (c) For any new construction of a class I waste control
 27 facility in any part of a watershed that feeds into a cold water
 1 class A stream, the livestock operation shall be limited to three
 2 hundred animal units.

3 Sec. 3. A map delineating segments and watershed
 4 boundaries for cold water class A streams, prepared by the
 5 Department of Environmental Quality and the Nebraska Natural
 6 Resources Commission, shall be maintained by the department.

7 Sec. 4. Original sections 54-2401 and 54-2404, Reissue
 8 Revised Statutes of Nebraska, are repealed.

9 Sec. 5. Since an emergency exists, this act takes effect
 10 when passed and approved according to law.".

(Signed) Ed Schrock, Chairperson

Urban Affairs

LEGISLATIVE BILL 640. Placed on General File.

LEGISLATIVE BILL 806. Placed on General File.

LEGISLATIVE BILL 740. Placed on General File as amended.

Standing Committee amendment to LB 740:

AM0820

- 1 1. On page 5, line 19, after "district" insert "or if
- 2 not less than ninety percent of the area of the district is owned
- 3 for other than residential uses".

LEGISLATIVE BILL 771. Placed on General File as amended.

Standing Committee amendment to LB 771:

AM0821

- 1 1. On page 2, line 18; and page 4, lines 6 and 7, strike
- 2 "a wind-generated resource" and insert "renewable energy sources".
- 3 2. On page 2, lines 25 and 26; and page 4, line 14,
- 4 strike "through a wind-generated resource" and insert "from
- 5 renewable energy sources".
- 6 3. On page 3, line 3; and page 4, line 18, after the
- 7 period insert the following new paragraph:

8 "For purposes of this section:
9 (1) Biomass means crops that are grown for energy
10 production and co-fired in coal-fired power plants if an annual
11 average of five percent or more of the power plant's fuel consists
12 of biomass. The same percentage of the electricity produced as the
13 biomass used for fuel shall be considered renewable energy; and
14 (2) Renewable energy means wind, solar energy, dedicated
15 energy crops, landfill gas, geothermal resources, organic waste
16 biomass except incineration of municipal solid waste, or hydropower
17 that does not involve construction or significant expansion of
18 hydropower dams."

(Signed) D. Paul Hartnett, Chairperson

AMENDMENT - Print in Journal

Mr. Bruning filed the following amendment to LB 495:
AM0951

1 1. Insert the following new sections:
2 "Section 13. Sections 13 to 20 of this act shall be
3 known and may be cited as the Nebraska Youth Mentoring Act.
4 Sec. 14. The Legislature finds:
5 (1) The Nebraska Youth Mentoring Act is a comprehensive
6 program to increase Nebraska's collective capacity for youth
7 mentoring in Nebraska;
8 (2) The act will expand and promote successful youth
9 mentoring and skill-building programs which provide effective
10 mentoring services to young people in the state who are at risk for
11 alcohol and other drug use, teen pregnancy, school failure or
12 dropping out of school, and juvenile delinquency;
13 (3) The act will provide the necessary resources to
14 expand these and similar recognized programs and to create new
15 youth mentoring programs; and
16 (4) The goal of the act is to establish at least ten
17 thousand new, sustained mentoring relationships by December 31,
18 2003.
19 Sec. 15. For purposes of the Nebraska Youth Mentoring
20 Act, mentoring means a structured relationship pursuant to an
21 approved mentoring program (1) between a youth and an adult who
22 offers support, guidance, and education and (2) which shall not
23 replace or substitute for parental authority and support but shall
24 augment existing parental and community supports available to the
1 youth.
2 Sec. 16. The State Board of Education shall implement
3 the Nebraska Youth Mentoring Act. The board shall:
4 (1) Assist with the creation and ongoing support of
5 recognized youth mentoring programs and networks;
6 (2) Annually distribute funds appropriated to the board
7 by the Legislature to carry out the act as grants to youth

8 mentoring programs and community or multi-community youth mentoring
9 networks according to the following guidelines:

10 (a) Receipt of grants is contingent upon program
11 implementation of recognized quality standards that promote youth
12 skill-building and safety, mentor training and competence, and
13 overall program success; and

14 (b) Recipients shall track, monitor, and evaluate the
15 youth mentoring programs according to standards approved by the
16 board and shall submit results to the board annually;

17 (3) Provide funding and support for a youth mentoring web
18 page, a youth mentoring program directory, a youth mentoring
19 database and library, and youth mentor training;

20 (4) Annually report to the Governor and the Legislature
21 on programs pursuant to the act;

22 (5) Assign responsibility to educational service units to
23 develop a mentor training program for approval by the board; and

24 (6) Promote support among state agency directors for
25 state employees to become involved as volunteer mentors.

26 Sec. 17. The Nebraska State Patrol shall provide state
27 screening and state criminal history record information checks on
1 volunteer mentors at no cost to the youth mentoring program or
2 regional or community youth mentoring network.

3 Sec. 18. The Legislature finds that outstanding
4 volunteer and mentor service should be encouraged and recognized.
5 For that purpose, the Governor is authorized to provide an award,
6 to be known as the Governor's Award for Excellence in Volunteer and
7 Mentor Service, to recognize outstanding volunteer or mentor
8 service for each fiscal year beginning with fiscal year 1999-2000.
9 The State Board of Education shall transmit a final list of
10 nominees to the Governor for his or her consideration.

11 Sec. 19. The State Board of Education shall adopt and
12 promulgate rules and regulations to carry out the Nebraska Youth
13 Mentoring Act.

14 Sec. 20. It is the intent of the Legislature to annually
15 appropriate \$2,200,000 to the State Board of Education to carry out
16 the Nebraska Youth Mentoring Act. These funds shall be distributed
17 to applicants and educational service units by the State Board of
18 Education."

19 2. In the Stuhr amendment, AM0875, on page 7, line 18,
20 strike beginning with "up" through "fund", show the old matter as
21 stricken, and insert "of the remaining five percent, two million
22 two hundred thousand dollars annually shall be allocated to carry
23 out section 20 of this act and the rest".

24 3. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 704A. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 704, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

VISITORS

Visitors to the Chamber were students and sponsors participating in Nebraska Council of Youth Government Day from across the state.

ADJOURNMENT

At 4:57 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, March 23, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY – MARCH 23, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 23, 1999

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Roger Nelson, First Presbyterian Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Coordsen, Engel, Jensen, Kristensen, Landis, Lynch, Matzke, Raikes, Wehrbein, Wickersham, Mmes. Kiel, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

MOTION - Approve Appointment

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 1105: Mark Hunzeker - Power Review Board.

Voting in the affirmative, 31:

Baker	Byars	Janssen	Price	Schrock
Beutler	Connealy	Jones	Quandahl	Smith
Bohlke	Crosby	Kremer	Raikes	Stuhr
Bourne	Dierks	Pedersen, Dw.	Redfield	Thompson
Brashear	Hartnett	Pederson, D.	Schellpeper	Tyson
Brown	Hudkins	Peterson, C.	Schimek	Vrtiska
Bruning				

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Hilgert	Preister	Schmitt	Suttle
Cudaback				

Excused and not voting, 12:

Bromm	Jensen	Landis	Matzke	Wehrbein
Coordsen	Kiel	Lynch	Robak	Wickersham
Engel	Kristensen			

The appointment was confirmed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 674A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 495. Mrs. Stuhr renewed her pending amendment, AM0875, printed separately and referred to on page 1104 and considered on page 1129, to the pending Standing Committee amendment.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to bracket LB 495 until April 15, 1999.

Messrs. Landis and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to bracket.

The Stuhr pending amendment, AM0875, to the pending Standing Committee amendment, was renewed.

Mr. Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. COORDSEN PRESIDING

Messrs. Byars and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Stuhr moved for a call of the house. The motion prevailed with 18 ayes,

0 nays, and 31 not voting.

Mrs. Stuhr requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Bohlke	Crosby	Hudkins	Peterson, C.	Schmitt
Bromm	Cudaback	Jones	Price	Schrock
Byars	Dierks	Kremer	Quandahl	Stuhr
Connealy	Hartnett	Kristensen	Robak	Vrtiska
Coordsen	Hilgert	Matzke	Schellpeper	Wehrbein

Voting in the negative, 16:

Baker	Bruning	Preister	Schimek	Thompson
Beutler	Kiel	Raikes	Smith	Tyson
Bourne	Pederson, D.	Redfield	Suttle	Wickersham
Brown				

Present and not voting, 1:

Lynch

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Brashear	Janssen	Jensen	Landis	Pedersen, Dw.
Engel				

The Stuhr amendment was adopted with 25 ayes, 16 nays, 1 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein offered the following amendment to the Standing Committee amendment:

AM0958

(Amendments to AM0875)

- 1 1. Strike sections 6 and 10.
- 2 2. On page 1, line 5, strike "9" and insert "8".
- 3 3. On page 2, line 19, strike "Beginning with" and
- 4 insert "For".
- 5 4. On page 4, strike beginning with the first "for" in
- 6 line 24 through "years" in line 25.
- 7 5. On page 24, line 17, strike beginning with "9-812"
- 8 through the second comma and insert "79-1003".

9 6. Renumber the remaining sections and correct internal
10 references accordingly.

SPEAKER KRISTENSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Mr. Vrtiska filed the following amendment to LB 216:

AM0721

1 1. Insert the following new sections:

2 "Section 1. Section 48-119, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 48-119. No compensation shall be allowed for the first
5 seven calendar days ~~after disability begins~~ of disability, except
6 as provided in section 48-120, but if disability extends beyond the
7 period of seven calendar days, compensation shall begin on the
8 eighth calendar day ~~after the injury~~; ~~PROVIDED, HOWEVER, of~~
9 disability, except that if such disability continues for six weeks
10 or longer, compensation shall be computed from the date ~~of the~~
11 injury disability began. For purposes of this section, a partial
12 day of disability shall be deemed a calendar day of disability.

13 Sec. 4. Section 48-121, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 48-121. The following schedule of compensation is hereby
16 established for injuries resulting in disability:

17 (1) For total disability, the compensation during such
18 disability shall be sixty-six and two-thirds percent of the wages
19 received at the time of injury, but such compensation shall not be
20 more than the maximum weekly income benefit specified in section
21 48-121.01 nor less than the minimum weekly income benefit specified
22 in section 48-121.01; ~~PROVIDED, except~~ that if at the time of
23 injury the employee receives wages of less than the minimum weekly
24 income benefit specified in section 48-121.01, then he or she shall
1 receive the full amount of such wages per week as compensation.
2 Nothing in this subdivision shall require payment of compensation
3 after disability shall cease.

4 (2) For disability partial in character, except the
5 particular cases mentioned in subdivision (3) of this section, the
6 compensation shall be sixty-six and two-thirds percent of the
7 difference between the wages received at the time of the injury and
8 the earning power of the employee thereafter, but such compensation
9 shall not be more than the maximum weekly income benefit specified
10 in section 48-121.01. This compensation shall be paid during the
11 period of such partial disability but not beyond three hundred
12 weeks. Should total disability be followed by partial disability,
13 the period of three hundred weeks mentioned in this subdivision
14 shall be reduced by the number of weeks during which compensation

15 was paid for such total disability.

16 (3) For disability resulting from permanent injury of the
17 ~~following~~ classes listed in this subdivision, the compensation
18 shall be in addition to the amount paid for temporary disability,
19 ~~except that, ; PROVIDED,~~ the compensation for temporary disability
20 shall cease as soon as the extent of the permanent disability is
21 ascertainable. For disability resulting from permanent injury of
22 the following classes, compensation shall be: ; viz: For the loss
23 of a thumb, sixty-six and two-thirds percent of daily wages during
24 sixty weeks. For the loss of a first finger, commonly called the
25 index finger, sixty-six and two-thirds percent of daily wages
26 during thirty-five weeks. For the loss of a second finger,
27 sixty-six and two-thirds percent of daily wages during thirty
1 weeks. For the loss of a third finger, sixty-six and two-thirds
2 percent of daily wages during twenty weeks. For the loss of a
3 fourth finger, commonly called the little finger, sixty-six and
4 two-thirds percent of daily wages during fifteen weeks. The loss
5 of the first phalange of the thumb or of any finger shall be
6 considered to be equal to the loss of one-half of such thumb or
7 finger and compensation shall be for one-half of the periods of
8 time above specified, and the compensation for the loss of one-half
9 of the first phalange shall be for one-fourth of the periods of
10 time above specified. The loss of more than one phalange shall be
11 considered as the loss of the entire finger or thumb; ~~PROVIDED,~~
12 ~~except~~ that in no case shall the amount received for more than one
13 finger exceed the amount provided in this schedule for the loss of
14 a hand. For the loss of a great toe, sixty-six and two-thirds
15 percent of daily wages during thirty weeks. For the loss of one of
16 the toes other than the great toe, sixty-six and two-thirds percent
17 of daily wages during ten weeks. The loss of the first phalange of
18 any toe shall be considered equal to the loss of one-half of such
19 toe, and compensation shall be for one-half of the periods of time
20 above specified. The loss of more than one phalange shall be
21 considered as the loss of the entire toe. For the loss of a hand,
22 sixty-six and two-thirds percent of daily wages during one hundred
23 seventy-five weeks. For the loss of an arm, sixty-six and
24 two-thirds percent of daily wages during two hundred twenty-five
25 weeks. For the loss of a foot, sixty-six and two-thirds percent of
26 daily wages during one hundred fifty weeks. For the loss of a leg,
27 sixty-six and two-thirds percent of daily wages during two hundred
1 fifteen weeks. For the loss of an eye, sixty-six and two-thirds
2 percent of daily wages during one hundred twenty-five weeks. For
3 the loss of an ear, sixty-six and two-thirds percent of daily wages
4 during twenty-five weeks. For the loss of hearing in one ear,
5 sixty-six and two-thirds percent of daily wages during fifty weeks.
6 For the loss of the nose, sixty-six and two-thirds percent of daily
7 wages during fifty weeks.

8 In any case in which there is a loss or loss of use of
9 more than one member or parts of more than one member set forth in

10 this subdivision, but not amounting to total and permanent
11 disability, compensation benefits shall be paid for the loss or
12 loss of use of each such member or part thereof, with the periods
13 of benefits to run consecutively. The total loss or permanent
14 total loss of use of both hands, or both arms, or both feet, or
15 both legs, or both eyes, or hearing in both ears, or of any two
16 thereof, in one accident, shall constitute total and permanent
17 disability and be compensated for according to subdivision (1) of
18 this section. In all other cases involving a loss or loss of use
19 of both hands, both arms, both feet, both legs, both eyes, or
20 hearing in both ears, or of any two thereof, total and permanent
21 disability shall be determined in accordance with the facts.
22 Amputation between the elbow and the wrist shall be considered as
23 the equivalent of the loss of a hand, and amputation between the
24 knee and the ankle shall be considered as the equivalent of the
25 loss of a foot. Amputation at or above the elbow shall be
26 considered as the loss of an arm, and amputation at or above the
27 knee shall be considered as the loss of a leg. Permanent total
1 loss of the use of a finger, hand, arm, foot, leg, or eye shall be
2 considered as the equivalent of the loss of such finger, hand, arm,
3 foot, leg, or eye. In all cases involving a permanent partial loss
4 of the use or function of any of the members mentioned in this
5 subdivision, the compensation shall bear such relation to the
6 amounts named in such subdivision as the disabilities bear to those
7 produced by the injuries named therein. If the employer and the
8 employee are unable to agree upon the amount of compensation to be
9 paid in cases not covered by the schedule, the amount of
10 compensation shall be settled according to sections 48-173 to
11 48-185. Compensation under this subdivision shall not be more than
12 the maximum weekly income benefit specified in section 48-121.01
13 nor less than the minimum weekly income benefit specified in
14 section 48-121.01; ~~PROVIDED, except~~ that if at the time of the
15 injury the employee received wages of less than the minimum weekly
16 income benefit specified in section 48-121.01, then he or she shall
17 receive the full amount of such wages per week as compensation.

18 (4) For disability resulting from permanent disability,
19 if immediately prior to the accident the rate of wages was fixed by
20 the day or hour, or by the output of the employee, the weekly wages
21 shall be taken to be computed upon the basis of a workweek of a
22 minimum of five days, if the wages are paid by the day, or upon the
23 basis of a workweek of a minimum of forty hours, if the wages are
24 paid by the hour, or upon the basis of a workweek of a minimum of
25 five days or forty hours, whichever results in the higher weekly
26 wage, if the wages are based on the output of the employee.

27 (5) The employee shall be entitled to compensation from
1 his or her employer for temporary disability while undergoing
2 physical or medical rehabilitation and while undergoing vocational
3 rehabilitation whether ~~the~~ such vocational rehabilitation is
4 voluntarily offered by the employer and accepted by the employee or

5 is ordered by the Nebraska Workers' Compensation Court or any judge
6 of the compensation court.

7 Sec. 5. Section 48-125, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 48-125. (1) Except as hereinafter provided, all amounts
10 of compensation payable under the Nebraska Workers' Compensation
11 Act shall be payable periodically in accordance with the methods of
12 payment of wages of the employee at the time of the injury or
13 death, except that ; ~~PROVIDED~~, fifty percent shall be added for
14 waiting time for all delinquent payments after thirty days' notice
15 has been given of disability or after thirty days from the entry of
16 a final order, award, or judgment of the compensation court. Such
17 payments shall be sent directly to the person entitled to
18 compensation or his or her designated representative except as
19 otherwise provided in section 48-149. Whenever the employer
20 refuses payment of compensation or medical payments subject to
21 section 48-120, or when the employer neglects to pay compensation
22 for thirty days after injury or neglects to pay medical payments
23 subject to such section after thirty days' notice has been given of
24 the obligation for medical payments, and proceedings are held
25 before the Nebraska Workers' Compensation Court, a reasonable
26 attorney's fee shall be allowed the employee by the compensation
27 court in all cases when the employee receives an award. Attorney's
1 fees allowed shall not be deducted from the amounts ordered to be
2 paid for medical services nor shall attorney's fees be charged to
3 the medical providers. If the employer files an application for
4 review before the compensation court from an award of a judge of
5 the compensation court and fails to obtain any reduction in the
6 amount of such award, the compensation court shall allow the
7 employee a reasonable attorney's fee to be taxed as costs against
8 the employer for such review, and the Court of Appeals or Supreme
9 Court shall in like manner allow the employee a reasonable sum as
10 attorney's fees for the proceedings in the Court of Appeals or
11 Supreme Court. If the employee files an application for a review
12 before the compensation court from an order of a judge of the
13 compensation court denying an award and obtains an award or if the
14 employee files an application for a review before the compensation
15 court from an award of a judge of the compensation court when the
16 amount of compensation due is disputed and obtains an increase in
17 the amount of such award, the compensation court may allow the
18 employee a reasonable attorney's fee to be taxed as costs against
19 the employer for such review, and the Court of Appeals or Supreme
20 Court may in like manner allow the employee a reasonable sum as
21 attorney's fees for the proceedings in the Court of Appeals or
22 Supreme Court. A reasonable attorney's fee allowed pursuant to
23 this section shall not affect or diminish the amount of the award.

24 (2) When an attorney's fee is allowed pursuant to this
25 section, there shall further be assessed against the employer an
26 amount of interest on the final award obtained, computed from the

27 date compensation was payable, as provided in section 48-119, at a
 1 rate equal to the rate of interest allowed per annum under section
 2 45-104.01, as such rate may from time to time be adjusted by the
 3 Legislature. Interest shall apply only to those weekly
 4 compensation benefits awarded which have accrued at the time
 5 payment is made by the employer. If the employer pays or tenders
 6 payment of compensation, the amount of compensation due is
 7 disputed, and the award obtained is greater than the amount paid or
 8 tendered by the employer, the assessment of interest shall be
 9 determined solely upon the difference between the amount awarded
 10 and the amount tendered or paid.

11 Sec. 12. Section 48-166, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 48-166. On or before January 1 of each year, the
 14 Nebraska Workers' Compensation Court shall issue an annual report
 15 for the past fiscal year which shall include (1) a statement of the
 16 number and amounts of pertinent information regarding settlements
 17 and awards made by the compensation court, (2) the causes of the
 18 accidents leading to the injuries for which the settlements and
 19 awards were made, (3) a statement of the total expense of the
 20 compensation court, (4) any other matters which the compensation
 21 court deems proper to include, and (5) any recommendations it may
 22 desire to make."

23 2. On page 7, strike lines 27 and 28, show the old
 24 matter as stricken, and insert "has the same meaning as in section
 25 48-151."

26 3. On page 18, strike beginning with "The" in line 7
 27 through "time" in line 10, show as stricken, and insert "Physician
 1 means any person licensed to practice medicine and surgery,
 2 osteopathic medicine, chiropractic, podiatry, or dentistry in the
 3 State of Nebraska or in the state in which the physician is
 4 practicing."

5 4. On page 27, line 17, strike "48-120, 48-120.02," and
 6 insert "48-119, 48-120, 48-120.02, 48-121, 48-125,," and in line 18
 7 after "48-163," insert "48-166,"

8 5. Renumber the remaining sections accordingly.

Mr. Bourne filed the following amendment to LB 175:
 AM0859

1 1. Strike original section 6.

2 2. On page 5, line 7, strike the new matter and
 3 reinstate the stricken matter.

4 3. On page 7, line 2, strike "76-1446, and 76-1483" and
 5 insert "and 76-1446".

6 4. Renumber the remaining section accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following

appointment:

Bergmeyer, John - Nebraska Accountability and Disclosure Commission --
Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORT Transportation

LEGISLATIVE BILL 496. Placed on General File as amended.
Standing Committee amendment to LB 496:
AM0826

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 86-301, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 86-301. (1) Any ~~telegraph or telephone~~
- 6 telecommunications company, incorporated or qualified to do
- 7 business in this state, is granted the right to construct, operate,
- 8 and maintain ~~telegraph and telephone~~ telecommunications lines and
- 9 related facilities along, upon, across, and under the public ~~roads~~
- 10 highways of this state, and upon and under lands in this state,
- 11 whether state or privately owned, ~~except~~ ; ~~PROVIDED~~; that (a) such
- 12 lines and related facilities shall be so constructed and maintained
- 13 as not to interfere with the ordinary use of such lands or of such
- 14 ~~roads~~ highways by the public; and ~~that~~ (b) all aerial wires and
- 15 cables shall be placed at a height of not less than eighteen feet
- 16 above all ~~road~~ highway crossings. Nothing in sections 86-301 to
- 17 86-304 shall transfer the rights now vested in ~~cities, incorporated~~
- 18 ~~towns and villages~~ municipalities in relation to the regulation of
- 19 the poles, wires, cables, and other appliances.
- 20 (2) Sections 86-301 to 86-304 shall ~~not authorize a~~
- 21 telecommunications company to erect any poles or construct any
- 22 conduit, cable, or other facilities along, upon, across, or under a
- 23 public highway within a municipality without first obtaining the
- 24 consent of the governing body of the municipality. The
- 1 municipality shall not exercise any authority over any rights the
- 2 telecommunications company may have to deliver telecommunications
- 3 services as authorized by the Public Service Commission or the
- 4 Federal Communications Commission.
- 5 (3) Consent from a governing body for the use of a public
- 6 highway within a municipality shall be based upon a lawful exercise
- 7 of its statutory and constitutional authority and shall not be
- 8 unreasonably withheld, nor shall any preference or disadvantage be
- 9 created through the granting or withholding of such consent. A
- 10 municipality shall not adopt an ordinance that prohibits or has the

effect of prohibiting the ability of a telecommunications company to provide telecommunications service.

(4) A municipality shall not levy a tax, fee, or charge for any right or privilege of engaging in a telecommunications business or for the use by a telecommunications company of a public highway other than:

(a) An occupation tax authorized under section 14-109, 15-202, 15-203, 16-205, or 17-525; and

(b) A public highway construction permit fee to the extent that the fee applies to all persons seeking use of the public highway in a substantially similar manner. All public highway construction permit fees shall be directly related to the costs incurred by the municipality in providing services relating to the granting or administration of permits. In any controversy concerning the appropriateness of a public highway construction permit fee, the municipality shall have the burden of proving that the fee is related to the municipality's costs.

Any tax, fee, or charge imposed by a municipality shall be competitively neutral.

(5) The changes made by this legislative bill shall not be construed to affect the terms or conditions of any franchise, license, or permit issued by a municipality prior to the effective date of this act or to release any party from any obligations thereunder. Such franchises, licenses, or permits shall remain fully enforceable in accordance with their terms. A municipality may lawfully enter into agreements with franchise holders, licensees, or permittees to modify or terminate an existing franchise, license, or agreement.

(6) Taxes or fees shall not be collected by a municipality through the provision of in-kind services by a telecommunications company, and a municipality shall not require the provision of in-kind services as a condition of consent to the use of a public highway.

(7) The terms of any agreement between a municipality and a telecommunications company regarding use of public highways shall be matters of public record and shall be made available to any member of the public upon request, except that information submitted to a municipality by a telecommunications company which such telecommunications company determines to be proprietary shall be deemed to be a trade secret pursuant to subdivision (3) of section 84-712.05 and shall be accorded full protection from disclosure to third parties in a manner consistent with state law.

(8) For purposes of sections 86-301 to 86-304:

(a) Highway shall have the same meaning in section 60-624; and

(b) Telecommunications company shall have the same meaning in section 86-802.

Sec. 2. Section 86-302, Reissue Revised Statutes of Nebraska, is amended to read:

6 86-302. Every ~~such~~ telecommunications company is
7 authorized to enter upon private lands to survey the ~~same~~, and
8 ~~every~~ lands for the purpose of obtaining a right-of-way. Every
9 owner of an interest in private lands to be occupied by any ~~such~~
10 telecommunications lines shall be compensated for any right-of-way
11 thus appropriated. The procedure to condemn property shall be
12 exercised in the manner set forth in sections 76-704 to 76-724.

13 Sec. 3. Section 86-303, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 86-303. Any right-of-way obtained under sections 86-301
16 to 86-304 by condemnation proceedings for poles, aerial wires, and
17 aerial cables, shall be located only on section boundary lines as
18 established by law or property boundary lines adjoining public
19 highways as established by law. All expense of surveying, court
20 costs, and reasonable ~~attorneys'~~ attorney's fees shall be paid by
21 the telecommunications company obtaining the right-of-way. ~~Should~~
22 ~~any telegraph or telephone~~ If any telecommunications line
23 constructed under sections 86-301 to 86-303 ~~be is~~ abandoned for
24 three years, the right-of-way or easement shall revert to the
25 property affected.

26 Sec. 4. Section 86-303.01, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 86-303.01. If the public road highway, along, upon,
2 across, or under which the right to construct, operate, and
3 maintain the ~~telephone or telegraph line~~ telecommunications lines
4 and related facilities is granted, is a state or federal highway,
5 then the location and installation of such lines and related
6 facilities, insofar as they pertain to the present and future use
7 of the right-of-way for highway purposes, shall be subject to such
8 reasonable regulations and restrictions as are or may be prescribed
9 by the Department of Roads. If the future use of ~~said the~~ state or
10 federal highway requires the moving or relocating of ~~said the~~
11 facilities, then such facilities shall be removed or relocated by
12 the owner, at the owner's cost and expense, and as directed by the
13 Department of Roads except as provided by ~~the provisions of~~ section
14 39-1304.02.

15 Sec. 5. Section 86-304, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 86-304. Any person ~~or persons~~ who ~~shall~~ willfully and
18 maliciously ~~break, injure, destroy or otherwise interfere~~ breaks,
19 injures, destroys, or otherwise interferes with the poles, wires,
20 or ~~fixtures~~ other facilities of any ~~telegraph, telephone~~
21 telecommunications or railroad company or electric light and power
22 company in this state; or who ~~shall~~ willfully and purposely
23 ~~interrupt or interfere~~ interrupts or interferes with the
24 transmission of ~~telegraph or telephone~~ telecommunications messages
25 or the transmission of light, heat, and power in this state; shall
26 be subject to the action and penalty prescribed in section 28-519.

27 Sec. 6. Original sections 86-301 to 86-304, Reissue

1 Revised Statutes of Nebraska, are repealed."

(Signed) Curt Bromm, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 29.

(Signed) Adrian M. Smith, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 29. Introduced by Jensen, 20; Wickersham, 49; Wehrbein, 2.

WHEREAS, the State of Nebraska filed a lawsuit against the tobacco industry on August 21, 1998, in the district court of Lancaster County; and

WHEREAS, the State of Nebraska and forty-five other states settled their lawsuits against the tobacco industry on November 23, 1998, under terms of the Tobacco Master Settlement Agreement (MSA) without any assistance from the federal government; and

WHEREAS, under terms of the Master Settlement Agreement, Nebraska's lawsuit against the tobacco industry was dismissed by the district court of Lancaster County on December 20, 1998, and State Specific Finality was achieved in the State of Nebraska on January 20, 1999; and

WHEREAS, the State of Nebraska has passed legislation to allocate its portion of settlement funds awarded under the Master Settlement Agreement for the preservation of the health of its citizens; and

WHEREAS, the federal government, through the Health Care Financing Administration, has asserted that it is entitled to a significant share of settlement funds awarded to the settling states under the Master Settlement Agreement on the basis that such funds represent a portion of federal Medicaid costs; and

WHEREAS, the federal government previously chose not to exercise its option to file a federal lawsuit against the tobacco industry, but on January 19, 1999, the President of the United States announced plans to pursue federal claims against the tobacco industry; and

WHEREAS, the State of Nebraska is entitled to all of its portion of settlement funds negotiated in the Master Settlement Agreement without any federal claim to such funds.

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

1. That the Legislature hereby petitions the Congress of the United States and the executive branch of the federal government to prohibit federal recoupment of state tobacco settlement recoveries.

2. That official copies of this resolution be prepared and forwarded to the

Speaker of the United States House of Representatives and President of the United States Senate and to all members of the Nebraska delegation to the Congress of the United States with the request that it be officially entered into the Congressional Record as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 29.

GENERAL FILE

LEGISLATIVE BILL 495. The Wehrbein pending amendment, AM0958, found in this day's Journal, to the Standing Committee amendment, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

FA63

Amend AM0875 as follows:

Add the following new language:

No local system shall receive funds under this act if their levy for the current school year is less than 95% of the maximum levy allowable"

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Baker	Byars	Kiel	Raikes	Smith
Beutler	Chambers	Matzke	Redfield	Suttle
Bohlke	Hartnett	Pedersen, Dw.	Robak	Thompson
Bourne	Hudkins	Preister	Schimek	Tyson
Brown	Janssen	Quandahl	Schrock	Wickersham
Bruning				

Voting in the negative, 16:

Bromm	Crosby	Jones	Pederson, D.	Schellpeper
Connealy	Cudaback	Kremer	Peterson, C.	Stuhr
Coordsen	Dierks	Kristensen	Price	Vrtiska

Wehrbein

Present and not voting, 2:

Lynch Schmitt

Excused and not voting, 5:

Brashear Engel Hilgert Jensen Landis

The Beutler amendment was adopted with 26 ayes, 16 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

FA64

Amend AM0875 as follows:

On line 22 page 2 strike the word "annually"

Mrs. Robak, Messrs. Bromm, and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 142. Placed on Select File as amended.

E & R amendment to LB 142:

AM7091

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 60-3003, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-3003. (1) The county treasurer or designated county
- 6 official pursuant to section 23-186 shall annually determine the
- 7 motor vehicle tax on each motor vehicle registered in the county
- 8 based on the age of the motor vehicle pursuant to section 60-3004
- 9 and cause a notice of the amount of the tax to be mailed to the
- 10 registrant at the address shown upon his or her registration
- 11 certificate. The notice shall be printed on a prenumbered
- 12 statement form prescribed by the Department of Motor Vehicles and
- 13 shall be mailed on or before the first day of the last month of the
- 14 registration period.

- 15 (2) The motor vehicle tax, motor vehicle fee, and
16 registration fee shall be paid to the county treasurer or
17 designated county official prior to the registration of the motor
18 vehicle for the following registration period. After retaining one
19 percent of the motor vehicle tax proceeds collected for costs, the
20 remaining motor vehicle tax proceeds shall be allocated to each
21 taxing unit levying taxes on taxable property county, school
22 district, city, and village in the tax district in which the motor
23 vehicle has situs. Twenty-two percent of the remaining motor
24 vehicle tax proceeds shall be allocated to the county, sixty
1 percent shall be allocated to the school district, and eighteen
2 percent shall be allocated to the city or village, except that (a)
3 if the tax district is not in a city or village, forty percent
4 shall be allocated to the county, and (b) in counties containing a
5 city of the metropolitan class, eighteen percent shall be allocated
6 to the county and twenty-two percent shall be allocated to the city
7 or village, in the same proportion that the levy of such taxing
8 unit bears to the total levy on taxable property of all the taxing
9 units in the tax district in which the motor vehicle has situs.
10 (3) Proceeds from the motor vehicle tax shall be treated
11 as property tax revenue for purposes of expenditure limitations,
12 matching of state or federal funds, and other purposes.
13 Sec. 2. This act becomes operative on July 1, 1999.
14 Sec. 3. Original section 60-3003, Reissue Revised
15 Statutes of Nebraska, is repealed.
16 Sec. 4. Since an emergency exists, this act takes effect
17 when passed and approved according to law."

LEGISLATIVE BILL 142A. Placed on Select File.

LEGISLATIVE BILL 674A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

VISITORS

Visitors to the Chamber were LaVonne Nelson from Grand Island; 100 seniors and teachers from Millard South High School, Omaha; 23 fourth grade students and teacher from Seward Elementary School; Senator Bourne's sister, Jackie Bourne, 64 fourth grade students and teachers from Two Springs Elementary School, Bellevue; 42 fourth, fifth, and sixth grade students and teachers from Hastings; and Victor Prochaska from Omaha.

RECESS

At 12:00 noon, on a motion by Mr. Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dw. Pedersen who was excused; and Messrs. Bromm, Dierks, Hilgert, Jensen, Landis, Lynch, D. Pederson, Mmes. Brown, Robak, and Ms. Schimek who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 495. The Beutler pending amendment, FA64, found in this day's Journal, to the Standing Committee amendment, was renewed.

The Beutler amendment was adopted with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

Messrs. Brashear, Cudaback, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bruning offered the following amendment to the Standing Committee amendment:

AM0962

(Amendments to AM0875)

- 1 1. Insert the following new sections:
- 2 "Section 11. Sections 11 to 18 of this act shall be
- 3 known and may be cited as the Nebraska Youth Mentoring Act.
- 4 Sec. 12. The Legislature finds:
- 5 (1) The Nebraska Youth Mentoring Act is a comprehensive
- 6 program to increase Nebraska's collective capacity for youth
- 7 mentoring in Nebraska;
- 8 (2) The act will expand and promote successful youth
- 9 mentoring and skill-building programs which provide effective
- 10 mentoring services to young people in the state who are at risk for
- 11 alcohol and other drug use, teen pregnancy, school failure or
- 12 dropping out of school, and juvenile delinquency;
- 13 (3) The act will provide the necessary resources to
- 14 expand these and similar recognized programs and to create new
- 15 youth mentoring programs; and
- 16 (4) The goal of the act is to establish at least ten
- 17 thousand new, sustained mentoring relationships by December 31,
- 18 2003.
- 19 Sec. 13. For purposes of the Nebraska Youth Mentoring
- 20 Act, mentoring means a structured relationship pursuant to an
- 21 approved mentoring program (1) between a youth and an adult who
- 22 offers support, guidance, and education and (2) which shall not
- 23 replace or substitute for parental authority and support but shall

1 augment existing parental and community supports available to the
2 youth.

3 Sec. 14. The State Board of Education shall implement
4 the Nebraska Youth Mentoring Act. The board shall:

5 (1) Assist with the creation and ongoing support of
6 recognized youth mentoring programs and networks;

7 (2) Annually distribute funds appropriated to the board
8 by the Legislature to carry out the act as grants to youth
9 mentoring programs and community or multi-community youth mentoring
10 networks according to the following guidelines:

11 (a) Receipt of grants is contingent upon program
12 implementation of recognized quality standards that promote youth
13 skill-building and safety, mentor training and competence, and
14 overall program success; and

15 (b) Recipients shall track, monitor, and evaluate the
16 youth mentoring programs according to standards approved by the
17 board and shall submit results to the board annually;

18 (3) Provide funding and support for a youth mentoring web
19 page, a youth mentoring program directory, a youth mentoring
20 database and library, and youth mentor training;

21 (4) Annually report to the Governor and the Legislature
22 on programs pursuant to the act;

23 (5) Assign responsibility to educational service units to
24 develop a mentor training program for approval by the board; and

25 (6) Promote support among state agency directors for
26 state employees to become involved as volunteer mentors.

27 Sec. 15. The Nebraska State Patrol shall provide state
1 screening and state criminal history record information checks on
2 volunteer mentors at no cost to the youth mentoring program or
3 regional or community youth mentoring network.

4 Sec. 16. The Legislature finds that outstanding
5 volunteer and mentor service should be encouraged and recognized.
6 For that purpose, the Governor is authorized to provide an award,
7 to be known as the Governor's Award for Excellence in Volunteer and
8 Mentor Service, to recognize outstanding volunteer or mentor
9 service for each fiscal year beginning with fiscal year 1999-2000.
10 The State Board of Education shall transmit a final list of
11 nominees to the Governor for his or her consideration.

12 Sec. 17. The State Board of Education shall adopt and
13 promulgate rules and regulations to carry out the Nebraska Youth
14 Mentoring Act.

15 Sec. 18. It is the intent of the Legislature to
16 appropriate \$1,000,000 to the State Board of Education to carry out
17 the Nebraska Youth Mentoring Act from the balance of the
18 competitive grants portion of the Education Innovation Fund money
19 existing on June 30, 1999, to be distributed pursuant to this
20 section in school year 1999-2000. These funds shall be distributed
21 to applicants and educational service units by the State Board of
22 Education."

- 23 2. On page 2, line 23, strike "three million two" and
 24 insert "one million five".
 25 3. Renumber the remaining sections accordingly.

Mrs. Stuhr requested a ruling of the Chair on whether the Bruning amendment is germane to the bill.

The Chair ruled the Bruning amendment is not germane to the bill.

Mr. Bruning challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

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

Mr. Bruning requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 15:

Bourne	Connealy	Kiel	Quandahl	Suttle
Bruning	Hartnett	Pederson, D.	Redfield	Thompson
Chambers	Hilgert	Preister	Smith	Tyson

Voting in the negative, 20:

Baker	Crosby	Jones	Peterson, C.	Schrock
Bohlke	Dierks	Kremer	Price	Stuhr
Byars	Hudkins	Kristensen	Raikes	Wehrbein
Coordsen	Janssen	Matzke	Schellpeper	Wickersham

Present and not voting, 5:

Beutler	Brown	Schimek	Schmitt	Vrtiska
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Excused and not voting, 9:

Brashear	Cudaback	Jensen	Lynch	Robak
Bromm	Engel	Landis	Pedersen, Dw.	

The Bruning motion to overrule the Chair failed with 15 ayes, 20 nays, 5 present and not voting, and 9 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA68

Page 2, line 26 of AM0875 strike "1999-2000" and insert "2000-2001"

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Baker	Bruning	Jensen	Preister	Smith
Beutler	Chambers	Kiel	Raikes	Thompson
Bourne	Cudaback	Kristensen	Robak	Tyson
Brown	Hilgert			

Voting in the negative, 17:

Bohlke	Crosby	Kremer	Schellpeper	Suttle
Bromm	Dierks	Price	Schimek	Wehrbein
Connealy	Hudkins	Redfield	Stuhr	Wickersham
Coordsen	Jones			

Present and not voting, 10:

Byars	Janssen	Pederson, D.	Quandahl	Schrock
Hartnett	Matzke	Peterson, C.	Schmitt	Vrtiska

Excused and not voting, 5:

Brashear	Engel	Landis	Lynch	Pedersen, Dw.
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The Chambers amendment lost with 17 ayes, 17 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Kiel offered the following amendment to the Standing Committee amendment:

AM0965

(Amendments to AM0875)

- 1 1. On page 13, after line 17 insert the following new
- 2 subsection:
- 3 "(6) No paid advertisement or promotion of lottery games

4 shall refer to educational programs created or funded from revenue
 5 generated by such lottery games pursuant to the State Lottery Act
 6 in Nebraska."

MR. CUDABACK PRESIDING

Messrs. Kristensen, Coordsen, Mmes. Crosby, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mrs. Kiel requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Baker	Byars	Kiel	Raikes	Stuhr
Bourne	Chambers	Kremer	Schimek	Suttle
Brown	Jensen	Pederson, D.	Schrock	Wehrbein
Bruning	Jones	Quandahl	Smith	

Voting in the negative, 15:

Beutler	Connealy	Hilgert	Price	Thompson
Bohlke	Cudaback	Hudkins	Schellpeper	Vrtiska
Bromm	Dierks	Janssen	Schmitt	Wickersham

Present and not voting, 4:

Hartnett	Preister	Redfield	Tyson
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Absent and not voting, 1:

Matzke

Excused and not voting, 10:

Brashear	Crosby	Kristensen	Lynch	Peterson, C.
Coordsen	Engel	Landis	Pedersen, Dw.	Robak

The Kiel amendment lost with 19 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Quandahl, Schellpeper, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee

amendment:

FA70

Amend AM0875

P. 2, line 23 strike "up to"

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Mrs. Stuhr requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 16:

Bohlke	Dierks	Janssen	Price	Suttle
Brashear	Hartnett	Jones	Schrock	Wehrbein
Bromm	Hudkins	Kremer	Smith	Wickersham
Connealy				

Voting in the negative, 21:

Baker	Byars	Kiel	Quandahl	Schmitt
Beutler	Chambers	Matzke	Raikes	Thompson
Bourne	Hilgert	Pederson, D.	Redfield	Tyson
Brown	Jensen	Preister	Schimek	Vrtiska
Bruning				

Present and not voting, 1:

Stuhr

Excused and not voting, 11:

Coordsen	Engel	Landis	Pedersen, Dw.	Robak
Crosby	Kristensen	Lynch	Peterson, C.	Schellpeper
Cudaback				

The Standing Committee amendment, as amended, lost with 16 ayes, 21 nays, 1 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Ms. Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bruning withdrew his amendment, AM0951, found on page 1141.

Mr. Jones moved to indefinitely postpone LB 495.

Laid over.

MR. WICKERSHAM PRESIDING

Mr. Bruning and Mrs. Brown asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 835. Title read. Considered.

The Standing Committee amendment, AM0814, found on page 1068, was considered.

Pending.

LEGISLATIVE BILL 179A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

AMENDMENTS - Print in Journal

Messrs. Landis and Bromm filed the following amendment to LB 827: (Amendment, AM0870, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mrs. Hudkins filed the following amendment to LB 585:
AM0955

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 60-6,110, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-6,110. (1) Any person who knowingly fails or refuses
- 5 to obey any lawful order of any peace officer who is controlling or
- 6 directing traffic shall be guilty of a traffic infraction.
- 7 (2) Any person who knowingly fails to obey any lawful
- 8 order of a peace officer shall be guilty of a Class III misdemeanor
- 9 whenever such order is given in furtherance of the apprehension of
- 10 a person who has violated the Nebraska Rules of the Road or of a
- 11 person whom such officer reasonably believes has violated the
- 12 rules.
- 13 (3) Except as permitted by section 60-6,115, any person
- 14 who drives any motor vehicle into any section of a highway

- 15 designated as temporarily closed to through traffic by traffic
16 control devices, personnel of the Department of Roads, state
17 emergency response team members, peace officers, firefighters,
18 emergency care providers, emergency medical personnel, or other
19 emergency management workers, unless directed to do so by any such
20 personnel, shall be guilty of a Class III misdemeanor."
21 2. Renumber the remaining sections and correct internal
22 references and the repealer accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 55. Introduced by Baker, 44.

PURPOSE: The Legislature finds that it is necessary to create and sustain a unified, accessible, caring, competent, and responsive health and human services system for each Nebraskan. In order for this environment to exist, there is a need to study and examine: (1) The legal staffing of the departments comprising the Health and Human Services System and the functions of administrative subpoenas, compelling testimony, document production, grant writing, and contract negotiations; (2) the transfer of all attorneys and legal counsels of the departments comprising the Health and Human Services System to the Department of Justice, so as to conform to section 84-202, Revised Statutes of Nebraska, which states "The Department of Justice shall have the general control and supervision of all actions and legal proceedings in which the State of Nebraska may be a party or may be interested, and shall have charge and control of all the legal business of all departments and bureaus of the state, or any office thereof, which requires the services of attorney or counsel in order to protect the interests of the state."; and (3) the provisions of section 81-1316, Revised Statutes of Nebraska, as they relate to this study.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 56. Introduced by Hudkins, 21.

PURPOSE: The goal of this interim study is to examine ways in which to relieve Nebraska counties of, or compensate them for, the expense of providing care for post-commitment mental patients.

At present, if a mental patient committed to a state facility is, for whatever reason, unable to be placed in a state facility without delay, it becomes the responsibility of the county to house and care for that patient until he or she

can be placed safely in state custody. This duty has resulted in a considerable expense to counties which, in many cases, lack the appropriate resources to provide adequate care to such post-commitment patients.

It is hoped that this interim study will produce a workable proposal for alleviating individual counties of the financial burden which they currently bear in caring for and housing post-commitment mental patients awaiting transfer to state facilities.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 755. Placed on General File as amended.

Standing Committee amendment to LB 755:

AM0938

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) Any new state building shall meet or
- 4 exceed the requirements of the 1998 International Energy
- 5 Conservation Code.
- 6 (2) Any new lighting, heating, cooling, ventilating, or
- 7 water heating equipment or controls in a state-owned building and
- 8 any new building envelope components installed in a state-owned
- 9 building shall meet or exceed the requirements of the 1998
- 10 International Energy Conservation Code.
- 11 (3) The State Building Administrator of the Department of
- 12 Administrative Services, in consultation with the State Energy
- 13 Office, may specify:
- 14 (a) A more recent edition of the International Energy
- 15 Conservation Code;
- 16 (b) Additional energy efficiency or renewable energy
- 17 requirements for buildings; and
- 18 (c) Waivers of specific requirements which are
- 19 demonstrated through life-cycle cost analysis to not be in the
- 20 state's best interest. The agency receiving the funding shall be
- 21 required to provide a life-cycle cost analysis to the State
- 22 Building Administrator.
- 23 Sec. 2. The International Energy Conservation Code
- 24 applies to all new buildings constructed in whole or in part with
- 1 state funds after January 1, 2000. The State Energy Office shall
- 2 review building plans and specifications necessary to determine

3 whether a building will meet the requirements of this section. The
4 State Energy Office shall provide a copy of its review to the
5 agency receiving funding. The agency receiving the funding shall
6 verify that the building as constructed meets or exceeds the code.
7 The verification shall be provided to the State Energy Office. The
8 State Energy Office shall, in consultation with the State Building
9 Administrator of the Department of Administrative Services, adopt
10 and promulgate rules and regulations to carry out this section.
11 Sec. 3. The enforcement provisions of Chapter 1 of the
12 1998 International Energy Conservation Code shall not apply to
13 buildings subject to sections 1 and 2 of this act."

LEGISLATIVE RESOLUTION 22. Reported to the Legislature for further
consideration with the following amendment:
AM0939

1 1. On page 1, before the period in the last "WHEREAS"
2 clause insert "; and
3 WHEREAS, the possibility exists that drip oil could be
4 developed made from corn that provides an environmentally safe
5 alternative to petroleum-based drip oil"; and strike the second and
6 third "THEREFORE" clauses and insert:
7 "2. That the University of Nebraska in cooperation with
8 the Department of Water Resources, the Nebraska Soybean Board, or
9 the Corn Development, Utilization, and Marketing Board be used for
10 this research study.
11 3. That copies of this resolution be sent to the
12 University of Nebraska Industrial Agriculture Products Center, the
13 Department of Water Resources, the Nebraska Soybean Board at the
14 Nebraska Soybean Offices in Lincoln, Nebraska, and the Corn
15 Development, Utilization, and Marketing Board at the corn board
16 offices in Lincoln, Nebraska."

(Signed) Ed Schrock, Chairperson

VISITORS

Visitors to the Chamber were 33 fourth grade students and teachers from Bennington Public School; Ruth Stephenson from Lincoln and Carol Stephenson from Los Angeles.

The Doctor of the Day was Dr. Cathy Hennies from Lincoln.

ADJOURNMENT

At 4:53 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Wednesday, March 24, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY – MARCH 24, 1999

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 24, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mmes. Brown, Kiel, Robak, Messrs. Landis, and Lynch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

STANDING COMMITTEE REPORT Health and Human Services

LEGISLATIVE BILL 736. Placed on General File as amended.

Standing Committee amendment to LB 736:

AM0822

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. All laboratories performing human genetic
4 testing for clinical diagnosis and treatment purposes shall be
5 accredited by the College of American Pathologists--American
6 College of Medical Genetics Molecular Pathology Program or any
7 other national accrediting body or public agency which has
8 requirements that are substantially equivalent to or more
9 comprehensive than such program.

10 Sec. 2. All forensic DNA laboratories performing work on
11 behalf of the state or a political subdivision shall be certified
12 by the American Society of Crime Lab Directors or the National
13 Forensic Science Technology Center.

14 Sec. 3. Section 13-607, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 13-607. (1) The full out-of-pocket cost or expense that
17 may be charged to a sexual assault victim in connection with a
18 forensic medical examination shall be paid for by the law
19 enforcement agency of a political subdivision if such law
20 enforcement agency is the primary investigating law enforcement
21 agency investigating the reported sexual assault.

22 (2) All forensic DNA tests shall be performed by a
23 laboratory which is certified by the American Society of Crime Lab
24 Directors or the National Forensic Science Technology Center.

1 Sec. 4. Section 29-4105, Revised Statutes Supplement,
2 1998, is amended to read:

3 29-4105. (1) The Nebraska State Patrol shall prescribe
4 procedures to be used in the collection, submission,
5 identification, analysis, storage, and disposition of DNA samples
6 and DNA records under the DNA Detection of Sexual and Violent
7 Offenders Act. These procedures shall include quality assurance
8 guidelines for laboratories which submit DNA records to the State
9 DNA Data Base and shall require that all laboratories be certified
10 by the American Society of Crime Lab Directors or the National
11 Forensic Science Technology Center. The State DNA Data Base shall
12 be compatible with the procedures specified by the Federal Bureau
13 of Investigation, including the use of comparable test procedures,
14 laboratory equipment, supplies, and computer software. The DNA
15 records shall be securely stored in the State DNA Data Base and
16 retained in a manner consistent with the procedures established by
17 the Federal Bureau of Investigation.

18 (2) The Nebraska State Patrol may contract with the
19 University of Nebraska Medical Center to establish the State DNA
20 Sample Bank at the medical center and for DNA typing tests. The
21 State DNA Sample Bank shall serve as the repository of DNA samples
22 collected under the act. The University of Nebraska Medical Center
23 in contracting under the act is subject to the same restrictions
24 and requirements of the act, insofar as applicable, as the Nebraska
25 State Patrol, as well as any additional restrictions imposed by the
26 patrol.

27 (3) The DNA samples and DNA records shall only be used by
1 the Nebraska State Patrol to create a separate population data base
2 comprised of DNA records obtained under the act after all personal
3 identification is removed. The patrol may share or disseminate the
4 population data base with other law enforcement agencies or
5 forensic DNA laboratories which assist the patrol with statistical
6 data bases. The population data base may be made available to and
7 searched by other agencies participating in the Combined DNA Index
8 System.

9 Sec. 5. Section 43-1414, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-1414. In any proceeding to establish paternity, the

12 court may, on its own motion, or shall, on a timely request of a
13 party, after notice and hearing, require the child, the mother, and
14 the alleged father to submit to genetic testing to be performed on
15 blood or any other appropriate tissue. Failure to comply with such
16 requirement for genetic testing shall constitute contempt and may
17 be dealt with in the same manner as other contempts. If genetic
18 testing is required, the court shall direct that inherited
19 characteristics be determined by appropriate testing procedures and
20 shall appoint an expert in genetic testing and qualified as an
21 examiner of genetic markers to analyze and interpret the results
22 and to report to the court. The court shall determine the number
23 of experts required.

24 In any proceeding to establish paternity, the Director of
25 Health and Human Services, county attorneys, and authorized
26 attorneys have the authority to require the child, the mother, and
27 the alleged father to submit to genetic testing to be performed on
1 blood or any other appropriate tissue. All genetic testing shall
2 be performed by a laboratory accredited by the College of American
3 Pathologists--American College of Medical Genetic Molecular
4 Pathology Program or any other national accrediting body or public
5 agency which has requirements that are substantially equivalent to
6 or more comprehensive than such program.

7 For purposes of sections 43-1414 to 43-1418, an expert in
8 genetic testing means a person who has formal doctoral training or
9 postdoctoral training in human genetics.

10 Sec. 6. Section 71-2620, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-2620. The Department of Health and Human Services
13 Regulation and Licensure may enter into agreements, not exceeding
14 one year in duration, with any other governmental agency relative
15 to the provision of certain laboratory tests and services to the
16 agency. Such services shall be provided as stipulated in the
17 agreement and for such fee, either lump sum or by the item, as is
18 mutually agreed upon and as complies with the provisions of section
19 71-2619. All laboratories performing human genetic testing for
20 clinical diagnosis and treatment purposes shall be accredited by
21 the College of American Pathologists--American College of Medical
22 Genetics Molecular Pathology Program or any other national
23 accrediting body or public agency which has requirements that are
24 substantially equivalent to or more comprehensive than such
25 program.

26 Sec. 7. Section 71-6810, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 71-6810. Laboratory shall mean an establishment, place,
2 or location where biological, hematological, microbiological,
3 serological, chemical, immunohematological, cytological,
4 pathological, or other examinations of material derived from the
5 human body are conducted for the purpose of providing information
6 for the diagnosis, prevention, or treatment of any disease or

7 impairment of the health of humans or for the assessment of the
8 health of humans or an establishment, place, or location that
9 provides transfusion services and bloodbanking.

10 Laboratories performing human genetic testing for
11 clinical diagnosis and treatment purposes shall be accredited by
12 the College of American Pathologists--American College of Medical
13 Genetics Molecular Pathology Program or any other national
14 accrediting body or public agency which has requirements that are
15 substantially equivalent to or more comprehensive than such
16 program. Laboratories performing forensic DNA testing shall be
17 certified by the American Society of Crime Lab Directors or the
18 National Forensic Science Technology Center.

19 Locations where such testing is done by oneself, by one's
20 family, or by someone acting in lieu of one's family shall not
21 constitute laboratories under the Clinical Laboratories
22 Certification Act if the tests used in such locations have been
23 determined by the director, upon the recommendation of the board,
24 to have been approved for home use.

25 Sec. 8. Section 71-6811, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 71-6811. Laboratory certificate or certificate shall
1 mean a permit to operate a laboratory that meets the requirements
2 prescribed in sections 71-6819 or 71-6820 to ~~71-6822~~ 71-6823.

3 Sec. 9. Section 71-6816, Revised Statutes Supplement,
4 1998, is amended to read:

5 71-6816. (1) Except as provided in section 71-6817, no
6 laboratory shall operate in this state unless the department has
7 issued a laboratory certificate to the laboratory. The laboratory
8 director of a laboratory in existence on July 1, 1991, shall submit
9 an application for a laboratory certificate within forty-five days
10 of such date. After such date, every laboratory director shall
11 apply for a certificate within forty-five days before accepting
12 specimens for testing.

13 (2) Applications for certificates or renewal thereof
14 shall be made on a form provided by the department. The forms
15 shall include the following information:

- 16 (a) The name of the laboratory owner;
- 17 (b) The name of the laboratory director;
- 18 (c) The location of the laboratory;
- 19 (d) The names and evidence of qualifications of clinical
- 20 laboratory practitioners employed at the laboratory;
- 21 (e) Copies of any certification or accreditation achieved
22 by the laboratory from regional or national certification
23 associations or accrediting bodies or agencies;

24 (f) A list of all laboratory tests performed in the
25 laboratory and, in the case of a renewal application, any changes
26 in the list of laboratory tests performed;

27 (g) Proficiency testing services subscribed to by the
1 laboratory;

- 2 ~~(g)~~ (h) If the applicant is an individual, his or her
3 social security number; and
- 4 ~~(h)~~ (i) Such other information as the department deems
5 necessary to evaluate the scope of testing by the laboratory.
- 6 (3) The application shall be accompanied by the biennial
7 certification fee as provided in section 71-6831. If the applicant
8 withdraws the application or the department rejects the
9 application, the department shall return the certification fee
10 except for an administrative fee of twenty-five dollars.
- 11 (4) If an applicant for an initial certificate files an
12 application for certification within ninety days prior to the
13 biennial renewal date of such a certificate, the applicant may
14 either:
- 15 (a) Request that the department delay the processing of
16 the application and the issuance of the certificate until the
17 biennial renewal date and pay only the fee for initial
18 certification; or
- 19 (b) Request that a certificate which will be valid until
20 the next subsequent renewal date be issued immediately and pay the
21 fee for initial certification and an additional fee of one-fourth
22 of the biennial fee.
- 23 (5) The department shall review each application and
24 approve or deny such application within forty-five days after the
25 application is filed. A laboratory in existence on July 1, 1991,
26 may continue to operate pending a decision by the department to
27 approve or deny its application.
- 1 (6) Certificates shall be renewed every two years and
2 shall expire on May 1 of each even-numbered year beginning in 1992.
- 3 (7) The department shall publish annually a list of
4 laboratories which have been issued certificates.
- 5 Sec. 10. Section 71-6818, Reissue Revised Statutes of
6 Nebraska, is amended to read:
- 7 71-6818. The department shall approve an application and
8 issue a certificate to each laboratory that meets the requirements
9 prescribed in sections 71-6819 or 71-6820 to ~~71-6822~~ 71-6823.
- 10 Sec. 11. Section 71-6819, Reissue Revised Statutes of
11 Nebraska, is amended to read:
- 12 71-6819. (1) The department may issue a certificate to a
13 laboratory upon receipt of evidence of compliance with
14 accreditation or certification requirements of one of the following
15 national accrediting bodies or public agencies if the director
16 determines that the requirements are substantially equivalent to or
17 more comprehensive than the requirements of sections 71-6820 to
18 ~~71-6822~~ 71-6823:
- 19 (a) The United States Department of Health and Human
20 Services under the Clinical Laboratory Improvement Act of 1967, as
21 amended, or Title XVIII or Title XIX of the Social Security Act;
- 22 (b) The College of American Pathologists;
- 23 (c) The Joint Commission on Accreditation of Health Care

24 Organizations;

25 (d) ~~The National Institute on Drug Abuse;~~

26 (e) The Commission on Office Laboratory Assessment; and

27 (f) (e) Such other accreditation or certification

1 programs as may be approved by the director with the consent of the
2 board.

3 (2) If a laboratory has been issued a certificate under
4 subsection (1) of this section and its accreditation or
5 certification is terminated or withdrawn for any reason, it shall
6 notify the department within fifteen days. The laboratory shall
7 cease to operate until it applies for and receives a new
8 certificate pursuant to sections 71-6820 to ~~71-6822~~ 71-6823.

9 Sec. 12. Section 71-6826, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-6826. If the department denies, suspends, or revokes
12 a certificate, the department shall notify the certificate holder
13 in writing. Any person aggrieved by the decision may request a
14 hearing. The methods and procedures for notification and conduct
15 of a hearing and the provisions for finality of the department's
16 decision shall be identical to those pertaining to denial,
17 suspension, or revocation of a license for the operation of health
18 care facilities under section 71-2023. Any decision to deny,
19 suspend, or revoke a certificate may be appealed, and the appeal
20 shall be in accordance with the Administrative Procedure Act. When
21 the department's denial, suspension, or revocation is final, the
22 laboratory shall cease to operate until it applies for and receives
23 a new certificate pursuant to sections 71-6819 or 71-6820 to
24 ~~71-6822~~ 71-6823.

25 Sec. 13. Section 71-6830, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 71-6830. The director, upon the advice of the board,
1 shall adopt and promulgate rules and regulations:

2 (1) For the administration and enforcement of the
3 Clinical Laboratories Certification Act;

4 (2) To establish application and certificate forms
5 pursuant to section 71-6816;

6 (3) To identify accreditation and certification programs
7 pursuant to section 71-6819;

8 (4) To establish minimum standards governing proficiency
9 testing programs;

10 (5) To establish minimum standards governing quality
11 assurance programs;

12 (6) To establish fees; and

13 (7) To establish reasonable standards in the public
14 interest governing approval of tests for home use as described in
15 section 71-6810. Standards of the Food and Drug Administration may
16 be used as the basis for such standards.

17 The minimum standards and requirements for the operation
18 of laboratories shall be consistent with and no more or less

19 stringent than the minimum requirements and standards established
20 by sections 71-6820 to ~~71-6822~~ 71-6823.

21 Sec. 14. Section 81-2010, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-2010. A criminalistics laboratory is hereby
24 established within the Nebraska State Patrol, under the direction
25 of the Superintendent of Law Enforcement and Public Safety. The
26 laboratory shall perform services necessary for the recognition and
27 proper preservation, identification and scientific analysis of
1 evidence materials pertaining to the investigation of crimes. By
2 October 1, 2003, the laboratory shall be certified by the American
3 Society of Crime Lab Directors or the National Forensic Science
4 Technology Center.

5 Sec. 15. Section 81-2010.03, Revised Statutes
6 Supplement, 1998, is amended to read:

7 81-2010.03. (1) The full out-of-pocket cost or expense
8 that may be charged to a sexual assault victim in connection with a
9 forensic medical examination shall be paid for by the Nebraska
10 State Patrol if the patrol is the primary investigating law
11 enforcement agency investigating the reported sexual assault.

12 (2) All forensic DNA tests shall be performed by a
13 laboratory which is certified by the American Society of Crime Lab
14 Directors or the National Forensic Science Technology Center.

15 Sec. 16. Sections 7 to 13 and 18 of this act become
16 operative October 1, 1999. The other sections of this act become
17 operative on their effective date.

18 Sec. 17. Original sections 13-607, 43-1414, 71-2620, and
19 81-2010, Reissue Revised Statutes of Nebraska, and sections
20 29-4105, 71-6816, and 81-2010.03, Revised Statutes Supplement,
21 1998, are repealed.

22 Sec. 18. Original sections 71-6810, 71-6811, 71-6818,
23 71-6819, 71-6826, and 71-6830, Reissue Revised Statutes of
24 Nebraska, and section 71-6816, Revised Statutes Supplement, 1998,
25 are repealed."

(Signed) Jim Jensen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 57. Introduced by Vrtiska, 1.

WHEREAS, the Falls City Sacred Heart High School won the 1999 Class D-1 boys' state basketball title in Lincoln on March 13, 1999; and

WHEREAS, the Sacred Heart Irish team members are Josh Rhodd, Adam Santo, Brian Lemerond, Nate O'Grady, Todd Knobbe, Dan Simon, Jim Bangert, Nic Sikora, Troy Taft, A.J. Ahern, and Anthony Weaver; and

WHEREAS, leading scorer Nate O'Grady had 23 points for the title game and 52 in the tournament; and

WHEREAS, the members of the team have shown great talent, dedication,

and a maturity that is required of a championship team; and

WHEREAS, Head Coach Doug Goltz, the players, and team managers and volunteers, and their families, supporters, and the community should be recognized for their accomplishment.

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

1. That the Legislature congratulates and commends the Falls City Sacred Heart High School boys' basketball team and Coach Doug Goltz and his staff for winning the 1999 Class D-1 championship.

2. That a copy of this resolution be sent to Falls City Sacred Heart High School.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 47, LR 48, LR 50, and LR 51 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 47, 48, 50, and 51.

GENERAL FILE

LEGISLATIVE BILL 835. The Standing Committee amendment, AM0814, found on page 1068 and considered on page 1166, was renewed.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM0973

(Amendments to Standing Committee amendment, AM0814)

- 1 1. On page 6, line 4, after the period insert "The
- 2 intentional reporting of false information by a packer in the
- 3 report to the department required in section 13 of this act is a
- 4 Class IV misdemeanor."
- 5 2. On page 8, line 17, after the period insert "The
- 6 intentional reporting of false information by a packer in the
- 7 report to the department required in section 23 of this act is a
- 8 Class IV misdemeanor."

The Beutler amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Dierks requested a record vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 38:

Baker	Chambers	Janssen	Pederson, D.	Schrock
Beutler	Connealy	Jensen	Preister	Smith
Bohlke	Coordsen	Jones	Price	Thompson
Bourne	Crosby	Kiel	Raikes	Tyson
Brashear	Dierks	Kremer	Schellpeper	Vrtiska
Bromm	Engel	Lynch	Schimek	Wehrbein
Bruning	Hilgert	Matzke	Schmitt	Wickersham
Byars	Hudkins	Pedersen, Dw.		

Voting in the negative, 0.

Present and not voting, 7:

Cudaback	Peterson, C.	Redfield	Stuhr	Suttle
Hartnett	Quandahl			

Excused and not voting, 4:

Brown	Kristensen	Landis	Robak
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The Standing Committee amendment, as amended, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Mr. D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Dierks requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 43:

Baker	Connealy	Janssen	Price	Smith
Beutler	Coordsen	Jensen	Quandahl	Stuhr
Bohlke	Crosby	Jones	Raikes	Suttle
Bourne	Cudaback	Kiel	Redfield	Thompson
Brashear	Dierks	Kremer	Schellpeper	Tyson
Bromm	Engel	Lynch	Schimek	Vrtiska
Bruning	Hartnett	Matzke	Schmitt	Wehrbein
Byars	Hilgert	Peterson, C.	Schrock	Wickersham
Chambers	Hudkins	Preister		

Voting in the negative, 0.

Absent and not voting, 2:

Brown Pedersen, Dw.

Excused and not voting, 4:

Kristensen Landis Pederson, D. Robak

Advanced to E & R for review with 43 ayes, 0 nays, 2 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 109. Indefinitely postponed.
LEGISLATIVE BILL 125. Indefinitely postponed.
LEGISLATIVE BILL 336. Indefinitely postponed.
LEGISLATIVE BILL 395. Indefinitely postponed.
LEGISLATIVE BILL 562. Indefinitely postponed.
LEGISLATIVE BILL 600. Indefinitely postponed.
LEGISLATIVE BILL 666. Indefinitely postponed.
LEGISLATIVE BILL 777. Indefinitely postponed.
LEGISLATIVE BILL 843. Indefinitely postponed.
LEGISLATIVE BILL 854. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 58. Introduced by Schrock, 38.

WHEREAS, America and Nebraska are blessed with a wide diversity of native wildlife which in various ways enriches the lives of the human population of this country; and

WHEREAS, this variety and abundance of wildlife forms the basis for outdoor recreation, interpretation, and education experiences and enjoyment; and

WHEREAS, in the face of declining wildlife populations, increasing participation in wildlife-associated recreation, and the growing demand by Nebraskans and from people all across the country for information, services, conservation action, and additional opportunities to enjoy and learn about wildlife, intensified efforts are necessary to protect, preserve, and manage all forms of wildlife, particularly nongame species in Nebraska and throughout the country; and

WHEREAS, Nebraska, as well as the other states, has relied on hunters and anglers to provide the bulk of the financial support for fish and wildlife programs through their purchase of hunting and fishing licenses, and from the federal excise taxes they pay on sporting arms and ammunition, fishing tackle, and other equipment. While this support has provided state fish and wildlife agencies the means to conserve sport fish and game species with exceptional results, it has been insufficient to address the needs of 85 percent of Nebraska's wildlife that is not hunted, fished, or trapped, including the needs of 220 nongame species that are rare, declining, or at-risk; and

WHEREAS, the Land and Water Conservation Fund (LWCF) provides for a program to acquire federal and state recreation lands and to assist states and local communities with acquiring and developing recreation sites and facilities; and

WHEREAS, the LWCF has been an American success story in open space protection, responsible for nearly seven million acres of parkland, refuges, and open spaces and the development of more than 37,000 state parks and recreation projects since its enactment in 1964; and

WHEREAS, Nebraska has received \$36 million worth of improvements to state and city parks and for the construction of swimming pools, ball diamonds, and other outdoor recreation facilities from the LWCF since 1965; and

WHEREAS, for more than a decade Congress has diverted a majority of the LWCF authorized annual \$900 million appropriation to programs unrelated to conservation and recreation, and for the past five years has denied the states critical matching grants for land acquisition; and

WHEREAS, there are two bills now before Congress, H.R.701 and S.25, both cited as the Conservation and Reinvestment Act of 1999 (CRA), that propose to reinvest a portion of the revenue that the federal government obtains from oil and gas development in the Outer Continental Shelf in wildlife conservation and associated recreation activities, outdoor recreation facilities and parklands, and conservation education, and will provide significant benefits to the conservation of wildlife resources in Nebraska and to the citizens of the state through additional and enhanced outdoor recreation opportunities, conservation education, and economic development; and

WHEREAS, the provisions of H.R.701 and S.25 are consistent with the mission of the Nebraska Game and Parks Commission, and will establish a much needed source of permanent and dedicated funding that will meet a variety of unmet wildlife conservation and outdoor recreation needs in Nebraska, particularly H.R.701, which will provide a higher level of funding than S.25; and

WHEREAS, Governor Mike Johanns has endorsed the Conservation and Reinvestment Act of 1999 with a letter to Nebraska's Congressional delegation expressing his support for the act and encouraging the delegation to use their influence to ensure passage of a bill in the Congress.

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

1. That the Nebraska Legislature fully supports the Conservation and Reinvestment Act of 1999 and encourages the Nebraska Congressional Delegation to help reconcile the House and Senate bills to ensure passage of

a bill during the current session of Congress.

2. That the Clerk of the Legislature transmit copies of this resolution to each member of the Nebraska Congressional Delegation.

Laid over.

AMENDMENT - Print in Journal

Messrs. Chambers and Jensen filed the following amendment to LB 574:
AM0924

(Amendments to Final Reading copy)

- 1 1. On page 2, line 5, strike "who" and insert "that".
- 2 2. On page 3, line 7, strike "by" and insert "between"
- 3 and strike "leading" and insert "specific"; in line 8 after
- 4 "manufacturers" insert "and related documents to such agreement";
- 5 in line 15 strike "placing the" and insert "that places such"; and
- 6 in lines 23 and 24 strike the parentheses.
- 7 3. On page 4, line 14, strike "shall" and insert "does";
- 8 in line 19 after "manufacturer" insert a comma; and in lines 20,
- 9 21, 22, and 23 strike the parentheses.
- 10 4. On page 5, lines 1, 3, 5, 6, and 10, strike the
- 11 parentheses and insert a comma; in line 11 strike the parenthesis;
- 12 in line 15 after "of" insert "the years"; in line 16 strike "2003
- 13 through 2006" and insert "the years 2003, 2004, 2005, and 2006"; in
- 14 line 18 strike "each of" and insert "the year"; and in line 23
- 15 strike "themselves".
- 16 5. On page 7, line 17, after "escrow" insert ". Such
- 17 civil penalty shall be disposed of in accordance with Article VII,
- 18 section 5, of the Constitution of Nebraska"; in line 19 after
- 19 "state" insert a comma; in line 20 strike the parenthesis; in line
- 20 21 strike the parenthesis and insert a comma; and in line 23 strike
- 21 "shall constitute" and insert "constitutes".

GENERAL FILE

LEGISLATIVE BILL 476. Title read. Considered.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0761, found on page 1044, was considered.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA58

- 3 2. On page 4, line 16, strike "seventy-five" and insert
4 "one hundred".

Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA71

Amend FA58

P.1, line 4, Strike "one" and insert "five"

Mmes. Bohlke, C. Peterson, and Mr. Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 179A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 476:

AM0978

(Amendments to Standing Committee amendments, FA60)

- 1 1. On page 1, line 12, strike "voluntarily".

Mrs. Thompson filed the following amendment to LB 476:

AM0979

- 1 1. Insert the following new sections:
2 "Sec. 33. The Governor shall commission a study of the
3 Nebraska State Patrol for purposes of examining its mission,
4 structure, and staffing and shall make recommendations for any
5 needed changes. The study shall:
6 (1) Assess the current structure and mission of the
7 Nebraska State Patrol;
8 (2) Review the growth and viability of the
9 mission-related duties of the Nebraska State Patrol as they relate
10 to the patrol's work capacity;
11 (3) Assess the relationship of local law enforcement and
12 the Nebraska State Patrol including, but not limited to,
13 cooperative traffic enforcement, participation in drug task forces,
14 and mutual assistance responses;
15 (4) Review the staffing of the Nebraska State Patrol
16 including the resource needs of sparsely populated areas of the
17 state;
18 (5) Review the communication capabilities of the Nebraska

19 State Patrol:

20 (6) Examine the effect that a reduction of current grant
21 funding would have on the mission and budget of the Nebraska State
22 Patrol; and

23 (7) Review any promising programs and strategies
24 implemented by other jurisdictions with respect to their state
1 police departments.

2 Sec. 34. The study shall be conducted by a task force
3 consisting of the Superintendent of Law Enforcement and Public
4 Safety, two other members of the Nebraska State Patrol designated
5 by the superintendent, the executive director of the Nebraska
6 Commission on Law Enforcement and Criminal Justice or his or her
7 designee, and the Director of Research of the Legislature or his or
8 her designee. In addition, the Executive Board of the Legislative
9 Council shall appoint to the task force two members of the
10 Legislature, a representative of the Fraternal Order of Police, a
11 county sheriff or chief of police from each of the six Nebraska
12 State Patrol troop sites, and two at-large members from the general
13 public. The Executive Board of the Legislative Council shall
14 appoint a chairperson of the task force from the task force
15 members. The appointments to the task force shall be made no later
16 than June 1, 1999.

17 Sec. 35. The task force may gather information from
18 interested parties through public hearings and other appropriate
19 means to assure ample opportunities for outside input to be
20 received for consideration. The task force shall complete its work
21 and issue a final report outlining its findings and recommendations
22 to the Governor and the Legislature no later than December 1, 1999.
23 The Department of Public Administration of the University of
24 Nebraska at Omaha will provide administrative support to the task
25 force and shall be responsible for the production and distribution
26 of the final report. Members of the task force shall be reimbursed
27 pursuant to sections 81-1174 to 81-1177 for their actual and
1 necessary expenses during service. It is the intent of the
2 Legislature that any money appropriated by the Legislature for this
3 study shall be appropriated to the Department of Public
4 Administration of the University of Nebraska at Omaha.

5 Sec. 36. The task force shall cease to exist on December
6 31, 1999.

7 Sec. 39. Since an emergency exists, this act takes
8 effect when passed and approved according to law."

9 2. Renumber the remaining sections accordingly.

Mrs. Kiel filed the following amendment to LB 476:

AM0987

- 1 1. On page 10, line 8, strike "and"; and in line 14
- 2 after "act" insert "; and
- 3 (18) He or she is an active or retired state or federal
- 4 law enforcement officer".

VISITORS

Visitors to the Chamber were 6 eighth grade students from Cedar Canyon School, Gering; 17 seniors and teacher from Johnson-Brock High School, Johnson; and 49 fifth grade students and teachers from Northside and Clarmar Elementary Schools, Fremont.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Mr. Connealy who was excused; and Messrs. Coordsen, Dierks, Engel, Kristensen, Landis, Matzke, Schellpeper, Mmes. Bohlke, Hudkins, C. Peterson, and Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 476. The Chambers pending amendment, FA71, found in this day's Journal, to the first Standing Committee amendment, FA58, was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Bourne	Crosby	Kiel	Raikes	Suttle
Chambers	Hartnett	Price	Schimek	

Voting in the negative, 22:

Baker	Engel	Pedersen, Dw.	Schellpeper	Stuhr
Brashear	Hudkins	Pederson, D.	Schmitt	Tyson
Bromm	Janssen	Quandahl	Schrock	Wehrbein
Bruning	Jones	Redfield	Smith	Wickersham
Cudaback	Matzke			

Present and not voting, 12:

Beutler	Coordsen	Jensen	Lynch	Thompson
Brown	Dierks	Kremer	Preister	Vrtiska
Byars	Hilgert			

Excused and not voting, 6:

Bohlke	Kristensen	Landis	Peterson, C.	Robak
Connealy				

The Chambers amendment lost with 9 ayes, 22 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGES FROM THE GOVERNOR

March 24, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 87, 60, 100, 214, 380, 411, 440, 479, 703, 703A, 802, 375, 17, and 234 were received in my office on March 19, 1999.

These bills were signed by me on March 24, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

March 24, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker,
and Members of the Legislature:

I am returning LB 440A without my signature and with my objections.

LB 440 amends the Engineers and Architects Regulation Act by adding an

exemption for the construction, remodeling, alteration or renovation of one-story commercial or industrial buildings less than 5,000 square feet in above ground finished space which are less than 30 feet tall, unless they provide for the employment, housing or assembly of twenty or more persons.

The appropriation included in LB 440A is not necessary to implement LB 440.

Sincerely,
(Signed) Mike Johanns
Governor

STANDING COMMITTEE REPORT Revenue

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

Tax Commissioner
Mary Jane Egr

VOTE: Aye: Senators Coordsen, Hartnett, Raikes, Redfield, Schellpeper, and Wickersham. Nay: None. Absent: Senators Landis and C. Peterson.

(Signed) William R. Wickersham, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 594A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 594, Ninety-sixth Legislature, First Session, 1999; and to reduce an appropriation.

AMENDMENTS - Print in Journal

Mrs. Kiel filed the following amendments to LB 476:
AM0984

- 1 1. On page 10, line 8, strike "and"; and in line 14
- 2 after "Act" insert "; and
- 3 (18) An applicant shall demonstrate mental fitness and
- 4 competence to be a licensed concealed handgun carrier by
- 5 satisfactorily completing a psychological evaluation of the same
- 6 type law enforcement personnel of the applicant's municipality or
- 7 county are subject to".

AM0985

- 1 1. On page 20, line 4, after the last semicolon insert
- 2 "passenger train, high speed train, or other surface transportation
- 3 system:".

AM0986

- 1 1. On page 10, line 8, strike "and"; and in line 14
- 2 after "Act" insert "and
- 3 (18) He or she shows proof of minimum personal liability
- 4 insurance in the amount of one hundred thousand dollars".

AM0988

(Amendments to AM0987)

- 1 1. On page 1, line 4, after "officer" insert "or an
- 2 active or retired state or federal judge".

AM0989

(Amendments to AM0987)

- 1 1. On page 1, line 4, after "officer" insert "or an
- 2 active or retired state or federal correctional officer".

AM0991

(Amendments to AM0987)

- 1 1. On page 1, line 4, after "officer" insert "or a
- 2 currently elected or formerly elected county official".

AM0992

(Amendments to AM0987)

- 1 1. On page 1, line 4, after "officer" insert "or a
- 2 currently elected or formerly elected municipal or village
- 3 official".

AM0993

(Amendments to AM0987)

- 1 1. On page 1, line 4, after "officer" insert "or a
- 2 currently elected or formerly elected state official".

GENERAL FILE

LEGISLATIVE BILL 476. Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA72

Amend FA58

P. 1, line 4 Strike "one hundred" and insert "four hundred fifty".

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bohlke	Chambers	Hartnett	Lynch	Raikes
Bourne	Crosby	Kiel	Price	Schimek

Voting in the negative, 22:

Baker	Hudkins	Pedersen, Dw.	Schellpeper	Stuhr
Brashear	Janssen	Pederson, D.	Schmitt	Tyson
Bruning	Jones	Quandahl	Schrock	Wehrbein
Engel	Kremer	Redfield	Smith	Wickersham
Hilgert	Matzke			

Present and not voting, 13:

Beutler	Byars	Dierks	Preister	Thompson
Bromm	Coordsen	Jensen	Suttle	Vrtiska
Brown	Cudaback	Kristensen		

Excused and not voting, 4:

Connealy	Landis	Peterson, C.	Robak
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The Chambers amendment lost with 10 ayes, 22 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 592. Placed on General File as amended.

Standing Committee amendment to LB 592:

AM0970

- 1 1. Strike original sections 1 and 2 and insert the
- 2 following new sections:
- 3 "Sec. 3. Section 81-15,160, Revised Statutes Supplement,
- 4 1998, is amended to read:
- 5 81-15,160. (1) The Waste Reduction and Recycling
- 6 Incentive Fund is created. The department shall deduct from the
- 7 fund amounts sufficient to reimburse itself for its costs of
- 8 administration of the fund. The fund shall be administered by the
- 9 Department of Environmental Quality. The fund shall consist of
- 10 proceeds from the fees imposed pursuant to ~~sections 81-15,159 to~~
- 11 ~~81-15,165~~ the Waste Reduction and Recycling Incentive Act.
- 12 (2) The fund may be used for purposes which include, but

13 are not limited to:

14 (a) Technical and financial assistance to political
15 subdivisions for creation of recycling systems and for modification
16 of present recycling systems;

17 (b) Recycling and waste reduction projects, including
18 public education, planning, and technical assistance;

19 (c) Market development for recyclable materials separated
20 by generators, including public education, planning, and technical
21 assistance;

22 (d) Capital assistance for establishing private and
23 public intermediate processing facilities for recyclable materials
24 and facilities using recyclable materials in new products;

1 (e) Programs which develop and implement composting of
2 yard waste and composting with sewage sludge;

3 (f) Technical assistance for waste reduction and waste
4 exchange for waste generators;

5 (g) Programs to assist communities and counties to
6 develop and implement household hazardous waste management
7 programs;

8 (h) Incentive grants to political subdivisions to assist
9 and encourage the closure of landfills operating without a permit,
10 the regional consolidation of solid waste disposal facilities
11 operating with a permit, and the use of transfer stations. Grants
12 awarded for programs involving land disposal shall include
13 provisions for waste reduction and recycling; and

14 (i) Capital assistance for establishing private and
15 public facilities to manufacture combustible waste products and to
16 incinerate waste to generate and recover energy resources.

17 (3) No grant shall be made under section 81-15,161 to a
18 political subdivision which operates a landfill operating without a
19 permit unless the grant will be used to meet permit standards and
20 the landfill is issued a permit within two years after the award of
21 the grant.

22 ~~(4) Priority for grants made under section 81-15,161~~
23 ~~shall be given to grant proposals that will be used for the~~
24 ~~recycling of tires or tire waste reduction~~

25 (4) Priority for grants made under section 81-15,161
26 shall be given to grant proposals that will be used for the
27 recycling of tires or tire waste reduction, except that on or
1 before June 1, 2001, up to one million dollars will be available
2 for scrap tire projects only, if acceptable scrap tire project
3 applications are received. Eligible categories of disbursement may
4 include:

5 (a) Studies to determine economic and technical
6 feasibility of uses of scrap tires or tire-derived product, with
7 disbursements of up to one hundred percent of the cost of the
8 study;

9 (b) Reimbursement for the purchase of crumb rubber
10 generated and used in Nebraska, with disbursements not to exceed

11 fifty percent of the cost of the crumb rubber;

12 (c) Reimbursement for the purchase of tire-derived
13 product which utilizes a minimum of twenty-five percent recycled
14 tire content, with disbursements not to exceed twenty-five percent
15 of the product's retail cost;

16 (d) Participation in the capital costs of building,
17 equipment, and other capital improvement needs or startup costs for
18 scrap tire processing or manufacturing of tire-derived product,
19 with disbursements not to exceed fifty percent of such costs or
20 five hundred thousand dollars, whichever is less;

21 (e) Participation in the capital costs of building,
22 equipment, or other startup costs needed to establish collection
23 sites or to collect and transport scrap tires, with disbursements
24 not to exceed fifty percent of such costs;

25 (f) Cost-sharing for the manufacturing of tire-derived
26 product, with disbursements not to exceed twenty dollars per ton or
27 two hundred fifty thousand dollars, whichever is less, to any
1 person annually;

2 (g) Cost-sharing for the processing of scrap tires, with
3 disbursements not to exceed twenty dollars per ton or two hundred
4 fifty thousand dollars, whichever is less, to any person annually;
5 and

6 (h) Cost-sharing for the use of scrap tires for civil
7 engineering applications for specified projects, with disbursements
8 not to exceed twenty dollars per ton or two hundred fifty thousand
9 dollars, whichever is less, to any person annually.

10 The director shall give preference to projects which
11 utilize scrap tires generated and used in Nebraska.

12 (5) The department may disburse (a) to any person up to
13 one hundred percent of the costs incurred in cleaning up scrap tire
14 collection sites existing on June 11, 1997, if application for such
15 cleanup is submitted prior to June 1, 1999, and the cleanup is
16 completed by September 1, 2000, or (b) to a political subdivision
17 up to one hundred percent of costs incurred in cleaning up
18 collection sites if application for such cleanup is submitted prior
19 to June 1, 1999, and the cleanup is completed by September 1, 2000.

20 (6) Priority for grants made under section 81-15,161
21 shall be given to grant proposals demonstrating a formal
22 public/private partnership except for grants awarded from funds
23 collected under subsection (6) of section 13-2042.

24 (7) Grants awarded from fees collected under subsection
25 (6) of section 13-2042 may be renewed for up to a five-year grant
26 period. Such applications shall include an updated solid waste
27 management plan pursuant to section 13-2032. Annual disbursements
1 are subject to available funds and the grantee meeting established
2 grant conditions. Priority for such grants shall be given to grant
3 proposals showing regional participation and programs which address
4 the first waste management hierarchy as stated in section 13-2018
5 which shall include toxicity reduction. Disbursements for any one

6 year shall not exceed fifty percent of the total funds collected
7 after rebates under subsection (6) of section 13-2042 during that
8 year. ; except that on or before June 30, 1999, grant proposals
9 that will be used for the recycling of tires or tire waste
10 reduction shall be submitted and considered under section
11 81-15,162.02 and shall not be funded from the Waste Reduction and
12 Recycling Incentive Fund.

13 (5) (8) The Department of Environmental Quality may
14 receive gifts, bequests, and any other contributions for deposit in
15 the fund. Any money in the fund available for investment shall be
16 invested by the state investment officer pursuant to the Nebraska
17 Capital Expansion Act and the Nebraska State Funds Investment Act.

18 Sec. 4. Section 81-15,162, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-15,162. (1) Commencing October 1, 1990, there is
21 hereby imposed a fee of one dollar on each tire of every new motor
22 vehicle, trailer, or semitrailer sold at retail in this state.
23 Such fee shall be collected by the county treasurer at the time of
24 registration of the motor vehicle, trailer, or semitrailer and
25 remitted to the Department of Revenue.

26 (2) Commencing October 1, 1990, there is hereby imposed a
27 fee of one dollar on every tire sold at retail in this state,
1 including every farm tractor tire, which tires are not on a motor
2 vehicle, trailer, or semitrailer pursuant to subsection (1) of this
3 section. Such fee shall be collected from the purchaser by the
4 tire retailer at the time of purchase and shall be remitted to the
5 Department of Revenue.

6 (3) For purposes of this section, tire shall have the
7 definition found in section 81-15,159.02 and shall include a
8 pneumatic and solid tire but shall not include a recapped or
9 regrooved tire.

10 (4) Subject to section 81-15,165:

11 (a) On or before June 30, 1999, the fees remitted to the
12 Department of Revenue under this section shall be remitted to the
13 State Treasurer for credit to the Scrap Tire Reduction and
14 Recycling Incentive Fund; and

15 (b) After June 30, 1999, the fees remitted to the
16 Department of Revenue under this section along with any unobligated
17 balance in the Scrap Tire Reduction and Recycling Incentive Fund
18 shall be remitted to the State Treasurer for credit to the Waste
19 Reduction and Recycling Incentive Fund. Fees collected in excess
20 of one million dollars shall be available for grants to political
21 subdivisions under rules and regulations adopted pursuant to
22 subsection (7) of section 13-2042.

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

25 2. On page 7, lines 2 and 3 and 20 through 25, strike
26 the new matter.

27 3. On page 8, line 24, strike "13-2001," and strike

- 1 "and" and after the last comma insert "and 81-15,162,"; and in line
- 2 25 after the comma insert "and section 81-15,160, Revised Statutes
- 3 Supplement, 1998,".
- 4 4. Renumber the remaining sections accordingly.

(Signed) Ed Schrock, Chairperson

MOTION - Print in Journal

Mr. Bromm filed the following motion to LB 101:

To direct the Clerk to request the Governor to return LB 101 to the Legislature for further consideration, in the nature of technical or clarifying amendment.

AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 101:

AM0976

(Amendments to Final Reading copy)

- 1 1. On page 2, line 19, strike "chairperson" through
- 2 "Resources" and insert "Governor"; in lines 20 and 21 strike
- 3 "chairperson" through "Agriculture" and insert "Governor"; in line
- 4 25 after "Agriculture" insert "as an ex officio, nonvoting member";
- 5 and in line 26 after "Resources" insert "as an ex officio,
- 6 nonvoting member".

Messrs. Bromm and Cudaback filed the following amendment to LB 90:

AM0763

(Amendments to AM0288)

- 1 1. On page 1, lines 3 through 11, strike the new matter
- 2 and insert "No storage fees shall be assessed against the
- 3 registered owner of a motor vehicle held in custody for
- 4 investigatory purposes under this section unless the registered
- 5 owner or the person in possession of the vehicle when it is taken
- 6 into custody is charged with a felony or misdemeanor related to the
- 7 offense for which the law enforcement agency took the vehicle into
- 8 custody. If a registered owner or the person in possession of the
- 9 vehicle when it is taken into custody is charged with a felony or
- 10 misdemeanor but is not convicted, the registered owner shall be
- 11 entitled to a refund of the storage fees.".

GENERAL FILE

LEGISLATIVE BILL 476. Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA74

Amend FA58

P. 1, line 4 Strike "one" and insert "four".

Messrs. Preister, Vrtiska, Bruning, Bromm, Coordsen, and Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Pending.

STANDING COMMITTEE REPORTS **Executive Board**

LEGISLATIVE RESOLUTION 4CA. Placed on General File.

LEGISLATIVE RESOLUTION 5CA. Placed on General File as amended.
Standing Committee amendment to LR 5CA:

AM0908

- 1 1. On page 2, line 5, strike "xxx" and insert "two
- 2 thousand".

(Signed) George Coordsen, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 58 was referred to the Reference Committee.

AMENDMENT - Print in Journal

Mr. Tyson filed the following amendment to LB 476:

FA73

On page 42, line 10 strike "and 28-1202,"

WITHDRAW - Motion to LB 444

Mr. Tyson withdrew his motion, found on page 1084, to place LB 444 on General File notwithstanding the action of the Business and Labor Committee, pursuant to Rule 3, Section 17.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 111. No objections. So ordered.

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 770. No objections. So ordered.

ADJOURNMENT

At 4:18 p.m., on a motion by Mr. D. Pederson, the Legislature adjourned until 9:00 a.m., Thursday, March 25, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY – MARCH 25, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 25, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Sam Rathod, First United Methodist Church, Hastings, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Landis and Mrs. Robak who were excused; and Mrs. Kiel and Mr. Kristensen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 835. Placed on Select File as amended.
E & R amendment to LB 835:
AM7092

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 31 of this act shall be known
- 4 and may be cited as the Competitive Livestock Markets Act.
- 5 Sec. 2. For purposes of the Competitive Livestock
- 6 Markets Act:
- 7 (1) Animal unit means one head of cattle, three calves
- 8 under four hundred fifty pounds, or five swine;
- 9 (2) Department means the Department of Agriculture;
- 10 (3) Director means the Director of Agriculture or his or
- 11 her designee;

12 (4) Livestock means live cattle or swine;

13 (5) Packer means a person, or agent of such person,
14 engaged in the business of slaughtering livestock in Nebraska in
15 excess of fifty thousand animal units per year; and

16 (6) Person includes individuals, firms, associations,
17 limited liability companies, and corporations and employees,
18 officers, or limited liability company members thereof.

19 Sec. 3. The Legislature finds that family farmers and
20 ranchers have been experiencing, with greater frequency, severely
21 depressed livestock market prices. These market conditions are
22 disproportionately affecting independent producers, which make up
23 the majority of farms and ranches, and are threatening the economic
24 stability of Nebraska's rural communities. The Legislature further
1 finds that packer concentration, vertical integration, and
2 contractual arrangements are undermining the system of price
3 discovery. In the absence of any meaningful federal response to
4 the conditions described, the purpose of the Competitive Livestock
5 Markets Act is to increase livestock market price transparency,
6 ensuring that producers can compete in a free and open market.
7 This is accomplished by establishing minimum price and contract
8 reporting requirements, eliminating volume premiums and
9 volume-based incentives, scrutinizing livestock production
10 contracts and marketing agreements, and statutorily reinforcing the
11 constitutional prohibition against the ownership, keeping, or
12 feeding of livestock by packers for the production of livestock or
13 livestock products.

14 Sec. 4. After the effective date of this act, it is
15 unlawful for a packer to be engaged in the ownership, keeping, or
16 feeding of livestock for the production of livestock or livestock
17 products.

18 Sec. 5. Whenever the Attorney General has reason to
19 believe that a packer is violating section 4 of this act, he or she
20 shall commence an action in district court to enjoin the livestock
21 operation. The court, upon determination that such packer is in
22 violation of section 4 of this act, shall order such livestock to
23 be removed and sold and shall assess the packer a fine of not less
24 than one thousand dollars for each day of violation.

25 Sec. 6. The proceeds from any livestock ordered to be
26 sold pursuant to section 5 of this act shall not be distributed
27 until all fines and costs associated with such action have been
1 paid. All money collected as a fine shall be remitted to the State
2 Treasurer for credit to the permanent school fund. All fines
3 levied under this section remaining unpaid shall constitute a debt
4 to the State of Nebraska which may be collected by lien foreclosure
5 or sued for and recovered in any proper form of action, in the name
6 of the State of Nebraska, in the district court of the county in
7 which the violation occurred.

8 Sec. 7. Except as provided in sections 8 and 9 of this
9 act, it is unlawful for a packer purchasing or entering into a

10 contract to purchase swine to pay or enter into a contract to pay
11 different prices to the sellers of the swine. This section shall
12 not be construed to mean that a price or payment method must remain
13 fixed throughout any marketing period.

14 Sec. 8. Section 7 of this act does not apply to any
15 direct, spot, or cash purchase of swine if the following
16 requirements are met:

17 (1) The difference in price is based on: (a) A payment
18 method specifying prices paid for criteria relating to carcass
19 merit; or (b) actual and quantifiable costs related to transporting
20 and acquiring the swine by the packer; and

21 (2) After making the payment to a seller, the packer
22 publishes and reports the payment information required under
23 section 13 of this act, including the payment method specifying
24 prices paid for criteria relating to carcass merit and
25 transportation and acquisition costs.

26 Sec. 9. Section 7 of this act does not apply to any
27 contract to purchase swine at a certain date or time if the
1 following requirements are met:

2 (1) The difference in price is based on: (a) A payment
3 method specifying prices paid for criteria relating to carcass
4 merit; or (b) actual and quantifiable costs related to transporting
5 and acquiring the swine by the packer;

6 (2) The packer publishes and reports the payment
7 information required under section 13 of this act, including the
8 payment method specifying prices paid for criteria relating to
9 carcass merit and transportation and acquisition costs;

10 (3) The packer publishes and reports the information
11 required under section 13 of this act, including the price to be
12 paid for swine to be delivered on specified delivery dates or
13 times; and

14 (4) An offer to enter into a contract for the delivery of
15 swine, according to the same terms and conditions, is made to other
16 sellers.

17 Sec. 10. Any agreement made by a packer in violation of
18 section 7 of this act is voidable by the seller.

19 Sec. 11. A seller may bring an action against any packer
20 violating section 7 of this act to recover damages sustained by
21 reason of such violation.

22 Sec. 12. Any packer acting in violation of section 7 of
23 this act is guilty of a Class IV misdemeanor and shall be fined
24 five hundred dollars per violation.

25 Sec. 13. Beginning January 3, 2000, a packer shall,
26 three times each day during which swine are purchased, report to
27 the department and to the United States Department of Agriculture,
1 agricultural market service livestock news branch, all swine that
2 are purchased in the cash, spot, or direct market since the last
3 report. A packer shall, one time each day during which swine are
4 purchased, report to the department and to the United States

5 Department of Agriculture, agricultural market service livestock
6 news branch, all swine that are purchased by contract that day.
7 Such reports shall be completed on forms prepared by the
8 department, in consultation with the agricultural market service
9 livestock news branch, and shall include:

10 (1) The cash price paid and the number of swine purchased
11 in the cash, spot, or direct market at price intervals
12 representative of the day's trade;

13 (2) The base price paid and premium and discount payment
14 adjustments for quality characteristics including grade, yield, and
15 backfat;

16 (3) Base price and premium and discount factors for swine
17 purchased using a formula-based pricing system; and

18 (4) The number of swine purchased under contract, in
19 which the date of delivery is set for more than fourteen days after
20 the making of the contract, and the base price to be paid or the
21 formula that will be used to determine the base price to be paid.

22 The report shall not include information regarding the
23 identity of a seller.

24 Sec. 14. The department shall make report information
25 received under section 13 of this act available to the public in a
26 timely manner to permit the use of the information while it is
27 still relevant.

1 Sec. 15. The failure of a packer to report information
2 to the department as required in section 13 of this act is
3 punishable by a civil penalty not to exceed one thousand dollars
4 for each day that a complete report is not made available to the
5 department. The intentional reporting of false information by a
6 packer in the report to the department required in section 13 of
7 this act is a Class IV misdemeanor.

8 Sec. 16. The Attorney General shall enforce the
9 provisions of sections 7 to 15 of this act, and the director shall
10 refer any violations of these provisions to the Attorney General.
11 The Attorney General or any person injured by a violation of these
12 provisions may bring an action in district court to restrain a
13 packer from violating these provisions.

14 Sec. 17. It is unlawful for a packer to enter into a
15 contract to purchase cattle for slaughter if:

16 (1) The contract specifies that the seller is not allowed
17 to report the terms of the contract; or

18 (2) The date of delivery of such cattle is not specified.

19 Sec. 18. Section 17 of this act does not apply to any
20 contract to purchase cattle for slaughter if the following
21 conditions are met:

22 (1) The contract to purchase cattle for slaughter
23 specifies the month of delivery and allows the seller to set the
24 week for delivery within such month; and

25 (2) The packer publishes and reports the contract
26 information as required under section 23 of this act, including

27 specified delivery dates or times.

1 Sec. 19. It is unlawful for a packer to enter into a
2 contract to purchase cattle for slaughter using a formula or grid
3 pricing mechanism if the packer fails to negotiate a base price
4 prior to the cattle being committed or scheduled for slaughter.

5 Sec. 20. Any contract to purchase cattle for slaughter
6 that is in violation of section 17 or 19 of this act is voidable by
7 the seller.

8 Sec. 21. A seller may bring an action against any packer
9 violating section 17 or 19 of this act to recover damages sustained
10 by reason of such violation.

11 Sec. 22. Any packer acting in violation of section 17 or
12 19 of this act shall be guilty of a Class IV misdemeanor and shall
13 be fined five hundred dollars per violation.

14 Sec. 23. Beginning January 3, 2000, a packer shall,
15 three times each day during which cattle are purchased, report to
16 the department and to the United States Department of Agriculture,
17 agricultural market service livestock news branch, all cattle that
18 are purchased in the cash, spot, or direct market since the last
19 report. A packer shall, one time each day during which cattle are
20 purchased, report to the department and to the United States
21 Department of Agriculture, agricultural market service livestock
22 news branch, all cattle that are purchased by contract that day.
23 Such reports shall be completed on forms prepared by the
24 department, in consultation with the agricultural market service
25 livestock news branch, and shall include:

26 (1) The cash price paid and the number of cattle
27 purchased at price intervals representative of the day's trade;

1 (2) Quality characteristics, including sex of the cattle,
2 estimated percentage of the meat which will be graded choice or
3 better upon inspection based upon the United States Department of
4 Agriculture official grades, and estimated live weight, as well as
5 premium and discount factors that may apply to these
6 characteristics;

7 (3) Base price and premium and discount factors for
8 cattle purchased using a formula or grid pricing mechanism; and

9 (4) The delivery month, volume, and applicable basis
10 level for all cattle purchased under basis contract.

11 The report shall not include information regarding the
12 identity of a seller.

13 Sec. 24. The department shall make report information
14 received under section 23 of this act available to the public in a
15 timely manner to permit the use of the information while it is
16 still relevant.

17 Sec. 25. The failure of a packer to report information
18 to the department as required in section 23 of this act is
19 punishable by a civil penalty not to exceed one thousand dollars
20 for each day that a complete report is not made available to the
21 department. The intentional reporting of false information by a

22 packer in the report to the department required in section 23 of
23 this act is a Class IV misdemeanor.

24 Sec. 26. The Attorney General shall enforce the
25 provisions of sections 17 to 25 of this act, and the director shall
26 refer any violations of these provisions to the Attorney General.
27 The Attorney General or any person injured by a violation of these
1 provisions may bring an action in district court to restrain a
2 packer from violating these provisions.

3 Sec. 27. The department shall assess a fee not to exceed
4 two cents per animal unit reported under sections 13 and 23 of this
5 act as direct-purchased or contract-purchased.

6 Sec. 28. The Competitive Livestock Markets Fund is
7 created. The fund shall be administered by the department. The
8 fund shall consist of investigative and enforcement expense
9 assessments against violators of the Competitive Livestock Markets
10 Act and fees paid by a packer pursuant to section 27 of this act.
11 The money in the fund shall be used to defray the investigative,
12 enforcement, and reporting expenses of the department in
13 administering the act. Any money in the fund available for
14 investment shall be invested by the state investment officer
15 pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.

17 Sec. 29. The department shall adopt and promulgate rules
18 and regulations to carry out the Competitive Livestock Markets Act.

19 Sec. 30. The Attorney General, for the enforcement of
20 the Competitive Livestock Markets Act, shall have the authority to
21 subpoena witnesses, compel their attendance, examine them under
22 oath, and require the production of documents, records, or tangible
23 things deemed relevant to the proper performance of his or her
24 duties. Service of any subpoena shall be made in the manner
25 prescribed by the rules of civil procedure.

26 Sec. 31. The Attorney General shall have the power and
27 authority to enter into reciprocal agreements with the duly
1 authorized representatives of other jurisdictions, federal or
2 state, for the exchange of information on a cooperative basis which
3 may assist in the proper administration of the Competitive
4 Livestock Markets Act."

5 2. On page 1, lines 1 and 2, strike "Livestock Price
6 Discovery" and insert "Competitive Livestock Markets".

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 25, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Kissel/E&S Associates, L.L.C.

Kissel, Gordon - Lincoln; City of Lincoln

O'Hara & Associates, Inc.

O'Hara & Associates, Inc. - Lincoln; Citizens for a Healthy Nebraska

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 40.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-204, Reissue Revised Statutes of Nebraska; to change penalties relating to being an accessory to felony; and to repeal the original section.

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

Voting in the affirmative, 42:

Baker	Coordsen	Jensen	Price	Smith
Beutler	Crosby	Jones	Quandahl	Stuhr
Bohlke	Cudaback	Kremer	Raikes	Suttle
Bourne	Dierks	Lynch	Redfield	Thompson
Brashear	Engel	Matzke	Schellpeper	Tyson
Brown	Hartnett	Pedersen, Dw.	Schimek	Vrtiska
Bruning	Hilgert	Pederson, D.	Schmitt	Wehrbein
Byars	Hudkins	Peterson, C.	Schrock	Wickersham
Connealy	Janssen			

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Preister

Excused and not voting, 5:

Bromm Kiel Kristensen Landis Robak

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

LEGISLATIVE BILL 49.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to create the offense of criminal child enticement; to provide penalties; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 43:

Baker	Coordsen	Jensen	Price	Smith
Beutler	Crosby	Jones	Quandahl	Stuhr
Bohlke	Cudaback	Kremer	Raikes	Suttle
Bourne	Dierks	Lynch	Redfield	Thompson
Brashear	Engel	Matzke	Schellpeper	Tyson
Brown	Hartnett	Pedersen, Dw.	Schimek	Vrtiska
Bruning	Hilgert	Pederson, D.	Schmitt	Wehrbein
Byars	Hudkins	Peterson, C.	Schrock	Wickersham
Connealy	Janssen	Preister		

Voting in the negative, 1:

Chambers

Excused and not voting, 5:

Bromm Kiel Kristensen Landis Robak

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

LEGISLATIVE BILL 226.

A BILL FOR AN ACT relating to public health; to provide for pain management; to limit certain disciplinary proceedings and criminal prosecutions; and to provide duties for the Board of Examiners in Medicine and Surgery.

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:

Baker	Connealy	Janssen	Preister	Smith
Beutler	Coordsen	Jensen	Price	Stuhr
Bohlke	Crosby	Jones	Quandahl	Suttle
Bourne	Cudaback	Kremer	Raikes	Thompson
Brashear	Dierks	Lynch	Redfield	Tyson
Brown	Engel	Matzke	Schellpeper	Vrtiska
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hilgert	Pederson, D.	Schmitt	Wickersham
Chambers	Hudkins	Peterson, C.	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Bromm	Kiel	Kristensen	Landis	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 511.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1998; to create the offense of sexual abuse of an inmate or parolee; to provide penalties; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 44:

Baker	Connealy	Janssen	Preister	Smith
Beutler	Coordsen	Jensen	Price	Stuhr
Bohlke	Crosby	Jones	Quandahl	Suttle
Bourne	Cudaback	Kremer	Raikes	Thompson
Brashear	Dierks	Lynch	Redfield	Tyson
Brown	Engel	Matzke	Schellpeper	Vrtiska
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hilgert	Pederson, D.	Schmitt	Wickersham
Chambers	Hudkins	Peterson, C.	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Bromm	Kiel	Kristensen	Landis	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 250.

A BILL FOR AN ACT relating to city government; to amend sections 19-405, 19-409, and 32-539, Reissue Revised Statutes of Nebraska; to change provisions relating to the nomination and election of council members in cities adopting the commission plan of city government; 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, 45:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Brown	Engel	Lynch	Redfield	Tyson
Bruning	Hartnett	Matzke	Schellpeper	Vrtiska
Byars	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Chambers	Hudkins	Pederson, D.	Schmitt	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 424. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend section 44-4001, Reissue Revised Statutes of Nebraska; to authorize limited licenses for sale of insurance related to rental vehicles; to harmonize provisions; 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, 45:

Baker	Brashear	Chambers	Cudaback	Hilgert
Beutler	Brown	Connealy	Dierks	Hudkins
Bohlke	Bruning	Coordsen	Engel	Janssen
Bourne	Byars	Crosby	Hartnett	Jensen

Jones	Pedersen, Dw.	Quandahl	Schmitt	Thompson
Kremer	Pederson, D.	Raikes	Schrock	Tyson
Kristensen	Peterson, C.	Redfield	Smith	Vrtiska
Lynch	Preister	Schellpeper	Stuhr	Wehrbein
Matzke	Price	Schimek	Suttle	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Bromm	Kiel	Landis	Robak
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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 211.

A BILL FOR AN ACT relating to smoking; to amend section 71-5707, Reissue Revised Statutes of Nebraska; to prohibit smoking in certain state vehicles and buildings; to provide exemptions; and to repeal the original section.

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

Voting in the affirmative, 43:

Baker	Crosby	Jones	Price	Smith
Beutler	Cudaback	Kremer	Quandahl	Stuhr
Bohlke	Dierks	Kristensen	Raikes	Suttle
Bourne	Engel	Lynch	Redfield	Thompson
Brashear	Hartnett	Matzke	Schellpeper	Tyson
Brown	Hilgert	Pedersen, Dw.	Schimek	Vrtiska
Bruning	Hudkins	Pederson, D.	Schmitt	Wehrbein
Byars	Janssen	Peterson, C.	Schrock	Wickersham
Connealy	Jensen	Preister		

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Coordsen
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Excused and not voting, 4:

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

LEGISLATIVE BILL 346. With Emergency.

A BILL FOR AN ACT relating to certified public accountants; to amend sections 1-116 and 1-162.01, Reissue Revised Statutes of Nebraska; to change provisions relating to examination eligibility and firm ownership; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 41:

Baker	Coordsen	Jensen	Price	Smith
Bohlike	Cudaback	Jones	Quandahl	Stuhr
Bourne	Dierks	Kremer	Raikes	Suttle
Brashear	Engel	Kristensen	Redfield	Thompson
Brown	Hartnett	Lynch	Schellpeper	Tyson
Bruning	Hilgert	Pedersen, Dw.	Schimek	Vrtiska
Byars	Hudkins	Peterson, C.	Schmitt	Wehrbein
Chambers	Janssen	Preister	Schrock	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Crosby	Matzke	Pederson, D.
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Excused and not voting, 4:

Bromm	Kiel	Landis	Robak
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 632 with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 632.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1406, 60-1407.01, 60-1411.01, 60-1411.02, 60-1413, 60-1419, 60-1436, and 60-1437, Reissue Revised Statutes of Nebraska; to classify the

trailer dealer's license; to provide an exemption from insurance requirements; to provide a fee; to change provisions relating to disciplinary actions and bond requirements; to prohibit certain acts by manufacturers and distributors; 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, 46:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers				

Voting in the negative, 0.

Excused and not voting, 3:

Kiel	Landis	Robak
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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 199.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7613, Revised Statutes Supplement, 1998; to change provisions relating to nursing facility conversion; and to repeal the original section.

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

Voting in the affirmative, 43:

Baker	Bruning	Dierks	Jensen	Pedersen, Dw.
Beutler	Byars	Engel	Jones	Pederson, D.
Bohlke	Chambers	Hartnett	Kremer	Peterson, C.
Bourne	Connealy	Hilgert	Kristensen	Preister
Brashear	Coordsen	Hudkins	Lynch	Price
Bromm	Crosby	Janssen	Matzke	Quandahl

Raikes	Schimek	Smith	Thompson	Wehrbein
Redfield	Schmitt	Stuhr	Tyson	Wickersham
Schellpeper	Schrock	Suttle		

Voting in the negative, 0.

Present and not voting, 3:

Brown	Cudaback	Vrtiska
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Excused and not voting, 3:

Kiel	Landis	Robak
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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 416 with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 416.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 32-1604.01, 49-1413, 49-1445, 49-1446.05, 49-1449, 49-1451, 49-1455 to 49-1459, 49-1463, 49-1467, 49-1469, 49-1469.04, 49-1479.01, 49-1483.03, 49-1488.01, and 49-14,126, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to candidate committees, campaign statements, contributions, expenditures, loans, reports, late filing fees, and a civil penalty; 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, 45:

Baker	Byars	Hartnett	Kristensen	Raikes
Beutler	Chambers	Hilgert	Lynch	Schellpeper
Bohlke	Connealy	Hudkins	Matzke	Schimek
Bourne	Coordsen	Janssen	Pedersen, Dw.	Schmitt
Brashear	Crosby	Jensen	Pederson, D.	Schrock
Bromm	Cudaback	Jones	Peterson, C.	Smith
Brown	Dierks	Kiel	Price	Stuhr
Bruning	Engel	Kremer	Quandahl	Suttle

Thompson Tyson Vrtiska Wehrbein Wickersham

Voting in the negative, 1:

Redfield

Present and not voting, 1:

Preister

Excused and not voting, 2:

Landis Robak

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 417.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1493, Reissue Revised Statutes of Nebraska; to change provisions relating to individuals required to file a statement of financial interests; and to repeal the original section.

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

Voting in the affirmative, 42:

Baker	Coordsen	Jones	Peterson, C.	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dierks	Kremer	Quandahl	Suttle
Brashear	Engel	Kristensen	Raikes	Thompson
Bromm	Hartnett	Lynch	Schellpeper	Tyson
Brown	Hilgert	Matzke	Schimek	Vrtiska
Bruning	Hudkins	Pedersen, Dw.	Schmitt	Wehrbein
Byars	Janssen	Pederson, D.	Schrock	Wickersham
Connealy	Jensen			

Voting in the negative, 5:

Beutler Chambers Crosby Preister Redfield

Excused and not voting, 2:

Landis Robak

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

LEGISLATIVE BILL 498. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5178, Revised Statutes Supplement, 1998; to provide for the use of automated external defibrillators; to define terms; to provide for immunity from liability; to provide for rules and regulations; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kiel	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Landis Robak

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 578.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-14,124 and 49-14,125, Reissue Revised Statutes of Nebraska; to change provisions relating to investigation and prosecution of violations of the Nebraska Political Accountability and Disclosure Act and the Campaign Finance Limitation Act; 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:

Baker	Connealy	Jensen	Peterson, C.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kiel	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schellpeper	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Landis Robak

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 40, 49, 226, 511, 250, 424, 211, 346, 632, 199, 416, 417, 498, and 578.

MOTION - Request Return of LB 101 From Governor

Mr. Bromm renewed his pending motion, found on page 1193, to direct the Clerk to request the Governor to return LB 101 to the Legislature for further consideration, in the nature of technical or clarifying amendment.

The Bromm motion prevailed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

COMMUNICATION

March 24, 1999

The Honorable Mike Johanns
Governor - State of Nebraska
State Capitol Building
Lincoln, NE 68509

Dear Governor Johanns:

The Legislature has directed that I respectfully request the return of LB 101

to the Legislature for further consideration.

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

PJO:r

MESSAGE FROM THE GOVERNOR

March 25, 1999

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

Dear Mr. O'Donnell:

Pursuant to Rule 7, Section 7 (e) and your request of March 25, 1999, I am returning Engrossed Legislative Bill 101 to your office for further action.

Sincerely,
(Signed) Mike Johanns
Governor

MOTION - Reconsider Final Passage of LB 101

Mr. Bromm moved to reconsider the vote on final passage of LB 101, pursuant to Rule 7, Section 7(d).

The Bromm motion to reconsider prevailed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

MOTION - Return LB 101 to Select File

Mr. Bromm moved to return LB 101 to Select File for his specific amendment, AM0976, found on page 1193.

The Bromm motion to return prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 101. The Bromm specific amendment, AM0976, found on page 1193, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 68 to Select File

Mrs. Suttle moved to return LB 68 to Select File for the Suttle-Chambers specific amendment, AM0909, found on page 1130.

The Suttle motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 68. The Suttle-Chambers specific amendment, AM0909, found on page 1130, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 324 to Select File

Mr. Jensen moved to return LB 324 to Select File for the following specific amendment:
AM0997

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 5. Section 71-7614, Revised Statutes Supplement,
- 3 1998, is amended to read:
- 4 71-7614. (1) Beginning January 15, 1999, the Excellence
- 5 in Health Care Trust Fund shall be used for (a) awarding grants or
- 6 making loan guarantees as described in section 71-7613 for
- 7 conversion of nursing facilities to assisted-living facilities or
- 8 other alternatives to nursing facility care, (b) awarding grants
- 9 for public health services which focus on health education,
- 10 preventive health measures, and environmental health, assessment,
- 11 and assurance, including services for reservation or service areas
- 12 of federally recognized Native American tribes in Nebraska and
- 13 organizations that focus on the health of minority groups, (c)
- 14 awarding grants for activities related to the design, maintenance,
- 15 or enhancement of the statewide trauma system, support of emergency
- 16 medical services programs, and support for the emergency medical
- 17 services programs for children, (d) awarding grants for conversion
- 18 of hospitals in rural areas of the state to limited-service rural
- 19 hospitals, (e) awarding grants for education, recruitment, and
- 20 retention of primary care professionals, behavioral health
- 21 professionals, and nurses for medically underserved areas, (f)
- 22 awarding grants for health infrastructure development which is
- 23 supportive of telemedicine capability, including, but not limited
- 1 to, high-speed data and medical information transmission, (g)
- 2 awarding grants for the development and expansion of
- 3 community-based aging services designed to promote the independent
- 4 living status of and delay institutional care for elderly persons,

5 including, but not limited to, personal care, respite care,
6 homemaker care, and chore and transportation services, and (h) the
7 state's matching share for children's health insurance under Title
8 XXI of the federal Social Security Act in excess of the funds
9 distributed under subdivision (2)(b) of section 71-7612. No more
10 than one-half of the money in the Excellence in Health Care Trust
11 Fund may be used for conversion projects under subdivision (a) of
12 this subsection. No funds shall be used under this section for
13 abortion, abortion counseling, referral for abortion, or
14 school-based health clinics.

15 (2) ~~The Governor shall establish the Excellence in Health~~
16 ~~Care Council within the Department of Health and Human Services~~
17 ~~Finance and Support is created.~~ The Director of Finance and
18 Support or his or her designee shall be an ex officio member of the
19 council. ~~The Governor shall appoint~~ council shall consist of a
20 chairperson and five additional members to the council appointed by
21 the Governor with the approval of a majority of the Legislature.
22 The chairperson and additional members shall be appointed for
23 three-year terms, except that of the initial members, two shall be
24 appointed for one-year terms and two for two-year terms. Any
25 member appointed prior to the effective date of this act shall be
26 subject to the approval of a majority of the Legislature. The
27 membership shall include at least one consumer and one health care
1 provider. Any vacancy shall be filled in the same manner as the
2 original appointment for the unexpired term. The Department of
3 Health and Human Services Finance and Support shall provide staff
4 support for the council. The Department of Health and Human
5 Services and the Department of Health and Human Services Regulation
6 and Licensure shall also assist the Department of Health and Human
7 Services Finance and Support and the council as may be necessary.
8 Members of the council shall be reimbursed for their actual and
9 necessary expenses as provided in sections 81-1174 to 81-1177.

10 (3) The council, with the approval of the Director of
11 Finance and Support, shall award grants or make loan guarantees
12 under subdivision (1)(a) of this section and shall award grants
13 under subdivisions (1)(b) through (g) of this section to a person
14 or entity for expenditures, including, but not limited to, startup
15 and training expenses and operating losses, which will improve
16 access to or delivery of health care services to medically
17 underserved individuals or in medically underserved areas or which
18 will help contain or reduce the cost or improve the quality of
19 health care services. The Director of Finance and Support, with
20 the advice of the Nursing Home Advisory Council and the Policy
21 Cabinet created in section 81-3009, shall use the procedures and
22 criteria of section 71-7613 to make recommendations for grants to
23 be awarded or loan guarantees to be made by the Excellence in
24 Health Care Council under subdivision (1)(a) of this section.

25 (4) Eligible activities under subdivision (1)(b) of this
26 section shall include, but not be limited to, (a) projects to

27 implement the Community Health Care Act, (b) the hiring of school
1 nurses by educational service units, school districts, public
2 health entities, or partnerships between schools and public health
3 entities in order to identify children for medicaid eligibility and
4 to provide immunizations and other public health services, (c)
5 health education and activities that focus on prenatal care, proper
6 diet, physical activity, the reduction of teen and other unintended
7 pregnancies, the prevention of disease, and other public health
8 problems, (d) staffing needs for public health services or
9 education, including recruitment and training, (e) pregnancy
10 testing, (f) tests and screenings for blood pressure, cholesterol,
11 sexually transmitted diseases, cervical cancer, breast cancer,
12 communicable diseases, and other potential public health problems,
13 (g) matching funds for state and federal health programs designed
14 to address public health needs, (h) laboratory equipment to enable
15 the Department of Health and Human Services Regulation and
16 Licensure to carry out its powers and duties relating to laboratory
17 services, (i) public health environmental services, and (j)
18 education, research, and outreach programs that specifically
19 address the cause and prevention of smoking-related diseases and
20 smoking prevention and cessation.

21 (5) This section does not create an entitlement to any
22 funds available for grants or loan guarantees under this section,
23 and the council may award grants or make loan guarantees to the
24 extent funds are available and, within its discretion, to the
25 extent such applications are approved.

26 (6) The department shall:

27 (a) In consultation with the Excellence in Health Care
1 Council, develop criteria for the awarding of grants from the
2 Excellence in Health Care Trust Fund pursuant to subdivisions
3 (1)(b) through (g) of this section;

4 (b) Have the power to approve or disapprove decisions by
5 the council regarding the selection of projects to be funded and
6 the distribution and duration of project funding;

7 (c) In consultation with the council, establish
8 standards, formats, procedures, and timelines for the successful
9 implementation of approved projects;

10 (d) In consultation with the council, assist grant
11 recipients in determining the effectiveness of the project and
12 measure the accomplishment of the grant objectives; and

13 (e) Provide annual reports to the Governor and the
14 Legislature concerning the projects. Each report shall include the
15 number of applicants and approved applicants, an overview of the
16 various projects, and detailed reports of the cost of each project.

17 (7) The department shall, in consultation with the
18 council, adopt and promulgate rules and regulations establishing
19 criteria, standards, and procedures regarding the selection and
20 administration of projects funded from the fund pursuant to
21 subdivisions (1)(b) through (g) of this section. Recipients of

22 such grants shall be required to provide, upon request, such data
 23 relating to the funded projects as the department deems necessary.

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

26 2. On page 1, line 2; and page 4, line 11, strike "and
 27 71-7612" and insert "71-7612, and 71-7614".

1 3. On page 1, line 4, after the first semicolon insert
 2 "to change provisions relating to the Excellence in Health Care
 3 Council;"; in line 5 after "provide" insert "and change" and strike
 4 the second "and"; and in line 6 after "sections" insert "; and to
 5 declare an emergency".

6 4. Renumber the remaining sections accordingly.

The Jensen motion to return prevailed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Messrs. Baker, Coordsen, and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 324. The Jensen specific amendment, AM0997, found in this day's Journal, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 72 to Select File

Mr. Tyson moved to return LB 72 to Select File for his specific amendment, FA56, found on page 1108.

The Tyson motion to return failed with 7 ayes, 23 nays, 15 present and not voting, and 4 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 72. With Emergency.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 25-1633, 29-1401, and 29-1502, Reissue Revised Statutes of Nebraska; to change provisions relating to alternate jurors; to change procedures relating to certain grand juries; to change references to names in court proceedings; to repeal the original sections; and to declare an emergency.

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

the emergency clause attached?" "

Voting in the affirmative, 43:

Baker	Chambers	Janssen	Pederson, D.	Schmitt
Beutler	Connealy	Jensen	Peterson, C.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kiel	Price	Suttle
Brashear	Dierks	Kremer	Quandahl	Thompson
Bromm	Engel	Kristensen	Raikes	Vrtiska
Brown	Hartnett	Lynch	Redfield	Wehrbein
Bruning	Hilgert	Matzke	Schimek	Wickersham
Byars	Hudkins	Pedersen, Dw.		

Voting in the negative, 2:

Schellpeper Tyson

Excused and not voting, 4:

Coordsen Landis Robak Schrock

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 LB 194 to Select File

Mr. Wickersham moved to return LB 194 to Select File for his specific amendment, AM0869, found on page 1103.

The Wickersham motion to return prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 194. The Wickersham specific amendment, AM0869, found on page 1103, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 194 to Select File

Mr. Wickersham moved to return LB 194 to Select File for the following specific amendment:

AM1007

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:

2 "Sec. 34. Section 79-1016, Revised Statutes Supplement,
3 1998, is amended to read:

4 79-1016. (1) On or before August 25, the county assessor
5 shall certify to the Property Tax Administrator the total taxable
6 value by school district in the county for the current assessment
7 year on forms prescribed by the Property Tax Administrator. On or
8 before ~~July 1~~ of each year October 10, the Property Tax
9 Administrator shall compute and certify to the State Department of
10 Education the adjusted valuation for the current ~~calendar year of~~
11 ~~each local system~~ assessment year for each class of property in
12 each such local system. The adjusted so that the valuation of
13 property for each local system, for purposes of determining state
14 aid pursuant to the Tax Equity and Educational Opportunities
15 Support Act, shall reflect as nearly as possible state aid value as
16 defined in subsection (2) of this section. The Property Tax
17 Administrator shall also notify each local system of its adjusted
18 valuation for the current ~~calendar~~ assessment year by class of
19 property on or before ~~July 1~~ of each year October 10.
20 Establishment of the adjusted valuation shall be based on
21 assessment practices established by rule and regulation adopted and
22 promulgated by the Property Tax Administrator. The assessment
23 practices may include, but not be limited to, the appraisal methods
1 listed in section 77-112.

2 (2) For purposes of this section, state aid value means:

3 (a) For real property other than agricultural land, one
4 hundred percent of market value;

5 (b) For agricultural land, eighty percent of market value
6 as provided in sections 77-1359 to 77-1363; and

7 (c) For personal property, the net book value as defined
8 in section 77-120.

9 (3) On or before ~~July 31~~ November 10, any local system
10 may file with the Property Tax Administrator written objections to
11 the adjusted valuations prepared by the Property Tax Administrator,
12 stating the reasons why such adjusted valuations are not the
13 valuations required by subsection (2) of this section. The
14 Property Tax Administrator shall fix a time for a hearing. Either
15 party shall be permitted to introduce any evidence in reference
16 thereto. On or before ~~November~~ January 1, the Property Tax
17 Administrator shall enter an order modifying or declining to
18 modify, in whole or in part, the adjusted valuations and shall
19 certify the order to the State Department of Education.
20 Modification by the Property Tax Administrator shall be based upon
21 the evidence introduced at hearing and shall not be limited to the
22 modification requested in the written objections or at hearing.
23 The final determination of the Property Tax Administrator may be
24 appealed to the Tax Equalization and Review Commission in
25 accordance with the Tax Equalization and Review Commission Act.

26 (4) On or before ~~June 15, 1998, for adjusted valuations~~
27 ~~certified in 1997, and on or before October 31 for adjusted~~

1 ~~valuations certified each year thereafter~~ November 10, any local
2 system or county official may file with the Property Tax
3 Administrator a written request for a nonappealable correction of
4 the adjusted valuation due to clerical error or, for agricultural
5 land, assessed value changes by reason of land qualified or
6 disqualified for special use valuation pursuant to sections 77-1343
7 to 77-1348. For purposes of this subsection, clerical error means
8 transposition of numbers, allocation of value to the wrong school
9 district, mathematical error, and omitted value. ~~On or before June~~
10 ~~30, 1998, for adjusted valuations certified in 1997, and on or~~
11 ~~before November 30 for valuations certified each year thereafter~~
12 the following January 1, the Property Tax Administrator shall
13 approve or deny the request and, if approved, certify the corrected
14 adjusted valuations resulting from such action to the State
15 Department of Education.

16 (5) No injunction shall be granted restraining the
17 distribution of state aid based upon the adjusted valuations
18 pursuant to this section.

19 (6) ~~Beginning with the 1997-98 school fiscal year, in the~~
20 ~~school fiscal year beginning during the calendar year that a county~~
21 ~~board adopts special valuation for all qualifying property in the~~
22 ~~county pursuant to sections 77-1343 to 77-1348, the adjusted~~
23 ~~valuation used in the calculation of state aid shall not exceed one~~
24 ~~hundred eight percent of the assessed valuation for the property~~
25 ~~tax year on which the adjusted valuation is based.~~

26 (7) A school district whose state aid is to be calculated
27 pursuant to ~~subsections (4) and (6)~~ subsection (4) of this section
1 and whose state aid payment is postponed as a result of failure to
2 calculate state aid pursuant to such subsections may apply to the
3 state board for lump-sum payment of such postponed state aid. Such
4 application may be for any amount up to one hundred percent of the
5 postponed state aid. The state board may grant the entire amount
6 applied for or any portion of such amount. The state board shall
7 notify the Director of Administrative Services of the amount of
8 funds to be paid in a lump sum and the reduced amount of the
9 monthly payments. The Director of Administrative Services shall,
10 at the time of the next state aid payment made pursuant to section
11 79-1022, draw a warrant for the lump-sum amount from appropriated
12 funds and forward such warrant to the district.

13 Sec. 35. Section 79-1022, Revised Statutes Supplement,
14 1998, is amended to read:

15 79-1022. (1) On or before December 1 of each year, the
16 department shall determine the amounts to be distributed to each
17 local system and each district pursuant to the Tax Equity and
18 Educational Opportunities Support Act based on estimated funding
19 levels provided by the Legislative Fiscal Analyst and shall certify
20 the amounts to the Director of Administrative Services, the Auditor
21 of Public Accounts, and each district. The Legislative Fiscal
22 Analyst shall provide such estimated funding level not later than

23 November 1 of each year. The amount to be distributed to each
 24 district from the amount certified for a local system shall be
 25 proportional based on the weighted formula students attributed to
 26 each district in the local system.

27 (2) Except as provided in subsection (7) (6) of section
 1 79-1016, the amounts certified pursuant to subsection (1) of this
 2 section shall be distributed in ten as nearly as possible equal
 3 payments on the last business day of each month beginning in
 4 September of each ensuing school fiscal year and ending in June of
 5 the following year. Such certified state aid amounts shall be
 6 shown as budgeted non-property-tax receipts and deducted prior to
 7 calculating the property tax request in the district's general fund
 8 budget statement as provided to the Auditor of Public Accounts
 9 pursuant to section 79-1024."

10 2. On page 1, line 7, strike "and"; and in line 8 after
 11 the first comma insert "79-1016, and 79-1022,".

12 3. On page 31, line 27, after the period insert "The
 13 Property Tax Administrator, upon written request from the county
 14 assessor, may extend the statutory due dates provided in this
 15 section and sections 77-1381, 77-1381.01, 77-1384, and 77-5027".

16 4. Correct the operative date section and repealer so
 17 that the sections added by this amendment become operative on
 18 January 1, 2000.

19 5. Renumber the remaining sections accordingly.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham motion to return prevailed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 194. The Wickersham specific amendment, AM1007, found in this day's Journal, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: LB 72.

MOTION - Return LB 475 to Select File

Mrs. Bohlke moved to return LB 475 to Select File for her specific amendment, AM0813, found on page 1011.

The Bohlke motion to return prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 475. The Bohlke specific amendment, AM0813, found on page 1011, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 475 to Select File

Mrs. Bohlke moved to return LB 475 to Select File for her specific amendment, AM0873, found on page 1103.

The Bohlke motion to return prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 475. The Bohlke specific amendment, AM0873, found on page 1103, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 574 to Select File

Mr. Chambers moved to return LB 574 to Select File for the Chambers-Jensen specific amendment, AM0924, found on page 1182.

The Chambers motion to return prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 574. The Chambers-Jensen specific amendment, AM0924, found on page 1182, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution.

LR **Committee**
58 Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1999, at 10:20 a.m., were the following bills: LBs 40, 49, 226, 511, 250, 424, 211, 346, 632, 199, 416, 417, 498, and 578.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 476. Mr. Chambers renewed his pending amendment, FA74, found on page 1193, to the pending first Standing Committee amendment, FA58, found on page 1183.

SPEAKER KRISTENSEN PRESIDING

MR. CUDABACK PRESIDING

Mr. Kristensen, Mmes. Stuhr, Brown, and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Raikes asked unanimous consent to be excused. No objections. So ordered.

Pending.

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

LEGISLATIVE BILL 433. Placed on General File.

LEGISLATIVE BILL 457. Placed on General File.

LEGISLATIVE BILL 695. Placed on General File.

LEGISLATIVE BILL 230. Placed on General File as amended.
Standing Committee amendment to LB 230:
AM0971

- 1 1. On page 2, line 20, strike "fifteen" and insert
- 2 "twenty-five".

LEGISLATIVE BILL 499. Placed on General File as amended.
Standing Committee amendment to LB 499:

AM0716

- 1 1. On page 2, line 23, reinstate the stricken matter and
- 2 after the reinstated matter insert "to"; and in line 28 strike the
- 3 new matter and reinstate the stricken matter.
- 4 2. On page 3, lines 2 through 4, strike the new matter.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LB 179:
AM0952

(Amendments to AM0659)

- 1 1. Strike sections 1 and 2.
- 2 2. On page 17, strike beginning with "section" in line 4
- 3 through the second comma in line 5 and insert "sections"; and in
- 4 line 5 strike the third comma.
- 5 3. Renumber the remaining sections accordingly.

Mrs. Thompson filed the following amendment to LB 476:
AM1022

- 1 1. On page 4, strike line 22 and insert "on its face the
- 2 specific handgun, including the serial number of the handgun, for
- 3 which the".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1999, at 12:20 p.m., was the following bill: LB 72.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 476. The Chambers pending amendment, FA74, found on page 1193, to the pending first Standing Committee amendment, FA58, found on page 1183, was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

The Chambers amendment lost with 9 ayes, 26 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Mrs. Kiel offered the following amendment to the first Standing Committee amendment:

AM1001

(Amendments to Standing Committee amendments, FA58)

- 1 1. On page 1, line 4, before the period insert "; and on
- 2 page 23, line 15, after the period insert 'It is the intent of the
- 3 Legislature that the Concealed Handgun License Act be revenue
- 4 neutral. No application to carry a concealed handgun shall be
- 5 accepted and no license issued at any time when the Concealed
- 6 Handgun License Fund does not have sufficient funds to pay all the
- 7 costs of processing an application for such a license.'".

Messrs. Bromm and Beutler asked unanimous consent to be excused. No objections. So ordered.

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

Mrs. Kiel requested a roll call vote on her amendment.

Voting in the affirmative, 13:

Bourne	Connealy	Kiel	Price	Suttle
Brown	Crosby	Lynch	Schimek	Thompson
Chambers	Hartnett	Peterson, C.		

Voting in the negative, 25:

Baker	Cudaback	Kristensen	Redfield	Stuhr
Brashear	Engel	Matzke	Schellpeper	Tyson
Bruning	Hudkins	Pedersen, Dw.	Schmitt	Vrtiska
Byars	Janssen	Pederson, D.	Schrock	Wehrbein
Coordsen	Jones	Quandahl	Smith	Wickersham

Present and not voting, 4:

Hilgert	Jensen	Kremer	Preister
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Excused and not voting, 7:

Beutler	Bromm	Landis	Raikes	Robak
Bohlke	Dierks			

The Kiel amendment lost with 13 ayes, 25 nays, 4 present and not voting, and 7 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 476:

FA75

Amend FA58

P. 1, line 4 Strike "one hundred" and insert "three hundred fifty"

UNANIMOUS CONSENT - Add Cointroducers

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 849. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 147. No objections. So ordered.

VISITORS

Visitors to the Chamber were 25 third and fourth grade students and teachers from Clarkson Elementary School; 10 seniors and teacher from Twin Valley High School; students and teacher from Plattsmouth Elementary School; and 100 eighth grade students and teachers from Kirn Junior High School, Council Bluffs, Iowa.

MOTION - Adjournment

Mr. Schmitt moved to adjourn. The motion prevailed with 32 ayes, 3 nays, 7 present and not voting, and 7 excused and not voting, and at 1:32 p.m., the Legislature adjourned until 9:00 a.m., Monday, March 29, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY – MARCH 29, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 29, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Preister who was excused; and Mmes. Bohlke, Robak, Messrs. Bromm, Engel, Kristensen, Landis, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

MOTION - Approve Appointment

Mr. Coordsen moved the adoption of the report of the Revenue Committee for the following appointment found on page 1187: Mary Jane Egr - Tax Commissioner.

Voting in the affirmative, 35:

Baker	Connealy	Hudkins	Pederson, D.	Schrock
Bourne	Coordsen	Janssen	Peterson, C.	Smith
Brashear	Crosby	Jensen	Price	Stuhr
Brown	Cudaback	Jones	Raikes	Thompson
Bruning	Dierks	Kremer	Redfield	Tyson
Byars	Hartnett	Matzke	Schellpeper	Vrtiska
Chambers	Hilgert	Pedersen, Dw.	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Lynch	Quandahl	Schmitt	Suttle
Kiel				

Excused and not voting, 8:

Bohlke	Engel	Landis	Robak	Wickersham
Bromm	Kristensen	Preister		

The appointment was confirmed with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 476. Mr. Chambers renewed his pending amendment, FA75, found on page 1225, to the pending first Standing Committee amendment, FA58, found on page 1183.

Messrs. Coordsen, Bruning, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendments to LB 142:
AM1011

(Amendments to E & R amendments, AM7091)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 66-1345, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 66-1345. (1) There is hereby created the Ethanol
- 5 Production Incentive Cash Fund which shall be used by the board to
- 6 pay the credits created in section 66-1344 to the extent provided
- 7 in this section. Any money in the fund available for investment
- 8 shall be invested by the state investment officer pursuant to the
- 9 Nebraska Capital Expansion Act and the Nebraska State Funds
- 10 Investment Act. The State Treasurer shall transfer to the Ethanol
- 11 Production Incentive Cash Fund such money as shall be (a)
- 12 appropriated to the Ethanol Production Incentive Cash Fund by the
- 13 Legislature, (b) given as gifts, bequests, grants, or other
- 14 contributions to the Ethanol Production Incentive Cash Fund from
- 15 public or private sources, (c) made available due to failure to
- 16 fulfill conditional requirements pursuant to investment agreements
- 17 entered into prior to April 30, 1992, (d) received as return on
- 18 investment of the Ethanol Authority and Development Cash Fund, (e)

19 credited to the Ethanol Production Incentive Cash Fund from the
20 fertilizer fee pursuant to section 77-4401, (f) credited to the
21 Ethanol Production Incentive Cash Fund from the excise taxes
22 imposed by section 66-1345.01, and (g) (f) credited to the Ethanol
23 Production Incentive Cash Fund pursuant to section 66-1345.04.

1 (2) The Department of Revenue shall, at the end of each
2 calendar quarter, notify the State Treasurer of the amount of motor
3 fuel tax that was not collected in the preceding calendar quarter
4 due to the credits provided in section 66-1344. The State
5 Treasurer shall transfer from the Ethanol Production Incentive Cash
6 Fund to the Highway Trust Fund an amount equal to such credits less
7 the following amounts:

8 (a) For 1993, 1994, and 1995, the amount generated during
9 the calendar quarter by a one-cent tax on motor fuel pursuant to
10 sections 66-489, 66-668, and 66-6,107;

11 (b) For 1996, the amount generated during the calendar
12 quarter by a three-quarters-cent tax on motor fuel pursuant to such
13 sections;

14 (c) For 1997, the amount generated during the calendar
15 quarter by a one-half-cent tax on motor fuel pursuant to such
16 sections; and

17 (d) For 1998, 1999, and 2000, no reduction.

18 The amounts shall be transferred through December 31,
19 2000. For 1993 through 1997, if the amount generated pursuant to
20 subdivisions (a), (b), and (c) of this subsection and the amount
21 transferred pursuant to subsection (1) of this section are not
22 sufficient to fund the credits provided in section 66-1344, then
23 the credits shall be funded through the Ethanol Production
24 Incentive Cash Fund but shall not be funded through either the
25 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
26 2000, the credits provided in such section shall be funded through
27 the Ethanol Production Incentive Cash Fund but shall not be funded
1 through either the Highway Cash Fund or the Highway Trust Fund.

2 (3) The State Treasurer shall transfer from the Ethanol
3 Production Incentive Cash Fund to the Management Services Expense
4 Revolving Fund the amount reported under subsection (4) of section
5 66-1345.02 for each calendar quarter of the fiscal year as provided
6 in such subsection.

7 (4) On February 15, 2001, the State Treasurer shall
8 transfer any unexpended and unobligated funds from the Ethanol
9 Production Incentive Cash Fund to the Nebraska Corn Development,
10 Utilization, and Marketing Fund and Grain Sorghum Development,
11 Utilization, and Marketing Fund in the same proportion as funds
12 were collected pursuant to section 66-1345.01 from corn and grain
13 sorghum.

14 Sec. 3. Section 77-4401, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 77-4401. (1) ~~Through December 31, 1996, there shall be~~
17 There is imposed a fee of four dollars one dollar per ton upon the

18 gross tonnage of all sales, use, or other consumption in this state
 19 of commercial fertilizers. ~~and commencing January 1, 1997,~~
 20 ~~through December 31, 2000, there shall be imposed a fee of one~~
 21 ~~dollar per ton upon such gross tonnage.~~ The fee shall be paid by
 22 the purchaser of the commercial fertilizer. Any commercial
 23 fertilizer subject to the sales and use tax pursuant to the
 24 Nebraska Revenue Act of 1967 shall be exempt from the fee imposed
 25 by this section. For purposes of this section, the definitions
 26 found in section 81-2,162.02 shall apply.

27 (2) The fee imposed by this section shall be collected by
 1 the seller and remitted to the ~~Department of Revenue for credit to~~
 2 ~~the Ethanol Production Incentive Cash Fund through December 31,~~
 3 ~~1996, and to the Natural Resources Enhancement Fund on and after~~
 4 ~~January 1, 1997,~~ based on the gross tonnage of commercial
 5 fertilizers sold during the preceding period. Payment of the fee
 6 shall be accompanied by a report setting forth the gross tonnage of
 7 commercial fertilizers sold by the seller. The report shall be on
 8 a form prescribed by the Department of Revenue and shall include
 9 such other information as the Tax Commissioner deems necessary.
 10 The provisions of the Nebraska Revenue Act of 1967 applicable to
 11 sales and use taxes shall apply to imposition of the fee.

12 (3) For purposes of this section, gross tonnage shall not
 13 include water and other carriers added by the retail seller of the
 14 fertilizer and shall not include sales of packages of fertilizers
 15 containing ten pounds or less.

16 (4) Any person who purchased commercial fertilizer prior
 17 to May 1, 1993, and paid a fee greater than three dollars per ton
 18 shall be entitled to a refund of the amount paid in excess of three
 19 dollars per ton.

20 (5) The Tax Commissioner shall adopt and promulgate rules
 21 and regulations to carry out this section."

22 2. On page 2, line 14, strike "section 60-3003" and
 23 insert "sections 60-3003, 66-1345, and 77-4401"; and in line 15
 24 strike "is" and insert "are".

25 3. Renumber the remaining sections accordingly.

AM1012

(Amendments to E & R amendments, AM7091)

1 1. Insert the following new sections:

2 "Sec. 2. Section 77-27,136, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 77-27,136. The Legislature shall appropriate seventeen
 5 million ~~nine one~~ hundred thousand dollars of all funds collected by
 6 a general sales tax and income tax for aid to incorporated
 7 municipalities, ~~thirteen million five~~ twelve million seven hundred
 8 thousand dollars for aid to counties, and ~~seven two million three~~
 9 hundred thousand dollars for aid to natural resources districts.

10 Sec. 4. Original section 77-27,136, Reissue Revised
 11 Statutes of Nebraska, is repealed."

- 12 2. On page 2, line 13, strike "This act becomes" and
13 insert "Sections 1 and 5 of this act become" and after the period
14 insert "The other sections of this act become operative on their
15 effective date."
16 3. Renumber the remaining sections accordingly.

AM1013

(Amendments to E & R amendments, AM7091)

- 1 1. Insert the following new sections:
2 "Sec. 2. Section 66-1345, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 66-1345. (1) There is hereby created the Ethanol
5 Production Incentive Cash Fund which shall be used by the board to
6 pay the credits created in section 66-1344 to the extent provided
7 in this section. Any money in the fund available for investment
8 shall be invested by the state investment officer pursuant to the
9 Nebraska Capital Expansion Act and the Nebraska State Funds
10 Investment Act. The State Treasurer shall transfer to the Ethanol
11 Production Incentive Cash Fund such money as shall be (a)
12 appropriated to the Ethanol Production Incentive Cash Fund by the
13 Legislature, (b) given as gifts, bequests, grants, or other
14 contributions to the Ethanol Production Incentive Cash Fund from
15 public or private sources, (c) made available due to failure to
16 fulfill conditional requirements pursuant to investment agreements
17 entered into prior to April 30, 1992, (d) received as return on
18 investment of the Ethanol Authority and Development Cash Fund, (e)
credited to the Ethanol Production Incentive Cash Fund from the
20 fertilizer fee pursuant to section 77-4401, (f) credited to the
21 Ethanol Production Incentive Cash Fund from the excise taxes
22 imposed by section 66-1345.01, and (g) credited to the Ethanol
23 Production Incentive Cash Fund pursuant to section 66-1345.04.
1 (2) The Department of Revenue shall, at the end of each
2 calendar quarter, notify the State Treasurer of the amount of motor
3 fuel tax that was not collected in the preceding calendar quarter
4 due to the credits provided in section 66-1344. The State
5 Treasurer shall transfer from the Ethanol Production Incentive Cash
6 Fund to the Highway Trust Fund an amount equal to such credits less
7 the following amounts:
8 (a) For 1993, 1994, and 1995, the amount generated during
9 the calendar quarter by a one-cent tax on motor fuel pursuant to
10 sections 66-489, 66-668, and 66-6,107;
11 (b) For 1996, the amount generated during the calendar
12 quarter by a three-quarters-cent tax on motor fuel pursuant to such
13 sections;
14 (c) For 1997, the amount generated during the calendar
15 quarter by a one-half-cent tax on motor fuel pursuant to such
16 sections; and
17 (d) For 1998, 1999, and 2000, no reduction.
18 The amounts shall be transferred through December 31,

19 2000. For 1993 through 1997, if the amount generated pursuant to
 20 subdivisions (a), (b), and (c) of this subsection and the amount
 21 transferred pursuant to subsection (1) of this section are not
 22 sufficient to fund the credits provided in section 66-1344, then
 23 the credits shall be funded through the Ethanol Production
 24 Incentive Cash Fund but shall not be funded through either the
 25 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
 26 2000, the credits provided in such section shall be funded through
 27 the Ethanol Production Incentive Cash Fund but shall not be funded
 1 through either the Highway Cash Fund or the Highway Trust Fund.

2 (3) The State Treasurer shall transfer from the Ethanol
 3 Production Incentive Cash Fund to the Management Services Expense
 4 Revolving Fund the amount reported under subsection (4) of section
 5 66-1345.02 for each calendar quarter of the fiscal year as provided
 6 in such subsection.

7 (4) On February 15, 2001, the State Treasurer shall
 8 transfer unexpended and unobligated funds remaining in the Ethanol
 9 Production Incentive Cash Fund, after all transfers from the
 10 Ethanol Production Incentive Cash Fund to the Highway Trust Fund
 11 are completed, to the Water Quality Trust Fund. On February 15,
 12 2001, the State Treasurer shall transfer any unexpended and
 13 unobligated funds from the Ethanol Production Incentive Cash Fund
 14 to the Nebraska Corn Development, Utilization, and Marketing Fund
 15 and Grain Sorghum Development, Utilization, and Marketing Fund in
 16 the same proportion as funds were collected pursuant to section
 17 66-1345.01 from corn and grain sorghum.

18 Sec. 3. The Water Quality Trust Fund is created. The
 19 interest earned on the fund shall be transferred to the Natural
 20 Resources Enhancement Fund. Any money in the Water Quality Trust
 21 Fund shall be invested pursuant to the Nebraska Capital Expansion
 22 Act and the Nebraska State Funds Investment Act."

23 2. On page 2, line 14, strike "section 60-3003" and
 24 insert "sections 60-3003 and 66-1345"; and in line 15 strike "is"
 25 and insert "are".

26 3. Renumber the remaining sections accordingly.

AM1014

(Amendments to E & R amendments, AM7091)

1 1. Insert the following new sections:

2 "Sec. 2. Section 66-1345, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 66-1345. (1) There is hereby created the Ethanol
 5 Production Incentive Cash Fund which shall be used by the board to
 6 pay the credits created in section 66-1344 to the extent provided
 7 in this section. Any money in the fund available for investment
 8 shall be invested by the state investment officer pursuant to the
 9 Nebraska Capital Expansion Act and the Nebraska State Funds
 10 Investment Act. The State Treasurer shall transfer to the Ethanol
 11 Production Incentive Cash Fund such money as shall be (a)

12 appropriated to the Ethanol Production Incentive Cash Fund by the
13 Legislature, (b) given as gifts, bequests, grants, or other
14 contributions to the Ethanol Production Incentive Cash Fund from
15 public or private sources, (c) made available due to failure to
16 fulfill conditional requirements pursuant to investment agreements
17 entered into prior to April 30, 1992, (d) received as return on
18 investment of the Ethanol Authority and Development Cash Fund, (e)
19 ~~credited to the Ethanol Production Incentive Cash Fund from the~~
20 ~~fertilizer fee pursuant to section 77-4401,~~ (f) credited to the
21 Ethanol Production Incentive Cash Fund from the excise taxes
22 imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol
23 Production Incentive Cash Fund pursuant to section 66-1345.04.

1 (2) The Department of Revenue shall, at the end of each
2 calendar quarter, notify the State Treasurer of the amount of motor
3 fuel tax that was not collected in the preceding calendar quarter
4 due to the credits provided in section 66-1344. The State
5 Treasurer shall transfer from the Ethanol Production Incentive Cash
6 Fund to the Highway Trust Fund an amount equal to such credits less
7 the following amounts:

8 (a) For 1993, 1994, and 1995, the amount generated during
9 the calendar quarter by a one-cent tax on motor fuel pursuant to
10 sections 66-489, 66-668, and 66-6,107;

11 (b) For 1996, the amount generated during the calendar
12 quarter by a three-quarters-cent tax on motor fuel pursuant to such
13 sections;

14 (c) For 1997, the amount generated during the calendar
15 quarter by a one-half-cent tax on motor fuel pursuant to such
16 sections; and

17 (d) For 1998, 1999, and 2000, no reduction.

18 The amounts shall be transferred through December 31,
19 2000. For 1993 through 1997, if the amount generated pursuant to
20 subdivisions (a), (b), and (c) of this subsection and the amount
21 transferred pursuant to subsection (1) of this section are not
22 sufficient to fund the credits provided in section 66-1344, then
23 the credits shall be funded through the Ethanol Production
24 Incentive Cash Fund but shall not be funded through either the
25 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
26 2000, the credits provided in such section shall be funded through
27 the Ethanol Production Incentive Cash Fund but shall not be funded
1 through either the Highway Cash Fund or the Highway Trust Fund.

2 (3) The State Treasurer shall transfer from the Ethanol
3 Production Incentive Cash Fund to the Management Services Expense
4 Revolving Fund the amount reported under subsection (4) of section
5 66-1345.02 for each calendar quarter of the fiscal year as provided
6 in such subsection.

7 (4) On February 15, 2001, the State Treasurer shall
8 transfer unexpended and unobligated funds remaining in the Ethanol
9 Production Incentive Cash Fund, after all transfers from the
10 Ethanol Production Incentive Cash Fund to the Highway Trust Fund

11 are completed, to the Water Quality Trust Fund. On February 15,
12 2001, the State Treasurer shall transfer any unexpended and
13 unobligated funds from the Ethanol Production Incentive Cash Fund
14 to the Nebraska Corn Development, Utilization, and Marketing Fund
15 and Grain Sorghum Development, Utilization, and Marketing Fund in
16 the same proportion as funds were collected pursuant to section
17 66-1345.01 from corn and grain sorghum.

18 Sec. 3. The Water Quality Trust Fund is created. The
19 interest earned on the fund shall be transferred to the Natural
20 Resources Enhancement Fund. Any money in the Water Quality Trust
21 Fund shall be invested pursuant to the Nebraska Capital Expansion
22 Act and the Nebraska State Funds Investment Act.

23 Sec. 4. Section 77-4401, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 77-4401. (1) Through December 31, 1996, there shall be
26 There is imposed a fee of four dollars seventy-five cents per ton
27 upon the gross tonnage of all sales, use, or other consumption in
1 this state of commercial fertilizers, ; and commencing January 1,
2 1997, through December 31, 2000, there shall be imposed a fee of
3 one dollar per ton upon such gross tonnage. The fee shall be paid
4 by the purchaser of the commercial fertilizer. Any commercial
5 fertilizer subject to the sales and use tax pursuant to the
6 Nebraska Revenue Act of 1967 shall be exempt from the fee imposed
7 by this section. For purposes of this section, the definitions
8 found in section 81-2,162.02 shall apply.

9 (2) The fee imposed by this section shall be collected by
10 the seller and remitted to the Department of Revenue for credit to
11 the Ethanol Production Incentive Cash Fund through December 31,
12 1996; and to the Natural Resources Enhancement Fund on and after
13 January 1, 1997, based on the gross tonnage of commercial
14 fertilizers sold during the preceding period. Payment of the fee
15 shall be accompanied by a report setting forth the gross tonnage of
16 commercial fertilizers sold by the seller. The report shall be on
17 a form prescribed by the Department of Revenue and shall include
18 such other information as the Tax Commissioner deems necessary.
19 The provisions of the Nebraska Revenue Act of 1967 applicable to
20 sales and use taxes shall apply to imposition of the fee.

21 (3) For purposes of this section, gross tonnage shall not
22 include water and other carriers added by the retail seller of the
23 fertilizer and shall not include sales of packages of fertilizers
24 containing ten pounds or less.

25 (4) Any person who purchased commercial fertilizer prior
26 to May 1, 1993, and paid a fee greater than three dollars per ton
27 shall be entitled to a refund of the amount paid in excess of three
1 dollars per ton.

2 (5) The Tax Commissioner shall adopt and promulgate rules
3 and regulations to carry out this section."

4 2. On page 2, line 14, strike "section 60-3003" and
5 insert "sections 60-3003, 66-1345, and 77-4401"; and in line 15

6 strike "is" and insert "are".

7 3. Renumber the remaining sections accordingly.

AM1015

(Amendments to E & R amendments, AM7091)

1 1. Insert the following new sections:

2 "Section 1. Section 8-1120, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 8-1120. (1) Except as otherwise provided in this
5 section, the Securities Act of Nebraska shall be administered by
6 the Director of Banking and Finance who may employ such assistants
7 or counsel as may be reasonably necessary for the purpose thereof
8 and who may designate one of such assistants as an assistant
9 director. The director may delegate to such assistant director or
10 counsel any powers, authority, and duties imposed upon or granted
11 to the director under the act, such as may be lawfully delegated
12 under the common law or the statutes of this state. The director
13 may also employ special counsel with respect to any investigation
14 conducted by him or her under the act or with respect to any
15 litigation to which the director is a party under the act, except
16 that security issued by and representing an interest in or a debt
17 of, or guaranteed by, any insurance company shall be registered,
18 pursuant to the provisions of sections 8-1104 to 8-1109, with the
19 Director of Insurance who shall as to such registrations administer
20 and enforce the act, and as pertains to the administration and
21 enforcement of such registration of such securities all references
22 in the act to director shall mean the Director of Insurance.

23 (2) It shall be unlawful for the director or any of his
1 or her officers or employees to use for personal benefit any
2 information which is filed with or obtained by the director and
3 which is not made public. No provision of the act shall authorize
4 the director or any of his or her officers or employees to disclose
5 any such information except among themselves or when necessary or
6 appropriate in a proceeding or investigation under the act. No
7 provision of the act shall either create or derogate from any
8 privilege which exists at common law or otherwise when documentary
9 or other evidence is sought under a subpoena directed to the
10 director or any of his or her officers or employees.

11 (3) The director may from time to time make, amend, and
12 rescind such rules and forms as are necessary to carry out the act.
13 No rule or form may be made unless the director finds that the
14 action is necessary or appropriate in the public interest or for
15 the protection of investors and consistent with the purposes fairly
16 intended by the policy and provisions of the act.

17 In prescribing rules and forms the director may cooperate
18 with the securities administrators of the other states and the
19 Securities and Exchange Commission with a view to effectuating the
20 policy of the Securities Act of Nebraska to achieve maximum
21 uniformity in the form and content of registration statements,

22 applications, and reports wherever practicable. All rules and
23 forms of the director shall be published and mailed to each
24 registered broker-dealer.

25 (4) No provision of the act imposing any liability shall
26 apply to any act done or omitted in good faith in conformity with
27 any rule, form, or order of the director, notwithstanding that the
1 rule or form may later be amended or rescinded or be determined by
2 judicial or other authority to be invalid for any reason.

3 (5) Every hearing in an administrative proceeding shall
4 be public unless the director in his or her discretion grants a
5 request joined in by all the respondents that the hearing be
6 conducted privately.

7 (6) The Securities Act Cash Fund is created. All filing
8 fees, registration fees, and all other fees and all money collected
9 by or paid to the director under any of the provisions of the act
10 shall be remitted to the State Treasurer for credit to the fund,
11 except that registration fees collected by or paid to the Director
12 of Insurance pursuant to the provisions of the act shall be
13 credited to the Department of Insurance Cash Fund. The Securities
14 Act Cash Fund shall be used for the purpose of administering and
15 enforcing the provisions of the act, except that (a) transfers may
16 be made to the General Fund at the direction of the Legislature,
17 (b) and, for the calendar years of 2000 and 2001, two million
18 dollars shall be transferred in each year to the Affordable Housing
19 Trust Fund, and (c) for fiscal year 1999-00, six million dollars
20 shall be transferred to the Water Quality Trust Fund. All of such
21 money is appropriated and shall be appropriated for such purposes.
22 Any money in the Securities Act Cash Fund available for investment
23 shall be invested by the state investment officer pursuant to the
24 Nebraska Capital Expansion Act and the Nebraska State Funds
25 Investment Act.

26 (7) A document is filed when it is received by the
27 director. The director shall keep a register of all applications
1 for registration and registration statements which are or have ever
2 been effective under the Securities Act of Nebraska and all denial,
3 suspension, or revocation orders which have ever been entered under
4 the act. The register shall be open for public inspection. The
5 information contained in or filed with any registration statement,
6 application, or report may be made available to the public under
7 such rules as the director shall prescribe.

8 (8) Upon request and at such reasonable charges as he or
9 she shall prescribe, the director shall furnish to any person
10 photostatic or other copies, certified under his or her seal of
11 office if requested, of any entry in the register or any document
12 which is a matter of public record. In any proceeding or
13 prosecution under the act, any copy so certified shall be prima
14 facie evidence of the contents of the entry or document certified.

15 (9) The director in his or her discretion may honor
16 requests from interested persons for interpretative opinions.

17 Sec. 2. The Water Quality Trust Fund is created. The
18 interest earned on the fund shall be transferred to the Natural
19 Resources Enhancement Fund. Any money in the Water Quality Trust
20 Fund shall be invested pursuant to the Nebraska Capital Expansion
21 Act and the Nebraska State Funds Investment Act.

22 Sec. 4. Section 66-1345, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 66-1345. (1) There is hereby created the Ethanol
25 Production Incentive Cash Fund which shall be used by the board to
26 pay the credits created in section 66-1344 to the extent provided
27 in this section. Any money in the fund available for investment
1 shall be invested by the state investment officer pursuant to the
2 Nebraska Capital Expansion Act and the Nebraska State Funds
3 Investment Act. The State Treasurer shall transfer to the Ethanol
4 Production Incentive Cash Fund such money as shall be (a)
5 appropriated to the Ethanol Production Incentive Cash Fund by the
6 Legislature, (b) given as gifts, bequests, grants, or other
7 contributions to the Ethanol Production Incentive Cash Fund from
8 public or private sources, (c) made available due to failure to
9 fulfill conditional requirements pursuant to investment agreements
10 entered into prior to April 30, 1992, (d) received as return on
11 investment of the Ethanol Authority and Development Cash Fund, (e)
12 ~~credited to the Ethanol Production Incentive Cash Fund from the~~
13 ~~fertilizer fee pursuant to section 77-4401,~~ (f) credited to the
14 Ethanol Production Incentive Cash Fund from the excise taxes
15 imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol
16 Production Incentive Cash Fund pursuant to section 66-1345.04.

17 (2) The Department of Revenue shall, at the end of each
18 calendar quarter, notify the State Treasurer of the amount of motor
19 fuel tax that was not collected in the preceding calendar quarter
20 due to the credits provided in section 66-1344. The State
21 Treasurer shall transfer from the Ethanol Production Incentive Cash
22 Fund to the Highway Trust Fund an amount equal to such credits less
23 the following amounts:

24 (a) For 1993, 1994, and 1995, the amount generated during
25 the calendar quarter by a one-cent tax on motor fuel pursuant to
26 sections 66-489, 66-668, and 66-6,107;

27 (b) For 1996, the amount generated during the calendar
1 quarter by a three-quarters-cent tax on motor fuel pursuant to such
2 sections;

3 (c) For 1997, the amount generated during the calendar
4 quarter by a one-half-cent tax on motor fuel pursuant to such
5 sections; and

6 (d) For 1998, 1999, and 2000, no reduction.

7 The amounts shall be transferred through December 31,
8 2000. For 1993 through 1997, if the amount generated pursuant to
9 subdivisions (a), (b), and (c) of this subsection and the amount
10 transferred pursuant to subsection (1) of this section are not
11 sufficient to fund the credits provided in section 66-1344, then

12 the credits shall be funded through the Ethanol Production
13 Incentive Cash Fund but shall not be funded through either the
14 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
15 2000, the credits provided in such section shall be funded through
16 the Ethanol Production Incentive Cash Fund but shall not be funded
17 through either the Highway Cash Fund or the Highway Trust Fund.

18 (3) The State Treasurer shall transfer from the Ethanol
19 Production Incentive Cash Fund to the Management Services Expense
20 Revolving Fund the amount reported under subsection (4) of section
21 66-1345.02 for each calendar quarter of the fiscal year as provided
22 in such subsection.

23 (4) On February 15, 2001, the State Treasurer shall
24 transfer any unexpended and unobligated funds from the Ethanol
25 Production Incentive Cash Fund to the Nebraska Corn Development,
26 Utilization, and Marketing Fund and Grain Sorghum Development,
27 Utilization, and Marketing Fund in the same proportion as funds
1 were collected pursuant to section 66-1345.01 from corn and grain
2 sorghum.

3 Sec. 5. Section 77-4401, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-4401. (1) ~~Through December 31, 1996, there shall be~~
6 ~~There is~~ imposed a fee of ~~four dollars seventy-five cents~~ per ton
7 upon the gross tonnage of all sales, use, or other consumption in
8 this state of commercial fertilizers, ~~; and commencing January 1,~~
9 ~~1997, through December 31, 2000, there shall be imposed a fee of~~
10 ~~one dollar per ton upon such gross tonnage.~~ The fee shall be paid
11 by the purchaser of the commercial fertilizer. Any commercial
12 fertilizer subject to the sales and use tax pursuant to the
13 Nebraska Revenue Act of 1967 shall be exempt from the fee imposed
14 by this section. For purposes of this section, the definitions
15 found in section 81-2,162.02 shall apply.

16 (2) The fee imposed by this section shall be collected by
17 the seller and remitted to the ~~Department of Revenue for credit to~~
18 ~~the Ethanol Production Incentive Cash Fund through December 31,~~
19 ~~1996, and to the Natural Resources Enhancement Fund on and after~~
20 ~~January 1, 1997,~~ based on the gross tonnage of commercial
21 fertilizers sold during the preceding period. Payment of the fee
22 shall be accompanied by a report setting forth the gross tonnage of
23 commercial fertilizers sold by the seller. The report shall be on
24 a form prescribed by the Department of Revenue and shall include
25 such other information as the Tax Commissioner deems necessary.
26 The provisions of the Nebraska Revenue Act of 1967 applicable to
27 sales and use taxes shall apply to imposition of the fee.

1 (3) For purposes of this section, gross tonnage shall not
2 include water and other carriers added by the retail seller of the
3 fertilizer and shall not include sales of packages of fertilizers
4 containing ten pounds or less.

5 (4) Any person who purchased commercial fertilizer prior
6 to May 1, 1993, and paid a fee greater than three dollars per ton

- 7 shall be entitled to a refund of the amount paid in excess of three
8 dollars per ton.
9 (5) The Tax Commissioner shall adopt and promulgate rules
10 and regulations to carry out this section."
11 2. On page 2, line 14, strike "section 60-3003" and
12 insert "sections 8-1120, 60-3003, 66-1345, and 77-4401"; and in
13 line 15 strike "is" and insert "are".
14 3. Renumber the remaining sections accordingly.

AM1016

(Amendments to E & R amendments, AM7091)

- 1 1. Insert the following new sections:
2 "Section 1. Section 8-1120, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 8-1120. (1) Except as otherwise provided in this
5 section, the Securities Act of Nebraska shall be administered by
6 the Director of Banking and Finance who may employ such assistants
7 or counsel as may be reasonably necessary for the purpose thereof
8 and who may designate one of such assistants as an assistant
9 director. The director may delegate to such assistant director or
10 counsel any powers, authority, and duties imposed upon or granted
11 to the director under the act, such as may be lawfully delegated
12 under the common law or the statutes of this state. The director
13 may also employ special counsel with respect to any investigation
14 conducted by him or her under the act or with respect to any
15 litigation to which the director is a party under the act, except
16 that security issued by and representing an interest in or a debt
17 of, or guaranteed by, any insurance company shall be registered,
18 pursuant to the provisions of sections 8-1104 to 8-1109, with the
19 Director of Insurance who shall as to such registrations administer
20 and enforce the act, and as pertains to the administration and
21 enforcement of such registration of such securities all references
22 in the act to director shall mean the Director of Insurance.
23 (2) It shall be unlawful for the director or any of his
1 or her officers or employees to use for personal benefit any
2 information which is filed with or obtained by the director and
3 which is not made public. No provision of the act shall authorize
4 the director or any of his or her officers or employees to disclose
5 any such information except among themselves or when necessary or
6 appropriate in a proceeding or investigation under the act. No
7 provision of the act shall either create or derogate from any
8 privilege which exists at common law or otherwise when documentary
9 or other evidence is sought under a subpoena directed to the
10 director or any of his or her officers or employees.
11 (3) The director may from time to time make, amend, and
12 rescind such rules and forms as are necessary to carry out the act.
13 No rule or form may be made unless the director finds that the
14 action is necessary or appropriate in the public interest or for
15 the protection of investors and consistent with the purposes fairly

16 intended by the policy and provisions of the act.

17 In prescribing rules and forms the director may cooperate
18 with the securities administrators of the other states and the
19 Securities and Exchange Commission with a view to effectuating the
20 policy of the Securities Act of Nebraska to achieve maximum
21 uniformity in the form and content of registration statements,
22 applications, and reports wherever practicable. All rules and
23 forms of the director shall be published and mailed to each
24 registered broker-dealer.

25 (4) No provision of the act imposing any liability shall
26 apply to any act done or omitted in good faith in conformity with
27 any rule, form, or order of the director, notwithstanding that the
1 rule or form may later be amended or rescinded or be determined by
2 judicial or other authority to be invalid for any reason.

3 (5) Every hearing in an administrative proceeding shall
4 be public unless the director in his or her discretion grants a
5 request joined in by all the respondents that the hearing be
6 conducted privately.

7 (6) The Securities Act Cash Fund is created. All filing
8 fees, registration fees, and all other fees and all money collected
9 by or paid to the director under any of the provisions of the act
10 shall be remitted to the State Treasurer for credit to the fund,
11 except that registration fees collected by or paid to the Director
12 of Insurance pursuant to the provisions of the act shall be
13 credited to the Department of Insurance Cash Fund. The Securities
14 Act Cash Fund shall be used for the purpose of administering and
15 enforcing the provisions of the act, except that (a) transfers may
16 be made to the General Fund at the direction of the Legislature,
17 (b) and, for the calendar years of 2000 and 2001, two million
18 dollars shall be transferred in each year to the Affordable Housing
19 Trust Fund, and (c) for fiscal year 1999-00, six million dollars
20 shall be transferred to the Water Quality Trust Fund. All of such
21 money is appropriated and shall be appropriated for such purposes.
22 Any money in the Securities Act Cash Fund available for investment
23 shall be invested by the state investment officer pursuant to the
24 Nebraska Capital Expansion Act and the Nebraska State Funds
25 Investment Act.

26 (7) A document is filed when it is received by the
27 director. The director shall keep a register of all applications
1 for registration and registration statements which are or have ever
2 been effective under the Securities Act of Nebraska and all denial,
3 suspension, or revocation orders which have ever been entered under
4 the act. The register shall be open for public inspection. The
5 information contained in or filed with any registration statement,
6 application, or report may be made available to the public under
7 such rules as the director shall prescribe.

8 (8) Upon request and at such reasonable charges as he or
9 she shall prescribe, the director shall furnish to any person
10 photostatic or other copies, certified under his or her seal of

11 office if requested, of any entry in the register or any document
 12 which is a matter of public record. In any proceeding or
 13 prosecution under the act, any copy so certified shall be prima
 14 facie evidence of the contents of the entry or document certified.

15 (9) The director in his or her discretion may honor
 16 requests from interested persons for interpretative opinions.

17 Sec. 2. The Water Quality Trust Fund is created. The
 18 interest earned on the fund shall be transferred to the Natural
 19 Resources Enhancement Fund. Any money in the Water Quality Trust
 20 Fund shall be invested pursuant to the Nebraska Capital Expansion
 21 Act and the Nebraska State Funds Investment Act."

22 2. On page 2, line 14, strike "section" and insert
 23 "sections 8-1120 and"; and in line 15 strike "is" and insert "are".

24 3. Renumber the remaining sections accordingly.

AM1017

(Amendments to E & R amendments, AM7091)

1 1. Insert the following new sections:

2 "Section 1. Section 8-1120, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 8-1120. (1) Except as otherwise provided in this
 5 section, the Securities Act of Nebraska shall be administered by
 6 the Director of Banking and Finance who may employ such assistants
 7 or counsel as may be reasonably necessary for the purpose thereof
 8 and who may designate one of such assistants as an assistant
 9 director. The director may delegate to such assistant director or
 10 counsel any powers, authority, and duties imposed upon or granted
 11 to the director under the act, such as may be lawfully delegated
 12 under the common law or the statutes of this state. The director
 13 may also employ special counsel with respect to any investigation
 14 conducted by him or her under the act or with respect to any
 15 litigation to which the director is a party under the act, except
 16 that security issued by and representing an interest in or a debt
 17 of, or guaranteed by, any insurance company shall be registered,
 18 pursuant to the provisions of sections 8-1104 to 8-1109, with the
 19 Director of Insurance who shall as to such registrations administer
 20 and enforce the act, and as pertains to the administration and
 21 enforcement of such registration of such securities all references
 22 in the act to director shall mean the Director of Insurance.

23 (2) It shall be unlawful for the director or any of his
 1 or her officers or employees to use for personal benefit any
 2 information which is filed with or obtained by the director and
 3 which is not made public. No provision of the act shall authorize
 4 the director or any of his or her officers or employees to disclose
 5 any such information except among themselves or when necessary or
 6 appropriate in a proceeding or investigation under the act. No
 7 provision of the act shall either create or derogate from any
 8 privilege which exists at common law or otherwise when documentary
 9 or other evidence is sought under a subpoena directed to the

10 director or any of his or her officers or employees.

11 (3) The director may from time to time make, amend, and
12 rescind such rules and forms as are necessary to carry out the act.
13 No rule or form may be made unless the director finds that the
14 action is necessary or appropriate in the public interest or for
15 the protection of investors and consistent with the purposes fairly
16 intended by the policy and provisions of the act.

17 In prescribing rules and forms the director may cooperate
18 with the securities administrators of the other states and the
19 Securities and Exchange Commission with a view to effectuating the
20 policy of the Securities Act of Nebraska to achieve maximum
21 uniformity in the form and content of registration statements,
22 applications, and reports wherever practicable. All rules and
23 forms of the director shall be published and mailed to each
24 registered broker-dealer.

25 (4) No provision of the act imposing any liability shall
26 apply to any act done or omitted in good faith in conformity with
27 any rule, form, or order of the director, notwithstanding that the
1 rule or form may later be amended or rescinded or be determined by
2 judicial or other authority to be invalid for any reason.

3 (5) Every hearing in an administrative proceeding shall
4 be public unless the director in his or her discretion grants a
5 request joined in by all the respondents that the hearing be
6 conducted privately.

7 (6) The Securities Act Cash Fund is created. All filing
8 fees, registration fees, and all other fees and all money collected
9 by or paid to the director under any of the provisions of the act
10 shall be remitted to the State Treasurer for credit to the fund,
11 except that registration fees collected by or paid to the Director
12 of Insurance pursuant to the provisions of the act shall be
13 credited to the Department of Insurance Cash Fund. The Securities
14 Act Cash Fund shall be used for the purpose of administering and
15 enforcing the provisions of the act, except that (a) transfers may
16 be made to the General Fund at the direction of the Legislature,
17 ~~(b) and~~ for the calendar years of 2000 and 2001, two million
18 dollars shall be transferred in each year to the Affordable Housing
19 Trust Fund, and (c) for fiscal year 1999-00, six million dollars
20 shall be transferred to the Water Quality Trust Fund. All of such
21 money is appropriated and shall be appropriated for such purposes.
22 Any money in the Securities Act Cash Fund available for investment
23 shall be invested by the state investment officer pursuant to the
24 Nebraska Capital Expansion Act and the Nebraska State Funds
25 Investment Act.

26 (7) A document is filed when it is received by the
27 director. The director shall keep a register of all applications
1 for registration and registration statements which are or have ever
2 been effective under the Securities Act of Nebraska and all denial,
3 suspension, or revocation orders which have ever been entered under
4 the act. The register shall be open for public inspection. The

5 information contained in or filed with any registration statement,
6 application, or report may be made available to the public under
7 such rules as the director shall prescribe.

8 (8) Upon request and at such reasonable charges as he or
9 she shall prescribe, the director shall furnish to any person
10 photostatic or other copies, certified under his or her seal of
11 office if requested, of any entry in the register or any document
12 which is a matter of public record. In any proceeding or
13 prosecution under the act, any copy so certified shall be prima
14 facie evidence of the contents of the entry or document certified.

15 (9) The director in his or her discretion may honor
16 requests from interested persons for interpretative opinions.

17 Sec. 3. Section 66-1345, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 66-1345. (1) There is hereby created the Ethanol
20 Production Incentive Cash Fund which shall be used by the board to
21 pay the credits created in section 66-1344 to the extent provided
22 in this section. Any money in the fund available for investment
23 shall be invested by the state investment officer pursuant to the
24 Nebraska Capital Expansion Act and the Nebraska State Funds
25 Investment Act. The State Treasurer shall transfer to the Ethanol
26 Production Incentive Cash Fund such money as shall be (a)
27 appropriated to the Ethanol Production Incentive Cash Fund by the
1 Legislature, (b) given as gifts, bequests, grants, or other
2 contributions to the Ethanol Production Incentive Cash Fund from
3 public or private sources, (c) made available due to failure to
4 fulfill conditional requirements pursuant to investment agreements
5 entered into prior to April 30, 1992, (d) received as return on
6 investment of the Ethanol Authority and Development Cash Fund, (e)
7 credited to the Ethanol Production Incentive Cash Fund from the
8 fertilizer fee pursuant to section 77-4401, (f) credited to the
9 Ethanol Production Incentive Cash Fund from the excise taxes
10 imposed by section 66-1345.01, and (g) credited to the Ethanol
11 Production Incentive Cash Fund pursuant to section 66-1345.04.

12 (2) The Department of Revenue shall, at the end of each
13 calendar quarter, notify the State Treasurer of the amount of motor
14 fuel tax that was not collected in the preceding calendar quarter
15 due to the credits provided in section 66-1344. The State
16 Treasurer shall transfer from the Ethanol Production Incentive Cash
17 Fund to the Highway Trust Fund an amount equal to such credits less
18 the following amounts:

19 (a) For 1993, 1994, and 1995, the amount generated during
20 the calendar quarter by a one-cent tax on motor fuel pursuant to
21 sections 66-489, 66-668, and 66-6,107;

22 (b) For 1996, the amount generated during the calendar
23 quarter by a three-quarters-cent tax on motor fuel pursuant to such
24 sections;

25 (c) For 1997, the amount generated during the calendar
26 quarter by a one-half-cent tax on motor fuel pursuant to such

27 sections; and

1 (d) For 1998, 1999, and 2000, no reduction.

2 The amounts shall be transferred through December 31,
3 2000. For 1993 through 1997, if the amount generated pursuant to
4 subdivisions (a), (b), and (c) of this subsection and the amount
5 transferred pursuant to subsection (1) of this section are not
6 sufficient to fund the credits provided in section 66-1344, then
7 the credits shall be funded through the Ethanol Production
8 Incentive Cash Fund but shall not be funded through either the
9 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
10 2000, the credits provided in such section shall be funded through
11 the Ethanol Production Incentive Cash Fund but shall not be funded
12 through either the Highway Cash Fund or the Highway Trust Fund.

13 (3) The State Treasurer shall transfer from the Ethanol
14 Production Incentive Cash Fund to the Management Services Expense
15 Revolving Fund the amount reported under subsection (4) of section
16 66-1345.02 for each calendar quarter of the fiscal year as provided
17 in such subsection.

18 (4) On February 15, 2001, the State Treasurer shall
19 transfer unexpended and unobligated funds remaining in the Ethanol
20 Production Incentive Cash Fund, after all transfers from the
21 Ethanol Production Incentive Cash Fund to the Highway Trust Fund
22 are completed, to the Water Quality Trust Fund. On February 15,
23 2001, the State Treasurer shall transfer any unexpended and
24 unobligated funds from the Ethanol Production Incentive Cash Fund
25 to the Nebraska Corn Development, Utilization, and Marketing Fund
26 and Grain Sorghum Development, Utilization, and Marketing Fund in
27 the same proportion as funds were collected pursuant to section
1 66-1345.01 from corn and grain sorghum.

2 Sec. 4. The Water Quality Trust Fund is created. The
3 interest earned on the fund shall be transferred to the Natural
4 Resources Enhancement Fund. Any money in the Water Quality Trust
5 Fund shall be invested pursuant to the Nebraska Capital Expansion
6 Act and the Nebraska State Funds Investment Act."

7 2. On page 2, line 14, strike "section 60-3003" and
8 insert "sections 8-1120, 60-3003, and 66-1345"; and in line 15
9 strike "is" and insert "are".

10 3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 59. Introduced by C. Peterson, 35;
Schmitt, 41; Kremer, 34.

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, statistics of children who are abused and neglected escalate each year; and

WHEREAS, the effects of child abuse are felt by whole communities and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed when partnerships are created among social services agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community; and

WHEREAS, all citizens should become aware of child abuse and its prevention within the community and become involved in supporting parents to raise their children in a safe, nurturing environment.

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

1. The Legislature hereby proclaims April as Child Abuse Prevention Month in Nebraska and calls upon all citizens to increase their participation in efforts to prevent child abuse, thereby strengthening the communities in which we live.

Laid over.

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 68, 101, and 324.

Enrollment and Review Change to LB 68

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

ER9040

1. In the Suttle-Chambers amendment, AM0909:

a. On page 1, line 16, "technologist" has been struck and "technician" inserted; and

b. On page 2, line 9, "the first" has been inserted after "with".

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 476. The Chambers pending amendment, FA75, found on page 1225 and considered in this day's Journal, to the pending first Standing Committee amendment, FA58, found on page 1183, was renewed.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Janssen moved to invoke cloture on LB 476, pursuant to Rule 7, Section 10.

Mr. Janssen moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Janssen requested a roll call vote, in reverse order, on his motion to invoke cloture.

Voting in the affirmative, 30:

Baker	Dierks	Jones	Quandahl	Smith
Brashear	Engel	Kremer	Redfield	Stuhr
Bruning	Hilgert	Kristensen	Robak	Tyson
Byars	Hudkins	Matzke	Schellpeper	Vrtiska
Coordsen	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Cudaback	Jensen	Pederson, D.	Schrock	Wickersham

Voting in the negative, 16:

Beutler	Chambers	Hartnett	Peterson, C.	Schimek
Bohlke	Connealy	Kiel	Price	Suttle
Bourne	Crosby	Landis	Raikes	Thompson
Brown				

Excused and not voting, 3:

Bromm	Lynch	Preister
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The Janssen motion to invoke cloture failed with 30 ayes, 16 nays, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 822. Title read. Considered.

The Standing Committee amendment, AM0948, found on page 1138, was considered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM1037

(Amendments to Standing Committee amendments, AM0948)

1. On page 2, line 13; and page 3, lines 2 and 27, after
2. "feeds" insert "directly or indirectly".

Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 27 ayes, 3 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM1039

(Amendments to Standing Committee amendments, AM0948)

- 1 1. On page 2, line 22, after "New" insert "and
- 2 expansions to existing".

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were Tony Aschoff from West Point; 50 fourth grade students and teachers from Crete Elementary School; 26 fourth grade students and teacher from Immanuel Lutheran School, York; former Senator Richard Maresh and his wife, Ruth, from Milligan; 48 fourth grade students and teachers from Crete; and Mary Ann Lange and Pat Anderson from Columbus.

RECESS

At 12:02 p.m., on a motion by Mr. Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Mr. Preister and Mrs. C. Peterson who were excused; and Mmes. Kiel, Robak, Messrs. Landis, Lynch, Matzke, Raikes, and Schmitt who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 822. Mr. Beutler offered the following amendment to the pending Standing Committee amendment:

AM1042

(Amendments to Standing Committee amendments, AM0948)

- 1 1. On page 3, strike beginning with "shall" in line 3
- 2 through line 18 and insert "is limited to expansion of up to four
- 3 thousand animal units and no further expansion is allowed in a
- 4 livestock operation at that site. Such expansion may occur over a
- 5 period of time.".

Messrs. Brashear, Bromm, Matzke, Kristensen, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

MS. SCHIMEK PRESIDING

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment lost with 4 ayes, 20 nays, 15 present and not voting, and 10 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM1045

(Amendments to Standing Committee amendments, AM0948)

- 1 1. On page 4, after line 2, insert:
- 2 "(d) The land application of waste from any new class II,
- 3 class III, or class IV livestock waste control facility shall not
- 4 be permitted in any part of a watershed that feeds directly or
- 5 indirectly into a cold water class A stream when the location of
- 6 the livestock waste control facility is outside of the cold water
- 7 class A watershed.".

Mr. Beutler moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Mrs. Bohlke requested the roll call vote be taken in reverse order.

Voting in the affirmative, 19:

Beutler	Coordsen	Jones	Pederson, D.	Schmitt
Bohlke	Dierks	Kiel	Price	Suttle
Brown	Engel	Landis	Redfield	Thompson
Chambers	Hartnett	Lynch	Schimek	

Voting in the negative, 18:

Baker	Cudaback	Pedersen, Dw.	Smith	Vrtiska
Bourne	Hilgert	Raikes	Stuhr	Wehrbein
Bruning	Hudkins	Schellpeper	Tyson	Wickersham
Connealy	Kremer	Schrock		

Present and not voting, 4:

Byars	Crosby	Jensen	Quandahl
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Excused and not voting, 8:

Brashear	Janssen	Matzke	Preister	Robak
Bromm	Kristensen	Peterson, C.		

The Beutler amendment lost with 19 ayes, 18 nays, 4 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS Nebraska Retirement Systems

LEGISLATIVE BILL 620. Indefinitely postponed.

LEGISLATIVE BILL 673. Indefinitely postponed.

LEGISLATIVE BILL 675. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

Judiciary

LEGISLATIVE BILL 622. Placed on General File.

LEGISLATIVE BILL 722. Placed on General File.

LEGISLATIVE BILL 734. Placed on General File.

LEGISLATIVE BILL 759. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendments to LB 822:

AM1046

(Amendments to Standing Committee amendments, AM0948)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Nothing in the Livestock Waste Management Act
- 3 prohibits the application of duly enacted zoning regulations by the
- 4 authorized local political subdivisions.".
- 5 2. On page 1, line 5, strike "section 3" and insert
- 6 "sections 3 and 4".

AM1048

(Amendments to Standing Committee amendments, AM0948)

- 1 1. Insert the following new section:
- 2 "Sec. 4. The changes made by this legislative bill apply
- 3 to all cold water class A streams designated before the effective
- 4 date of this act and to all cold water class A streams designated
- 5 on or after the effective date of this act beginning on the date of
- 6 the formal designation as a cold water class A stream.".
- 7 2. On page 1, line 5, strike "section 3" and insert
- 8 "sections 3 and 4".

AM1047

(Amendments to Standing Committee amendments, AM0948)

- 1 1. Insert the following new section:
- 2 "Sec. 4. The department shall regularly monitor the
- 3 water quality of all cold water class A streams and may with the
- 4 approval of the natural resources district having jurisdiction make
- 5 any additional best management practice requirements relating to
- 6 the land application of chemicals in any watershed directly or
- 7 indirectly feeding into a cold water class A stream when the
- 8 quality of the stream is shown to be deteriorating.".
- 9 2. On page 1, line 5, strike "section 3" and insert
- 10 "sections 3 and 4".

AM1043

(Amendments to Standing Committee amendments, AM0948)

- 1 1. On page 4, after line 2, insert:
- 2 "(4) No new livestock waste control facility shall be
- 3 located within one mile of any existing livestock waste control
- 4 facility.".

AM1041

(Amendments to Standing Committee amendments, AM0948)

- 1 1. On page 3, line 16, strike "and"; and in line 18
- 2 after "time" insert "; and
- 3 (vi) Expansion permits issued under subdivision (3)(b) of
- 4 this section may require that wastes be applied to lands outside of

5 the protected stream watershed".

AM1044

(Amendments to Standing Committee amendments, AM0948)

- 1 1. On page 4, line 3, before "map" insert "legally
- 2 sufficient"; and in line 6 after "department" insert "and used to
- 3 define a cold water class A watershed".

AM1040

(Amendments to Standing Committee amendments, AM0948)

- 1 1. On page 2, line 21, after the semicolon insert "and";
- 2 and strike beginning with the semicolon in line 24 through line 27
- 3 and insert an underscored period.

AM1038

(Amendments to Standing Committee amendments, AM0948)

- 1 1. On page 2, line 18, strike beginning with "upon" in
- 2 line 18 through the comma in line 19 and insert "if such existing
- 3 livestock operation has requested an inspection prior to January 1,
- 4 2000, by the department to determine the necessity of such a
- 5 facility and a livestock waste control facility is determined by
- 6 the department to be necessary.".

GENERAL FILE

LEGISLATIVE BILL 550. Title read. Considered.

The Standing Committee amendment, AM0364, found on page 597, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Coordsen offered the following amendment:

AM1056

- 1 1. On page 127, line 6, after "covers" add "crops
- 2 growing or to be grown or".
- 3 2. On page 156, line 15, after "security interest" add
- 4 "or agricultural lien".
- 5 3. On page 203, line 7, strike "A" and insert "(a)
- 6 Except for financing statements covering crops growing or to be
- 7 grown or timber to be cut, a"; and after line 12 insert the
- 8 following new subsection:
- 9 "(b) If a financing statement covers crops growing or to
- 10 be grown or timber to be cut, the financing statement sufficiently
- 11 indicates the collateral that it covers only if the financing
- 12 statement provides:
- 13 (1) a description of the collateral pursuant to section
- 14 9-108; and
- 15 (2) a description of the land concerned.".

Mmes. Bohlke and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Coordsen amendment lost with 13 ayes, 14 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Messrs. Bruning and Hartnett filed the following amendment to LB 78:
AM1023

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 14-2115, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 14-2115. (1) A metropolitan utilities district shall
- 6 operate and account for each of its several utilities separately
- 7 and, as to each separate utility, shall possess all powers granted
- 8 on behalf of that utility or on behalf of any other utility being
- 9 operated by such district, or granted generally to such district,
- 10 and all such powers are hereby declared to be cumulative, though
- 11 separate, as to each utility, except that limitations or
- 12 restrictions which by their nature or intent are applicable only to
- 13 a utility of one type shall not apply to other different utilities.
- 14 The financial obligations of each utility shall be separate and
- 15 independent from the financial obligations of any other utility.
- 16 (2) A metropolitan utilities district shall keep all
- 17 funds, accounts, and obligations relating to any one utility under
- 18 its management separate and independent from the funds and accounts
- 19 of each other utility under its management. The cost of any
- 20 consolidated operation shall be allocated to the various utilities
- 21 upon some reasonable basis which is open to investigation, comment,
- 22 or protest by members of the public. Such allocation methodologies
- 23 shall be determined by its the board of directors and shall provide
- 24 for the allocation of costs and expenses in a manner that
- 1 accurately reflects the actual cost of service for each utility
- 2 under the management of the board, except that for purposes of this
- 3 section, the collection of sewer use fees for cities of the
- 4 metropolitan class shall not be considered as a utility. The
- 5 district shall have separate power to provide for the cost of
- 6 operation, maintenance, depreciation, extension, construction, and
- 7 improvement of any utility under its management, applying thereto
- 8 standard accounting principles.
- 9 (3) A metropolitan utilities district shall not discount

10 its water rates or connection fees in order to obtain natural gas
11 service from any customer.

12 (4) A metropolitan utilities district shall not delay or
13 condition in any manner the installation of water service or other
14 agreements related to water service to the purchase of natural gas
15 service from the district.

16 (5) The Auditor of Public Accounts shall have the
17 authority to initiate an audit or to take any action necessary to
18 ensure compliance with this section.

19 Sec. 2. Whenever any city of the primary, first, or
20 second class or village is furnished natural gas pursuant to a
21 franchise agreement with an investor-owned natural gas utility, a
22 metropolitan utilities district shall not solicit such franchise or
23 promote discontinuance of service with the utility, unless a
24 specific invitation to bid on the franchise has been formally
25 presented to the board of directors of the metropolitan utilities
26 district. For purposes of this section, a specific invitation to
27 bid shall mean a resolution adopted by a city council of a city of
1 the primary, first, or second class or the board of trustees of a
2 village.

3 Whenever any invitation to bid is received by the board
4 of directors of a metropolitan utilities district, the invitation
5 to bid will be considered by the board at its next regularly
6 scheduled monthly meeting.

7 Sec. 3. Sections 4 to 8 of this act shall be applicable
8 to an investor-owned natural gas utility only when it is operating
9 in a county in which there is located the natural gas service area,
10 or portion of the service area, of a metropolitan utilities
11 district.

12 Sec. 4. No investor-owned natural gas utility or
13 metropolitan utilities district may extend or enlarge its natural
14 gas service area or extend or enlarge its natural gas mains or
15 natural gas services unless it is in the public interest to do so.
16 In determining whether or not an extension or enlargement is in the
17 public interest, the district or the utility shall consider the
18 following:

19 (1) The economic feasibility of the extension or
20 enlargement;

21 (2) The impact the enlargement will have on the existing
22 and future natural gas ratepayers of the metropolitan utilities
23 district or the investor-owned natural gas utility;

24 (3) Whether the extension or enlargement contributes to
25 the orderly development of utility infrastructure;

26 (4) Whether the extension or enlargement will result in
27 duplicative or redundant utility infrastructure; and

1 (5) Whether the extension or enlargement is applied in a
2 nondiscriminatory manner.

3 Sec. 5. In determining whether an enlargement or
4 extension of a natural gas service area, natural gas mains, or

5 natural gas services is in the public interest pursuant to section
6 4 of this act, the following shall constitute rebuttable
7 presumptions:

8 (1) Any enlargement or extension by a metropolitan
9 utilities district within a city of the metropolitan class or its
10 extraterritorial zoning jurisdiction is in the public interest;

11 (2) Any enlargement or extension by an investor-owned
12 natural gas utility within a city of the primary, first, or second
13 class or village in which it serves natural gas on a franchise
14 basis on the effective date of this act or its extraterritorial
15 zoning jurisdiction is in the public interest; and

16 (3) Any enlargement or extension by a metropolitan
17 utilities district within its statutory boundary or within a city
18 of the first or second class or village in which it serves natural
19 gas on a franchise basis on the effective date of this act or its
20 extraterritorial zoning jurisdiction is in the public interest.

21 Sec. 6. A metropolitan utilities district or
22 investor-owned natural gas utility shall not extend duplicative or
23 redundant interior natural gas mains or natural gas services into a
24 subdivision, whether residential, commercial, or industrial, which
25 has existing natural gas utility infrastructure or which has
26 contracted for natural gas utility infrastructure with another
27 utility.

1 Sec. 7. If any aggrieved ratepayer of the investor-owned
2 natural gas utility or of the metropolitan utilities district or
3 the investor-owned natural gas utility or the metropolitan
4 utilities district disagrees with a determination by an
5 investor-owned natural gas utility or a metropolitan utilities
6 district that a proposed extension or enlargement is in the public
7 interest, the matter may be submitted to the Public Service
8 Commission for hearing and determination in the county where the
9 extension or enlargement is proposed and shall be subject to the
10 applicable procedures provided in sections 75-112, 75-129, and
11 75-134 to 75-136. In making a determination whether a proposed
12 extension or enlargement is in the public interest, the Public
13 Service Commission shall consider the factors set forth in sections
14 4 and 5 of this act. The Public Service Commission shall have no
15 jurisdiction over a metropolitan utilities district or natural gas
16 utility beyond the determination of disputes brought before it
17 under section 14-2115 and sections 2 to 8 of this act.

18 Sec. 8. All books, records, vouchers, papers, contracts,
19 engineering designs, and any other data of the metropolitan
20 utilities district relating to the public interest of an extension
21 or enlargement of natural gas mains or natural gas services or
22 relating to natural gas service areas, whether in written or
23 electronic form, shall be open and made available for public
24 inspection, investigation, comment, or protest upon reasonable
25 request during business hours, except that such books, records,
26 vouchers, papers, contracts, designs, and other data shall be

- 27 subject to section 84-712.05. Any such books, records, vouchers,
1 papers, contracts, designs, or other data not made available to the
2 metropolitan utilities district or an investor-owned natural gas
3 utility pursuant to this section shall not be considered by the
4 Public Service Commission in determining whether an enlargement or
5 extension is in the public interest.
6 Sec. 9. Original section 14-2115, Reissue Revised
7 Statutes of Nebraska, is repealed.".

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 194.

Enrollment and Review Change to LB 194

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

ER9043

1. In the Wickersham amendment, AM1007:

- a. On page 1, line 12, "such" has been struck and shown as stricken; and
- b. On page 4, line 2, "subsections" has been struck, shown as stricken, and "subsection" inserted.

2. In the Wickersham amendment, AM0869, on page 1, line 2, "36, and 37" has been struck and "34, 35, 38, and 39" inserted; and in line 5 "and 77-1233.06" has been struck and ", 77-1233.06, 79-1016, and 79-1022" inserted.

(Signed) Adrian M. Smith, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 457A. Introduced by Robak, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 457, Ninety-sixth Legislature, First Session, 1999.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 830. Placed on General File.

LEGISLATIVE BILL 409. Placed on General File as amended.
Standing Committee amendment to LB 409:

AM0972

- 1 1. Strike original section 12 and renumber the remaining
- 2 section accordingly.
- 3 2. On page 11, lines 21 and 22, strike "32-534, and
- 4 32-554" and insert "and 32-534".

LEGISLATIVE BILL 322. Indefinitely postponed.**LEGISLATIVE BILL 401.** Indefinitely postponed.**LEGISLATIVE BILL 426.** Indefinitely postponed.**LEGISLATIVE BILL 563.** Indefinitely postponed.**LEGISLATIVE BILL 642.** Indefinitely postponed.**LEGISLATIVE BILL 754.** Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

ADJOURNMENT

At 4:23 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, March 30, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY – MARCH 30, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 30, 1999

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

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Hartnett, Jensen, Kristensen, Landis, Matzke, Raikes, Mmes. Brown, Crosby, Hudkins, Kiel, Robak, Ms. Price, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 822. The Standing Committee amendment, AM0948, found on page 1138 and considered on pages 1246, 1247, and 1248, as amended, was renewed.

Mr. Beutler withdrew his amendment, AM1046, found on page 1250.

Mr. Beutler renewed his pending amendment, AM1048, found on page 1250, to the Standing Committee amendment.

Mr. Matzke asked unanimous consent to be excused until he returns. No

objections. So ordered.

The Beutler amendment lost with 7 ayes, 16 nays, 18 present and not voting, and 8 excused and not voting.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM1047, found on page 1250, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM1047, found on page 1250.

Mr. Beutler offered the following substitute amendment to the Standing Committee amendment:

AM1068

(Amendments to Standing Committee amendments, AM0948)

- 1 1. Insert the following new section:
- 2 "Sec. 4. The department shall regularly monitor the
- 3 water quality of all cold water class A streams and consult thereon
- 4 with the Game and Parks Commission. The department shall recommend
- 5 to the natural resources district or districts having jurisdiction
- 6 additional best management practice requirements relating to the
- 7 land application of animal wastes or chemicals in any watershed
- 8 directly or indirectly feeding into a cold water class A stream
- 9 when the quality of the stream is shown to be deteriorating and the
- 10 application of animal wastes or chemicals is a contributing
- 11 factor.".
- 12 2. On page 1, line 5, strike "section 3" and insert
- 13 "sections 3 and 4".

Mr. Hilgert and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment lost with 5 ayes, 10 nays, 27 present and not voting, and 7 excused and not voting.

Mr. Beutler withdrew his amendments, AM1043, AM1041, AM1044, AM1040, and AM1038, found on pages 1250 and 1251.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM1067

(Amendments to Standing Committee amendments, AM0948)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Nothing in the Livestock Waste Management Act
- 3 prohibits the application of more restrictive zoning regulations by
- 4 the authorized local political subdivisions.".
- 5 2. On page 1, line 5, strike "section 3" and insert
- 6 "sections 3 and 4".

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 33:

Beutler	Connealy	Janssen	Preister	Stuhr
Bohlke	Coordsen	Jones	Price	Suttle
Bourne	Cudaback	Kristensen	Raikes	Thompson
Brashear	Dierks	Landis	Robak	Tyson
Bromm	Engel	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hartnett	Pederson, D.	Schmitt	Wickersham
Chambers	Hudkins	Peterson, C.		

Voting in the negative, 6:

Baker	Quandahl	Redfield	Schellpeper	Smith
Kremer				

Present and not voting, 3:

Jensen	Schrock	Vrtiska
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Excused and not voting, 7:

Brown	Crosby	Kiel	Lynch	Matzke
Bruning	Hilgert			

The Beutler amendment was adopted with 33 ayes, 6 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Schmitt, Brashear, Preister, Vrtiska, Mmes. Robak, C. Peterson, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

AMENDMENT - Print in Journal

Mr. Wehrbein filed the following amendment to LB 179A:
AM1025

- 1 1. On page 2, line 1, strike "\$8,750,000" and insert
- 2 "\$5,200,000".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 432A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 432, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 433A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 433, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 174A. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 174, Ninety-sixth Legislature, First Session, 1999.

GENERAL FILE

LEGISLATIVE BILL 704. Title read. Considered.

SPEAKER KRISTENSEN PRESIDING

The Standing Committee amendment, AM0742, printed separately and referred to on page 1011, was considered.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA76

- 3 "Section 1. Section 60-330, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-330. The registration fee on local trucks shall be
- 6 based on the gross vehicle weight as defined in section 60-331, and

7 local trucks shall be registered at a fee of thirty percent of the
 8 commercial registration fee, except that (1) no local truck shall
 9 be registered for a fee of less than eighteen dollars, (2) the
 10 registration fee for each pickup truck with a factory-rated
 11 capacity of one ton or less shall be eighteen dollars, and (3)
 12 commercial pickup trucks with a gross load of over three tons shall
 13 be registered for the fee provided for commercial trucks. For the
 14 registration of farm trucks, except for trucks or combinations of
 15 trucks or truck-tractors and trailers or semitrailers having a
 16 gross vehicle weight exceeding sixteen tons, the registration fee
 17 shall be eighteen dollars for up to and including five tons gross
 18 vehicle weight, and in excess of five tons the fee shall be
 19 twenty-two dollars. For a truck or a combination of a truck or
 20 truck-tractor and trailer or semitrailer weighing in excess of
 21 sixteen tons registered as a farm truck, except as provided in
 22 sections 60-331.04 and 60-332, the registration fee shall be based
 23 upon the gross vehicle weight as defined in section 60-331. The
 24 registration fee on such trucks weighing in excess of sixteen tons
 1 shall be at the following rates: For a gross weight in excess of
 2 sixteen tons up to and including twenty tons, forty dollars plus
 3 five dollars for each ton of gross weight over seventeen tons, and
 4 for gross weight exceeding twenty tons, sixty-five dollars plus ten
 5 dollars for each ton of gross weight over twenty tons. ~~Such a~~
 6 ~~combination of a truck-tractor and trailer or semitrailer shall not~~
 7 ~~be used in exchange of services.~~ Pole and cable reel trailers
 8 owned and operated exclusively by public utility companies shall be
 9 licensed at a fee based on two dollars for each one-thousand-pound
 10 load to be hauled or any fraction thereof, and such load shall not
 11 exceed sixteen thousand pounds.

Messrs. Brashear, Schellpeper, Smith, and Ms. Redfield asked unanimous consent to be excused until they return. No objections. So ordered.

The first Standing Committee amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Messrs. Bruning and Hartnett filed the following amendment to LB 78:
 AM1069

(Amendments to Standing Committee amendments, AM0614)

- 1 1. Strike the original amendments and insert the
- 2 following new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 'Section 1. Section 14-2115, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:

14-2115. (1) A metropolitan utilities district shall operate and account for each of its several utilities separately and, as to each separate utility, shall possess all powers granted on behalf of that utility or on behalf of any other utility being operated by such district, or granted generally to such district, and all such powers are hereby declared to be cumulative, though separate, as to each utility, except that limitations or restrictions which by their nature or intent are applicable only to a utility of one type shall not apply to other different utilities. The financial obligations of each utility shall be separate and independent from the financial obligations of any other utility.

(2) A metropolitan utilities district shall keep all funds, accounts, and obligations relating to any one utility under its management separate and independent from the funds and accounts of each other utility under its management. The cost of any consolidated operation shall be allocated to the various utilities upon some reasonable basis which is open to investigation, comment, or protest by members of the public. Such allocation methodologies shall be determined by its the board of directors and shall provide for the allocation of costs and expenses in a manner that accurately reflects the actual cost of service for each utility under the management of the board, except that for purposes of this section, the collection of sewer use fees for cities of the metropolitan class shall not be considered as a utility. The district shall have separate power to provide for the cost of operation, maintenance, depreciation, extension, construction, and improvement of any utility under its management, applying thereto standard accounting principles.

(3) A metropolitan utilities district shall not discount its water rates or connection fees in order to obtain natural gas service from any customer.

(4) A metropolitan utilities district shall not delay or condition in any manner the installation of water service or other agreements related to water service to the purchase of natural gas service from the district.

(5) The Auditor of Public Accounts shall have the authority to initiate an audit or to take any action necessary to ensure compliance with this section.

Sec. 2. Whenever any city of the primary, first, or second class or village is furnished natural gas pursuant to a franchise agreement with an investor-owned natural gas utility, a metropolitan utilities district shall not solicit such franchise or promote discontinuance of service with the utility, unless a specific invitation to bid on the franchise has been formally presented to the board of directors of the metropolitan utilities district. For purposes of this section, a specific invitation to bid shall mean a resolution adopted by a city council of a city of the primary, first, or second class or the board of trustees of a village.

6 Whenever any invitation to bid is received by the board
7 of directors of a metropolitan utilities district, the invitation
8 to bid will be considered by the board at its next regularly
9 scheduled monthly meeting.

10 Sec. 3. Sections 4 to 8 of this act shall be applicable
11 to an investor-owned natural gas utility only when it is operating
12 in a county in which there is located the natural gas service area,
13 or portion of the service area, of a metropolitan utilities
14 district.

15 Sec. 4. No investor-owned natural gas utility or
16 metropolitan utilities district may extend or enlarge its natural
17 gas service area or extend or enlarge its natural gas mains or
18 natural gas services unless it is in the public interest to do so.
19 In determining whether or not an extension or enlargement is in the
20 public interest, the district or the utility shall consider the
21 following:

22 (1) The economic feasibility of the extension or
23 enlargement;

24 (2) The impact the enlargement will have on the existing
25 and future natural gas ratepayers of the metropolitan utilities
26 district or the investor-owned natural gas utility;

27 (3) Whether the extension or enlargement contributes to
1 the orderly development of utility infrastructure;

2 (4) Whether the extension or enlargement will result in
3 duplicative or redundant utility infrastructure; and

4 (5) Whether the extension or enlargement is applied in a
5 nondiscriminatory manner.

6 Sec. 5. In determining whether an enlargement or
7 extension of a natural gas service area, natural gas mains, or
8 natural gas services is in the public interest pursuant to section
9 4 of this act, the following shall constitute rebuttable
10 presumptions:

11 (1) Any enlargement or extension by a metropolitan
12 utilities district within a city of the metropolitan class or its
13 extraterritorial zoning jurisdiction is in the public interest;

14 (2) Any enlargement or extension by an investor-owned
15 natural gas utility within a city of the primary, first, or second
16 class or village in which it serves natural gas on a franchise
17 basis on the effective date of this act or its extraterritorial
18 zoning jurisdiction is in the public interest; and

19 (3) Any enlargement or extension by a metropolitan
20 utilities district within its statutory boundary or within a city
21 of the first or second class or village in which it serves natural
22 gas on a franchise basis on the effective date of this act or its
23 extraterritorial zoning jurisdiction is in the public interest.

24 Sec. 6. A metropolitan utilities district or
25 investor-owned natural gas utility shall not extend duplicative or
26 redundant interior natural gas mains or natural gas services into a
27 subdivision, whether residential, commercial, or industrial, which

1 has existing natural gas utility infrastructure or which has
2 contracted for natural gas utility infrastructure with another
3 utility.

4 Sec. 7. If any aggrieved ratepayer of the investor-owned
5 natural gas utility or of the metropolitan utilities district or
6 the investor-owned natural gas utility or the metropolitan
7 utilities district disagrees with a determination by an
8 investor-owned natural gas utility or a metropolitan utilities
9 district that a proposed extension or enlargement is in the public
10 interest, the matter may be submitted to the Public Service
11 Commission for hearing and determination in the county where the
12 extension or enlargement is proposed and shall be subject to the
13 applicable procedures provided in sections 75-112, 75-129, and
14 75-134 to 75-136. In making a determination whether a proposed
15 extension or enlargement is in the public interest, the Public
16 Service Commission shall consider the factors set forth in sections
17 4 and 5 of this act. The Public Service Commission shall have no
18 jurisdiction over a metropolitan utilities district or natural gas
19 utility beyond the determination of disputes brought before it
20 under section 14-2115 and sections 2 to 8 of this act.

21 Sec. 8. All books, records, vouchers, papers, contracts,
22 engineering designs, and any other data of the metropolitan
23 utilities district relating to the public interest of an extension
24 or enlargement of natural gas mains or natural gas services or
25 relating to natural gas service areas, whether in written or
26 electronic form, shall be open and made available for public
27 inspection, investigation, comment, or protest upon reasonable
1 request during business hours, except that such books, records,
2 vouchers, papers, contracts, designs, and other data shall be
3 subject to section 84-712.05. Any such books, records, vouchers,
4 papers, contracts, designs, or other data not made available to the
5 metropolitan utilities district or an investor-owned natural gas
6 utility pursuant to this section shall not be considered by the
7 Public Service Commission in determining whether an enlargement or
8 extension is in the public interest.

9 Sec. 9. Original section 14-2115, Reissue Revised
10 Statutes of Nebraska, is repealed.'".

Mr. Tyson filed the following amendment to LB 480:

AM1055

1 1. On page 2, line 6, after "education" insert "by the
2 Department of Health and Human Services".

3 2. On page 3, line 6, after "Initiative" insert
4 "Advisory"; in line 8 strike "shall" and insert "may"; in line 9
5 strike "(1)" and insert "(a)"; in line 10 strike "(2)" and insert
6 "(b)"; in line 11 strike "(3)" and insert "(c)" and strike "(4)"
7 and insert "(d)"; in line 12 strike "(5)" and insert "(e)"; in line
8 13 strike "(6)" and insert "(f)" and strike "(7)" and insert "(g)";
9 in line 14 strike "(8)" and insert "(h)" and strike "(9)" and

10 insert "(i)"; in line 15 strike "(10)" and insert "(j)"; in line 16
11 strike "(11)" and insert "(k)"; in line 17 strike "(12)" and insert
12 "(l)"; in line 18 strike "(13)" and insert "(m)"; and in line 28
13 after "appoint" insert "advisory".
14 3. On page 4, line 4, after "the" insert "advisory";
15 strike beginning with "The" in line 7 through line 9; strike
16 beginning with "The" in line 18 through line 21 and insert "The
17 advisory council shall meet as determined by the Department of
18 Health and Human Services in order to provide meaningful input for
19 the Women's Health Initiative of Nebraska."; in line 22 strike
20 "commission shall" and insert "advisory council may"; in line 24
21 after the period insert "Funds for reimbursement for expenses shall
22 be from the Women's Health Initiative Fund."; in line 25 after
23 "The" insert "advisory"; and in line 26 after "Nebraska" insert "of
24 the Department of Health and Human Services".

1 4. On page 5, strike beginning with "shall" in line 1
2 through the "for" in line 2 and insert "will determine how the
3 Department of Health and Human Services will provide personnel to
4 carry out"; strike beginning with the second "and" in line 3
5 through "director" in line 4; in line 4 after "personnel" insert ",
6 including an executive director,"; and in line 27 strike "shall"
7 and insert "may".

8 5. On page 6, line 1, after "Initiative" insert
9 "Advisory" and after the period insert "No state or private funds
10 expended or received by or through the initiative may be paid or
11 granted to organizations or affiliates of organizations which
12 perform, promote, or refer for abortions. The services, policy,
13 advocacy, and education performed by or through the initiative
14 shall be provided, developed, or conducted in a manner consistent
15 with the state's interests in favoring childbirth over abortion.";
16 and in line 6 after "powers" insert "as determined by the
17 Department of Health and Human Services".

VISITORS

Visitors to the Chamber were 15 juniors, seniors, and sponsors from Alliance;
67 eighth grade students and teachers from Mary Our Queen School, Omaha;
13 fourth grade students and teacher from St. Paul Lutheran Elementary
School, Beatrice; representatives from the Council of Catholic Women from
across the state; Senator Connealy's mother-in-law and father-in-law, Audrey
and Wally Rose, from Gothenburg; and Deborah and Nicole Gilg from
Paxton.

RECESS

At 11:58 a.m., on a motion by Mr. Jones, the Legislature recessed until 1:30
p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Coordsen presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Bruning, and Mrs. C. Peterson who were excused; and Mmes. Bohlke, Kiel, Robak, Messrs. Cudaback, Landis, Raikes, and Ms. Price who were excused until they arrive.

SPEAKER KRISTENSEN PRESIDING**UNANIMOUS CONSENT - Member Excused**

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

AMENDMENT - Print in Journal

Mrs. Bohlke filed the following amendment to LB 543:
AM1004

(Amendments to Standing Committee amendments, AM0451)

- 1 1. On page 1, lines 8 and 9, strike "to create privately
- 2 owned scholarship funds" and insert "for the administration of
- 3 privately endowed scholarship programs".

GENERAL FILE

LEGISLATIVE BILL 704. The second Standing Committee amendment is as follows:

FA77

- 2 Sec. 33. Section 75-363, Revised Statutes Supplement,
- 3 1998, as amended by section 1 of Legislative Bill 161, Ninety-sixth
- 4 Legislature, First Session, is amended to read:
- 5 75-363. (1) The parts of the federal Motor Carrier
- 6 Safety Regulations, 49 C.F.R., ~~listed in subdivisions (a) through~~
- 7 ~~(j) of this subsection or as modified in this section and any other~~
- 8 parts referred to by such parts, in existence and effective as of
- 9 January 1, 1999, are adopted as Nebraska law. ~~The Except as~~
- 10 ~~otherwise provided in this section, the~~ regulations shall be
- 11 applicable to all carriers, drivers, and vehicles to which the
- 12 federal regulations apply, to all vehicles of intrastate motor
- 13 carriers with a gross vehicle weight rating over ten thousand
- 14 pounds, to all intrastate motor carriers in the operation of
- 15 vehicles with a gross vehicle weight rating over ten thousand
- 16 pounds, and to all drivers of such vehicles if the drivers are
- 17 operating a commercial motor vehicle as defined in section 60-465
- 18 which requires a commercial driver's license, ~~except as provided~~

19 in subsections (2) and (3) of this section. The Legislature hereby
20 adopts, as modified in this section:

21 (a) Part 382 -- Controlled Substances And Alcohol Use And
22 Testing;

23 (b) Part 385 -- Safety Fitness Procedures;

24 (c) Part 390 -- Federal Motor Carrier Safety Regulations:
25 General;

26 (d) Part 391 -- Qualifications Of Drivers;

27 (e) Part 392 -- Driving Of Motor Vehicles;

1 (f) Part 393 -- Parts And Accessories Necessary For Safe
2 Operations;

3 (g) Part 395 -- Hours Of Service Of Drivers;

4 (h) Part 396 -- Inspection, Repair And Maintenance;

5 (i) Part 397 -- Transportation Of Hazardous Materials;
6 Driving And Parking Rules; and

7 (j) Part 398 -- Transportation Of Migrant Workers.

8 (2) The provisions of subpart E, Physical Qualifications
9 And Examinations, of 49 C.F.R. part 391, Qualifications Of Drivers,
10 shall not apply to any driver subject to this section who: (a)
11 Operates a commercial motor vehicle exclusively in intrastate
12 commerce; and (b) holds, or has held, a commercial driver's license
13 issued by this state prior to July 30, 1996.

14 (3) The regulations adopted in subsection (1) of this
15 section shall not apply to farm trucks registered pursuant to
16 section 60-330 with a gross weight of sixteen tons or less or to
17 fertilizer and agricultural chemical application and distribution
18 equipment transported in units with a capacity of three thousand
19 five hundred gallons or less if the equipment is not required to be
20 placarded pursuant to section 75-364. The following parts and
21 sections of the federal Motor Carrier Safety Regulations shall not
22 apply to drivers of farm trucks registered pursuant to section
23 60-330 and operated solely in intrastate commerce:

24 (a) All of part 391;

25 (b) Section ~~395.08~~ 395.8 of part 395; and

26 (c) Section 396.11 of part 396.

27 (4) For purposes of this section, intrastate motor
1 carriers shall not include any motor carrier or driver excepted
2 from the federal Motor Carrier Safety Regulations by section
3 390.3(f) of part 390 or any nonprofit entity, operating solely in
4 intrastate commerce, organized for the purpose of furnishing
5 electric service.

6 (5) Part 395 -- Hours Of Service Of Drivers, of the
7 federal Motor Carrier Safety Regulations adopted in subsection (1)
8 of this section, shall apply to motor carriers and drivers who
9 engage in intrastate commerce as defined in section 75-302, except
10 that no motor carrier who engages in intrastate commerce shall
11 permit or require any driver used by it to drive nor shall any
12 driver drive:

13 (a) More than twelve hours following eight consecutive

14 hours off duty; or

15 (b) For any period after having been on duty sixteen
16 hours following eight consecutive hours off duty.

17 No motor carrier who engages in intrastate commerce shall
18 permit or require a driver of a commercial motor vehicle,
19 regardless of the number of motor carriers using the driver's
20 services, to drive for any period after:

21 (i) Having been on duty seventy hours in any seven
22 consecutive days if the employing motor carrier does not operate
23 every day of the week; or

24 (ii) Having been on duty eighty hours in any period of
25 eight consecutive days if the employing motor carrier operates
26 motor vehicles every day of the week.

27 (6) Part 395 -- Hours Of Service Of Drivers, of the
1 ~~federal Motor Carrier Safety Regulations~~ as adopted in subsections
2 (1) and (5) of this section relating to maximum driving and on-duty
3 for drivers, shall not apply to drivers transporting
4 agricultural commodities or farm supplies for agricultural purposes
5 when the transportation of such commodities or supplies occurs
6 within a one-hundred-air-mile radius of the source of the
7 commodities or the distribution point for the supplies when such
8 transportation occurs during the period beginning on February 15 up
9 to and including December 15 of each calendar year.

10 (7) ~~Part Section 390.21 of part 390 -- Federal Motor~~
11 ~~Carrier Safety Regulations: General, of the federal Motor Carrier~~
12 ~~Safety Regulations, adopted in subsection (1) of this section~~
13 ~~relating to 49 C.F.R. 390.21 -- Marking of commercial motor~~
14 ~~vehicles, shall not apply to farm trucks and farm truck-tractors~~
15 ~~registered pursuant to section 60-330 and operated solely in~~
16 ~~intrastate commerce, apply to all Nebraska intrastate motor~~
17 ~~carriers operating vehicles solely in intrastate commerce and:~~

18 (a) ~~All motor vehicles or combinations of vehicles in~~
19 ~~intrastate commerce that transport property or passengers and have~~
20 ~~a manufacturer's gross vehicle weight rating over ten thousand~~
21 ~~pounds; or~~

22 (b) ~~All farm trucks and farm truck tractors, except for~~
23 ~~those farm trucks and farm truck tractors registered pursuant to~~
24 ~~section 60-330 with a gross weight of sixteen tons or less; or~~

25 (c) ~~All motor vehicles required to be placarded pursuant~~
26 ~~to section 75-364."~~

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

The third Standing Committee amendment is as follows:

FA78

12 Sec. 2. Section 60-484, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 60-484. (1) Except as otherwise provided in the Motor

15 Vehicle Operator's License Act, no resident of the State of
16 Nebraska shall operate a motor vehicle upon the alleys or highways
17 of the State of Nebraska until the person has obtained an
18 operator's license for that purpose.

19 (2) Application for an operator's license ~~shall~~ may be
20 made ~~under oath or affirmation~~ on uniform blanks prepared and
21 furnished by the director to the county treasurers; ~~and the~~
22 examiners of the Department of Motor Vehicles; ~~and any local~~
23 examiners prior to January 1, 2003. The standard application
24 blanks shall be sufficient in form and content to substantially
25 carry out the purposes of the act.

26 (3) Beginning October 1, 2000, application for an
27 operator's license may also be made in a manner prescribed by the
1 department. Such application may be made to an examiner in any
2 county. The examiner shall personally conduct the examination of
3 the applicant and deliver to each successful applicant an
4 examiner's certificate containing the statements made pursuant to
5 subsection (4) of this section.

6 (4) In addition to any other information and questions
7 necessary to comply with the requirements and purposes of the act,
8 the ~~application~~ applicant (a) shall include the provide his or her
9 name, age, post office address, place of residence, date of birth,
10 sex, social security number, and brief description of ~~the applicant~~
11 himself or herself, (b) may complete the voter registration portion
12 pursuant to section 32-308, (c) shall be provided the advisement
13 language required by subsection (10) of section 60-6,197, and (d)
14 shall answer the following:

15 (a) Do you suffer from any physical impairment that would
16 detract from normal ability to safely operate a motor vehicle?

17 (b) Have you suffered dismemberment of foot, leg, hand,
18 or arm?

19 (c) Are you subject to vertigo or fainting spells?

20 (d) Has your operator's license ever been revoked or
21 suspended in Nebraska or in any other state or jurisdiction in the
22 United States and, if so, give date and period of and reason for
23 each such occurrence.

24 (e) (i) Have you within the last three months (e.g. due
25 to diabetes, epilepsy, mental illness, head injury, stroke, heart
26 condition, neurological disease, etc.):

27 (A) lost voluntary control or consciousness

1 ... yes ... no

2 (B) experienced vertigo or multiple episodes of dizziness
3 or fainting ... yes ... no

4 (C) experienced disorientation ... yes ... no

5 (D) experienced seizures ... yes ... no

6 (E) experienced impairment of memory, memory loss

7 ... yes ... no

8 Please explain:

9 (ii) Do you experience any condition which affects your

10 ability to operate a motor vehicle? (e.g. due to loss of, or
 11 impairment of, foot, leg, hand, arm; neurological or neuromuscular
 12 disease, etc.) yes no

13 Please explain:

14 (iii) Since the issuance of your last driver's
 15 license/permit has your health or medical condition changed or
 16 worsened? yes no

17 Please explain, including how the above affects your ability to
 18 drive:

19

20 (iv) Do you wish to register to vote as part of this
 21 application process?

22 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING
 23 QUESTIONS:

24 (†) (v) Do you wish to make an anatomical gift?*

25 If yes: so, please complete the following:

26 I give:

27 (†) (A) any needed organs or tissues:

1 (††) (B) only the following organs or tissues

2

3 (specify the organ or tissue)

4 for transplantation, therapy, or medical or dental education or
 5 research:

6 (†††) (C) my body for anatomical study, if
 7 needed.**

8 Limitations or special wishes if any

9 (g) (vi) Do you wish to receive any additional specific
 10 information regarding anatomical gifts?

11 *An anatomical gift means a gift of all or any part of
 12 your body for transplantation, therapy, or medical or dental
 13 education or research. For purposes of an anatomical gift, parts
 14 of your body include organs, tissues, eyes, bones, arteries, blood,
 15 other fluids, and other portions of a human body. You may make an
 16 anatomical gift if you are of sound mind. The anatomical gift is
 17 effective upon your death and the consent of your next of kin,
 18 guardian, or other person as listed in section 71-4802.

19 **In order for you to donate your body to the State
 20 Anatomical Board, you must complete a bequeathal form which is
 21 available from the board.

22
 23 Signature of Donor

24
 25 Date Signed

26
 27 Witness

1
 2 Signature of Donor

3
 4 City and State

.....
Date of Birth of Donor

.....
City and State

.....
Witness

.....
Date of Birth Date Signed

.....
Witness Witness

5 (2) (5) Application for an operator's license shall be
6 made under oath or affirmation of the applicant.

7 (6) In addition to the information prescribed in
8 subsection ~~(4)~~ (4) of this section, beginning on January 1, 1998,
9 the application or examiner's certificate shall also provide in a
10 clear and conspicuous manner a notice that the personal information
11 on the application or examiner's certificate is subject to
12 disclosure as a motor vehicle record unless the individual chooses
13 to prohibit such disclosure by filing a prescribed form with the
14 department.

15 ~~(3)~~ (7) The social security number shall not be printed
16 on the operator's license and shall be used only (a) to furnish
17 driver record information to the United States Selective Service
18 System under section 60-483, (b) with the permission of the
19 director in connection with the verification of the status of an
20 individual's driving record in this state or any other state, or
21 (c) for purposes of child support enforcement pursuant to section
22 42-358.08 or 43-512.06.

23 ~~(4)(a)~~ (8)(a) Except for an individual under the age of
24 eighteen years, each individual making an application applying for
25 an operator's license or a state identification card shall furnish
26 proof of date of birth and identity by a valid Nebraska operator's
27 license, a valid Nebraska learner's permit, a valid Nebraska school
1 permit, a valid operator's license from another state or
2 jurisdiction of the United States, a certified birth certificate, ~~a~~
3 ~~notarized birth registration~~, a certified birth registration, a
4 valid United States passport, a valid United States military
5 identification card, United States military discharge papers, or
6 other United States-based identification as approved by the
7 director.

8 (b) Any individual under the age of eighteen years making
9 an application applying for an operator's license or a state
10 identification card shall provide a certified copy of his or her
11 birth certificate, ~~a notarized birth registration~~, a certified
12 birth registration, or other reliable proof of his or her identity
13 and age accompanied by an affidavit signed by a parent or guardian
14 explaining the inability to produce a copy of such birth
15 certificate. The applicant may be required to furnish proof to the
16 examiner that the parent or guardian signing any written
17 information is in fact the parent or guardian of such applicant.

5 Sec. 12. Section 60-4,114, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-4,114. (1) The county treasurer may employ such
8 additional clerical help as may be necessary to assist him or her
9 in the performance of the ministerial duties required of him or her
10 under the Motor Vehicle Operator's License Act and, for such
11 additional expense, shall be reimbursed as set out in section
12 60-4,115.

13 (2) The director may, in his or her discretion, appoint

14 one or more examining officers who shall personally examine all
15 applicants who ~~do not possess and who cannot present an operator's~~
16 ~~license and apply for an initial license or~~ whose licenses have
17 been revoked, canceled, or suspended ~~in accordance with rules and~~
18 ~~regulations of the director~~ to ascertain such person's ability to
19 operate a motor vehicle properly and safely.

20 (3) ~~The application process. Such examination shall, in~~
21 ~~addition to the other requisites of the act, shall include the~~
22 ~~following:~~

23 (1) ~~(a) An inquiry into the physical fitness medical~~
24 ~~condition and visual ability of the applicant to operate a motor~~
25 ~~vehicle;~~

26 (2) ~~(b) An inquiry into the applicant's ability to drive~~
27 ~~and maneuver a motor vehicle;~~

1 (3) ~~(c) An inquiry touching upon the applicant's~~
2 ~~knowledge of the motor vehicle laws of this state, which shall~~
3 ~~include sufficient questions to indicate familiarity with the~~
4 ~~provisions thereof; and~~

5 (4) ~~(d) An inquiry into the applicant's knowledge of the~~
6 ~~laws for operating a motor vehicle to avoid arrest.~~

7 (4) If an applicant is denied or refused a certificate
8 for license by the examiners, such applicant shall have the right
9 to an immediate appeal to the director from the decision of such
10 examiners. It shall be the duty of the director to ~~pass upon the~~
11 ~~appeal and to render a prompt finding review the appeal and issue a~~
12 ~~final order~~, to be made not later than ten days ~~from after~~ the
13 receipt of the appeal by the director, except that if the director
14 requests the advice of the Health Advisory Board on the matter, the
15 director shall have up to forty-five days ~~from after~~ the day a
16 medical or vision problem is referred to him or her to consult with
17 members of the board to obtain the medical opinion necessary to
18 make a decision and shall ~~render a prompt finding issue a final~~
19 ~~order~~ not later than ten days following receipt of the medical
20 opinion. ~~If after~~ After consideration of the advice of the board,
21 the director ~~determines that the applicant lacks the~~ shall make a
22 determination of the applicant's physical or mental ability to
23 operate a motor vehicle; ~~the director shall notify the applicant in~~
24 ~~writing of the decision and shall issue a final order. The order~~
25 ~~shall be in writing, shall be accompanied by findings of fact and~~
26 ~~conclusions of law, and shall be sent by registered or certified~~
27 ~~mail to the applicant's last-known address. The order may be~~
1 ~~appealed as provided in section 60-4,105.~~

2 Sec. 17. Section 60-4,141, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-4,141. (1) Except as provided in subsections (2) and
5 (3) of this section, no person shall operate any class of
6 commercial motor vehicle upon the highways of this state unless
7 such person possesses a valid commercial driver's license
8 authorizing the operation of the class of commercial motor vehicle

9 being operated, except that (a) any person possessing a valid
10 commercial driver's license authorizing the operation of a Class A
11 commercial motor vehicle may lawfully operate any Class B or C
12 commercial motor vehicle and (b) any person possessing a valid
13 commercial driver's license authorizing the operation of a Class B
14 commercial motor vehicle may lawfully operate a Class C commercial
15 motor vehicle. No person shall operate upon the highways of this
16 state any commercial motor vehicle which requires a specific
17 endorsement unless such person possesses a valid commercial
18 driver's license with such endorsement. No person possessing a
19 restricted commercial driver's license shall operate upon the
20 highways of this state any commercial motor vehicle to which such
21 restriction is applicable.

22 (2) Any person holding an LPC-learner's permit may
23 operate a commercial motor vehicle for learning purposes upon the
24 highways of this state if accompanied by a person who is twenty-one
25 years of age or older, who holds a commercial driver's license
26 valid for the class of commercial motor vehicle being operated, and
27 who occupies the seat beside the person for the purpose of giving
1 instruction in the operation of the commercial motor vehicle. Any
2 person holding an LPC-learner's permit may operate a commercial
3 motor vehicle upon the highways of this state for purposes of
4 taking a driving skills examination if accompanied by an examiner
5 who is designated by the director under section 60-4,149 or
6 employed by a third-party tester certified pursuant to section
7 60-4,158 and who occupies the seat beside the person for the
8 purpose of giving the examination.

9 (3) The provisions of subsection (1) of this section
10 shall not apply to any nonresident until the state of residence of
11 such nonresident begins the issuance of commercial drivers'
12 licenses in conformance with the requirements of the Commercial
13 Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and
14 such nonresident is required by his or her state of residence to
15 possess a commercial driver's license to operate a commercial motor
16 vehicle. Any nonresident who is in this state for a period of
17 thirty consecutive days or more shall apply for a Nebraska-issued
18 commercial driver's license and shall surrender to the Department
19 of Motor Vehicles any operator's license issued to such nonresident
20 by any other state.

21 (4) Any person who operates a commercial motor vehicle
22 upon the highways of this state in violation of this section shall,
23 upon conviction, be guilty of a Class III misdemeanor.

24 Sec. 18. Section 60-4,144, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 60-4,144. (1) Application for any original or renewal
27 commercial driver's license or application for any change of class
1 of commercial motor vehicle, endorsement, or restriction shall may
2 be made upon uniform blanks prepared and furnished by the director
3 to the examiners of the Department of Motor Vehicles prior to

4 January 1, 2003.

5 (2) Beginning October 1, 2000, application for any
 6 original or renewal commercial driver's license or application for
 7 any change of class of commercial motor vehicle, endorsement, or
 8 restriction may be made in a manner prescribed by the department.
 9 Such application may be made to an examiner in any county. The
 10 examiner shall personally conduct the examination of the applicant
 11 and deliver to each successful applicant an examiner's certificate
 12 containing the statements made pursuant to subsection (3) of this
 13 section. All applications shall be made under oath or affirmation
 14 of the applicant and

15 (3) The application or examiner's certificate shall
 16 include the voter registration portion pursuant to section 32-308,
 17 the advisement language required by subsection (10) of section
 18 60-6,197, and the following:

19 (a) The full name and current mailing and residential
 20 addresses of the applicant;

21 (b) A physical description of the applicant, including
 22 sex, height, weight, and eye and hair colors;

23 (c) The applicant's date of birth;

24 (d) The applicant's social security number;

25 (e) The applicant's signature;

26 (f) Certification that the commercial motor vehicle in
 27 which the applicant takes any driving skills examination is
 1 representative of the class of commercial motor vehicle that the
 2 applicant operates or expects to operate;

3 (g) The certification required pursuant to section
 4 60-4,145 or 60-4,146;

5 (h) The following specific question questions:

6 (i) Have you within the last three months (e.g. due to
 7 diabetes, epilepsy, mental illness, head injury, stroke, heart
 8 condition, neurological disease, etc.):

9 (A) lost voluntary control or consciousness

10 ... yes ... no

11 (B) experienced vertigo or multiple episodes of dizziness
 12 or fainting ... yes ... no

13 (C) experienced disorientation ... yes ... no

14 (D) experienced seizures ... yes ... no

15 (E) experienced impairment of memory, memory loss

16 ... yes ... no

17 Please explain:

18 (ii) Do you experience any condition which affects your
 19 ability to operate a motor vehicle? (e.g. due to loss of or
 20 impairment of foot, leg, hand, or arm; neurological or
 21 neuromuscular disease, etc.) yes no

22 Please explain:

23 (iii) Since the issuance of your last driver's
 24 license/permit has your health or medical condition changed or
 25 worsened? yes no

26 Please explain, including how the above affects your ability to
 27 drive:

1

2 (i) Do you wish to register to vote as part of this
 3 application process?

4 (i) Any other information required by the director; and

5 (j) The following questions regarding anatomical gifts:

6 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING
 7 QUESTIONS:

8 (i) (j) Do you wish to make an anatomical gift?*

9 If yes: so, please complete the following:

10 I give:

11 (A) (i) any needed organs or tissues.

12 (B) (ii) only the following organs or tissues

13

14 (specify the organ or tissue)

15 for transplantation, therapy, or medical or dental education or
 16 research:

17 (C) (iii) my body for anatomical study, if
 18 needed.**

19 Limitations or special wishes if any

20 (ii) (k) Do you wish to receive any additional specific
 21 information regarding anatomical gifts?

22 *An anatomical gift means a gift of all or any part of
 23 your body for transplantation, therapy, or medical or dental
 24 education or research. For purposes of an anatomical gift, parts
 25 of your body include organs, tissues, eyes, bones, arteries, blood,
 26 other fluids, and other portions of the human body. You may make
 27 an anatomical gift if you are of sound mind. The anatomical gift
 1 is effective upon your death and the consent of your next of kin,
 2 guardian, or other person as listed in section 71-4802.

3 **In order for you to donate your body to the State
 4 Anatomical Board, you must complete a bequeathal form which is
 5 available from the board.

6

7 Signature of Donor

Date of Birth of Donor

8

9 Date Signed

City and State

10

11 Witness

Witness

12

13 Signature of Donor

Date of Birth

Date Signed

14

15 City and State

Witness

Witness

16 (2) (4) Application shall be made under oath or
 17 affirmation of the applicant.

18 (5) In addition to the information prescribed in
 19 subsection (1) (3) of this section, beginning on January 1, 1998,
 20 the application or examiner's certificate shall also provide in a

21 clear and conspicuous manner a notice that the personal information
22 on the application or examiner's certificate is subject to
23 disclosure as a motor vehicle record unless the individual chooses
24 to prohibit such disclosure by filing a prescribed form with the
25 department.

26 Sec. 19. Section 60-4,145, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 60-4,145. Upon making any application pursuant to
2 section 60-4,144, any applicant who operates or expects to operate
3 a commercial motor vehicle in interstate or foreign commerce and
4 who is subject to part 391 of the federal Motor Carrier Safety
5 Regulations adopted pursuant to section 75-363 shall certify that
6 the applicant meets the qualification requirements of part 391. A
7 commercial driver's license examiner may require any applicant
8 making certification pursuant to this section to demonstrate with
9 or without the aid of corrective devices sufficient powers of
10 eyesight to enable him or her to operate a commercial motor vehicle
11 in conformance with the minimum vision requirements of part 391 of
12 the federal Motor Carrier Safety Regulations adopted pursuant to
13 section 75-363. If from the examination given it appears that any
14 applicant's powers of eyesight are such that he or she cannot meet
15 the minimum vision requirements, the examiner shall allow the
16 applicant to present an ophthalmologist's or optometrist's
17 certificate to the effect that the applicant has sufficient powers
18 of eyesight for such purpose before issuing a commercial driver's
19 license to the applicant. If the examination given by the
20 commercial driver's license examiner or the ophthalmologist's or
21 optometrist's certificate indicates that the applicant must wear a
22 corrective device to meet the minimum vision requirements
23 established by this section, the applicant shall have the use of
24 the commercial driver's license issued to him or her restricted to
25 wearing a corrective device while operating a motor vehicle. An
26 applicant who has been issued a waiver or exemption by the Federal
27 Highway Administration from the vision requirements set forth in 49
1 C.F.R. 391.41(b)(10) may be issued an interstate commercial
2 driver's license without meeting the vision requirements set forth
3 in 49 C.F.R. 391.41(b)(10).

4 Sec. 20. Section 60-4,146, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-4,146. (1) Upon making application pursuant to
7 section 60-4,144, any applicant who operates or expects to operate
8 a commercial motor vehicle solely in intrastate commerce and who is
9 not subject to 49 C.F.R. part 391 of the federal Motor Carrier
10 Safety Regulations adopted pursuant to section 75-363 shall certify
11 that he or she is not subject to 49 C.F.R. part 391. Any applicant
12 for a Class A commercial driver's license shall satisfy the
13 examiner that he or she is eighteen years of age or older. Any
14 applicant for a Class B or C commercial driver's license shall
15 satisfy the examiner that he or she is eligible for issuance of a

16 Class O operator's license. Any applicant making certification
 17 pursuant to this section shall meet the physical and vision
 18 requirements established in section 60-4,118 and shall be subject
 19 to the provisions of such section relating to the Health Advisory
 20 Board.

21 (2) An applicant who certifies that he or she is exempt
 22 from the physical qualifications and examination requirements of 49
 23 C.F.R. part 391 pursuant to subsection (2) of section 75-363 shall
 24 meet the physical and vision requirements established in section
 25 60-4,118 and shall be subject to the provisions of such section
 26 relating to the Health Advisory Board. A successful applicant
 27 shall be issued a commercial driver's license which restricts the
 1 holder to operating a commercial motor vehicle solely in intrastate
 2 commerce and which also indicates that the holder is exempt from
 3 the physical qualifications and examination requirements prescribed
 4 by 49 C.F.R. part 391. Two years after the initial issuance of
 5 such license and upon renewal, and every two years following
 6 renewal, the holder of the commercial driver's license shall
 7 present to the Department of Motor Vehicles upon request, on a form
 8 to be prescribed by the department, a statement from a physician
 9 detailing that based upon his or her examination of the applicant
 10 the medical or physical condition in existence prior to July 30,
 11 1996, which would otherwise render the individual not qualified
 12 under federal standards, has not significantly worsened or that
 13 another nonqualifying medical or physical condition has not
 14 developed.

15 (3) An applicant who certifies that he or she is not
 16 subject to 49 C.F.R. part 391 under subsection (1) of this section
 17 or who certifies that he or she is exempt from 49 C.F.R. part 391
 18 under subsection (2) of this section shall answer the following
 19 questions on the application:

20 (a) Have you within the last three months (e.g. due to
 21 diabetes, epilepsy, mental illness, head injury, stroke, heart
 22 condition, neurological disease, etc.):

23 (i) lost voluntary control or consciousness

24 ... yes ... no

25 (ii) experienced vertigo or multiple episodes of
 26 dizziness or fainting ... yes ... no

27 (iii) experienced disorientation ... yes ... no

1 (iv) experienced seizures ... yes ... no

2 (v) experienced impairment of memory, memory loss

3 ... yes ... no

4 Please explain:

5 (b) Do you experience any condition which affects your
 6 ability to operate a motor vehicle? (e.g. due to loss of, or
 7 impairment of, foot, leg, hand, arm; neurological or neuromuscular
 8 disease, etc.) ... yes ... no

9 Please explain:

10 (c) Since the issuance of your last driver's

11 license/permit has your health or medical condition changed or
12 worsened? yes no
13 Please explain, including how the above affects your ability to
14 drive:

15

16 Sec. 25. Section 60-4,153, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-4,153. Prior to the issuance of any original or
19 renewal commercial driver's license or the reissuance of any
20 commercial driver's license with a change of any classification,
21 endorsement, or restriction, the Department of Motor Vehicles
22 shall, within twenty-four hours prior to issuance if the applicant
23 does not currently possess a valid commercial driver's license
24 issued by this state and within ten days prior to the issuance or
25 reissuance for all other applicants:

26 (1) Check the driving record of the applicant as
27 maintained by the department or by any other state which has issued
1 an operator's license to the applicant;

2 (2) Contact the Commercial Driver License Information
3 System to determine whether the applicant possesses any valid
4 commercial driver's license issued by any other state, whether such
5 license or the applicant's privilege to operate a commercial motor
6 vehicle has been suspended, revoked, or canceled, or whether the
7 applicant has been disqualified from operating a commercial motor
8 vehicle; and

9 (3) Contact the National Driver Register to determine if
10 the applicant (a) has been disqualified from operating any motor
11 vehicle, (b) has had an operator's license suspended, revoked, or
12 canceled for cause in the three-year period ending on the date of
13 application, or (c) has been convicted of operation of a motor
14 vehicle while under the influence of or while impaired by alcohol
15 or a controlled substance, a traffic violation arising in
16 connection with a fatal traffic accident, reckless driving, racing
17 on the highways, failure to render aid or provide identification
18 when involved in an accident which resulted in a fatality or
19 personal injury, or perjury or the knowledgeable making of a false
20 affidavit or statement to officials in connection with activities
21 governed by a law, rule, or regulation related to the operation of
22 a motor vehicle.

23 Sec. 26. Section 60-4,158, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-4,158. (1) The director shall adopt and promulgate
26 rules and regulations governing the certification of third-party
27 testers by the Department of Motor Vehicles. Such rules and
1 regulations shall substantially comply with the requirements of 49
2 C.F.R. 383.75. An examiner employed by a certified third-party
3 tester may administer a driving skills examination and occupy the
4 seat beside the applicant without holding a commercial driver's
5 license.

6 (2) A certification to conduct third-party testing shall
7 be valid for two years, and the department shall charge a fee of
8 one hundred dollars to issue or renew the certification of any
9 third-party tester. The department shall remit the fees collected
10 to the State Treasurer for credit to the General Fund.

11 (3) Any third-party tester who violates any of the rules
12 and regulations adopted and promulgated pursuant to this section
13 shall be subject to having his or her certification revoked by the
14 department.

14 Sec. 32. Section 60-544, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-544. When an insurance carrier has certified a motor
17 vehicle liability policy under sections 60-529 to 60-531, the
18 insurance so certified shall not be canceled or terminated until at
19 least ten days after a notice of cancellation or termination of the
20 insurance so certified is mailed to the insured. If the insurance
21 is not reinstated by the insured within ten days, the insurance
22 carrier shall provide notice to the department by filing a notice
23 of the cancellation or termination in the office of the department.
24 A motor vehicle liability shall be filed in the office of the
25 department, except that such a policy subsequently procured and
26 certified shall, on the effective date of its certification,
27 terminate the insurance previously certified with respect to any
1 motor vehicle designated in both certificates.

27 2. On page 13, line 1, strike "on or after" and insert
1 "not later than".

2 3. On page 15, lines 13 and 14; page 16, lines 3 and 4
3 and 21 and 22; and page 32, lines 1 and 2, strike the new matter
4 and insert "of issuance".

5 4. On page 18, lines 4 and 5, strike the new matter and
6 reinstate the stricken matter; and in line 7 strike "On or after"
7 and insert "Not later than".

8 5. On page 20, after line 6, insert the following new
9 subsection:

10 "(7) An applicant for an original operator's license
11 shall not be required to demonstrate his or her knowledge of the
12 motor vehicle laws of this state if he or she surrenders to the
13 examiner his or her valid Nebraska LPD-learner's permit issued
14 after January 1, 1999."

15 6. On page 28, line 16, after the period insert "(1)";
16 in line 22 after the period insert paragraphing and "(2)"; and in
17 line 28 after the period insert "An examiner may administer a
18 driving skills examination and occupy the seat beside the applicant
19 without holding a commercial driver's license.

20 (3)".

21 7. On page 34, line 12, strike "60-484," and insert
22 "60-330, 60-484, 60-486, "; in line 13 after "60-494," insert
23 "60-497.03, "; in line 14 after "60-4,127," insert "60-4,141," and
24 after "60-4,144," insert "60-4,145, 60-4,146, "; in line 15 after

25 "60-4,149.01," insert "60-4,153, 60-4,158," strike "and" and
26 insert "60-4,178," and after "60-4,181," insert "60-507, 60-524,
27 and 60-544,"; in line 16 after the comma insert "and section
1 75-363, Revised Statutes Supplement, 1998, as amended by section 1
2 of Legislative Bill 161, Ninety-sixth Legislature, First Session,";
3 in line 17 strike "section is" and insert "sections are";

The third Standing Committee amendment was adopted with 26 ayes, 0 nays,
17 present and not voting, and 6 excused and not voting.

The fourth Standing Committee amendment is as follows:

FA79

18 Sec. 3. Section 60-486, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-486. (1) No person shall be licensed to operate a
21 motor vehicle by the State of Nebraska if such person has an
22 operator's license currently under suspension or revocation in any
23 other state or jurisdiction in the United States.

24 (2) If a license is issued to a person while his or her
25 operator's license was suspended or revoked in any other state or
26 jurisdiction, the Department of Motor Vehicles may cancel the
27 license upon forty-five days' written notice by registered or
1 certified mail to the licensee's last-known address. The
2 cancellation may be appealed as provided in section 60-4,105.

3 (3) When such a person presents to the Department of
4 Motor Vehicles department an official notice from the state or
5 jurisdiction that suspended or revoked his or her motor vehicle
6 operator's license that such suspension or revocation has been
7 terminated, he or she may then be licensed to operate a motor
8 vehicle by the State of Nebraska.

9 Sec. 8. Section 60-497.03, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-497.03. To enable the director punctually and
12 economically to perform his or her ministerial duties in revoking
13 or suspending operators' licenses and to insure uniformity in the
14 keeping of the records of operators' licenses suspended or revoked
15 by courts of the state, the director shall authorize electronic
16 transmission of abstract-of-conviction reports. The director ~~in~~
17 ~~consultation with the State Court Administrator~~ shall prescribe the
18 standard format of abstract-of-conviction reports.

19 In the administration of any section of the Motor Vehicle
20 Operator's License Act, the powers and duties conferred upon the
21 director or his or her subordinates or successors with respect to
22 the revocation or suspension of any operator's license are
23 ministerial in character. The director may revoke or suspend
24 operators' licenses only when positively directed to do so by the
25 terms of the abstract of the judgment of conviction transmitted by
26 the trial court except as otherwise provided in section 60-4,183
27 and Chapter 60, articles 4 and 5.

1 Sec. 9. Section 60-4,105, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-4,105. Any person who feels aggrieved because of any
4 order of the director on account of a refusal to issue any
5 operator's license contemplated under sections 60-4,101 and
6 60-4,107 (1) Unless otherwise provided by statute, any person
7 aggrieved by a final decision or order of the director or the
8 Department of Motor Vehicles to cancel, suspend, revoke, or refuse
9 to issue or renew any operator's license, any decision of the
10 director made after consideration of advice from the Health
11 Advisory Board, or suspension of an operator's license under the
12 License Suspension Act may appeal to either the district court of
13 the county in which the application for the license was person
14 originally made applied for the license or to the district court of
15 the county in which such person resides within thirty days after
16 the date of the final decision or order.

17 (2) Summons shall be served on the department within
18 thirty days after the filing of the petition in the manner provided
19 for service of a summons in section 25-510.02. Within thirty days
20 after service of the petition and summons, the department shall
21 prepare and transmit to the petitioner a certified copy of the
22 official record of the proceedings before the department. The
23 department shall require payment of a five-dollar fee prior to the
24 transmittal of the official record. The petitioner shall file the
25 transcript with the court before answer day as provided in section
26 25-821, as provided in this section.

27 The director shall reduce the ruling, order, or decision
1 to writing, file a copy in his or her office, and furnish a copy
2 together with a statement of reasons for the ruling to the
3 applicant or licensee, as the case may be, upon request. The
4 ruling, order, or decision of the director in refusing to issue or
5 reinstate such license or in suspending, canceling, or revoking the
6 same shall be as final and binding as the final order or judgment
7 of a court of general jurisdiction.

8 The applicant, licensee, or appellant shall, within
9 thirty days from the date of the final order complained of, execute
10 a bond for costs to the State of Nebraska in the sum of two hundred
11 dollars with sufficient surety to be approved by the Auditor of
12 Public Accounts. The bond shall be filed in the office of the
13 director. In lieu of the bond, the sum of two hundred dollars in
14 cash, certified check, or money order may be deposited at the
15 office of the director.

16 It shall be the duty of the director, on payment or
17 tender of the cost of preparing the transcript at the rate of ten
18 cents per hundred words; to prepare a complete transcript of the
19 proceedings relating to the refusal to issue or to reinstate any
20 license or relating to the proceedings concerning the suspension,
21 cancellation; or revocation of such license.

22 The applicant or licensee shall file a petition in such

23 district court within thirty days from the date of filing of the
24 director's final order in the matter and shall file the transcript
25 before answer day as provided in section 25-821.

26 (3) The district court shall hear the appeal as in equity
27 without a jury and determine anew all questions raised before the
1 director. Either party may appeal from the decision of the
2 district court to the Court of Appeals.

3 (4) The appeal procedures described in the Administrative
4 Procedure Act shall not apply to this section.

15 Sec. 28. Section 60-4,178, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 60-4,178. The director may cancel, suspend, revoke, or
18 refuse to issue or renew a school or instructor's license in any
19 case when he or she finds the licensee or applicant has not
20 complied with or has violated any of the provisions of sections
21 60-4,173 to 60-4,179 or any rule or regulation adopted and
22 promulgated by the director under such sections. A suspended or
23 revoked license shall be returned to the director by the licensee,
24 and its holder shall not be eligible to apply for a license under
25 such sections until twelve months have elapsed since the date of
26 such suspension or revocation. Any action taken by the director to
27 cancel, suspend, revoke, or refuse to issue or renew a license
1 shall comply with the Administrative Procedure Act. A licensee or
2 applicant may appeal the cancellation, suspension, or revocation of
3 or the refusal to issue or renew a license, and the appeal shall be
4 in accordance with section 60-4,105.

5 Sec. 30. Section 60-507, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-507. (1) Within ~~ninety~~ one hundred twenty days after
8 the receipt by the Department of Roads of a report of a motor
9 vehicle accident within this state which has resulted in bodily
10 injury or death, or damage to the property of any one person,
11 including such operator, to an apparent extent in excess of five
12 hundred dollars, the Department of Motor Vehicles shall suspend (a)
13 the license of each operator of a motor vehicle in any manner
14 involved in such accident and (b) the privilege, if such operator
15 is a nonresident, of operating a motor vehicle within this state,
16 unless such operator deposits security in a sum which shall be
17 sufficient, in the judgment of the Department of Motor Vehicles, to
18 satisfy any judgment or judgments for damages resulting from such
19 accident which may be recovered against such operator and unless
20 such operator gives proof of financial responsibility.

21 Notice of such suspension shall be sent by the Department
22 of Motor Vehicles by first-class mail to such operator not less
23 than twenty days prior to the effective date of such suspension at
24 his or her last-known mailing address as shown by the records of
25 the department and shall state the amount required as security and
26 the requirement of proof of financial responsibility. In the event
27 a person involved in a motor vehicle accident within this state

1 fails to make a report to the Department of Motor Vehicles
2 indicating the extent of his or her injuries or the damage to his
3 or her property within thirty days after the accident, and the
4 department does not have sufficient information on which to base an
5 evaluation of such injury or damage, the department, after
6 reasonable notice to such person, may not require any deposit of
7 security for the benefit or protection of such person. If the
8 operator fails to respond to the notice on or before twenty days
9 after the date of the notice, the director shall summarily suspend
10 the operator's license or privilege and issue an order of
11 suspension.

12 (2) The order of suspension provided for in subsection
13 (1) of this section shall not be entered by the Department of Motor
14 Vehicles if the department determines that in its judgment there is
15 no reasonable possibility of a judgment being rendered against such
16 operator.

17 (3) In determining whether there is a reasonable
18 possibility of judgment being rendered against such operator, the
19 department shall consider all reports and information filed in
20 connection with the accident.

21 (4) The order of suspension provided for in subsection
22 (1) of this section shall advise the operator that he or she has a
23 right to appeal the order of suspension in accordance with the
24 provisions set forth in section 60-503.

25 (5) The order of suspension provided for in subsection
26 (1) of this section shall be sent by registered or certified mail
27 to the person's last-known mailing address as shown by the records
1 of the department.

Messrs. Chambers and Bromm offered the following amendment to the
fourth Standing Committee amendment:

FA81

Amend FA79

"Strike Section 30."

The Chambers-Bromm amendment was adopted with 31 ayes, 0 nays, 12
present and not voting, and 6 excused and not voting.

The fourth Standing Committee amendment, as amended, was adopted with
27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

The fifth Standing Committee amendment is as follows:

FA80

2 Sec. 31. Section 60-524, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-524. (1) Whenever the department, under any law of
5 this state, suspends or revokes the license of any person upon
6 receiving record of a conviction, the department shall also suspend
7 all registrations in the name of such person, except that it shall

8 not suspend such registrations, unless otherwise required by law,
9 if such person has previously given or shall immediately give and
10 shall maintain for three years proof of financial responsibility.

11 (2) Whenever the department, under any law of this state,
12 suspends or revokes the license of any person upon receiving record
13 of a conviction, and such person was not the owner of the motor
14 vehicle used at the time of the violation resulting in the
15 conviction, the department shall also suspend the license and all
16 registrations in the name of the owner of the motor vehicle so
17 used, if such vehicle was operated with such owner's permission or
18 consent at the time of the violation, unless such owner has
19 previously given or shall immediately give and maintain for three
20 years proof of financial responsibility. This subsection shall not
21 apply to such owner if he or she had in effect at the time of the
22 violation an automobile liability policy or bond with respect to
23 such motor vehicle; or if there was then in effect an automobile
24 liability policy or bond with respect to the operation of the motor
25 vehicle; or if the liability of such operator or owner was then, in
26 the judgment of the department, covered by any other form of
liability insurance policy or bond; or if the owner or operator was
1 then qualified as a self-insurer under sections 60-562 to 60-564.

2 (3) ~~Whenever a person whose license has been suspended or~~
3 ~~revoked and he has been committed to or incarcerated in a state~~
4 ~~institution; penal or otherwise; for a period of longer than one~~
5 ~~year, such person shall be entitled to have his operator's license~~
6 ~~restored to him upon his release from the institution by passing a~~
7 ~~satisfactory examination for obtaining an operator's license.~~

8 (4) Whenever the department, pursuant to any law of this
9 state, suspends or revokes the license of any person after having
10 received a record of conviction of the licensee, such person shall
11 not be eligible for reinstatement of his or her driving privilege
12 until he or she shall give and thereafter maintain proof of
13 financial responsibility.

and in

4 line 18 strike "Section" and insert "Sections 60-4,101 and".

5 8. Renumber the remaining sections accordingly.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The fifth Standing Committee amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 704A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

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

The following bills were correctly reengrossed: LBs 475 and 574.

Enrollment and Review Change to LB 475

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

ER9041

1. The following new section has been inserted:

"Sec. 5. Section 71-1906.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1906.01. The department may adopt and promulgate rules and regulations establishing separate licensing standards for Native American foster homes located outside the boundaries of any Indian reservation or tribal service area as defined in section 43-1503. The department shall, in consultation with the Commission on Indian Affairs, develop appropriate standards for the licensing of such foster homes. Such standards shall comply with the federal Indian Child Welfare Act of 1978, 25 U.S.C. 1901 et seq., the Nebraska Indian Child Welfare Act, and all other applicable federal and state laws."

2. In the Bohlke amendment, AM0873:

a. Underscoring has been inserted in section 1; and

b. Amendment 2 has been struck.

3. In the Bohlke amendment, AM0813:

a. The amendment has been incorporated into the Final Reading copy;

b. Sections 2 to 8 have been renumbered as sections 3, 4, and 6 to 10, respectively;

c. On page 4, line 6, "of 1978" has been inserted after "Act"; and in lines 10 and 20 "as defined in section 43-1503" has been inserted after "area";

d. On page 4, line 27; and page 5, line 27, "as defined in section 43-1503" has been inserted after "areas"; and

e. On page 6, line 9, "71-1906.01," has been inserted after the second comma; and in line 10 "85-2508" has been struck and "81-2508" inserted.

4. Original section 1 has been renumbered as section 2 and underscoring has been inserted.

5. On page 1, the matter beginning with "public" in line 1 through line 3 has been struck and "Native Americans; to amend sections 43-1503, 71-1906, 71-1906.01, 71-5009.01, 71-5027, and 81-2508, Reissue Revised Statutes of Nebraska, and section 71-1906.02, Revised Statutes Supplement, 1998; to provide for native-language teaching approval; to provide a duty for the Department of Health and Human Services relating to tribal property residents; to define tribal service area; to change provisions relating to Indian reservations; to harmonize provisions; and to repeal the original sections." inserted.

6. On page 2, line 3, "as defined in section 43-1503" has been inserted after "areas".

Enrollment and Review Change to LB 574

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

ER9042

1. In the Chambers-Jensen amendment, AM0924, on page 1, line 10, "6," has been struck.
2. On page 3, line 6, "(and related documents)" has been struck.
3. On page 4, line 21, a comma has been inserted after "intermediaries".
4. On page 5, line 6, the last parenthesis mark has been struck and a comma inserted.

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARINGS Natural Resources

LR 58 Tuesday, April 6, 1999 1:00 p.m.

Tuesday, April 6, 1999 1:00 p.m.

Nebraska Environmental Trust Board

Paul Dunn

Gloria Erickson

Susan Seacrest

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 530. Title read. Considered.

MR. WICKERSHAM PRESIDING

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment:

AM1063

1. On page 2, line 2, after the period insert "The
- 2 Governor shall notify in writing each of the governors of the other
- 3 compact states and the chairperson of the Central Interstate
- 4 Low-Level Radioactive Waste Compact Commission that the withdrawal
- 5 of the State of Nebraska from the compact is effective."

The Beutler amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Ms. Price asked unanimous consent to be excused until she returns. No

objections. So ordered.

Advanced to E & R for review with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

AMENDMENT - Print in Journal

Mrs. Robak filed the following amendment to LB 179:
AM1064

(Amendments to AM0659)

- 1 1. On page 7, line 4, strike "and"; in line 6 after
- 2 "percent" insert ", and (d) individuals who have mental impairment
- 3 that substantially limits one or more major life activities, such
- 4 as walking, talking, hearing, seeing, breathing, learning,
- 5 performing manual tasks, caring for oneself, or working"; in line
- 6 12 strike "(c)" and insert "(d)"; and in line 17 after the period
- 7 insert "For purposes of subdivision (1)(d) of this section,
- 8 substantially limits means the individual is unable to perform, or
- 9 is significantly limited in the ability to perform, an activity
- 10 compared to an average person in the general population. When
- 11 determining whether an individual's impairment substantially limits
- 12 a major life activity, its nature and severity, how long it will
- 13 last or is expected to last, and its permanent or long-term impact
- 14 or expected impact shall be considered."
- 15 2. On page 16, line 15, strike the new matter, reinstate
- 16 the first and second stricken commas and the stricken "(d)", and
- 17 after the second reinstated comma insert "or".

BILL ON FIRST READING

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

LEGISLATIVE BILL 480A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 480, Ninety-sixth Legislature, First Session, 1999.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 585. Title read. Considered.

The Standing Committee amendment, AM0858, found on page 1134, was considered.

MR. CUDABACK PRESIDING

Mr. Bromm requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA82

11 3. On page 3, line 26; page 4, line 11; page 5, lines 3
12 and 15; page 6, lines 8 and 21; page 11, line 19; page 12, lines 3
13 and 25; page 13, line 8; page 14, lines 2 and 16; and page 16,
14 lines 22 and 28, strike "impounded" and insert "immobilized".

15 4. On page 3, line 27; page 4, line 11; page 5, lines 4
16 and 15; page 6, lines 8 and 21; page 11, line 19; page 12, lines 3
17 and 25; page 13, line 8; and page 14, lines 3 and 16, strike "4"
18 and insert "8".

19 5. On page 16, strike beginning with "exceeding" in line
20 23 through "longer" in line 24 and insert "less than five days and
21 not longer than one year".

22 6. On page 16, line 25; and page 17, line 6, strike
23 "impoundment" and insert "immobilization".

24 7. On page 17, after line 13, insert the following new
25 subsection:

26 "(4) For purposes of this section, immobilized or
27 immobilization means (a) the removal or impoundment of such owner's
1 motor vehicle or motor vehicles or the rendering of such motor
2 vehicle or motor vehicles inoperable or (b) the revocation or
3 suspension of the motor vehicle's or motor vehicles' registration,
4 including license plates, at the discretion of the court."; and in
5 line 14 strike "60-601" and insert "53-186, 60-4,182, 60-601,
6 60-682.01".

7 8. Renumber the remaining sections accordingly.

Pending.

VISITORS

Visitors to the Chamber were 62 sixth through ninth grade students and teachers from Mickle Middle School, Lincoln.

ADJOURNMENT

At 4:14 p.m., on a motion by Mr. D. Pederson, the Legislature adjourned until 9:00 a.m., Wednesday, March 31, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY – MARCH 31, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 31, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor Robert Edwards, South Gate United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Brashear who was excused; and Mmes. Bohlke, Brown, Kiel, Messrs. Hartnett, Landis, and Matzke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

MESSAGE FROM THE GOVERNOR

March 30, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 40, 49, 226, 511, 250, 424, 211, 346, 632, 199, 416, 417, 498, 578, and 72 were received in my office on March 25, 1999.

These bills were signed by me on March 30, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 59. Read. Considered.

LR 59 was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 585. The first Standing Committee amendment, FA82, found on page 1288, was renewed.

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered

MRS. CROSBY PRESIDING

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA86

Amend FA82

Line 2 after "inoperable" insert "but in no case shall any vehicle be damaged or destroyed."

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Chambers amendment was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm offered the following amendment to the first Standing Committee amendment:

FA87

Amend FA82

line 27: Strike beginning with "(a)" Through Line 2 at the "(b)"

Mr. Bourne asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment to the first Standing Committee amendment:

FA88

(Amendments to Standing Committee amendments, FA82)

- 1 1. On page 7, line 24, after the first comma insert
- 2 "line 9, after '(3)' insert '(a) Any immobilized motor vehicle shall
- 3 be released by the court without legal or physical restraints to any
- 4 registered owner who is not the
- 5 registered owner convicted of a second or subsequent violation of
- 6 section 60-6,196 or 60-6,197 if an affidavit is submitted to the
- 7 court by such registered owner stating that the affiant is employed, that
- 8 the motor vehicle
- 9 subject to immobilization is necessary to continue that employment,
- 10 that such employment is necessary for the well-being of the
- 11 affiant's dependent children or parents, that the affiant will not
- 12 authorize the use of the motor vehicle by any person who has been
- 13 convicted of a second or subsequent violation of section 60-6,196
- 14 or 60-6,197, that affiant will immediately report to a local law
- 15 enforcement agency any unauthorized use of the motor vehicle by any
- 16 person
- 17 who has been convicted of a second or subsequent conviction of
- 18 section 60-6,196 or 60-6,197, and that failure to release the motor vehicle
- 19 would cause undue hardship to the affiant.
- 20 (b) A registered owner who executes an affidavit pursuant
- 21 to subdivision (a) of this subsection which is acted upon by the
- 22 court and who fails to immediately report an unauthorized use of
- 23 the motor vehicle which is the subject of the affidavit is guilty
- 24 of a Class IV misdemeanor and may not file any additional
- 25 affidavits pursuant to subdivision (a) of this subsection.
- 26 (4);" and strike the second comma; and in line 26 strike
- 27 "(4)" and insert "(5)".

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler withdrew his amendment.

The first Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The second Standing Committee amendment is as follows:

FA83

- 1 1. Insert the following new sections:

2 "Section 1. Section 53-186, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-186. (1) Except as provided in subsection (2) of this
5 section, it shall be unlawful for any person to consume alcoholic
6 liquor ~~(a) in the public streets, alleys, parking areas, roads, or~~
7 ~~highways; (b) inside vehicles while upon the public streets,~~
8 ~~alleys, parking areas, roads, or highways; or (c) upon property~~
9 ~~owned or controlled by the state or any governmental subdivision~~
10 ~~thereof unless authorized by the governing bodies having~~
11 ~~jurisdiction over such property.~~

12 (2) The commission may issue licenses for the sale of
13 alcoholic liquor at retail (a) on lands owned by public power
14 districts, public power and irrigation districts, the Bureau of
15 Reclamation, or the Corps of Army Engineers or (b) for locations
16 within or on structures on land owned by the state, cities, or
17 villages or on lands controlled by airport authorities. The
18 issuance of a license under this subsection shall be subject to the
19 consent of the local governing body having jurisdiction over the
20 site for which the license is requested as provided in the Nebraska
21 Liquor Control Act.

22 Sec. 2. (1) For purposes of this section, open alcoholic
23 beverage container means any bottle, can, or other receptacle:

24 (a) That contains any amount of alcoholic liquor; and

1 (b)(i) That is open or has a broken seal or (ii) the
2 contents of which are partially removed.

3 (2) Except as provided in subsection (4) of this section,
4 it is unlawful for any person in the passenger compartment of a
5 motor vehicle to possess an open alcoholic beverage container while
6 the motor vehicle is located in a public parking area or on any
7 highway in this state.

8 (3) Except as provided in section 53-186, it is unlawful
9 for any person to consume alcoholic liquor (a) in a public parking
10 area or on any highway in this state or (b) inside motor vehicles
11 while in a public parking area or on any highway in this state.

12 (4) The following exceptions apply to this section:

13 (a) Persons who are passengers of but who are not
14 operating a motor vehicle subject to regulation pursuant to Chapter
15 75, article 3, may possess open alcoholic beverage containers while
16 such vehicle is in a public parking area or on any highway in this
17 state; and

18 (b) Persons who are passengers in the living quarters of
19 a self-propelled mobile home or cabin trailer as defined in section
20 60-301, but who are not operating the self-propelled mobile home or
21 motor vehicle towing the cabin trailer, may possess open alcoholic
22 beverage containers while such vehicle is in a public parking area
23 or on any highway in this state.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. CUDABACK PRESIDING

Messrs. Wehrbein, Dierks, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the second Standing Committee amendment:

FA89

Amend FA83

Strike subsection (4) - lines 12-23.

Mrs. Brown, Messrs. Jensen, and Raikes asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers amendment was adopted with 27 ayes, 8 nays, 8 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Byars filed the following amendment to LB 356:

AM1003

- 1 1. On page 5, line 1, after the period insert "A peace
- 2 officer may not search or inspect a motor vehicle, its contents,
- 3 the driver, or any passenger solely because of a violation of this
- 4 section.".

Mrs. Bohlke filed the following amendment to LB 661:

AM1028

- 1 1. On page 2, line 22, after the period insert "In
- 2 addition, the defendant shall not be liable for any damages
- 3 resulting from a computer date failure which occurs on January 1,
- 4 2000, or on January 1, 1900, whichever the defendant's computer
- 5 system, program, or software thinks comes first."

VISITORS

Visitors to the Chamber were Cheryl Edwards from Lincoln; and 21 fourth grade students and teacher from Hooper Elementary School.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Janssen, and Mrs. Hudkins who were excused; and Mmes. Bohlke, Kiel, C. Peterson, Robak, Messrs. Coordsen, Dierks, Hartnett, Landis, Lynch, Matzke, Raikes, Schellpeper, Wickersham, and Ms. Redfield who were excused until they arrive.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 53 and LR 54 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 53 and 54.

GENERAL FILE

LEGISLATIVE BILL 585. The second Standing Committee amendment, FA83, found on page 1291, as amended, was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

The third Standing Committee amendment is as follows:

FA84

- 24 Sec. 3. Section 60-4,182, Reissue Revised Statutes of
25 Nebraska, is amended to read:
26 60-4,182. In order to prevent and eliminate successive
27 traffic violations, there is hereby provided a point system dealing
1 with traffic violations as disclosed by the files of the director.
2 The following point system shall be adopted:
3 (1) Conviction of motor vehicle homicide -- 12 points;
4 (2) Third offense drunken driving in violation of any
5 city or village ordinance or of section 60-6,196, as disclosed by
6 the records of the director, regardless of whether the trial court
7 found the same to be a third offense -- 12 points;
8 (3) Failure to stop and render aid as required under the
9 laws of this state in the event of involvement in a motor vehicle
10 accident resulting in the death or personal injury of another -- 6
11 points;

12 (4) Failure to stop and render aid as required under the
13 laws of this state or any city or village ordinance in the event of
14 a motor vehicle accident resulting in property damage if such
15 accident is reported by the owner or operator within twelve hours
16 from the time of the accident -- 4 points, otherwise -- 8 points,
17 and for purposes of this subdivision a telephone call or other
18 notification to the appropriate peace officers shall be deemed to
19 be a report;

20 (5) Driving a motor vehicle while under the influence of
21 alcoholic liquor or any drug or when such person has a
22 concentration of ten-hundredths of one gram or more by weight of
23 alcohol per one hundred milliliters of his or her blood or urine or
24 per two hundred ten liters of his or her breath in violation of any
25 city or village ordinance or of section 60-6,196 -- 6 points;

26 (6) Willful reckless driving in violation of any city or
27 village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

1 (7) Careless driving in violation of any city or village
2 ordinance or of section 60-6,212 -- 4 points;

3 (8) Negligent driving in violation of any city or village
4 ordinance -- 3 points;

5 (9) Reckless driving in violation of any city or village
6 ordinance or of section 60-6,213 -- 5 points;

7 (10) Speeding in violation of any city or village
8 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

9 (a) Not more than five miles per hour over the speed
10 limit -- 1 point;

11 (b) More than five miles per hour but not more than ten
12 miles per hour over the speed limit -- 2 points; and

13 (c) More than ten miles per hour over the speed limit --
14 3 points; ; except that one point shall be assessed upon conviction
15 of exceeding by not more than ten miles per hour; two points shall
16 be assessed upon conviction of exceeding by more than ten miles per
17 hour but not more than fifteen miles per hour; and three points
18 shall be assessed upon conviction of exceeding by more than fifteen
19 miles per hour the speed limits provided for in subdivision (1)(c);
20 (f); or (g) of section 60-6,186;

21 (11) Failure to yield to a pedestrian not resulting in
22 bodily injury to a pedestrian -- 2 points;

23 (12) Failure to yield to a pedestrian resulting in bodily
24 injury to a pedestrian -- 4 points; and

25 (13) All other traffic violations involving the operation
26 of motor vehicles by the operator for which reports to the
27 Department of Motor Vehicles are required under sections 60-497.01
1 and 60-497.02, not including violations involving an occupant
2 protection system pursuant to section 60-6,270, parking violations,
3 violations for operating a motor vehicle without a valid operator's
4 license in the operator's possession, muffler violations,
5 overwidth, overheight, or overlength violations, motorcycle or
6 moped protective helmet violations, or overloading of trucks -- 1

7 point.

8 All such points shall be assessed against the driving
9 record of the operator as of the date of the violation for which
10 conviction was had. Points may be reduced by the department under
11 section 60-4,188.

12 In all cases, the forfeiture of bail not vacated shall be
13 regarded as equivalent to the conviction of the offense with which
14 the operator was charged.

15 The point system shall not apply to persons convicted of
16 traffic violations committed while operating a bicycle.

Mr. Chambers offered the following amendment to the third Standing Committee amendment:

FA91

Amend FA84

1. P. 3, line 5, strike "overwidth, overheight, or overlength"; and line 6, strike "or overloading of trucks"

Mrs. Stuhr and Mr. Bruning asked unanimous consent to be excused until their return. No objections. So ordered.

The Chambers amendment lost with 3 ayes, 13 nays, 17 present and not voting, and 16 excused and not voting.

Pending.

Mr. Hilgert asked unanimous consent to be excused. No objections. So ordered.

NOTICE OF COMMITTEE HEARING Transportation

Thursday, April 8, 1999

1:15 p.m.

Board of Public Roads Classifications and Standards

Darold Tagge

Nebraska Highway Bond Commission

Norm Riffel

(Signed) Curt Bromm, Chairperson

AMENDMENTS - Print in Journal

Mr. Jensen filed the following amendment to LB 242:

AM1066

(Amendments to Standing Committee amendments, AM0516)

- 1 1. Strike sections 1 and 4.
- 2 2. On page 3, line 14, strike "nursing student or per".
- 3 3. On page 5, line 25, strike "sections" through "and"
- 4 and insert "section"; and in line 26 strike "71-5662,".

5 4. Renumber the remaining sections accordingly.

Messrs. Wickersham, Wehrbein, and Mrs. Stuhr filed the following amendment to LB 674:

AM1094

(Amendments to Standing Committee amendments, AM0733)

- 1 1. On page 31, line 1, strike "seventy-five" and insert
- 2 2 "sixty".

Mr. Lynch filed the following amendment to LB 594:

AM1093

- 1 1. Insert the following new section:
- 2 "Sec. 17. Section 68-1020, Revised Statutes Supplement,
- 3 1998, is amended to read:
- 4 68-1020. (1) Medical assistance shall be paid on behalf
- 5 of dependent children, aged persons, blind individuals, and
- 6 disabled individuals, as defined in sections 43-504 and 68-1002 to
- 7 68-1005, and on behalf of all individuals less than twenty-one
- 8 years of age who are eligible under section 1905(a) of the federal
- 9 Social Security Act, as amended.
- 10 (2) The Director of Finance and Support shall adopt and
- 11 promulgate rules and regulations governing provision of such
- 12 medical assistance benefits to qualified individuals:
- 13 (a) Who are presumptively eligible as allowed under 42
- 14 U.S.C. 1396a, as amended, and section 1920A of the federal Social
- 15 Security Act, as amended;
- 16 (b) Who have income at or below one hundred eighty-five
- 17 percent of the Office of Management and Budget poverty line, as
- 18 allowed under Title XIX and Title XXI of the federal Social
- 19 Security Act, as amended, without regard to resources, including
- 20 all children under nineteen years of age and pregnant women as
- 21 allowed under 42 U.S.C. 1396a, as amended, and section 2110 of the
- 22 federal Social Security Act, as amended. Children described in
- 23 this subdivision shall remain eligible for a twelve-month period of
- 24 time from the date of eligibility prior to redetermination of
- 1 eligibility; or
- 2 (c) Who are medically needy caretaker relatives as
- 3 allowed under section 1905(a)(ii) of the federal Social Security
- 4 Act, as amended, and who have children with allocated income as
- 5 follows:
- 6 (i) At or below one hundred fifty percent of the Office
- 7 of Management and Budget poverty line with eligible children one
- 8 year of age or younger;
- 9 (ii) At or below one hundred thirty-three percent of the
- 10 Office of Management and Budget poverty line with eligible children
- 11 over one year of age and under six years of age; or
- 12 (iii) At or below one hundred percent of the Office of
- 13 Management and Budget poverty line with eligible children six years
- 14 of age or more and under fifteen years of age.

- 15 (3) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii),
 16 medical assistance shall be paid on behalf of disabled persons as
 17 defined in section 68-1005 who are in families whose net income is
 18 less than two hundred fifty percent of the Office of Management and
 19 Budget income poverty line applicable to a family of the size
 20 involved and who but for earnings in excess of the limit
 21 established under 42 U.S.C. 1396d(q)(2)(B) of the federal Social
 22 Security Act, as amended, would be considered to be receiving
 23 federal Supplemental Security Income. The Department of Health and
 24 Human Services shall apply for a waiver to disregard any unearned
 25 income that is contingent upon a trial work period in applying the
 26 Supplemental Security Income standard. Such disabled persons shall
 27 be subject to payment of premiums as a percentage of the family's
 1 net income beginning at not less than two hundred percent of the
 2 Office of Management and Budget net income poverty line. Such
 3 premiums shall be graduated based on family income and shall not be
 4 less than two percent or more than ten percent of family net
 5 income."
 6 2. Amend the operative date and repealer sections so
 7 that the section added by this amendment becomes operative on its
 8 effective date.
 9 3. Renumber the remaining sections and correct internal
 10 references accordingly.

GENERAL FILE

LEGISLATIVE BILL 585. Mr. Chambers offered the following amendment to the third Standing Committee amendment:

FA92

Amend FA84

P. 3, line 5, strike "overwidth" and show as stricken.

Mr. Chambers withdrew his amendment.

The third Standing Committee amendment lost with 8 ayes, 15 nays, 12 present and not voting, and 14 excused and not voting.

The fourth Standing Committee amendment is as follows:

FA85

17 Sec. 5. Section 60-682.01, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 60-682.01. (1) Any Except as provided in subsection (2)
 20 of this section, any person who operates a vehicle in violation of
 21 any maximum speed limit established for any highway ~~or freeway~~ is
 22 guilty of a traffic infraction and upon conviction shall be fined:

23 (a) Ten dollars for traveling one to five miles per hour
 24 over the authorized speed limit;

25 (b) Twenty-five dollars for six to ten miles per hour
 26 over the authorized speed limit;

- 27 (c) Seventy-five dollars for traveling eleven to fifteen
 1 miles per hour over the authorized speed limit;
 2 (d) One hundred twenty-five dollars for traveling sixteen
 3 to twenty miles per hour over the authorized speed limit; and
 4 (e) Two hundred dollars for traveling twenty-one miles
 5 per hour or more over the authorized speed limit.
 6 (2) Any person who operates a vehicle in violation of any
 7 maximum speed limit established for the National System of
 8 Interstate and Defense Highways is guilty of a traffic infraction
 9 and upon conviction shall be fined:
 10 (a) Fifty dollars for traveling one to five miles per
 11 hour over the authorized speed limit;
 12 (b) One hundred dollars for traveling six to ten miles
 13 per hour over the authorized speed limit;
 14 (c) One hundred fifty dollars for traveling eleven to
 15 fifteen miles per hour over the authorized speed limit;
 16 (d) Two hundred dollars for traveling sixteen to twenty
 17 miles per hour over the authorized speed limit; and
 18 (e) Three hundred dollars for traveling twenty-one miles
 19 per hour or more over the authorized speed limit.
 20 (3) The fines prescribed in ~~subsection~~ subsections (1)
 21 and (2) of this section shall be doubled if the violation occurs
 22 within a maintenance, repair, or construction zone established
 23 pursuant to section 60-6,188. For purposes of this subsection,
 24 maintenance, repair, or construction zone means (a) the portion of
 25 a highway identified by posted or moving signs as being under
 26 maintenance, repair, or construction or (b) the portion of a
 27 highway identified by maintenance, repair, or construction zone
 1 speed limit signs displayed pursuant to section 60-6,188. The
 2 maintenance, repair, or construction zone starts at the location of
 3 the first sign identifying the maintenance, repair, or construction
 4 zone and continues until a posted or moving sign indicates that the
 5 maintenance, repair, or construction zone has ended.
 6 (3) (4) The fines prescribed in subsection (1) of this
 7 section shall be doubled if the violation occurs within a school
 8 crossing zone as defined in section 60-658.01".
 9 2. On page 2, line 3, strike "section 4" and insert
 10 "sections 2 and 8".

Pending.

AMENDMENTS - Print in Journal

Mr. Hilgert filed the following amendment to LB 585:
 AM1088

(Amendments to Standing Committee amendments, FA85)

- 1 1. On page 5, strike beginning with "Except" in line 19
- 2 through line 27 and show the old matter as stricken.
- 3 2. On page 6, strike beginning with line 1 through "(2)"

- 4 in line 6 and show as stricken; in line 7 after "for" insert "any
- 5 highway or"; in line 20 strike "(3)" and insert "(2)" and reinstate
- 6 "subsection" and strike "subsections"; and in line 21 strike "and
- 7 (2)".
- 8 3. On page 7, line 6, strike the new matter and
- 9 reinstate the stricken matter.

Mr. Chambers filed the following amendment to LB 585:

FA90

Amend FA85

1. Lines 19-20, Reinstate stricken language and strike new language.
2. Lines 6-19, Strike new language.
3. Lines 20-21, Reinstate stricken language and strike new language.
4. Line 23, strike "Ten" and insert "Fifty"; line 25, strike "Twenty-five" and insert "One hundred"; line 27, strike "Seventy five" and insert "One hundred fifty"; line 2, strike "One hundred twenty five" and insert "Two hundred" and line 4 strike "Two hundred" and insert "Three hundred."

RESOLUTION

LEGISLATIVE RESOLUTION 60. Introduced by Kristensen, 37.

WHEREAS, the STUDENT-Athletes who have found the balance between academics and athletics should be looked at as role models for the youth of America; and

WHEREAS, former STUDENT-Athletes have proven they are successful away from the game, having become many of this country's business, governmental, community, and educational leaders; and

WHEREAS, perseverance, teamwork, self-discipline, commitment to a goal and the belief in racial, gender, and ethnic equality are fostered by and promoted by both the academic and athletic pursuits of STUDENT-Athletes; and

WHEREAS, it takes tremendous dedication and hard work for a STUDENT-Athlete to successfully juggle schoolwork, athletics training, and social activities; and

WHEREAS, athletes concentrate on the joy and skill of the game rather than just the victory; and

WHEREAS, thousands of America's youth use their athletics ability to allow them to obtain an education and develop skills to help them later in life; and

WHEREAS, coaches, parents, and educators express the highest expectations for academic performance as well as athletics performance.

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

1. That April 6, 1999, is recognized as STUDENT-Athlete Day in Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 267. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Mr. Vrtiska renewed his pending amendment, AM0721, found on page 1148.

The Vrtiska amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 585. The fourth Standing Committee amendment, FA85, found in this day's Journal, was renewed.

Mr. Chambers renewed his pending amendment, FA90, found on page 1300, to the fourth Standing Committee amendment.

MS. SCHIMEK PRESIDING

Messrs. Dw. Pedersen, Jensen, Mmes. Thompson, and Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 480. No objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 781:
AM1103

- 1 1. Strike section 2 and insert the following new
- 2 sections:
- 3 "Sec. 2. Section 71-509, Revised Statutes Supplement,
- 4 1998, is amended to read:
- 5 71-509. (1) If a health care facility or alternate
- 6 facility determines that a patient treated or transported by an
- 7 emergency services provider has been diagnosed or detected with an
- 8 infectious airborne disease, the health care facility or alternate

9 facility shall notify the department as soon as practical but not
10 later than forty-eight hours after the determination has been made.
11 The department shall investigate all notifications from health care
12 facilities and alternate facilities and notify as soon as practical
13 the physician medical director of each emergency medical service
14 with an affected out-of-hospital emergency medical services
15 provider employed by or associated with the service, the fire chief
16 of each fire department with an affected firefighter employed by or
17 associated with the department, the head of each law enforcement
18 agency with an affected peace officer employed by or associated
19 with the agency, the funeral director of each funeral establishment
20 with an affected individual employed by or associated with the
21 funeral establishment, and any emergency services provider known to
22 the department with a significant exposure who is not employed by
23 or associated with an emergency medical service, a fire department,
24 a law enforcement agency, or a funeral establishment. Notification
1 of affected individuals shall be made as soon as practical.

2 (2) Whenever an emergency services provider believes he
3 or she has had a significant exposure while acting as an emergency
4 services provider, he or she may complete a significant exposure
5 report form. A copy of the completed form shall be given by the
6 emergency services provider to the health care facility or
7 alternate facility, to the emergency services provider's
8 supervisor, and to the designated physician.

9 (3) Upon receipt of the significant exposure form, if a
10 patient has been diagnosed during the normal course of treatment as
11 having an infectious disease or condition or information is
12 received from which it may be concluded that a patient has an
13 infectious disease or condition, the health care facility or
14 alternate facility receiving the form shall notify the designated
15 physician pursuant to subsection (5) of this section. If the
16 patient has not been diagnosed as having an infectious disease or
17 condition and upon the request of the designated physician, the
18 health care facility or alternate facility shall request the
19 patient's attending physician or other responsible person to order
20 the necessary diagnostic testing of the patient to determine the
21 presence of an infectious disease or condition. Upon such request,
22 the patient's attending physician or other responsible person shall
23 order the necessary diagnostic testing subject to section 71-510.
24 Each health care facility shall develop a policy or protocol to
25 administer such testing and assure confidentiality of such testing.

26 (4) Results of tests conducted under this section and
1 section 71-510 shall be reported by the health care facility or
2 alternate facility that conducted the test to the designated
3 physician and to the patient's attending physician, if any.

4 (5) Notification of the patient's diagnosis of infectious
5 disease or condition, including the results of any tests, shall be
6 made orally to the designated physician within forty-eight hours of
confirmed diagnosis. A written report shall be forwarded to the

7 designated physician within seventy-two hours of confirmed
8 diagnosis.

9 (6) Upon receipt of notification under subsection (5) of
10 this section, the designated physician shall notify the emergency
11 services provider of the exposure to infectious disease or
12 condition and the results of any tests conducted under this section
13 and section 71-510.

14 (7) The notification to the emergency services provider
15 shall include the name of the infectious disease or condition
16 diagnosed but shall not contain the patient's name or any other
17 identifying information. Any person receiving such notification
18 shall treat the information received as confidential and shall not
19 disclose the information except as provided in sections 71-507 to
20 71-513.

21 (8) The provider agency shall be responsible for the
22 costs of diagnostic testing required under this section and section
23 71-510, except that if a person renders emergency care gratuitously
24 as described in section 25-21,186, such person shall be responsible
25 for the costs.

26 (9) The patient's attending physician shall inform the
27 patient of test results for all tests conducted under such
1 sections.

2 Sec. 3. Original sections 71-507 and 71-509, Revised
3 Statutes Supplement, 1998, are repealed."

Mr. Vrtiska filed the following amendment to LB 216:

(Amendment, AM0836, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were 22 fifth grade students and teacher from Sutton; 45 students and teacher from O'Neill; and a group from Voices for Children in Nebraska from across the state.

ADJOURNMENT

At 4:13 p.m., on a motion by Mr. Vrtiska, the Legislature adjourned until 9:00 a.m., Thursday, April 1, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY – APRIL 1, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 1, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Steve Wing, Hickman Presbyterian Church, Hickman, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. C. Peterson and Robak who were excused; and Messrs. Beutler, Byars, Landis, Matzke, Raikes, Schrock, Mmes. Bohlke, Brown, Kiel, and Suttle who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 1, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Abboud, Chris - Lincoln; Kris Hase; Nebraska Fertilizer and Agricultural Chemical Institute, Inc.

Mueller, William J./Ruth & Mueller LLC

Mueller, William J. - Lincoln; Cendant Mobility Services Corporation

Ruth, Larry L./Ruth & Mueller LLC

Ruth, Larry L. - Lincoln; Cendant Mobility Services Corporation

GENERAL FILE

LEGISLATIVE BILL 319. Title read. Considered.

The Standing Committee amendment, AM0192, found on page 620, was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 59.

GENERAL FILE

LEGISLATIVE BILL 320. Title read. Considered.

The Standing Committee amendment, AM0202, found on page 620, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 115. Title read. Considered.

The Standing Committee amendment, AM0402, found on page 654, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Vrtiska withdrew his amendment, FA40, found on page 789.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 241. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 405. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 681. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 753. Title read. Considered.

The Standing Committee amendment, AM0452, found on page 714, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 131. Title read. Considered.

Mr. Tyson withdrew his amendment, AM0358, found on page 752.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mr. D. Pederson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 131A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 248. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 284. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 318. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 621. Title read. Considered.

Advanced to E & R for review with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 621A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 277. Title read. Considered.

The Standing Committee amendment, AM0514, found on page 779, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 532. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 533. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 776. Title read. Considered.

The Standing Committee amendment, AM0497, found on page 789, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 581. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 799. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 242. Title read. Considered.

The Standing Committee amendment, AM0516, found on page 829, was considered.

Mr. Jensen renewed his pending amendment, AM1066, found on page 1296, to the Standing Committee amendment.

The Jensen amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 618. Title read. Considered.

The Standing Committee amendment, AM0349, found on page 832, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 18. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 522. Title read. Considered.

The Standing Committee amendment, AM0529, found on page 875, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not

voting, and 7 excused and not voting.

LEGISLATIVE BILL 781. Title read. Considered.

Mr. Bromm renewed his pending amendment, AM1103, found on page 1301.

The Bromm amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 506. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 800. Title read. Considered.

The Standing Committee amendment, AM0566, found on page 965, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 719. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 738. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 295. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 112. Title read. Considered.

The Standing Committee amendment, AM0758, found on page 1043, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not

voting, and 6 excused and not voting.

LEGISLATIVE BILL 573. Title read. Considered.

The Standing Committee amendment, AM0540, found on page 1046, was adopted with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 778. Title read. Considered.

The Standing Committee amendment, AM0829, found on page 1047, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Brashear asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 640. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 806. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 755. Title read. Considered.

The Standing Committee amendment, AM0938, found on page 1168, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 499. Title read. Considered.

The Standing Committee amendment, AM0716, found on page 1222, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not

voting, and 7 excused and not voting.

LEGISLATIVE BILL 722. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 759. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 734. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 630. Placed on General File as amended.

Standing Committee amendment to LB 630:

AM1108

- 1 1. On page 4, lines 4 and 6 through 10 strike the new
2 matter and reinstate the stricken matter; in line 18 strike "and"
3 and show as stricken; and in line 28 after "dollars" insert "; and
4 (c) A refundable credit for individuals who qualify for
5 an income tax credit under the Beginning Farmer Tax Credit Act for
6 all taxable years beginning or deemed to begin on or after January
7 1, 1999, under the Internal Revenue Code of 1986, as amended".
- 8 2. On page 8, line 1, strike the new matter and
9 reinstate the stricken matter; and in line 12 strike "one-half" and
10 insert "eight-tenths".
- 11 3. On page 9, line 2, strike "one-half" and insert
12 "eight-tenths"; in line 13 strike "two and one-half" and insert
13 "four"; and in line 22 strike "five" and insert "eight".
- 14 4. On page 17, strike beginning with "The" in line 15
15 through "Three" in line 26 and insert "One individual representing
16 lenders of agricultural credit;
17 (4) One individual of the academic community with
18 extensive knowledge and insight in the analysis of agricultural
19 economic issues;
20 (5) Two".
- 21 5. On page 18, line 3, strike "(9)" and insert "(6)";
22 and in lines 5 and 6 strike "(4) through (9)" and insert "(3)
23 through (6)".
- 24 6. On page 22, lines 7 and 10, strike "so terminated or
1 is"; and in line 28 after the period insert "Any person aggrieved
2 by a decision of the board may appeal pursuant to the

3 Administrative Procedure Act."

4 7. On page 23, line 3, strike "one" and insert "five";

5 and in line 5 after "of" insert "agricultural land,".

(Signed) William R. Wickersham, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 572. Placed on General File.

LEGISLATIVE RESOLUTION 13CA. Placed on General File.

LEGISLATIVE BILL 696. Placed on General File as amended.

Standing Committee amendment to LB 696:

AM1082

1 1. On page 2, line 10, strike "infrastructure" and after

2 "the" insert "input and output".

LEGISLATIVE BILL 526. Indefinitely postponed.

LEGISLATIVE BILL 723. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENTS - Print in Journal

Messrs. Wickersham, Coordsen, Landis, Raikes, Hartnett, Schellpeper, and Ms. Redfield filed the following amendment to LB 141:

AM1107

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 "Sec. 10. Section 77-27,139.03, Revised Statutes

3 Supplement, 1998, is amended to read:

4 77-27,139.03. (1) State aid provided to municipalities

5 pursuant to sections 77-27,139.01 to 77-27,139.04 shall be

6 calculated by determining the average property tax levy for

7 operational purposes other than for principal and interest payments

8 on the indebtedness of all incorporated municipalities. The

9 Auditor of Public Accounts shall provide to the Department of

10 Revenue a list of the bond and nonbond tax request amounts from the

11 most recent budgets filed by incorporated municipalities. The

12 information shall be used to calculate the bond and nonbond tax

13 levies for aid purposes under this section. The auditor shall

14 provide the information to the department by February 1 each year.

15 (2) Each municipality shall receive state aid from the

16 Municipal Equalization Fund equal to (a) the product of the average

17 per capita property tax of the appropriate population group

18 multiplied by the current population of the municipality minus (b)

19 the product of the average property tax levy multiplied by the

20 certified valuation within the incorporated municipality, except

21 that a municipality shall not receive any aid under this section if
 22 the calculation results in a negative number.

23 (3) If a municipal tax levy for operational purposes was
 1 less than ~~forty cents per one hundred dollars of valuation~~ the
 2 average property tax levy in the immediately preceding fiscal year,
 3 the state aid provided to such municipality shall be reduced by
 4 twenty percent for each one-cent increment the levy was below ~~forty~~
 5 cents the average property tax levy.

6 (4) Aid distributed to a municipality shall not exceed
 7 the amount which would have been necessary to reduce the municipal
 8 tax levy for operational purposes below ~~thirty-five cents per one~~
 9 ~~hundred dollars of taxable valuation~~ the average property tax levy
 10 in the immediately preceding fiscal year.

11 (5) If the amount of money in the Municipal Equalization
 12 Fund is less than the total amount of state aid for all
 13 municipalities as required by the allocation formula in subsection
 14 (2) of this section, the money in the fund shall be allocated on a
 15 prorated basis to such municipalities. If the amount of money in
 16 the fund is more than the total amount of state aid for
 17 municipalities as required by the allocation formula, the excess
 18 money in the fund shall be transferred to and distributed from the
 19 Municipal Infrastructure Redevelopment Fund."

20 2. On page 1, lines 6 and 7, strike "airport
 21 authorities" and insert "public airports".

22 3. On page 1, line 4; and page 28, line 22, after the
 23 fourth comma insert "77-27,139.03,".

24 4. On page 2, line 8; page 18, line 9; page 19, lines 10
 25 and 11; and page 20, lines 15 and 16, strike "an airport authority"
 26 and insert "a public airport".

27 5. On page 2, line 10; page 18, line 11; page 19, line
 1 13; and page 20, line 18, strike "authority" and insert "public
 2 airport".

3 6. Renumber the remaining sections accordingly.

Mr. D. Pederson filed the following amendment to LB 548:
 AM1079

(Amendments to Standing Committee amendments, AM0699)

1 1. Strike amendments 1 through 4 and insert the
 2 following new amendment:

3 "1. Strike the original sections and all amendments
 4 thereto and insert the following new sections:

5 'Section 1. Section 43-2511, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 43-2511. (1) There is hereby established a statewide
 8 billing system for accessing federal medicaid funds for special
 9 education and related services provided by school districts. The
 10 system shall apply to all students verified with disabilities from
 11 date of diagnosis to twenty-one years of age as allowed under the
 12 federal Medicare Catastrophic Coverage Act of 1988. The system

13 shall be developed jointly by the Department of Health and Human
14 Services, the Department of Health and Human Services Finance and
15 Support, and the State Department of Education. School districts,
16 educational service units, or approved cooperatives providing
17 special education and related services shall be required to
18 participate in the statewide billing system. It is the intent of
19 this section that costs to school districts associated with the
20 implementation of such a system shall be eligible for payment
21 through the medicaid reimbursement rates to be established for each
22 therapy.

23 (2) On and after January 1, 2000, the Department of
1 Health and Human Services, the Department of Health and Human
2 Services Finance and Support, and the State Department of Education
3 shall jointly develop a plan to utilize the statewide billing
4 system under subsection (1) of this section to access matching
5 federal medicaid funds for medicaid administrative outreach
6 services which are not reimbursed through the medicaid
7 reimbursement rates established for each therapy under such
8 subsection. The Director of Finance and Support shall apply for
9 and secure any federal waivers and state medicaid plan amendments
10 required to implement this subsection. Only administrative
11 outreach services delivered by school districts or educational
12 service units under contract with the Department of Health and
13 Human Services Finance and Support which are not reimbursed through
14 the administrative component of the reimbursement rates under
15 subsection (1) of this section shall be eligible for reimbursement
16 under this subsection. Prior to entering into such a contract, the
17 school district or educational service unit shall certify (a) that
18 it shall expend nonfederal funds in an amount sufficient to meet
19 the required nonfederal match of expenditures, (b) that all funds
20 received under this subsection shall be used only to offset costs
21 incurred in providing medicaid administrative outreach services
22 under this subsection, (c) compliance with all applicable federal
23 and state rules and regulations, and (d) any other certification
24 required by the department. The department shall require audits,
25 reports, and certifications as it deems necessary to oversee such
26 contracts and shall adopt and promulgate rules and regulations
27 necessary to implement this subsection. Nothing in this subsection
1 shall require any school district or educational service unit to
2 enter into a contract with the department under this subsection.
3 Nothing in this subsection shall prohibit the department from
4 contracting with other public or private providers of medicaid
5 administrative outreach services. The department shall be allowed
6 three percent of the total amount of federal funds accessed under
7 this subsection for administration of this subsection. Federal
8 medicaid funds provided to school districts or educational service
9 units under this subsection shall not be subject to section
10 43-2515.

11 Sec. 2. Section 43-2515, Reissue Revised Statutes of

12 Nebraska, is amended to read:

13 43-2515. On or before October 1, 1993, and for each year
 14 thereafter, the Department of Health and Human Services Finance and
 15 Support and the State Department of Education shall jointly certify
 16 to the budget administrator of the budget division of the
 17 Department of Administrative Services the amount of federal
 18 medicaid funds paid to school districts pursuant to the Early
 19 Intervention Act for special education services for children five
 20 years of age and older. The Except as provided in subsection (2)
 21 of section 43-2511, the General Fund appropriation to the State
 22 Department of Education for state special education aid shall be
 23 decreased by an amount equal to the amount that would have been
 24 reimbursed with state general funds to the school districts through
 25 the special education reimbursement process for special education
 26 services for children five years of age and older that was paid to
 27 school districts or approved cooperatives with federal medicaid
 1 funds.

2 It is the intent of the Legislature that an amount equal
 3 to the amount that would have been reimbursed with state general
 4 funds to the school districts, certified to the budget
 5 administrator, be appropriated from the General Fund to aid in
 6 carrying out the provisions of the Early Intervention Act and other
 7 related early intervention services.

8 Sec. 3. This act becomes operative January 1, 2000.

9 Sec. 4. Original sections 43-2511 and 43-2515, Reissue
 10 Revised Statutes of Nebraska, are repealed.'".

Mr. Hartnett filed the following amendment to LB 704:

AM1112

1 1. On page 18, line 15, after the period insert "The
 2 license or card issued to a minor shall be clearly marked with the
 3 words MINOR UNTIL DATE, and 'DATE' shall be replaced with the date
 4 the minor becomes twenty-one years of age. Beginning October 1,
 5 1999, every minor shall be required to have a license or card with
 6 such statement on it for operating a motor vehicle or
 7 identification.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 398A. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 398, Ninety-sixth Legislature, First Session, 1999.

REPORTS

The following reports were received by the Legislature:

Examiners, Board of, for County Highway and City Streets Superintendents
Annual Report

Investment Finance Authority, Nebraska
Series A and B Community Development Loan Notes Quarterly Report
Series A1, B1, C1, and D1 Community Development Loan Notes

Roads, Department of
Board of Public Roads Classifications and Standards Minutes for February
State Highway System Inventory Supplement for 1998 State Highway Plan
and Needs Report

State Claims Board
Office of Risk Management/State Claims Board report of claims and judgments

GENERAL FILE

LEGISLATIVE BILL 585. Mr. Chambers withdrew his amendment, FA90, found on page 1300 and considered on page 1301.

Mr. Hilgert withdrew his amendment, AM1088, found on page 1299.

The fourth Standing Committee amendment, FA85, found on page 1298 and considered on page 1301, lost with 1 aye, 23 nays, 18 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 242. No objections. So ordered.

VISITORS

Visitors to the Chamber were Lorna Smith from Grand Island; Nancy Nielsen from Plattsmouth; 28 ninth through twelfth grade students and teacher from the Omaha Sister City German American Society, Omaha; Marie Upton from Trenton, Derek and Anne Matthews from Newbury, England, Norah Farmer from Stevenage, England, and Joan Collyen from Swallow Field, England; 50 fourth grade students and teachers from Ashland Elementary School; and 20 ninth through twelfth grade students and teacher from Abraham Lincoln High School, Council Bluffs, Iowa.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Quandahl, the Legislature adjourned until 9:00 a.m., Tuesday, April 6, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY – APRIL 6, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 6, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

MOMENT OF SILENCE

A moment of silence was observed in memory of Senator Stan Schellpeper who passed away Sunday, April 4, 1999.

PRAYER

The prayer was offered by Pastor Bob Swanson, Havelock Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. C. Peterson who was excused; and Messrs. Beutler, Brashear, Dierks, Kristensen, Landis, Matzke, Preister, Mmes. Bohlke, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

MESSAGES FROM THE GOVERNOR

April 2, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Board of Trustees of the Nebraska State Colleges:

APPOINTEES:

*Sheryl Lindau, 1600 Claycomb Rd., Wayne, NE 68787

Steve Lewis, 505 W. 20th, Lexington, NE 68850

Willa Kosman, 190498 County Road G, Scottsbluff, NE 69361

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

*Reappointment

April 2, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Climate Assessment Response Committee:

APPOINTEES:

*Mark Kuzila, 113 Ne Hall U of N, Lincoln, NE 68588

*Elbert Dickey, 4820 Lonewood, Lincoln, NE 68516

Merwin Fricke, 2280 W. Sundown Rd., Ayr, NE 68925

Barbara Cooksley, HC 71 Box 108, Anselmo, NE 68813

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

*Reappointments

April 2, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Crime Victims Reparation Committee:

APPOINTEE:

Scot Ford, 1505 G Street, South Sioux City, NE 68776

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

April 2, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Board of Emergency Medical Services:

APPOINTEES:

*William Heine, 1903 Rd. 18, Waco, NE 68460
*Rick Sheehy, 1115 Oswego, Hastings, NE 68901
Bob Dunn, 1500 Brighton Ave., Lincoln, NE 68510
Val Snyder, 25 Toluca La., Gering, NE 69341

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

*Reappointments

April 2, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Health & Human Services System Partnership Council:

APPOINTEES:

Maria Ragan, 3802 Linden Dr., Kearney, NE 68847

Lend S. Frison, 11515 Spaulding St., Omaha, NE 68164

Jim Blue, 6100 S. Richland Cr., Lincoln, NE 68516

*Alice Maupin, 70151 Co. Rd. #19, Scottsbluff, NE 69361

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

*Reappointment

April 2, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Boiler Safety Code Advisory Board:

APPOINTEES:

*Thomas Hix, 1717 S. 155 Ave., Omaha, NE 68112

Bill Yates, 1819 Farnam, Rm. 1110, Omaha, NE 68183

Robert Hill, 12972 Redman Cr., Omaha, NE 68164

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

*Reappointment

RESOLUTION

LEGISLATIVE RESOLUTION 60. Read. Considered.

LR 60 was adopted with 29 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

GENERAL FILE**LEGISLATIVE BILL 480.** Title read. Considered.

Mr. Tyson renewed his pending amendment, AM1055, found on page 1264.

Mr. Tyson withdrew his amendment.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Stuhr offered the following amendment:

FA93

Strike lines 1 through 5 ending with the period after the word "initiative" on page 5

MR. CUDABACK PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mrs. Stuhr moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 19 not voting.

Mrs. Stuhr requested a roll call vote on her amendment.

Voting in the affirmative, 17:

Baker	Crosby	Jensen	Quandahl	Stuhr
Bromm	Dierks	Kremer	Redfield	Tyson
Bruning	Engel	Pedersen, Dw.	Smith	Wehrbein
Coordsen	Hudkins			

Voting in the negative, 21:

Beutler	Connealy	Kiel	Price	Schrock
Bourne	Cudaback	Landis	Raikes	Suttle
Brashear	Janssen	Lynch	Robak	Thompson
Byars	Jones	Matzke	Schimek	Wickersham
Chambers				

Present and not voting, 7:

Brown	Hilgert	Pederson, D.	Preister	Schmitt
Hartnett	Kristensen			

Excused and not voting, 3:

Bohlke	Peterson, C.	Vrtiska
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The Stuhr amendment lost with 17 ayes, 21 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 15 not voting.

Ms. Schimek moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 12 not voting.

Ms. Schimek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Beutler	Crosby	Kiel	Preister	Schrock
Bourne	Cudaback	Kristensen	Price	Suttle
Byars	Hartnett	Landis	Raikes	Thompson
Chambers	Hilgert	Lynch	Robak	Wickersham
Connealy	Janssen	Matzke		

Voting in the negative, 19:

Baker	Coordsen	Jensen	Pederson, D.	Stuhr
Brashear	Dierks	Jones	Quandahl	Tyson
Bromm	Engel	Kremer	Redfield	Wehrbein
Bruning	Hudkins	Pedersen, Dw.	Smith	

Present and not voting, 3:

Brown	Schimek	Schmitt
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Excused and not voting, 3:

Bohlke	Peterson, C.	Vrtiska
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Failed to advance to E & R for review with 23 ayes, 19 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 550. Placed on Select File as amended.

E & R amendment to LB 550:

AM7095

- 1 1. On page 1, line 10, strike "Supplements" and insert
- 2 "Supplement"; and in line 16 after the first semicolon insert "to

- 3 change provisions of the Uniform Commercial Code;"
- 4 2. On page 2, line 2, after the first "to" insert
- 5 "9-110, 9-112 to"; and in line 3 after the second "to" insert
- 6 "9-415,".
- 7 3. On page 3, line 4, strike "section" and show as
- 8 stricken; and in line 5 strike the new matter and insert
- 9 "subdivision (a)(1) of section 9-501".
- 10 4. On page 5, line 28, after "villages" insert an
- 11 underscored comma.
- 12 5. On page 25, line 19, strike the comma and show as
- 13 stricken.
- 14 6. On page 39, line 19, after "him" insert "or her".
- 15 7. On page 40, lines 5 and 6, strike "article 9, Uniform
- 16 Commercial Code", show as stricken, and insert "article 9, Uniform
- 17 Commercial Code".
- 18 8. On page 149, line 22, strike the second comma.
- 19 9. On page 195, line 11, strike "Unless" and insert
- 20 "unless".
- 21 10. On page 196, line 13, strike the last comma.
- 22 11. On page 228, line 7, strike "it" and insert "the
- 23 office of the Secretary of State".
- 24 12. On page 230, line 16, strike "and".
- 1 13. On page 232, lines 7 and 8 and 27 and 28, strike
- 2 "subdivision (a)(1) of section 9-501" and insert "section
- 3 9-501(a)(1)".
- 4 14. On page 233, line 14, after the second comma insert
- 5 "or".
- 6 15. On page 234, line 12, strike the first comma; and in
- 7 line 14 strike "and".
- 8 16. On page 237, line 17, strike "section" and insert
- 9 "sections".
- 10 17. On page 248, line 24, strike "9-614(3)" and insert
- 11 "9-614(4)".
- 12 18. On page 252, line 8, strike "(4)" and insert "(5)"
- 13 and strike "(3)" and insert "(4)"; in line 11 strike "(5)" and
- 14 insert "(6)" and strike "(3)" and insert "(4)"; in line 15 strike
- 15 "(6)" and insert "(7)"; and in line 16 strike "(3)" and insert
- 16 "(4)".
- 17 19. On page 272, line 24; page 273, line 21; and page
- 18 274, line 11, after "date" insert "of this act".
- 19 20. On page 280, line 17, after the first "to" insert
- 20 "9-110, 9-112 to"; and in line 18 after the first "to" insert
- 21 "9-415,".

LEGISLATIVE BILL 822. Placed on Select File as amended.

E & R amendment to LB 822:

AM7093

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 "Section 1. Section 54-2401, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 54-2401. Sections 54-2401 to 54-2414 and sections 3 and
6 4 of this act shall be known and may be cited as the Livestock
7 Waste Management Act.

8 Sec. 2. Section 54-2404, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 54-2404. (1) When there is a potential for discharge
11 into waters of the state, as determined by the department:

12 (a) No person shall construct a livestock waste control
13 facility without first obtaining a construction permit from the
14 department; and

15 (b) No person shall operate a livestock waste control
16 facility without an operating permit or interim use authorization
17 from the department.

18 (2) Livestock waste control facilities shall be
19 classified according to the maximum number of animal units for
20 which the livestock waste control facility is designed. The
21 council, in adopting rules and regulations under section 54-2413,
22 shall set out the requirements for any livestock waste control
23 facility which is reclassified after permit issuance.
24 Classifications shall be as follows:

1 (a) A class I livestock waste control facility is
2 designed for one thousand or less animal units;

3 (b) A class II livestock waste control facility is
4 designed for more than one thousand and five thousand or less
5 animal units;

6 (c) A class III livestock waste control facility is
7 designed for more than five thousand animal units and twenty
8 thousand or less animal units; and

9 (d) A class IV livestock waste control facility is
10 designed for more than twenty thousand animal units.

11 (3)(a) No new class II, class III, or class IV livestock
12 waste control facility shall be permitted in any part of a
13 watershed that feeds directly or indirectly into a cold water class
14 A stream, as defined by the department for trout streams, except
15 for:

16 (i) Existing livestock waste control facilities. If an
17 existing livestock operation does not currently have a waste
18 control facility and upon inspection by the department a
19 determination is made that one is necessary, the owner or operator
20 will be required to construct such a facility in accordance with
21 the Livestock Waste Management Act;

22 (ii) New and expansions to existing livestock waste
23 control facilities for which an application has been received and
24 deemed complete by the department prior to January 1, 1999; and

25 (iii) Livestock operations that are exempt from permit
26 requirements as set forth in rules and regulations adopted under
27 the act.

1 (b) Expansion of facilities in existence on January 1,
2 1999, in any part of a watershed that feeds directly or indirectly
3 into a cold water class A stream, shall be limited as follows:

4 (i) Class I facilities may expand up to and not to exceed
5 a class II facility and no further expansion is allowed in a
6 livestock operation at that site;

7 (ii) Class II facilities may expand up to and not to
8 exceed a class III facility and no further expansion is allowed in
9 a livestock operation at that site;

10 (iii) Class III facilities may expand up to a
11 thirty-thousand-animal-unit class IV facility and no further
12 expansion is allowed in a livestock operation at that site;

13 (iv) Class IV facilities may expand up to fifty percent
14 of the animal units in the operation as of January 1, 1999, and no
15 further expansion is allowed in a livestock operation at that site;
16 and

17 (v) Each class is limited to the expansion allowed which
18 can occur over a period of time.

19 The owner or operator of any such facility shall request
20 the department to inspect the existing facilities and make a
21 determination as to whether the existing facilities meet the
22 requirements for any expansion or whether additional facilities
23 would be needed to accommodate the proposed expansion according to
24 rules and regulations adopted and promulgated by the council.

25 (c) For any new construction of a class I livestock waste
26 control facility in any part of a watershed that feeds directly or
27 indirectly into a cold water class A stream, the livestock
1 operation shall be limited to three hundred animal units.

2 Sec. 3. A map delineating segments and watershed
3 boundaries for cold water class A streams, prepared by the
4 department and the Nebraska Natural Resources Commission, shall be
5 maintained by the department.

6 Sec. 4. Nothing in the Livestock Waste Management Act
7 prohibits the application of more restrictive zoning regulations by
8 the authorized local political subdivisions.

9 Sec. 5. Original sections 54-2401 and 54-2404, Reissue
10 Revised Statutes of Nebraska, are repealed.

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

13 2. On page 1, strike lines 2 through 4 and insert
14 "sections 54-2401 and 54-2404, Reissue Revised Statutes of
15 Nebraska; to prohibit livestock waste control facilities in certain
16 watersheds; to provide exceptions; to provide powers and duties; to
17 state intent; to harmonize provisions; to repeal the original
18 sections; and to declare an emergency."

(Signed) Adrian M. Smith, Chairperson

AMENDMENT - Print in Journal

Mr. Engel filed the following amendment to LB 594:

AM1110

1 1. Insert the following new section:

2 "Sec. 31. Section 71-5830.01, Revised Statutes

3 Supplement, 1998, is amended to read:

4 71-5830.01. Notwithstanding any other provisions of the
5 Nebraska Health Care Certificate of Need Act, a certificate of need
6 is not required for:

7 (1) A change in classification between an intermediate
8 care facility, a nursing facility, or a skilled nursing facility;
9 **and**

10 (2) A project of a county in which is located a city of
11 the metropolitan class for which a bond issue has been approved by
12 the electorate of such county on or after January 1, 1994; and

13 (3) A project of a federally recognized Indian tribe to
14 be located on tribal lands within the exterior boundaries of the
15 State of Nebraska where a determination has been made by the
16 tribe's governing body that the cultural needs of the tribe's
17 members cannot be adequately met by existing facilities if such
18 project has been approved by the tribe's governing body."

19 2. In the Standing Committee amendments, AM0455, on page
20 1, line 3, strike "36, and 39" and insert "37, and 40".

21 3. On page 71, line 10, before "71-8228" insert
22 "71-5830.01,".

23 4. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS
Transportation

Thursday, April 8, 1999 (canceled)

1:15 p.m.

Board of Public Roads Classifications and Standards

Darold Tagge

Nebraska Highway Bond Commission

Norm Riffel

Thursday, April 15, 1999 (reschedule)

1:15 p.m.

Board of Public Roads Classifications and Standards

Darold Tagge

Nebraska Highway Bond Commission

Norm Riffel

(Signed) Curt Bromm, Chairperson

Natural Resources

Tuesday, April 13, 1999
Department of Environmental Quality
Michael Linder

8:00 a.m.

(Signed) Ed Schrock, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 61.** Introduced by Coordsen, 32.

WHEREAS, Senator Stan Schellpeper served the state as a member of the Legislature for thirteen years with dedication, thought, and care; and

WHEREAS, his public service also included years devoted to the State Fair Board, the Nebraska Rural Electric Association, the Stanton County Fair Board, the Stanton County Livestock Feeders Association, and his local school district; and

WHEREAS, Senator Schellpeper's colleagues respected his leadership abilities by electing him chairperson of the General Affairs Committee; and

WHEREAS, Senator Schellpeper had an interest in helping and working with people and was known for his honesty, sincerity, and hard work; and

WHEREAS, his background in farming and livestock feeding contributed to his areas of interest and expertise and were reflected in a wide variety of issues he helped guide through the Legislature including rural health, livestock, horseracing, revenue, liquor control, and gaming issues; and

WHEREAS, his devotion to his family was noteworthy; and

WHEREAS, his wife, children, and grandchildren were important and central to his life; and

WHEREAS, Senator Schellpeper died on Sunday, April 4, 1999; and

WHEREAS, the Governor on the day of Senator Schellpeper's death ordered the state's flags flown at half-staff in Senator Schellpeper's honor reflecting the esteem with which he was held.

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

1. That the members of the Legislature extend their heartfelt sympathy to the family of Senator Schellpeper, especially his wife, Faye, his daughter Nancy Morfeld, his sons Tom and Jeff, and his eight grandchildren.

Laid over.

VISITORS

Visitors to the Chamber were Lois and Adam Dietsch from Seward; Gloria Creps, Stephanie, Hilary, and Linda McSharry, and Senator Bourne's son, Jack, from Omaha; 28 fifth grade students and teachers from St. John's School, Lincoln; Steve Albrecht, Linda Mai, Shirley Barlow, Jim McHugh, and Alyce Maupin from Scottsbluff; 4-H members Nick Johnson, Danelle Peterson, Megan Smits, Kristen Schrad, Andy Johnson, Ellie Kirke, Kyle

Ludvik, Lauren Peeler, Melanie McGill, Aaron Maurice, and sponsors, Vernon Waldron and Carol McNulty from Douglas County; Senator Cudaback's niece and nephew, Karen and Michael Apple, 22 fourth grade students, and teacher from Cornerstone Christian School, Bellevue; and 30 high school students and teacher from Anselmo-Merna.

RECESS

At 11:45 a.m., on a motion by Ms. Redfield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Hudkins, Kiel, C. Peterson, Robak, Stuhr, Ms. Schimek, Messrs. Bromm, Jones, Landis, and Schrock who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Blue, Jim - Health & Human Services System Partnership Council -- Health and Human Services

Cooksley, Barbara - Climate Assessment Response Committee -- Agriculture

Dickey, Elbert - Climate Assessment Response Committee -- Agriculture

Dunn, Bob - Board of Emergency Medical Services -- Health and Human Services

Ford, Scot - Crime Victims Reparation Committee -- Judiciary

Fricke, Merwin - Climate Assessment Response Committee -- Agriculture

Frison, Lend S. - Health & Human Services System Partnership Council -- Health and Human Services

Heine, William - Board of Emergency Medical Services -- Health and Human Services

Hill, Robert - Boiler Safety Code Advisory Board -- Business and Labor

Hix, Thomas - Boiler Safety Code Advisory Board -- Business and Labor

Kosman, Willa - Board of Trustees of the Nebraska State Colleges -- Education

Kuzila, Mark - Climate Assessment Response Committee -- Agriculture

Lewis, Steve - Board of Trustees of the Nebraska State Colleges -- Education

Lindau, Sheryl - Board of Trustees of the Nebraska State Colleges -- Education

Maupin, Alice - Health & Human Services System Partnership Council -- Health and Human Services

Ragan, Maria - Health & Human Services System Partnership Council -- Health and Human Services

Sheehy, Rick - Board of Emergency Medical Services -- Health and Human Services

Snyder, Val - Board of Emergency Medical Services -- Health and Human Services

Yates, Bill - Boiler Safety Code Advisory Board -- Business and Labor

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 78. Title read. Considered.

The Standing Committee amendment, AM0614, found on page 843, was considered.

Messrs. Bruning and Hartnett renewed their pending amendment, AM1069, found on page 1261, to the Standing Committee amendment.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bruning-Hartnett amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Pending.

LEGISLATIVE BILL 36. Title read. Considered.

The Standing Committee amendment, AM0752, found on page 955, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 404. Title read. Considered.

The Standing Committee amendment, AM0378, found on page 708, was considered.

Mr. Dierks offered the following amendment to the Standing Committee amendment:

AM1130

(Amendments to Standing Committee amendments, AM0378)

- 1 1. On page 4, line 4, strike "shall" and insert "shall,
- 2 in consultation with the commission,"; in line 9 after the
- 3 semicolon insert "strike beginning with 'separate' in line 22
- 4 through line 24 and insert 'The department, in consultation with
- 5 the commission, shall establish separate identification or proof of
- 6 ownership requirements for transporting taken domesticated cervine
- 7 animals,';"; and in line 14 after the semicolon insert "in line 6
- 8 after the period insert 'The commission may, on a case-by-case
- 9 basis, extend the number of days for a permitholder to recapture or
- 10 destroy any escaped domesticated cervine animal,'".

The Dierks amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 404A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 78. The Standing Committee amendment, AM0614, found on page 843 and considered in this day's Journal, was renewed.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Messrs. Bruning and Hartnett withdrew their amendment, AM1023, found on page 1252.

Ms. Redfield asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 57 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 57 and 60.

RESOLUTION

LEGISLATIVE RESOLUTION 62. Introduced by Janssen, 15.

PURPOSE: To examine recall procedures and the changes proposed by LB 579. The study shall generally consider the recall process and determine if the proposed changes or other procedural changes can curb abuses of the recall process.

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

1. That the Government, Military and Veteran's Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mrs. Crosby and Mr. Byars filed the following amendment to LB 722:
AM1117

- 1 1. On page 3, line 12, after the period insert "Such
- 2 rules and regulations shall provide that the decision to initiate,
- 3 continue, or terminate the employment of the employee is and shall
- 4 remain that of the employer.".

Messrs. Jensen and Kristensen filed the following amendment to LB 559:
AM1129

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Sections 1 to 8 of this act shall be known
4 and may be cited as the Medicaid Telehealth Act.

5 Sec. 2. The Legislature finds that:

6 (1) Access to health care facilities and health care
7 practitioners is critically important to the citizens of Nebraska;

8 (2) Access to a continuum of health care services is
9 restricted in some medically underserved areas of Nebraska, and
10 many health care practitioners in such areas are isolated from
11 mentors, colleagues, and information resources necessary to support
12 them personally and professionally;

13 (3) The use of telecommunications technology to deliver
14 health care services can reduce health care costs, improve health
15 care quality, improve access to health care, and enhance the
16 economic health of communities in medically underserved areas of
17 Nebraska; and

18 (4) The full potential of delivering health care services
19 through Telehealth cannot be realized without the assurance of
20 payment for such services and the resolution of existing legal and
21 policy barriers to such payment.

22 Sec. 3. For purposes of the Medicaid Telehealth Act:

23 (1) Department means the Department of Health and Human
24 Services Finance and Support;

1 (2) Health care practitioner means a Nebraska
2 medicaid-enrolled provider who is licensed, registered, or
3 certified to practice in this state by the Department of Health and
4 Human Services Regulation and Licensure;

5 (3) Telehealth means the use of telecommunications
6 technology by a health care practitioner to deliver health care
7 services within his or her scope of practice at a site other than
8 the site where the patient is located; and

9 (4) Telehealth consultation means any contact between a
10 patient and a health care practitioner relating to the health care
11 diagnosis or treatment of such patient that requires the use of
12 telecommunications technology, but does not include a telephone
13 conversation, electronic mail message, or facsimile transmission
14 between a health care practitioner and a patient or a consultation
15 between two health care practitioners.

16 Sec. 4. The Medicaid Telehealth Act does not alter the
17 scope of practice of any health care practitioner or authorize the
18 delivery of health care services in a setting or manner not
19 otherwise authorized by law.

20 Sec. 5. (1) Prior to any telehealth consultation, the
21 health care practitioner delivering health care services through
22 telehealth shall ensure that the informed written consent of the
23 patient is obtained as provided in this section. The person

24 obtaining such informed consent shall ensure that at least all of
25 the following information is provided to the patient orally and in
26 writing:

27 (a) A statement that the patient retains the option to
1 withhold or withdraw consent at any time without affecting the
2 patient's right to future care or treatment and without risking the
3 loss or withdrawal of any program benefits to which the patient
4 would otherwise be entitled;

5 (b) A statement that all existing confidentiality
6 protections shall apply to the telehealth consultation;

7 (c) A statement that the patient shall have access to all
8 medical information resulting from the telehealth consultation as
9 provided in state law for patient access to his or her medical
10 records; and

11 (d) A statement that dissemination of any patient
12 identifiable images or information from the telehealth consultation
13 to researchers or other entities shall not occur without the
14 written consent of the patient.

15 (2) The patient shall sign a written statement prior to
16 any telehealth consultation, indicating that the patient
17 understands the oral and written information provided pursuant to
18 subsection (1) of this section and that this information has been
19 discussed with the health care practitioner or his or her designee.
20 Such signed statement shall become a part of the patient's medical
21 record.

22 (3) If the patient is a minor or is incapacitated or
23 mentally incompetent such that he or she is unable to give informed
24 consent, this section shall apply to the patient's legally
25 authorized representative.

26 (4) This section shall not apply in an emergency
27 situation in which the patient is unable to give informed consent
1 and the patient's legally authorized representative is unavailable.

2 (5) This section shall not apply to a patient who is a
3 person committed to the Department of Correctional Services.

4 Sec. 6. (1) On or after July 1, 2000, in-person contact
5 between a health care practitioner and a patient shall not be
6 required under the medical assistance program established in
7 sections 68-1018 to 68-1025 and Title XXI of the federal Social
8 Security Act, as amended, for health care services delivered
9 through telehealth that are otherwise eligible for reimbursement
10 under such program and federal act. Such services shall be subject
11 to reimbursement policies developed pursuant to such program and
12 federal act. This section also applies to managed care plans which
13 contract with the department pursuant to the Managed Care Plan Act
14 only to the extent that:

15 (a) Health care services delivered through telehealth are
16 covered by and reimbursed under the medicaid fee-for-service
17 program; and

18 (b) Managed care contracts with managed care plans are

19 amended to add coverage of health care services delivered through
 20 telehealth and any appropriate capitation rate adjustments are
 21 incorporated.

22 (2) The reimbursement rate for a telehealth consultation
 23 shall, as a minimum, be set at the same rate as the medical
 24 assistance program rate for a comparable in-person consultation.

25 (3) The department shall not require a telehealth
 26 consultation if the patient has the option to choose a health care
 27 practitioner reasonably available where a patient resides or works.

1 (4) The department shall establish rates for transmission
 2 cost reimbursement, considering, to the extent applicable,
 3 reductions in travel costs by health care practitioners and
 4 patients to deliver or to access health care services and such
 5 other factors as the department deems relevant.

6 Sec. 7. A health care facility licensed pursuant to
 7 sections 71-2017 to 71-2029 that receives reimbursement under the
 8 Medicaid Telehealth Act for telehealth consultations delivered by
 9 physicians who practice at such facility or other health care
 10 practitioners at such facility who provide or facilitate such
 11 consultations shall establish quality of care protocols and patient
 12 confidentiality guidelines to ensure that such consultants meet the
 13 requirements of the act and acceptable patient care standards.

14 Sec. 8. By July 1, 2000, the department shall adopt and
 15 promulgate rules and regulations to carry out the Medicaid
 16 Telehealth Act, including rules and regulations to:

17 (1) Ensure that appropriate care is provided to patients
 18 who receive health care services through telehealth; and

19 (2) Prevent fraud and abuse in the delivery of health
 20 care services to such patients through telehealth, including, but
 21 not limited to, rules and regulations relating to the filing of
 22 claims and records required to be maintained in relation to health
 23 care services delivered through telehealth."

NOTICE OF COMMITTEE HEARING Agriculture

LR 43 Tuesday, April 13, 1999 1:15 p.m.

Tuesday, April 13, 1999 1:15 p.m.

Dry Bean Commission

Nolan Berry

Jon Holzfaster

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Schellpeper asked unanimous consent to have his name added as cointroducer to LB 242. No objections. So ordered.

Messrs. Baker and Janssen asked unanimous consent to have their names added as cointroducers to LB 791. No objections. So ordered.

VISITORS

Visitors to the Chamber were 9 students and teacher from Family Service, Omaha; Joyce Knoell from Hopper, Malisa and Garrett Gonzales from Fremont, and Kimberly, Dustin, and Jared Lahman from Omaha; and 17 third through tenth grade students and teachers from Lexington.

ADJOURNMENT

At 4:05 p.m., on a motion by Mr. Wickersham, the Legislature adjourned until 9:00 a.m., Wednesday, April 7, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY – APRIL 7, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 7, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Larry Leathermon, President, Platte Valley Bible College, Scottsbluff, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Engel who was excused; and Mmes. Crosby, C. Peterson, Robak, Messrs. Hilgert, Landis, Matzke, Preister, Wickersham, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Hlava, Fred - State Emergency Response Commission -- Government,
Military and Veterans Affairs

Klauz, Richard - State Emergency Response Commission -- Government,
Military and Veterans Affairs

Mueller, Keith - State Emergency Response Commission -- Government,
Military and Veterans Affairs

Paskevic, Florian - State Emergency Response Commission -- Government,
Military and Veterans Affairs

Steinauer, John - State Emergency Response Commission -- Government,
Military and Veterans Affairs

Ziebarth, James - Nebraska Ethanol Board -- Natural Resources

Korell, Roger - Natural Resources Commission -- Natural Resources

Madsen, Wayne - Natural Resources Commission -- Natural Resources

Propp, Eleanor - Commission for the Deaf and Hard of Hearing -- Health and
Human Services

Reyburn, Marian - Commission for the Deaf and Hard of Hearing -- Health
and Human Services

VanMarter, Jim - Natural Resources Commission -- Natural Resources

Welsch, Brent - Commission for the Deaf and Hard of Hearing -- Health and
Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Members Excused

Messrs. Wehrbein and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 205. Title read. Considered.

The Standing Committee amendment, AM0201, found on page 619, was adopted with 29 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

MR. COORDSEN PRESIDING

LEGISLATIVE BILL 548. Title read. Considered.

The Standing Committee amendment, AM0699, found on page 964, was considered.

Mr. D. Pederson renewed his pending amendment, AM1079, found on page 1314, to the Standing Committee amendment.

MRS. BOHLKE PRESIDING

The D. Pederson amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 559. Title read. Considered.

The Standing Committee amendment, AM0418, found on page 774, was considered.

Messrs. Baker and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Jensen and Kristensen renewed their pending amendment, AM1129, found on page 1334, to the Standing Committee amendment.

The Jensen-Kristensen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 496. Title read. Considered.

The Standing Committee amendment, AM0826, found on page 1153, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:

FA95

Strike section 1

Mr. Beutler withdrew his amendment.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 849. Title read. Considered.

MR. CUDABACK PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, AM0735, printed separately and referred to on page 1011, was considered.

Pending.

STANDING COMMITTEE REPORTS

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Environmental Trust Board
Paul Dunn

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Preister, Schrock, and Stuhr. Nay: None. Absent: Senator Bohlke.

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Environmental Trust Board
Gloria Erickson

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Preister, Schrock, and Stuhr. Nay: None. Absent: Senator Bohlke.

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Environmental Trust Board
Susan Seacrest

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Preister, Schrock,

and Stuhr. Nay: None. Absent: Senator Bohlke.

LEGISLATIVE RESOLUTION 58. Reported to the Legislature for further consideration.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Mr. Brashear filed the following amendment to LB 43:
(Amendment, AM1118, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were Shirley Leathermon from Scottsbluff; 12 seventh and eighth grade students and teacher from Phelps County R-4, Holdrege; 50 fourth grade students and teachers from Bryan Elementary School, Lexington; 21 fourth grade students and teacher from Seward Elementary School; Nancy Sakurada and Jamie Schaupp from Morrill; Rev. Bill and Clara Beatty, Kattie Orcutt, Tiffany and Debbie Welsh, and Mark Green from North Platte; and Junior City Council and sponsors from Columbus.

RECESS

At 12:02 p.m., on a motion by Mr. Dw. Pedersen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hilgert who was excused; and Mmes. Bohlke, Robak, Messrs. Bromm, Engel, Janssen, and Wehrbein who were excused until they arrive.

MR. COORDSEN PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 849. The Standing Committee amendment, AM0735,

printed separately and referred to on page 1011 and considered in this day's Journal, was renewed.

SPEAKER KRISTENSEN PRESIDING

Mr. Vrtiska moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 76:

FA94

Amend AM0785

1. Page 3, line 16 after "defendant" insert "and of the victim".

Messrs. Chambers, Tyson, and Jensen filed the following amendment to LB 791:

(Amendment, AM1134, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

GENERAL FILE

LEGISLATIVE BILL 427. Title read. Considered.

The Standing Committee amendment, AM0447, found on page 847, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Messrs. Bromm and Dw. Pedersen renewed their pending amendment, AM0845, found on page 1127.

The Bromm-Dw. Pedersen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Messrs. Wehrbein, Landis, Mmes. Bohlke, Suttle, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 26 not voting.

Mr. Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 16:

Baker	Connealy	Hartnett	Lynch	Thompson
Beutler	Cudaback	Kiel	Preister	Vrtiska
Bromm	Dierks	Kristensen	Schimek	Wickersham
Byars				

Voting in the negative, 13:

Bourne	Hudkins	Pedersen, Dw.	Price	Redfield
Brashear	Jones	Pederson, D.	Quandahl	Tyson
Bruning	Matzke	Peterson, C.		

Present and not voting, 10:

Coordsen	Janssen	Kremer	Schmitt	Smith
Crosby	Jensen	Raikes	Schrock	Stuhr

Excused and not voting, 9:

Bohlke	Chambers	Hilgert	Robak	Wehrbein
Brown	Engel	Landis	Suttle	

Failed to advance to E & R for review with 16 ayes, 13 nays, 10 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

AMENDMENT - Print in Journal

Mrs. Bohlke filed the following amendment to LB 813:
AM1143

(Amendments to Final Reading copy)

- 1 1. On page 21, strike beginning with "June" in line 8
- 2 through "agreement" in line 9, show as stricken, and insert "the
- 3 date specified in the interlocal agreement, except that the date
- 4 shall be on or after June 1 and on or before September 1 for a
- 5 specified year".
- 6 2. On page 45, line 17, strike both occurrences of
- 7 "the", show as stricken, and insert "each"; and in line 24 strike
- 8 "the", show as stricken, and insert "each".
- 9 3. On page 46, lines 3 and 10, strike the first "the",
- 10 show as stricken, and insert "each"; in line 5 strike the second
- 11 "the", show as stricken, and insert "each"; in line 11, strike "or"
- 12 and show as stricken; in line 12 strike "The", show as stricken,
- 13 and insert "(A) Less than one and one-half formula students per
- 14 square mile in the local system and (B) more than two hundred
- 15 seventy-five square miles in the local system; or

16 (iv)(A) Less than two formula students per square mile in
17 the local system and (B) the and after "includes" insert "an area
18 equal to"; and in line 13, strike "a county", show as stricken, and
19 insert "the square miles in the largest county in which a high
20 school attendance center is located in the local system".

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 731. Placed on General File as amended.

Standing Committee amendment to LB 731:

AM1083

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 4 of this act shall be known
- 4 and may be cited as the Rural Technology Development Act.
- 5 Sec. 2. The purposes of the Rural Technology Development
- 6 Act are to:
- 7 (1) Promote cooperation between political subdivisions in
- 8 order to create the potential to reduce taxes at the local level
- 9 through the efficient use of modern technology;
- 10 (2) Provide an efficient system to provide technological
- 11 support and training;
- 12 (3) Recognize that the year 2000 issue may require
- 13 extensive computer technology acquisitions and that the most
- 14 efficient solution to resolving this issue is through a cooperative
- 15 effort;
- 16 (4) Encourage the state's goal of efficient, available,
- 17 online government; and
- 18 (5) Create greater purchasing power through quantity
- 19 purchases by certain political subdivisions, and provide a
- 20 mechanism to allocate costs across multiple years.
- 21 Sec. 3. The Nebraska Information Technology Commission
- 22 shall include in the statewide technology plan recommendations
- 23 regarding the computer and networking needs of rural governments,
- 24 based upon a study of representative areas of the state. The study
- 1 shall include an analysis of the requirements of rural governments
- 2 for access to information, a review of available resources, and
- 3 identification of options. The recommendations shall address
- 4 funding, training, technical assistance, the role of state
- 5 government, and a technology planning process for rural
- 6 communities.
- 7 Sec. 4. The intergovernmental data services division of
- 8 the Department of Administrative Services shall coordinate
- 9 aggregate purchasing of personal computers by political
- 10 subdivisions as part of an effort to address year 2000 issues. The
- 11 intergovernmental data services division shall collaborate with the
- 12 material division of the department, the information management
- 13 services division of the department, and associations of local

14 governments. The intergovernmental data services division shall
15 prescribe standard configurations of personal computers to serve
16 different categories of need. Participation by political
17 subdivisions shall be voluntary. Nothing in this section shall
18 affect the authority of political subdivisions to purchase
19 equipment through state contracts or local contracts."

(Signed) DiAnna R. Schimek, Chairperson

Education

LEGISLATIVE BILL 449. Placed on General File as amended.

Standing Committee amendment to LB 449:

AM1009

- 1 1. On page 9, line 13; and page 11, line 1, after
- 2 "children" insert "from birth to age twenty-one years and, if the
- 3 child's twenty-first birthday occurs during the school year, until
- 4 the end of that school year.".

LEGISLATIVE BILL 816. Placed on General File as amended.

(Standing Committee amendment, AM1115, may be found in the Bill Books.
The amendment has been printed separately and is on file in the Bill Room -
Room 1102.)

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 704. Placed on Select File as amended.

(E & R amendment, AM7096, may be found in the Bill Books. The
amendment has been printed separately and is on file in the Bill Room -
Room 1102.)

LEGISLATIVE BILL 704A. Placed on Select File.

LEGISLATIVE BILL 530. Placed on Select File.

LEGISLATIVE BILL 267. Placed on Select File.

LEGISLATIVE BILL 216. Placed on Select File as amended.

E & R amendment to LB 216:

AM7098

- 1 1. In the Vrtiska amendment, AM0721:
- 2 a. On page 1, line 22; page 3, line 11; and page 5, line
- 3 14, strike the semicolon, show as stricken, and insert an
- 4 underscored comma; and
- 5 b. On page 2, line 19, strike the underscored comma.
- 6 2. On page 1, line 1, after "sections" insert "48-119,";
- 7 in line 2 after the second comma insert "48-121, 48-125,"; in line
- 8 3 after the second comma insert "48-166,"; in line 5 strike "and

- 9 quorum" and insert "dispute resolution, quorum, and annual report";
10 and in line 6 strike "a term" and insert "and redefine terms".

LEGISLATIVE BILL 319. Placed on Select File.

LEGISLATIVE BILL 320. Placed on Select File.

LEGISLATIVE BILL 236. Placed on Select File.

LEGISLATIVE BILL 115. Placed on Select File as amended.

E & R amendment to LB 115:

AM7097

- 1 1. On page 1, line 1, strike "section" and insert
2 "sections" and after the comma insert "71-20,118, 71-20,119, and
3 71-7614,"; in line 3 strike "and" and insert "to harmonize
4 provisions,"; and in line 4 strike "section" and insert "sections;
5 and to declare an emergency".

LEGISLATIVE BILL 241. Placed on Select File.

LEGISLATIVE BILL 405. Placed on Select File.

LEGISLATIVE BILL 681. Placed on Select File.

LEGISLATIVE BILL 753. Placed on Select File as amended.

E & R amendment to LB 753:

AM7099

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 48-1229, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 48-1229. For purposes of the Nebraska Wage Payment and
6 Collection Act, unless the context otherwise requires:
7 (1) Employee ~~shall mean~~ means the state or any
8 individual, partnership, limited liability company, association,
9 joint-stock company, trust, corporation, political subdivision, or
10 personal representative of the estate of a deceased individual, or
11 the receiver, trustee, or successor thereof, within or without the
12 state, employing any person within the state as an employee; ;
13 ~~except that employer shall not be construed to include the state;~~
14 (2) Employee ~~shall mean~~ means any individual permitted to
15 work by an employer pursuant to an employment relationship or who
16 has contracted to sell the goods of an employer and to be
17 compensated by commission. Services performed by an individual for
18 an employer shall be deemed to be employment, unless it is shown
19 that (a) such individual has been and will continue to be free from
20 control or direction over the performance of such services, both
21 under his or her contract of service and in fact, (b) such service
22 is either outside the usual course of business for which such
23 service is performed or such service is performed outside of all
24 the places of business of the enterprise for which such service is
1 performed, and (c) such individual is customarily engaged in an
2 independently established trade, occupation, profession, or

- 3 business. This subdivision is not intended to be a codification of
4 the common law and shall be considered complete as written;
5 (3) Fringe benefits ~~shall include~~ includes sick and
6 vacation leave plans, disability income protection plans,
7 retirement, pension, or profit-sharing plans, health and accident
8 benefit plans, and any other employee benefit plans or benefit
9 programs regardless of whether the employee participates in such
10 plans or programs; and
11 (4) Wages ~~shall mean~~ means compensation for labor or
12 services rendered by an employee, including fringe benefits, when
13 previously agreed to and conditions stipulated have been met by the
14 employee, whether the amount is determined on a time, task, fee,
15 commission, or other basis. Wages ~~shall include~~ includes
16 commissions on all orders delivered and all orders on file with the
17 employer at the time of termination of employment less any orders
18 returned or canceled at the time suit is filed.
19 Sec. 2. Original section 48-1229, Reissue Revised
20 Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 131. Placed on Select File.

LEGISLATIVE BILL 131A. Placed on Select File.

LEGISLATIVE BILL 248. Placed on Select File.

LEGISLATIVE BILL 284. Placed on Select File.

LEGISLATIVE BILL 318. Placed on Select File.

LEGISLATIVE BILL 621. Placed on Select File.

LEGISLATIVE BILL 621A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 687. Title read. Considered.

The Standing Committee amendment, AM0230, found on page 659, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Bromm asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 687A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No

objections. So ordered.

LEGISLATIVE BILL 594. Title read. Considered.

The Standing Committee amendment, AM0455, found on page 677, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Lynch renewed his pending amendment, AM1093, found on page 1297.

The Lynch amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Engel renewed his pending amendment, AM1110, found on page 1328.

The Engel amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 594A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 539:
AM1114

(Amendments to Standing Committee amendments, AM0427)

- 1 1. Strike sections 6 to 9 and all amendments thereto and
- 2 insert the following new sections:
- 3 "Sec. 3. Section 77-27,196.01, Revised Statutes
- 4 Supplement, 1998, is amended to read:
- 5 77-27,196.01. (1) The changes made in sections
- 6 77-27,188, 77-27,188.02, 77-27,190, 77-27,192, 77-27,193, and
- 7 77-27,194 by Laws 1997, LB 886, shall become operative for all
- 8 credits earned in tax years beginning, or deemed to begin, on and
- 9 after January 1, 1998. For all credits earned in tax years
- 10 beginning, or deemed to begin, prior to January 1, 1998, the
- 11 provisions of the Employment Expansion and Investment Incentive Act
- 12 as they existed immediately prior to such date shall apply.
- 13 (2) The changes made in sections 77-27,187.01 and
- 14 77-27,188 by this legislative bill shall become operative for all
- 15 credits earned in tax years beginning, or deemed to begin, on and
- 16 after January 1, 1999. For all credits earned in tax years
- 17 beginning, or deemed to begin, prior to January 1, 1999, the
- 18 provisions of the Employment Expansion and Investment Incentive Act

19 as they existed immediately prior to such date shall apply.

20 Sec. 7. Section 77-4112, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 77-4112. (1) The changes made in sections 77-4103 to
23 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative
1 for all applications filed on and after January 1, 1988. For all
2 applications filed prior to January 1, 1988, the provisions of the
3 Employment and Investment Growth Act as they existed immediately
4 prior to such date shall apply.

5 (2) Section 77-4113 and the changes made in section
6 77-4104 by Laws 1996, LB 1290, shall become operative for all
7 applications filed on or after May 1, 1996.

8 (3) The changes made in sections 77-4101 and 77-4103 by
9 this legislative bill and section 6 of this act shall become
10 operative for any taxpayer with an agreement in effect on or after
11 January 1, 1999. Such changes and section 6 of this act shall be
12 applied on a consistent basis for determining benefits for tax
13 years beginning, or deemed to begin, on and after January 1, 1999.
14 For all benefit determinations in tax years beginning, or deemed to
15 begin, prior to January 1, 1999, the provisions of the Employment
16 and Investment Growth Act as they existed immediately prior to such
17 date shall apply.

18 Sec. 8. Original section 77-4112, Reissue Revised
19 Statutes of Nebraska, and sections 77-27,187.01, 77-27,188,
20 77-27,196.01, 77-4101, and 77-4103, Revised Statutes Supplement,
21 1998, are repealed."

22 2. Insert the following new amendment:

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

Mr. Raikes filed the following amendment to LB 142:
AM0950

(Amendments to E & R amendments, AM7091)

1 1. On page 2, line 7, after the period insert "Until
2 July 1, 2002, the amount allocated to each county, school district,
3 and city or village pursuant to this section shall be further
4 allocated to each individual fund for which property taxes are
5 levied for each subdivision in the same proportion that the levy of
6 the fund bears to the total levy on taxable property of the
7 subdivision."

Mrs. Thompson filed the following amendment to LB 652:
AM0949

(Amendments to Standing Committee amendments, AM0717)

1 1. On page 3, lines 9 through 12, reinstate the stricken
2 matter.
3 2. On page 4, lines 1 through 12; page 5, lines 19
4 through 27; page 6, lines 1 and 2; and page 11, lines 6 through 12,
5 strike the new matter and strike the old matter and show as

6 stricken.

7 3. On page 5, line 12, strike the new matter and

8 reinstate the old matter.

GENERAL FILE

LEGISLATIVE BILL 271. Title read. Considered.

The Standing Committee amendment, AM0853, printed separately and referred to on page 1063, was considered.

Messrs. Wickersham and Raikes offered the following amendment to the Standing Committee amendment:

AM1159

(Amendments to Standing Committee amendments, AM0853)

- 1 1. On page 11, strike lines 9 through 16 and insert:
- 2 "Sec. 8. (1) Leased public real property shall be taxed
- 3 or exempted from taxation as if the real property was owned by the
- 4 leaseholder. The value of the property shall be determined as
- 5 under section 77-112. Taxes shall be paid by the leaseholder and
- 6 shall be a lien against the lienholder's interest."; and strike
- 7 beginning with "for" in line 21 through "77-202" in line 23.

The Wickersham-Raikes amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Messrs. Wickersham and Raikes filed the following amendment to LB 271:
AM1162

(Amendments to Standing Committee amendments, AM0853)

- 1 1. On page 4, lines 17 and 19 and 20, strike "necessary
- 2 to carry out" and insert "for".

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Byars and Jones asked unanimous consent to have their names added as cointroducers to LB 559. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 849. No objections. So ordered.

VISITORS

Visitors to the Chamber were 11 eighth grade students and teachers from St. John's Lutheran School, Battle Creek; and Van and Lori Wren from Grand Island.

ADJOURNMENT

At 4:27 p.m., on a motion by Mr. Schmitt, the Legislature adjourned until 9:00 a.m., Friday, April 9, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY – APRIL 9, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 9, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Jim Laws, Chandler Acres Baptist Church, Bellevue, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wehrbein who was excused; and Mmes. Brown, Kiel, Messrs. Engel, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 9, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

American Communications Group, Inc. - Lincoln; APCO Associates, Inc.
Becker, Timothy A. - Lincoln; Walter H. Radcliffe of Radcliffe & Associates
Beermann, Allen J. - Lincoln; Nebraska Press Association
McGuire, Mark D. - Lincoln; H. Jack Moors & Associates
Moody, Randall - Lincoln; American Association of University Professors,
UNL
Skochdopole, Robert A. - Omaha; Walter H. Radcliffe of Radcliffe &
Associates
Vickers, Tom - Lincoln; Walter H. Radcliffe of Radcliffe & Associates

ATTORNEY GENERAL'S OPINION

Opinion No. 99014

DATE: April 5, 1999

SUBJECT: Constitutionality of LB 523; Whether Adoption of the Nurse Licensure Compact Would Constitute an Improper Delegation of Legislative Authority

REQUESTED BY: Deborah S. Suttle, Senator
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested the opinion of this office regarding the constitutionality of proposed legislation to adopt the Nurse Licensure Compact. It is our understanding that your concern is whether LB 523 would constitute an unconstitutional delegation of legislative authority. You have enclosed with your opinion request a copy of Kansas Attorney General Opinion No. 99-3 which discusses that issue and concludes that enactment of the compact in Kansas would be unconstitutional.

The purpose of LB 523 is to adopt the Nurse Licensure Compact. LB 523 provides that registered nurses, licensed practical nurses and vocational nurses residing in each "party state," meaning any state that has adopted the compact, will enjoy a multistate licensure privilege and be authorized to practice as a nurse in all party states. LB 523, § 1, art. III(a). In order to obtain or retain a license as a nurse, each applicant must meet his or her home state's qualifications for licensure and license renewal. Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. State practice laws are defined as "those individual party states' laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline." LB 523, § 1, art. II(n). LB 523 also provides for a coordinated licensure information system and the sharing of certain investigative information. LB 523, § 1, art. VII and VIII.

We agree with the Kansas Attorney General that adoption of the Nurse Licensure Compact would grant the legislatures of other states "the unqualified right to determine the qualifications for the practice of nursing in this state by nonresidents." In Nebraska, the Legislature may not delegate its legislative authority, power, or functions to an administrative or executive authority or to private individuals. *Bosselman, Inc. v. State*, 230 Neb. 471, 432 N.W.2d 226 (1988); Neb. Const. art. III, § 1. "The Legislature does have power to authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, or for the

complete operation and enforcement of a law within designated limitations. . . . The limitations of the power granted and the standards by which the granted powers are to be administered must, however, be clearly and definitely stated in the authorizing act." *Bosselman*, 230 Neb. 471 at 476, (citing *Lincoln Dairy Co. v. Finigan*, 170 Neb. 777, 780-81 (1960)). However, with regard to LB 523, adoption of the Nurse Licensure Compact would result not merely in the delegation of the authority to administer the law, but delegation to other states of the authority to enact the law and to set the standards themselves.

The Legislature may lawfully adopt by reference an existing law or regulation of another jurisdiction, including the United States." *Clemens v. Harvey*, 247 Neb. 77, 81, 525 N.W.2d 185, 188 (1994) (citing *Anderson v. Tiemann*, 182 Neb. 393, 155 N.W.2d 322 (1967)). The Legislature, however, may not adopt from another jurisdiction statutes or regulations which are not yet in existence at the time of adoption or which are subject to amendment. Such a provision would likely be construed to be an unconstitutional delegation of power by the Legislature to the other jurisdiction. LB 523 does not attempt to incorporate into Nebraska law a specific statute of another jurisdiction as it exists at the time of passage of LB 523. Rather, it purports to allow the legislatures of other unidentified jurisdictions to establish, now and in the future, the qualifications for the licensure of certain nurses practicing in the State of Nebraska. In our view, this would constitute an impermissible delegation of the legislative power.

Sincerely,
DON STENBERG
Attorney General

(Signed) Lynn A. Melson
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Legislature

09-206-16

ANNOUNCEMENT

The Chair announced Sunday is Senator Bourne's birthday.

RESOLUTION

LEGISLATIVE RESOLUTION 61. Read. Considered.

LR 61 was adopted with 41 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendment to LB 90

Mr. Bromm withdrew his amendment, AM0498, found on page 777, to LB 90.

MOTION - Return LB 90 to Select File

Messrs. Bromm and Cudaback moved to return LB 90 to Select File for the Bromm-Cudaback specific amendment, AM0763, found on page 1193.

The Bromm-Cudaback motion to return prevailed with 37 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 90. The Bromm-Cudaback specific amendment, AM0763, found on page 1193, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 141 to Select File

Mr. Wickersham moved to return LB 141 to Select File for the Wickersham et al. specific amendment, AM1107, found on page 1313.

The Wickersham motion to return prevailed with 38 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 141. The Wickersham et al. specific amendment, AM1107, found on page 1313, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 202A

Mr. Hilgert withdrew his amendment, AM0573, found on page 797, to LB 202A.

MOTION - Return LB 202A to Select File

Mr. Vrtiska moved to return LB 202A to Select File for his specific amendment, AM0643, found on page 823.

The Vrtiska motion to return prevailed with 32 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 202A. The Vrtiska specific amendment, AM0643, found on page 823, was adopted with 32 ayes, 0 nays, 12 present and not

voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 813 to Select File

Mrs. Bohlke moved to return LB 813 to Select File for her specific amendment, AM1143, found on page 1345.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bohlke motion to return prevailed with 31 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 813. The Bohlke specific amendment, AM1143, found on page 1345, was adopted with 29 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 813 to Select File

Mrs. Bohlke moved to return LB 813 to Select File for the following specific amendment:

AM1188

(Amendments to Final Reading copy)

- 1 1. Strike section 50.
- 2 2. On page 1, line 11; and page 102, line 12, strike
- 3 "79-1162,".
- 4 3. On page 4, line 18, after the first "the" insert
- 5 "other".
- 6 4. On page 77, line 6, after "means" insert "either";
- 7 and in line 10 after "development" insert ", or a diagnosed
- 8 physical or mental condition that has a high probability of
- 9 resulting in a substantial delay in function in one or more of such
- 10 areas".
- 11 5. Renumber the remaining sections and correct internal
- 12 references accordingly.

The Bohlke motion to return prevailed with 30 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 813. The Bohlke specific amendment, AM1188, found in this day's Journal, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

GENERAL FILE

LEGISLATIVE BILL 432A. Title read. Considered.

Messrs. Engel and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Janssen moved to indefinitely postpone LB 432A.

The Janssen motion to indefinitely postpone prevailed with 31 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 54A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 386. E & R amendment, AM7083, found on page 937, was adopted.

Advanced to E & R for engrossment.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 386A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 469. E & R amendment, AM7086, found on page 1010, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 99. Advanced to E & R for engrossment.

LEGISLATIVE BILL 608. E & R amendment, AM7085, found on page 1010, was adopted.

Mr. Hilgert offered the following amendment:
AM1174

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 48-621, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:

4 48-621. The administrative fund shall consist of the
5 Employment Security Administration Fund and the Employment Security
6 Special Contingent Fund. Each fund shall be maintained as a
7 separate and distinct account in all respects, as follows:

8 (1) There is hereby created in the state treasury a
9 special fund to be known as the Employment Security Administration
10 Fund. All money ~~deposited or paid into~~ credited to this fund is
11 hereby appropriated and made available to the Commissioner of
12 Labor. All money in this fund shall be expended solely for the
13 purposes and in the amounts found necessary as defined by the
14 specific federal programs, state statutes, and contract obligations
15 for the proper and efficient administration of all programs of the
16 Department of Labor. The fund shall consist of all money
17 appropriated by this state and all money received from the United
18 States of America or any agency thereof, including the Department
19 of Labor and the Railroad Retirement Board, or from any other
20 source for such purpose. Money received from any agency of the
21 United States or any other state as compensation for services or
22 facilities supplied to such agency, any amounts received pursuant
23 to any surety bond or insurance policy for losses sustained by the
24 Employment Security Administration Fund or by reason of damage to
1 equipment or supplies purchased from money in such fund, and any
2 proceeds realized from the sale or disposition of any equipment or
3 supplies which may no longer be necessary for the proper
4 administration of such law shall also be ~~paid into~~ credited to this
5 fund. All money in this fund shall be deposited, administered, and
6 disbursed in the same manner and under the same conditions and
7 requirements as is provided by law for other special funds in the
8 state treasury. Any balances in this fund, except balances of
9 money therein appropriated from the General Fund of this state,
10 shall not lapse at any time but shall be continuously available to
11 the commissioner for expenditure consistent with the Employment
12 Security Law. ~~Notwithstanding any other provisions of this~~
13 ~~section, all money requisitioned and deposited in this fund~~
14 ~~pursuant to section 903 of the federal Social Security Act, as~~
15 ~~amended, shall remain part of the Unemployment Compensation Fund~~
16 ~~and shall be used only in accordance with the conditions specified~~
17 ~~in section 903 of the federal Social Security Act.~~ Any money in
18 the Employment Security Administration Fund available for
19 investment shall be invested by the state investment officer
20 pursuant to the Nebraska Capital Expansion Act and the Nebraska
21 State Funds Investment Act; and

22 (2) There is hereby created in the state treasury a
23 special fund to be known as the Employment Security Special
24 Contingent Fund. Any money in the Employment Security Special
25 Contingent Fund available for investment shall be invested by the
26 state investment officer pursuant to the Nebraska Capital Expansion
27 Act and the Nebraska State Funds Investment Act. All money
1 collected under section 48-655 as interest on delinquent

2 contributions, less refunds, shall be ~~paid into~~ credited to this
3 fund from the clearing account of the Unemployment Compensation
4 Fund at the end of each calendar quarter. Such money shall not be
5 expended or available for expenditure in any manner which would
6 permit its substitution for or a corresponding reduction in federal
7 funds which would in the absence of such money be available to
8 finance expenditures for the administration of the unemployment
9 insurance law, but nothing in this section shall prevent the money
10 from being used as a revolving fund to cover expenditures necessary
11 and proper under the law for which federal funds have been duly
12 requested but not yet received, subject to the charging of such
13 expenditures against such federal funds when received. The money
14 in this fund may be used by the Commissioner of Labor only as
15 follows:

16 (a) To replace within a reasonable time any money
17 received by this state pursuant to section 302 of the federal
18 Social Security Act, as amended, and required to be paid under
19 section 48-622;

20 (b) To meet special extraordinary and contingent expenses
21 which are deemed essential for good administration but which are
22 not provided in grants from the Secretary of Labor of the United
23 States and, for this purpose, no expenditures shall be made from
24 this fund except on written authorization by the Governor at the
25 request of the Commissioner of Labor;

26 (c) To be transferred to the Nebraska Community College
27 Aid Cash Fund; and

1 (d) To be transferred to the Job Training Cash Fund.

2 (3)(a) Money credited to the account of this state in the
3 Unemployment Trust Fund by the United States Secretary of the
4 Treasury pursuant to section 903 of the Social Security Act may not
5 be requisitioned from this state's account or used except for the
6 payment of benefits and for the payment of expenses incurred for
7 the administration of the Employment Security Law and public
8 employment offices. Such money may be requisitioned pursuant to
9 section 48-619 for the payment of benefits. Such money may also be
10 requisitioned and used for the payment of expenses incurred for the
11 administration of the Employment Security Law and public employment
12 offices but only pursuant to a specific appropriation by the
13 Legislature and only if the expenses are incurred and the money is
14 requisitioned after the date of enactment of an appropriation law
15 which specifies the purposes for which such money is appropriated
16 and the amounts appropriated therefor. Such appropriation is
17 subject to the following conditions:

18 (i) The period within which such money may be obligated
19 is limited to a period ending not more than two years after the
20 effective date of the appropriation law; and

21 (ii) The amount which may be obligated is limited to an
22 amount which does not exceed the amount by which the aggregate of
23 the amounts transferred to the account of this state pursuant to

24 section 903 of the Social Security Act exceeds the aggregate of the
25 amounts used by this state pursuant to the Employment Security Law
26 and charged against the amounts transferred to the account of this
27 state.

1 (b) For purposes of subdivision (3)(a)(ii) of this
2 section, the amounts obligated under an appropriation for the
3 administrative purposes described in such subdivision shall be
4 charged against transferred amounts at the exact time the
5 obligation is entered into.

6 (c) The appropriation, obligation, and expenditure or
7 other disposition of money appropriated under this subsection shall
8 be accounted for in accordance with standards established by the
9 United States Secretary of Labor.

10 (d) Money appropriated as provided in this subsection for
11 the payment of expenses of administration shall be requisitioned as
12 needed for the payment of obligations incurred under such
13 appropriation and, upon requisition, shall be credited to the
14 Employment Security Administration Fund from which such payments
15 shall be made. Money so credited shall, until expended, remain a
16 part of the Employment Security Administration Fund and, if it will
17 not be immediately expended, shall be returned promptly to the
18 account of this state in the Unemployment Trust Fund.

19 (e) Notwithstanding subdivision (3)(a) of this section,
20 money credited with respect to federal fiscal years 1999, 2000, and
21 2001 shall be used solely for the administration of the
22 unemployment compensation program and are not subject to
23 appropriation by the Legislature."

24 2. On page 10, line 12, after "48-602" insert "
25 48-621,".

26 3. Renumber the remaining sections accordingly.

The Hilgert amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mrs. Thompson asked unanimous consent to be excused. No objections. So ordered.

MR. CUDABACK PRESIDING

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Matzke moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 26 not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 882. Placed on General File as amended.
Standing Committee amendment to LB 882:
AM1144

- 1 1. On page 3, after line 15 insert
- 2 "Claim No. 99-100, against the Department of
- 3 Revenue, pay to Muckels Aerial Inc., P.O. Box 1107,
- 4 Grand Island, NE 68802,
- 5 out of the General Fund 5,750.00";
- 6 and after line 28 insert
- 7 "Claim No. 99-261, against the Department of Revenue
- 8 pay to Record Printing Company, P.O. Box 530, Cairo,
- 9 NE 68824,
- 10 out of the General Fund 25,072.03".
- 11 On page 4, lines 5 and 6, strike "1,045,736.95" and insert
- 12 "1,076,558.98".

LEGISLATIVE BILL 135. Indefinitely postponed.
LEGISLATIVE BILL 883. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 277. Placed on Select File as amended.
E & R amendment to LB 277:
AM7100

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 76-1002, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 76-1002. (1) Transfers in trust of real property may be
- 6 made to secure (a) existing debts or obligations created
- 7 simultaneously with the execution of the trust deed, (b) future
- 8 advances necessary to protect the security, (c) any future advances
- 9 to be made at the option of the parties, or (d) the performance of
- 10 an obligation of any other person named in the trust deed to a
- 11 beneficiary.
- 12 (2) Future advances necessary to protect the security
- 13 shall include, but not be limited to, advances for payment of real
- 14 property taxes, special assessments, prior liens, hazard insurance
- 15 premiums, maintenance charges imposed under a condominium
- 16 declaration or other covenant, and costs of repair, maintenance, or
- 17 improvements.
- 18 (3)(a) Except as provided in subdivision (b) of this
- 19 subsection, all items identified in subsection (1) of this section

20 are equally secured by the trust deed from the time of filing the
21 trust deed as provided by law and have the same priority as the
22 trust deed over the rights of all other persons who acquire any
23 rights in or liens upon the trust property subsequent to the time
24 the trust deed was filed.

1 (b)(i) The trustor or his or her successor in title may
2 limit the amount of optional future advances secured by the trust
3 deed under subdivision (a) of this subsection by filing a notice
4 for record in the office of the register of deeds of each county in
5 which the trust property or some part thereof is situated. A copy
6 of such notice shall be sent by certified mail to the beneficiary.
7 The amount of such secured optional future advances shall be
8 limited to not less than the amount actually advanced at the time
9 of receipt of such notice by the beneficiary.

10 (ii) If any optional future advance is made by the
11 beneficiary to the trustor or his or her successor in title after
12 receiving written notice of the filing for record of any trust
13 deed, mortgage, lien, or claim against such trust property, then
14 the amount of such optional future advance shall be junior to such
15 trust deed, mortgage, lien, or claim.

16 (iii) Subdivisions (b)(i) and (ii) of this subsection
17 shall not limit or determine the priority of optional future
18 advances as against construction liens governed by section 52-139.

19 (2) (4) The reduction to zero or elimination of the
20 obligation evidenced by any of the transfers in trust authorized by
21 this section shall not invalidate the operation of this section as
22 to any future advances unless a notice or release to the contrary
23 is filed for record as provided by law. All right, title,
24 interest, and claim in and to the trust property acquired by the
25 trustor or his or her successors in interest subsequent to the
26 execution of the trust deed shall inure to the trustee as security
27 for the obligation or obligations for which the trust property is
1 conveyed in like manner as if acquired before execution of the
2 trust deed.

3 Sec. 2. Original section 76-1002, Reissue Revised
4 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 532. Placed on Select File.

LEGISLATIVE BILL 533. Placed on Select File.

LEGISLATIVE BILL 776. Placed on Select File as amended.

E & R amendment to LB 776:

AM7101

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 34-106, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 34-106. Upon request of any landowner, the county clerk
6 shall appoint and maintain a panel of at least six individuals to

7 serve as fence viewers, but the clerk may not compel membership on
8 the panel of fence viewers. Fence viewers shall be owners of
9 agricultural land in the county where the dispute has originated,
10 and at least three members of each panel shall be owners of
11 livestock. Fence viewers shall not be considered employees of the
12 county and shall receive compensation only as provided in section
13 34-110. Upon resignation of a member, the clerk shall appoint
14 another individual to fill the vacancy.

15 Sec. 2. Section 34-107, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 34-107. Upon receipt of a written request of any
18 landowner, the county clerk shall assign three fence viewers from
19 the panel of fence viewers appointed under section 34-106 to
20 determine any controversy arising under sections 34-101 to 34-117.
21 None of the fence viewers assigned shall be related by blood or
22 marriage to the contending parties nor be financially interested in
23 the outcome of the dispute. If the county clerk is unable to
24 assign three fence viewers for any reason, the clerk shall notify
1 the county sheriff who shall serve in place of the fence viewers or
2 as one of the fence viewers, and all references to fence viewers in
3 this section and sections 34-104 to 34-111 shall be construed to
4 mean the county sheriff if the sheriff is serving in place of the
5 fence viewers.

6 Before assigning the fence viewers, the clerk shall first
7 require the landowner to show proof that notice has been given to
8 adjoining landowners. Such notice shall be served upon any
9 nonresident landowner by publication in a newspaper published in
10 the county where the land is situated or by delivering a copy of
11 the letter requesting the assignment of fence viewers to the
12 occupant of such adjoining land or the landowner's agent in charge
13 of such land. The fence viewers so assigned shall examine the
14 premises and hear the allegations of the parties. The decision of
15 any two of them shall be final upon the parties to such disputes
16 and upon all parties holding under them.

17 Sec. 3. Section 34-115, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 34-115. Lawful fences of different kinds used for fence
20 to enclose lands shall be as hereinafter defined. (1) A rail fence
21 shall consist of at least six rails, such rails to be secured by
22 stakes at the end of each panel, well set in the ground, with a
23 rider on the stakes. (2) A board fence shall consist of not less
24 than three boards of at least five inches in width and one inch
25 thick; such boards to be well secured to posts; the posts to be not
26 more than eight feet apart. (3) A rail and post fence shall
27 consist of at least three rails, well secured at each end to posts;
1 the posts not to be more than ten feet apart. (4) A pole and post
2 fence shall consist of not less than four poles, to be well secured
3 to posts; the posts not to be more than seven feet apart. (5) A
4 wire fence shall consist of at least four wires, of a size not less

5 than number nine fencing wire, to be well secured to posts, the
 6 posts to be at no greater distance than one rod from each other;
 7 and there shall be placed between every two of the posts one stake
 8 or post to which the wire shall be attached. Any ; ~~PROVIDED, that~~
 9 ~~any~~ of such wires may be a barbed wire composed of two or more
 10 single wire strands twisted into a cable wire with metal barbs
 11 thereon averaging not more than five inches apart, each of such
 12 single wire strands to be of a size not less than number twelve and
 13 one-half gauge fencing wire. (6) A hog and sheep tight fence shall
 14 consist of one barb wire at the ground, next above, one section of
 15 woven wire twenty-six inches high, consisting of not less than
 16 seven strands, the upper and lower strands to be number nine wire,
 17 intermediate strands to be number eleven wire with stays not more
 18 than twelve inches apart, and at the top, three barb wires at
 19 intervals of six, nine, and nine inches; and the whole shall be
 20 securely fastened to posts at no greater distance than one rod from
 21 each other, and there shall be placed between every two of the
 22 posts one stake or post to which the wire shall be attached. (7)
 23 All other fences made and constructed of boards, rails, poles,
 24 stones, hedge plants, or other material which upon evidence is
 25 declared to be as strong and well calculated to protect enclosures
 26 and is as effective for resisting breaching stock shall be
 27 considered a lawful fence.

1 Sec. 4. Original sections 34-106, 34-107, and 34-115,
 2 Reissue Revised Statutes of Nebraska, are repealed."

LEGISLATIVE BILL 581. Placed on Select File.

LEGISLATIVE BILL 799. Placed on Select File.

LEGISLATIVE BILL 242. Placed on Select File as amended.

E & R amendment to LB 242:

AM7102

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 71-5661, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 71-5661. (1) The financial incentives provided by the
 6 Rural Health Systems and Professional Incentive Act shall consist
 7 of (1) (a) student loans to eligible students for attendance at an
 8 eligible school as determined pursuant to section 71-5662 and (2)
 9 (b) the repayment of qualified educational debts owed by eligible
 10 health professionals as determined pursuant to such section. Funds
 11 for such incentives shall be appropriated from the General Fund to
 12 the department for such purposes.
 13 ~~There is hereby created in the department the~~ (2) The
 14 Rural Health Professional Incentive Fund into which is created.
 15 Money credited pursuant to section 2 of this act, payments received
 16 pursuant to section 71-5666, and appropriations from the General
 17 Fund shall be credited remitted to the State Treasurer for credit

18 to the fund. Any money in the fund available for investment shall
19 be invested by the state investment officer pursuant to the
20 Nebraska Capital Expansion Act and the Nebraska State Funds
21 Investment Act.

22 Sec. 2. On and after the effective date of this act, any
23 money remaining in the Rural Health Opportunities Loan Pool Fund
24 and any money remitted to the State Treasurer for credit to such
1 fund shall be credited by the State Treasurer to the Rural Health
2 Professional Incentive Fund created under section 71-5661 and used
3 to carry out the purposes of the Rural Health Systems and
4 Professional Incentive Act.

5 Sec. 3. Section 71-5663, Revised Statutes Supplement,
6 1998, is amended to read:

7 71-5663. (1) The amount of financial assistance provided
8 through student loans pursuant to the Rural Health Systems and
9 Professional Incentive Act shall be limited to ten thousand dollars
10 for each recipient for each academic year and shall not exceed
11 forty thousand dollars per medical student or twenty thousand
12 dollars per physician assistant student.

13 (2) The amount of financial assistance provided by the
14 state through loan repayments pursuant to the act (a) for
15 physicians and clinical psychologists shall be limited to ten
16 thousand dollars per recipient per year of full-time practice in a
17 designated health profession shortage area and shall not exceed
18 thirty thousand dollars per recipient and (b) for physician
19 assistants, nurses, nurse practitioners, pharmacists, dentists,
20 physical therapists, occupational therapists, and master's level
21 mental health professionals shall be limited to five thousand
22 dollars per recipient per year of full-time practice in a
23 designated health profession shortage area and shall not exceed
24 fifteen thousand dollars per recipient.

25 Sec. 4. Section 71-5665, Revised Statutes Supplement,
26 1998, is amended to read:

27 71-5665. The commission shall periodically designate
1 health profession shortage areas within the state for the following
2 professions: Medicine and surgery, physician assistants' practice,
3 nursing practice, nurse practitioners' practice, clinical
4 psychology, and master's level mental health practice. The
5 commission shall also periodically designate separate health
6 profession shortage areas for each of the following professions:
7 Pharmacy, dentistry, physical therapy, and occupational therapy.
8 In making such designations the commission shall consider, after
9 consultation with other appropriate agencies concerned with health
10 services and with appropriate professional organizations, among
11 other factors:

12 (1) The latest reliable statistical data available
13 regarding the number of health professionals practicing in an area
14 and the population to be served by such practitioners;

15 (2) Inaccessibility of health care services to residents

16 of an area;

17 (3) Particular local health problems;

18 (4) Age or incapacity of local practitioners rendering
19 services; and

20 (5) Demographic trends in an area both past and future.

21 Sec. 5. Section 71-5668, Revised Statutes Supplement,
22 1998, is amended to read:

23 71-5668. Each loan repayment recipient shall execute an
24 agreement with the department and a local entity. Such agreement
25 shall include, at a minimum, the following terms:

26 (1) The loan repayment recipient agrees to practice his
27 or her profession, and a physician also agrees to practice an
1 approved specialty, in a designated health profession shortage area
2 for at least three years and to accept medicaid patients in his or
3 her practice;

4 (2) In consideration of the agreement by the recipient,
5 the State of Nebraska and a local entity within the designated
6 health profession shortage area will provide equal funding for the
7 repayment of the recipient's qualified educational debts, in
8 amounts up to ten thousand dollars per year per recipient for
9 physicians and clinical psychologists and up to five thousand
10 dollars per year per recipient for physician assistants, nurses,
11 nurse practitioners, pharmacists, dentists, physical therapists,
12 occupational therapists, and master's level mental health
13 professionals toward qualified educational debts for up to three
14 years. The department shall make payments directly to the
15 recipient; and

16 (3) If the loan repayment recipient discontinues practice
17 in the shortage area prior to completion of the three-year
18 requirement, the recipient shall repay to the state one hundred
19 twenty-five percent of the total amount of funds provided to the
20 recipient for loan repayment. Upon repayment by the recipient to
21 the department, the department shall reimburse the local entity its
22 share of the funds.

23 Sec. 6. Original section 71-5661, Reissue Revised
24 Statutes of Nebraska, and sections 71-5663, 71-5665, and 71-5668,
25 Revised Statutes Supplement, 1998, are repealed.

26 Sec. 7. The following sections are outright repealed:
27 Sections 71-5671 to 71-5677 and 71-5679, Reissue Revised Statutes
1 of Nebraska, and section 71-5678, Revised Statutes Supplement,
2 1998."

3 2. On page 1, strike beginning with "the" in line 1
4 through the third comma in line 6 and insert "rural health
5 education; to amend section 71-5661, Reissue Revised Statutes of
6 Nebraska, and sections 71-5663, 71-5665, and 71-5668, Revised
7 Statutes Supplement, 1998; to change provisions relating to the
8 Rural Health Systems and Professional Incentive Act; to provide for
9 repayments; to eliminate the Rural Health Opportunities Loan Act;
10 to harmonize provisions; to repeal the original sections; and to

11 outright repeal sections 71-5671 to 71-5677".

LEGISLATIVE BILL 618. Placed on Select File as amended.

E & R amendment to LB 618:

AM7103

- 1 1. In the Standing Committee amendments, AM0349, on page
- 2 6, line 26, strike "act" and insert "Nebraska Real Estate License
- 3 Act".
- 4 2. On page 1, line 2, strike "81-885.01, and 81-885.24"
- 5 and insert "and 81-885.01"; and in line 4 strike "value" and insert
- 6 "price".

LEGISLATIVE BILL 18. Placed on Select File.

LEGISLATIVE BILL 522. Placed on Select File.

LEGISLATIVE BILL 781. Placed on Select File as amended.

E & R amendment to LB 781:

AM7104

- 1 1. On page 1, line 1, strike "section 71-507" and insert
- 2 "sections 71-507 and 71-509"; in line 3 after the semicolon insert
- 3 "to change provisions relating to liability for costs of diagnostic
- 4 testing;" and in line 4 strike "section" and insert "sections".

LEGISLATIVE BILL 506. Placed on Select File.

LEGISLATIVE BILL 800. Placed on Select File as amended.

E & R amendment to LB 800:

AM7107

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 71-183.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 71-183.01. Nothing in section 71-183 shall apply to the
- 6 following practices, acts, and operations:
- 7 (1) To the practice of his or her profession by a
- 8 physician or surgeon licensed as such under the laws of this state
- 9 unless he or she practices dentistry as a specialty;
- 10 (2) To the giving by a qualified anesthetist or
- 11 registered nurse of an anesthetic for a dental operation under the
- 12 direct supervision of a licensed dentist or physician;
- 13 (3) The practice of dentistry in the discharge of their
- 14 official duties by graduate dentists or dental surgeons in the
- 15 United States Army, Navy, Public Health Service, Coast Guard, or
- 16 Department of Veterans Affairs;
- 17 (4) The practice of dentistry by a licensed dentist of
- 18 other states or countries at meetings of the Nebraska Dental
- 19 Association or components thereof, or other like dental
- 20 organizations approved by the board, while appearing as clinicians;
- 21 (5) To the filling of work authorizations of a licensed

22 and registered dentist as provided in this subdivision by any
23 person or persons, association, corporation, or other entity for
24 the construction, reproduction, or repair of prosthetic dentures,
1 bridges, plates, or appliances to be used or worn as substitutes
2 for natural teeth if such person or persons, association,
3 corporation, or other entity does not solicit or advertise,
4 directly or indirectly by mail, card, newspaper, pamphlet, radio,
5 or otherwise, to the general public to construct, reproduce, or
6 repair prosthetic dentures, bridges, plates, or other appliances to
7 be used or worn as substitutes for natural teeth;

8 (6) To the use of roentgen or X-ray machines or other
9 rays for making radiograms or similar records of dental or oral
10 tissues under the supervision of a licensed dentist or physician if
11 such service is not advertised by any name whatever as an aid or
12 inducement to secure dental patronage, and no person shall
13 advertise that he or she has, leases, owns, or operates a roentgen
14 or X-ray machine for the purpose of making dental radiograms of the
15 human teeth or tissues or the oral cavity or administering
16 treatment thereto for any disease thereof;

17 (7) To the performance by a licensed dental hygienist,
18 under the supervision of a licensed dentist, of the oral
19 prophylaxis procedure which shall include the scaling and polishing
20 of teeth and such additional procedures as are prescribed in
21 accordance with rules and regulations adopted by the Department of
22 Health and Human Services Regulation and Licensure;

23 (8) To the performance by a dental ~~assistant, auxiliary~~
24 ~~other than a licensed dental hygienist~~, under the supervision of a
25 licensed dentist, of duties prescribed in accordance with rules and
26 regulations adopted by the ~~Department of Health and Human Services~~
27 ~~Regulation and Licensure department~~; or

1 (9) To the performance by a licensed dental hygienist, by
2 virtue of training and professional ability, under the supervision
3 of a licensed dentist, of taking dental roentgenograms. Any other
4 person is hereby authorized, under the supervision of a licensed
5 dentist, to take dental roentgenograms but shall not be authorized
6 to do so until he or she has satisfactorily completed a course in
7 dental radiology recommended by the Board of Examiners in Dentistry
8 and approved by the ~~Department of Health and Human Services~~
9 ~~Regulation and Licensure department~~.

10 Sec. 2. Section 71-183.02, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-183.02. For purposes of sections 71-183 to ~~71-193.14~~
13 ~~71-193.20~~, dental assistant ~~means shall mean~~ a person, other than a
14 dental hygienist, employed by a licensed dentist for the purpose of
15 assisting such dentist in the performance of his or her clinical
16 and clinical-related duties.

17 Sec. 3. Section 71-193.13, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-193.13. Any licensed dentist, public institution, or

20 school may employ dental ~~auxiliaries assistants~~, in addition to
21 licensed dental hygienists. Such dental ~~auxiliaries assistants~~,
22 under the supervision of a licensed dentist, may perform such
23 duties as are prescribed in accordance with rules and regulations
24 adopted and promulgated by the Department of Health and Human
25 Services Regulation and Licensure.

26 Sec. 4. Section 71-193.14, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 71-193.14. The Board of Examiners in Dentistry shall
2 recommend rules and regulations to the Department of Health and
3 Human Services Regulation and Licensure governing the performance
4 of duties by licensed dental hygienists and ~~other dental~~
5 ~~auxiliaries assistants~~. The ~~Department of Health and Human~~
6 ~~Services Regulation and Licensure~~ department shall adopt rules and
7 regulations for such purpose upon the recommendations being
8 submitted by the ~~Board of Examiners in Dentistry board~~.

9 Sec. 5. Section 71-193.15, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-193.15. A licensed dental hygienist shall perform the
12 traditional dental hygiene functions set forth in section 71-193.17
13 only when authorized to do so by a licensed dentist who shall be
14 responsible for the total oral health care of the patient. The
15 Department of Health and Human Services Regulation and Licensure in
16 the conduct of public health-related services may authorize a
17 licensed dental hygienist to conduct preliminary charting and
18 screening examinations, provide oral health education for patients
19 including the teaching of appropriate plaque control techniques,
20 and perform or provide all of the duties that any ~~other dental~~
21 ~~auxiliary assistant~~ is authorized to perform.

22 Sec. 6. Section 71-193.16, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-193.16. As used in sections 71-183 to 71-193.20, (1)
25 general supervision ~~shall mean means~~ the directing of the
26 authorized activities of a dental hygienist or ~~other dental~~
27 ~~auxiliary assistant~~ by a licensed dentist and shall not be
1 construed to require the physical presence of the supervisor when
2 directing such activities and (2) indirect supervision ~~shall mean~~
3 ~~means~~ supervision when the licensed dentist authorizes the
4 procedure to be performed by a dental hygienist or dental ~~auxiliary~~
5 ~~assistant~~ and the licensed dentist is physically present on the
6 premises when such procedure is being performed by the dental
7 ~~auxiliary hygienist pursuant to section 71-193.18 or the dental~~
8 ~~assistant~~.

9 Sec. 7. Section 71-193.17, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-193.17. When properly authorized, a licensed dental
12 hygienist, under the general supervision of a licensed dentist, may
13 perform the following intra and extra oral procedures:

14 (1) Scaling of teeth, including subgingival regions and

- 15 root planing with hand and ultrasonic instruments;
16 (2) Polish all exposed tooth surfaces with motor-driven
17 and hand instruments in the oral prophylaxis procedure, including
18 polishing amalgam restorations;
19 (3) Conduct preliminary charting and screening
20 examinations;
21 (4) Periodontal probing and charting;
22 (5) Gingival curettage;
23 (6) Place and remove periodontal dressings;
24 (7) Remove sutures;
25 (8) Provide preventive measures, such as the application
26 of fluorides, sealants, and other recognized topical agents for the
27 prevention of oral disease;
1 (9) Provide impressions for study casts;
2 (10) Apply topical desensitizing agents;
3 (11) Provide radiographic exposures;
4 (12) Provide oral health education for patients including
5 the teaching of appropriate plaque control techniques; and
6 (13) Perform or provide all of the duties that any other
7 dental ~~auxiliary assistant~~ is authorized to perform.

8 Sec. 8. Section 71-193.28, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-193.28. General anesthesia and parenteral sedation
11 shall not be administered by a dentist without the presence and
12 assistance of ~~one or more dental auxiliaries~~ a dental hygienist or
13 a dental assistant.

14 Sec. 9. Section 71-193.31, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-193.31. Permits issued by the board pursuant to
17 sections 71-193.26, 71-193.27, and 71-193.29 shall be valid for
18 four years. The department, upon the recommendation of the board,
19 shall adopt and promulgate rules and regulations to define criteria
20 for the reevaluation of credentials, facilities, equipment, dental
21 ~~auxiliary personnel; hygienists, and dental assistants~~ and
22 procedures of a previously qualified dentist to renew his or her
23 permit for each additional four-year period.

24 The department shall adopt and promulgate rules and
25 regulations setting the fees for issuance of any of the permits
26 specified in such sections at not less than fifty dollars nor more
27 than two hundred dollars. A fee of not less than twenty-five
1 dollars nor more than one hundred dollars shall be charged for
2 renewal of any of such permits.

3 Sec. 10. Section 71-3507, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-3507. (1) The department shall adopt and promulgate
6 rules and regulations for the issuance, amendment, suspension, and
7 revocation of general and specific licenses. Such licenses shall
8 be for byproduct material, source material, special nuclear
9 material, and radioactive material not under the authority of the

10 federal Nuclear Regulatory Commission and for devices or equipment
11 utilizing such materials. The rules and regulations shall provide:

12 (a) For written applications for a specific license which
13 include the technical, financial, and other qualifications
14 determined by the department to be reasonable and necessary to
15 protect occupational and public health and safety and the
16 environment;

17 (b) For additional written statements and inspections, as
18 required by the department, at any time after filing an application
19 for a specific license and before the expiration of the license to
20 determine whether the license should be issued, amended, suspended,
21 or revoked;

22 (c) That all applications and statements be signed by the
23 applicant or licensee;

24 (d) The form, terms, and conditions of general and
25 specific licenses;

26 (e) That no license or right to possess or utilize
27 sources of radiation granted by a license shall be assigned or in
1 any manner disposed of without the written consent of the
2 department; and

3 (f) That the terms and conditions of all licenses are
4 subject to amendment by rules, regulations, or orders issued by the
5 department.

6 (2) The department may require registration or licensing
7 of radioactive material not enumerated in subsection (1) of this
8 section in order to maintain compatibility and equivalency with the
9 standards and regulatory programs of the federal government or to
10 protect the occupational and public health and safety and the
11 environment.

12 (3) The department shall require licensure of persons
13 providing measurement and mitigation services of radon or its decay
14 products in order to protect the occupational and public health and
15 safety and the environment. The department shall adopt and
16 promulgate rules and regulations establishing education,
17 experience, training, and examination requirements for radon
18 measurement specialists, radon measurement technicians, radon
19 mitigation specialists, and radon mitigation technicians. The
20 department shall adopt and promulgate rules and regulations
21 establishing staffing, proficiency, quality control, reporting,
22 worker health and safety, equipment, and record-keeping
23 requirements for radon measurement businesses and radon mitigation
24 businesses and mitigation system installation requirements for
25 radon mitigation businesses.

26 (4) The department shall license persons practicing
27 medical radiography, including medical radiographers and limited
1 radiographers, in order to protect the occupational and public
2 health and safety and the environment. The licenses shall be
3 renewable biennially. For medical radiographers and limited
4 radiographers, the department shall adopt and promulgate rules and

5 regulations establishing examination requirements for licensure,
6 continuing education requirements for renewal of a license, and
7 approval requirements for examinations. For medical radiographers,
8 the department shall adopt and promulgate rules and regulations
9 establishing requirements for education and training and for
10 approval of courses of training. Persons authorized under sections
11 71-193.15 and 71-193.17 to practice as dental hygienists and dental
12 ~~auxiliaries~~ assistants who meet the requirements of section
13 71-193.13 shall not be required to be licensed under this section.

14 (5) The department may exempt certain sources of
15 radiation or kinds of uses or users from licensing or registration
16 requirements established under the Radiation Control Act when the
17 department finds that the exemption will not constitute a
18 significant risk to occupational and public health and safety and
19 the environment.

20 (6) The department may provide by rule and regulation for
21 the recognition of other state or federal licenses compatible and
22 equivalent with the standards established by the department for
23 Nebraska licensees.

24 (7) The department may enter at all reasonable times upon
25 any private or public property for the purpose of determining
26 whether or not there is compliance with the act and rules and
27 regulations adopted and promulgated pursuant to the act, except
1 that entry into areas under the jurisdiction of the federal
2 government shall be effected only with the concurrence of the
3 federal government or its duly designated representative.

4 (8) The department shall cause to be registered with the
5 department such sources of radiation as the department determines
6 to be reasonably necessary to protect occupational and public
7 health and safety and the environment as follows:

8 (a) The department shall, by public notice, establish a
9 date on or before which date such sources of radiation shall be
10 registered with the department, and the department shall provide
11 appropriate forms for such registration. Each application for
12 registration shall be in writing and shall state such information
13 as the department by rules or regulations may determine to be
14 necessary and reasonable to protect occupational and public health
15 and safety and the environment;

16 (b) Registration of sources of radiation shall be an
17 initial registration with appropriate notification to the
18 department in the case of alteration of equipment, acquisition of
19 new sources of radiation, or the transfer, loss, or destruction of
20 sources of radiation and shall include the registration of persons
21 installing or servicing sources of radiation;

22 (c) Failure to register or reregister sources of
23 radiation in accordance with rules and regulations adopted and
24 promulgated by the department shall be subject to a fine of not
25 less than fifty dollars nor more than two hundred dollars; and

26 (d) The department may provide by rule and regulation for

27 reregistration of sources of radiation.

1 (9) The results of any surveys or inspections of sources
2 of radiation conducted by the department shall be public records
3 subject to sections 84-712 to 84-712.09. In addition, the
4 following information shall be deemed confidential:

5 (a) The names of individuals in dosimetry reports;
6 (b) Emergency response procedures which would present a
7 clear threat to security or disclose names of individuals; and

8 (c) Any other information that is likely to present a
9 clear threat to the security of radioactive material. The
10 department shall make such reports of results of surveys or
11 inspections available to the owner or operator of the source of
12 radiation together with any recommendations of the department
13 regarding deficiencies noted.

14 (10) The department shall have the right to survey or
15 inspect again any source of radiation previously surveyed without
16 limitation of the number of surveys or inspections conducted on a
17 given source of radiation.

18 (11) The department may enter into contracts with persons
19 or corporations to perform the inspection of X-ray
20 radiation-generating equipment or devices which emit radiation from
21 radioactive materials and to aid the department in the
22 administration of the act.

23 Sec. 11. Original sections 71-183.01, 71-183.02,
24 71-193.13 to 71-193.17, 71-193.28, 71-193.31, and 71-3507, Reissue
25 Revised Statutes of Nebraska, are repealed."

LEGISLATIVE BILL 719. Placed on Select File.

LEGISLATIVE BILL 738. Placed on Select File.

LEGISLATIVE BILL 295. Placed on Select File.

LEGISLATIVE BILL 112. Placed on Select File as amended.

E & R amendment to LB 112:

AM7105

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. (1) Notwithstanding any other provision of
4 law, sections 1 to 5 of this act shall govern responsibility for
5 payment of the costs of medical services for any person ill,
6 wounded, injured, or otherwise in need of such services at the time
7 such person is arrested, detained, taken into custody, or
8 incarcerated.

9 (2) For purposes of sections 1 to 5 of this act, the term
10 medical services includes medical and surgical care and treatment,
11 hospitalization, transportation, medications and prescriptions, and
12 other associated items.

13 Sec. 2. Primary responsibility for payment of the costs
14 of medical services provided to individuals who are arrested,
15 detained, taken into custody, or incarcerated shall be with the

16 recipients of such services if the recipients are entitled to
17 payment of or reimbursement for the costs of such medical services
18 under the terms and provisions of a policy, subscription, or
19 agreement with an insurer, a health maintenance organization, a
20 preferred provider organization, or another similar source as
21 provided in subdivision (1) of this section. Providers of such
22 medical services shall seek reimbursement from the following
23 sources in the following order:

24 (1) From an insurer, a health maintenance organization, a
1 preferred provider organization, or other similar source, if the
2 recipient of medical services is entitled to payment of or
3 reimbursement for the costs of such medical services under the
4 terms and provisions of a policy, subscription, or agreement with
5 an insurer, a health maintenance organization, a preferred provider
6 organization, or another similar source. This section does not
7 extend or enlarge the liability of any such insurer, health
8 maintenance organization, preferred provider organization, or other
9 similar source, and no such insurer, health maintenance
10 organization, preferred provider organization, or other similar
11 source is responsible for paying or reimbursing any costs of
12 medical services for which it is not otherwise responsible under
13 the terms of the applicable policy, subscription, or agreement.
14 Any individual who is entitled to payment or reimbursement for the
15 costs of medical services under the terms of a policy,
16 subscription, or agreement with an insurer, a health maintenance
17 organization, a preferred provider organization, or other similar
18 source shall cooperate with the providers of such services by
19 making whatever applications, assignment, or other arrangements
20 that are necessary in order to secure payment for the services
21 provided; and

22 (2) From any other available source, including, when
23 appropriate, the United States Department of Veterans Affairs, the
24 Social Security Administration, the Department of Health and Human
25 Services, or other similar source.

26 Sec. 3. (1) Upon a showing that reimbursement from the
27 sources enumerated in section 2 of this act is not available, in
1 whole or in part, the costs of medical services shall be paid by
2 the appropriate governmental agency. Such payment shall be made
3 within ninety days after such showing. For purposes of this
4 section, a showing shall be deemed sufficient if a provider of
5 medical services signs an affidavit stating that (a) in the case of
6 an insurer, health maintenance organization, preferred provider
7 organization, or other similar source, a written denial of payment
8 has been issued or (b) in all other cases, efforts have been made
9 to identify sources and to collect from those sources and more than
10 one hundred eighty days have passed or the the normal collection
11 efforts are exhausted since the medical services were rendered but
12 full payment has not been received. Such affidavit shall be
13 forwarded to the appropriate governmental agency. In no event

14 shall the provider of medical services be required to file a suit
15 in a court of law or retain the services of a collection agency to
16 satisfy the requirement of showing that reimbursement is not
17 available pursuant to this section.

18 (2) In the case of medical services necessitated by
19 injuries or wounds suffered during the course of apprehension or
20 arrest, the appropriate governmental agency shall be the arresting
21 agency. In all other cases, the appropriate governmental agency
22 shall be the agency responsible for operation of the institution or
23 facility in which the recipient of the services is lodged, except
24 that when the agency is holding the individual solely for another
25 jurisdiction, the agency may, by contract or otherwise, seek
26 reimbursement from the other jurisdiction for the costs of the
27 medical services provided to the individual being held for that
1 jurisdiction.

2 (3) Except as provided in section 5 of this act, a
3 governmental agency shall not be responsible for paying the costs
4 of any medical services provided to an individual if such services
5 are provided after he or she is released from the legal custody of
6 the governmental agency or when the individual is released on
7 parole.

8 (4) Any governmental agency requesting medical services
9 for an individual who is arrested, detained, taken into custody, or
10 incarcerated shall notify the provider of such services of (a) all
11 information possessed by the agency concerning potential sources of
12 payment and (b) the name of the appropriate governmental agency
13 pursuant to subsection (2) of this section.

14 Sec. 4. The costs of routine medical services provided
15 in the ordinary course of the duties of regular staff of a jail,
16 prison, or other similar holding or detention facility shall not be
17 considered reimbursable under sections 1 to 5 of this act.

18 Sec. 5. (1) Sections 1 to 4 of this act do not release
19 any governmental agency from liability for the costs of medical
20 services made necessary by the negligence, recklessness, or
21 intentional misconduct of the agency or its employees or the costs
22 of medical care resulting from an accident or occupational disease
23 arising out of and in the course of the individual's performance of
24 tasks assigned by the staff of the facility or institution holding
25 that individual. Any recipient or provider of medical services or
26 any insurer, health maintenance organization, preferred provider
27 organization, or other similar source that may be responsible for
1 the costs of medical services pursuant to sections 1 to 4 of this
2 act shall be entitled to reimbursement from the appropriate
3 governmental agency for the costs of medical services made
4 necessary by the negligence, recklessness, or intentional
5 misconduct of the governmental agency or its employees or the costs
6 of medical care resulting from an accident or occupational disease
7 arising out of and in the course of the individual's performance of
8 tasks assigned by the staff of the facility or institution holding

- 9 that individual.
- 10 (2) Any person who denies medical services to any
11 individual who is arrested, detained, taken into custody, or
12 incarcerated, solely on the basis that the individual is without a
13 policy, subscription, or agreement with an insurer, a health
14 maintenance organization, a preferred provider organization, or
15 other similar source of health insurance, is guilty of nonfeasance,
16 shall be removed from his or her employment immediately, and shall
17 be answerable in civil damages to the individual denied medical
18 services.
- 19 Sec. 6. Since an emergency exists, this act takes effect
20 when passed and approved according to law."

(Signed) Adrian M. Smith, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 63. Introduced by Baker, 44.

WHEREAS, Rex Haberman served the state as a member of the Legislature representing southwestern Nebraska for four terms from 1979 until 1995. During his sixteen years as a state senator he held various leadership positions, including chairperson of the Agriculture and Retirement Committees; and

WHEREAS, throughout his tenure in the Unicameral, Rex Haberman was an ardent supporter for rural and agricultural interests and was known for his commitment to, and tenacity on behalf of, the constituents of the 44th Legislative District; and

WHEREAS, his commitment to public service included membership on the Imperial City Council, the Adams County Board of Supervisors, the Regional Mental Health Advisory Committee, and the Hastings Regional Medical Program. He also was an active member in a number of civic organizations, was past state president of the Nebraska Jaycees, and recently was awarded a fifty-year service pin from the Masons; and

WHEREAS, Rex Haberman served the United States in the military as a member of the Army Air Corps during World War II. His service during the war was at the rank of corporal in the 14th Combat Bombardment Wing which was stationed in Europe; and

WHEREAS, Rex Haberman was devoted to, and expressed great pride in, his family; and

WHEREAS, Rex Haberman died on Thursday, April 1, 1999, at the age of 75.

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

1. That the members of the Legislature extend their heartfelt sympathy to the family of Rex Haberman, especially his wife, Phyllis, his daughter Mary Lou, his sons George, Rex, and Phillip, and his ten grandchildren.

2. That the Clerk of the Legislature send a copy of this resolution to Mrs. Phyllis Haberman.

Laid over.

AMENDMENTS - Print in Journal

Messrs. Schrock and Cudaback filed the following amendment to LB 92:
AM1172

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 "Sec. 4. Section 46-636, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 46-636. The Legislature finds that the pumping of water
5 for irrigation purposes from water wells located within fifty feet
6 of ~~the bank~~ a perennially flowing channel of any natural stream may
7 have a direct effect on the surface flow of such stream.

8 Sec. 5. Section 46-637, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 46-637. The use of water described in section 46-636 may
11 only be made after securing a permit from the Department of Water
12 Resources for such use. If the applicant is an individual, the
13 application for a permit shall include the applicant's social
14 security number. In approving or disapproving applications for
15 such permits, the Director of Water Resources shall take into
16 account the effect that such pumping may have on the amount of
17 water in the stream and its ability to meet the requirements of
18 appropriators from the stream. This section shall not apply to (1)
19 water wells located within fifty feet of ~~the bank~~ a perennially
20 flowing channel of any natural stream which were in existence on
21 ~~September 9, 1993~~ the operative date of this section, and (2)
22 replacement water wells as defined in subsection (3) of section
23 46-602 that are located within fifty feet of ~~the banks~~ a
1 perennially flowing channel of a stream if the water wells being
2 replaced were originally constructed prior to ~~September 9, 1993~~ the
3 operative date of this section, and were located within fifty feet
4 of ~~the bank~~ a perennially flowing channel of any natural stream.

5 Sec. 7. Sections 4, 5, 7, 9, and 10 of this act become
6 operative on their effective date. The other sections of this act
7 become operative three calendar months after adjournment of this
8 legislative session.

9 Sec. 9. Original sections 46-636 and 46-637, Reissue
10 Revised Statutes of Nebraska, are repealed.

11 Sec. 10. Since an emergency exists, this act takes
12 effect when passed and approved according to law."

13 2. On page 1, line 2, after the second comma insert
14 "46-636, 46-637,"; and strike line 4 and insert "fee provisions and
15 provisions relating to pumping for irrigation; to provide operative
16 dates; to repeal the original sections; and to declare an
17 emergency."

18 3. Renumber the remaining sections accordingly.

Mrs. Bohlke filed the following amendment to LB 144:
AM0880

- 1 1. Strike original section 1 and all amendments thereto
- 2 and insert the following new section:
- 3 "Section 1. Section 79-760, Revised Statutes Supplement,
- 4 1998, is amended to read:
- 5 79-760. (1) The State Board of Education shall implement
- 6 a statewide system for the assessment of student learning and for
- 7 reporting the performance of school districts. The assessment and
- 8 reporting system shall be aligned with the standards approved by
- 9 the board. The board shall adopt an assessment and reporting plan
- 10 and begin implementation of the assessment and reporting system in
- 11 the 2000-01 school year beginning with the assessment of reading
- 12 and writing. assessment program for students in a selected grade
- 13 in each of the grade ranges four through six; seven through nine;
- 14 and ten through twelve each fall semester beginning with the fall
- 15 semester of 2000. The assessment program shall consist of one
- 16 assessment purchased from an assessment service for each selected
- 17 grade which tests students in the areas of mathematics; reading;
- 18 science; and social studies; plus one writing assessment; either
- 19 developed within the state by educators with expertise in writing
- 20 assessment or purchased as a part of the assessment for the other
- 21 specified subjects:
- 22 (2) The purposes of the assessment program and reporting
- 23 system are to:
- 24 (a) Determine how well public schools are performing in
- 1 terms of the learning of public school students related to the
- 2 approved standards;
- 3 (b) Report the performance of public schools based upon
- 4 the results of the assessment;
- 5 (c) Provide information for the public and policymakers
- 6 on the performance of public schools; and
- 7 (d) Provide for the comparison of Nebraska public schools
- 8 to their peers and to school systems of other states and other
- 9 countries.
- 10 (3) The assessment and reporting plan shall include all
- 11 public schools and all public school students. The board shall
- 12 adopt criteria for the inclusion of students with disabilities,
- 13 students entering the school for the first time, and students with
- 14 limited English proficiency.
- 15 (4) The assessment and reporting plan shall provide for
- 16 the confidentiality of the individual students.
- 17 (5) Any school district selected to participate in the
- 18 National Assessment of Education Progress shall participate to the
- 19 full extent requested by the National Center for Educational
- 20 Statistics or its designated subcontractors. Evaluate whether or
- 21 not students in a school system have acquired skills and knowledge
- 22 which allow them to meet or exceed academic standards established
- 23 by the state board;

- 24 (b) Measure progress of students in a school system
 25 toward meeting academic standards established by the state board;
 26 (c) Provide information for analysis of adopted standards
 27 and consideration of new standards;
 1 (d) Allow comparisons to be made between the academic
 2 achievement of students in a local system and students in another
 3 Nebraska local system; and
 4 (e) Allow comparisons to be made between the academic
 5 achievement of Nebraska students with the academic achievement of
 6 students in other states.
 7 (3) All public school districts shall participate in the
 8 assessment; and all students enrolled in the designated grade
 9 levels in such districts shall be assessed except as provided in
 10 this subsection. The state board shall establish criteria that
 11 schools may use to exempt special education students from
 12 assessment in any or all subject areas. The state board may also
 13 adopt alternative assessments or means of scoring for special
 14 education students and students with limited English proficiency.
 15 (4) The individual assessment scores shall be
 16 confidential; shall be reported to the school district for
 17 educational purposes; and shall not be reported to the State
 18 Department of Education. Aggregate results for each school
 19 district shall be reported to the department by the assessment
 20 service and writing assessment scorers. School districts may also
 21 make aggregate data available based on attendance centers.
 22 (5) The department shall be responsible for the cost of
 23 the assessment materials and scoring."
 24 2. On page 3, line 9, strike "79-1022" and insert
 25 "79-760".

Mr. Tyson filed the following amendment to LB 131:
 AM0358

- 1 1. On page 7, strike lines 15 through 19, show as
 2 stricken, and insert:
 3 "(e) The applicant has been fingerprinted and the
 4 fingerprints submitted to the Nebraska State Patrol for a criminal
 5 history record check. If no disqualifying record is located at the
 6 state level, the fingerprints shall be forwarded by the patrol to
 7 the Identification Division of the Federal Bureau of Investigation
 8 for a national criminal history record check.".

Mr. Tyson filed the following amendment to LB 131:
 AM1163

- 1 1. On page 3, line 13, strike "any".

SELECT FILE

LEGISLATIVE BILL 179. E & R amendment, AM7088, found on page 1037, was adopted.

Mr. Beutler renewed the Wehrbein pending amendment, AM0952, found on page 1223.

SPEAKER KRISTENSEN PRESIDING

Messrs. Coordsen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Suttle requested a record vote on the Wehrbein amendment.

Voting in the affirmative, 27:

Baker	Connealy	Jones	Pedersen, Dw.	Schrock
Beutler	Crosby	Kiel	Pederson, D.	Smith
Bromm	Cudaback	Kremer	Preister	Stuhr
Brown	Engel	Kristensen	Price	Tyson
Bruning	Hudkins	Matzke	Quandahl	Vrtiska
Byars	Janssen			

Voting in the negative, 11:

Bohlke	Hartnett	Peterson, C.	Redfield	Suttle
Bourne	Hilgert	Raikes	Robak	Wickersham
Coordsen				

Present and not voting, 5:

Brashear	Chambers	Dierks	Schimek	Schmitt
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Excused and not voting, 5:

Jensen	Landis	Lynch	Thompson	Wehrbein
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The Wehrbein amendment was adopted with 27 ayes, 11 nays, 5 present and not voting, and 5 excused and not voting.

Mrs. Robak renewed her pending amendment, AM1064, found on page 1287.

Mr. Wickersham requested a ruling of the Chair on whether the Robak amendment would require a three-fifths vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Robak amendment was substantially the same as LB 492, which was indefinitely postponed by the Revenue Committee, and would, therefore, require 30 votes.

Mrs. Robak challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. Cudaback, Janssen, Schmitt, D. Pederson, and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a record vote on the Robak motion to overrule the Chair.

Voting in the affirmative, 13:

Bohlke	Hartnett	Pedersen, Dw.	Robak	Schrock
Chambers	Hilgert	Preister	Schimek	Suttle
Connealy	Kiel	Price		

Voting in the negative, 18:

Baker	Bruning	Jones	Redfield	Tyson
Beutler	Byars	Kremer	Smith	Vrtiska
Bourne	Coordsen	Peterson, C.	Stuhr	Wickersham
Bromm	Crosby	Raikes		

Present and not voting, 7:

Brashear	Engel	Kristensen	Matzke	Quandahl
Dierks	Hudkins			

Excused and not voting, 10:

Brown	Janssen	Landis	Pederson, D.	Thompson
Cudaback	Jensen	Lynch	Schmitt	Wehrbein

The motion to overrule the Chair failed with 13 ayes, 18 nays, 7 present and not voting, and 10 excused and not voting.

The Chair was sustained.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

MS. SCHIMEK PRESIDING

Messrs. Dierks and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mrs. Robak withdrew her amendment, AM1064.

Advanced to E & R for engrossment.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 179A. Mr. Beutler renewed the Wehrbein pending amendment, AM1025, found on page 1260.

The Wehrbein amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 674. E & R amendment, AM7089, found on page 1122, was adopted.

Mr. Wickersham renewed the Wickersham et al. pending amendment, AM1094, found on page 1297.

The Wickersham et al. amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 674A. Advanced to E & R for engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 835A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Ninety-sixth Legislature, First Session, 1999.

AMENDMENTS - Print in Journal

Messrs. Smith, Landis, and Mrs. C. Peterson filed the following amendment to LB 271:
AM1084

(Amendments to Standing Committee amendments, AM0853)

- 1 1. On page 4, strike line 23 and insert "not leased or
- 2 is leased at fair market value.".
- 3 2. On page 5, strike line 11 and insert "leased or is
- 4 leased at fair market value by".

Mr. Smith filed the following amendment to LB 271:
AM1198

(Amendments to Standing Committee amendments, AM0853)

- 1 1. On page 4, line 18, after "purpose" insert "or the
- 2 ownership of the property during the lease term is to carry out a
- 3 public purpose".

Mr. Smith filed the following amendment to LB 271:
AM1199

(Amendments to Standing Committee amendments, AM0853)

- 1 1. On page 4, line 6, after "subdivisions" insert "and
- 2 leaseholds thereof".

Mrs. Hudkins filed the following amendment to LB 499:
AM1195

(Amendments to E & R amendments, AM7106)

- 1 1. On page 2, line 6, strike "two", show as stricken,
- 2 and insert "at least half" and strike "initially" and show as
- 3 stricken.

Mr. Dierks filed the following amendment to LB 835:
AM1192

(Amendments to E & R amendments, AM7092)

- 1 1. On page 3, line 22, strike "publishes and".
- 2 2. On page 4, lines 6 and 10, strike "publishes and";
- 3 and in line 26 strike "three" and insert "two".
- 4 3. On page 6, line 25, strike "publishes and".
- 5 4. On page 7, line 15, strike "three" and insert "two".
- 6 5. On page 9, line 6, after "Markets" insert "Cash"; and
- 7 in line 18 strike beginning with "the" through "Act" and insert
- 8 "sections 7 to 28 of this act".

Ms. Schimek and Mr. Raikes filed the following amendment to LB 822:
AM1171

(Amendments to E & R amendments, AM7093)

- 1 1. Insert the following new sections:
- 2 "Section 1. In a county which has appointed a planning
- 3 commission and is preparing or has adopted a comprehensive
- 4 development plan prior to June 1, 2000, a county board may adopt
- 5 temporary zoning regulations by resolution after appropriate notice
- 6 and hearing. Notice of the hearing shall be given in a newspaper
- 7 of general circulation in the county at least one time at least ten
- 8 days prior to the hearing. A copy of the proposed temporary zoning
- 9 regulations, including any resolution, map, or regulations shall be
- 10 available for inspection during regular business hours at the
- 11 office of the county clerk at least ten days prior to the hearing.
- 12 Sec. 2. Temporary zoning regulations adopted pursuant to
- 13 section 1 of this act:
- 14 (a) Shall consist of zoning regulations which have been
- 15 adopted by or are in use in another county from no more than five
- 16 of the closest geographically zoned counties. The county board may
- 17 adopt an entire set of zoning regulations from one county or may
- 18 adopt portions of the zoning regulations from each county;
- 19 (b) May not implement a moratorium on livestock waste
- 20 control facilities;
- 21 (c) Many not impact any land use existing and lawful at

22 the time temporary zoning is adopted;

23 (d) May implement setbacks for livestock operations or
1 livestock facilities of no more than one-half mile from the nearest
2 occupied residence, other than that occupied by the owner or
3 operator, or with the consent of the residence owner; and

4 (e) May prohibit livestock operations or livestock
5 facilities to be located within one mile of an incorporated city or
6 village or a concentration of ten or more residences within
7 one-quarter square mile.

8 Sec. 3. Any temporary zoning regulations adopted
9 pursuant to section 1 of this act shall expire January 1, 2002.

10 Sec. 4. Section 23-114, Revised Statutes Supplement,
11 1998, is amended to read:

12 23-114. (1) The county board shall have power: (a) To
13 provide for temporary zoning as provided in sections 1 to 3 of this
14 act; (b) to create a planning commission with the powers and duties
15 set forth in sections 23-114 to 23-114.05, 23-168.01 to 23-168.04,
16 23-172 to 23-174, 23-174.02, 23-373, and 23-376; ~~(b)~~ (c) to make,
17 adopt, amend, extend, and implement a county comprehensive
18 development plan; and ~~(e)~~ (d) to adopt a zoning resolution, which
19 shall have the force and effect of law.

20 (2) The zoning resolution may regulate and restrict: (a)
21 The location, height, bulk, number of stories, and size of
22 buildings and other structures, including tents, cabins, house
23 trailers, and automobile trailers; (b) the percentage of lot areas
24 which may be occupied; (c) building setback lines; (d) sizes of
25 yards, courts, and other open spaces; (e) the density of
26 population; (f) the uses of buildings; and (g) the uses of land for
27 agriculture, forestry, recreation, residence, industry, and trade,
1 after considering factors relating to soil conservation, water
2 supply conservation, surface water drainage and removal, or other
3 uses in the unincorporated area of the county.

4 (3)(a) The county board shall not adopt or enforce any
5 zoning resolution or regulation which prohibits the use of land for
6 a proposed residential structure for the sole reason that the
7 proposed structure is a manufactured home if such manufactured home
8 bears an appropriate seal which indicates that it was constructed
9 in accordance with the standards of the Uniform Standard Code for
10 Manufactured Homes and Recreational Vehicles, the Nebraska Uniform
11 Standards for Modular Housing Units Act, or the United States
12 Department of Housing and Urban Development. The county board may
13 require that a manufactured home be located and installed according
14 to the same standards for foundation system, permanent utility
15 connections, setback, and minimum square footage which would apply
16 to a site-built, single-family dwelling on the same lot. The
17 county board may also require that manufactured homes meet the
18 following standards:

19 (i) The home shall have no less than nine hundred square
20 feet of floor area;

21 (ii) The home shall have no less than an eighteen-foot
22 exterior width;

23 (iii) The roof shall be pitched with a minimum vertical
24 rise of two and one-half inches for each twelve inches of
25 horizontal run;

26 (iv) The exterior material shall be of a color, material,
27 and scale comparable with those existing in residential site-built,
1 single-family construction;

2 (v) The home shall have a nonreflective roof material
3 which is or simulates asphalt or wood shingles, tile, or rock; and

4 (vi) The home shall have wheels, axles, transporting
5 lights, and removable towing apparatus removed.

6 (b) The county board may not require additional standards
7 unless such standards are uniformly applied to all single-family
8 dwellings in the zoning district.

9 (c) Nothing in this subsection shall be deemed to
10 supersede any valid restrictive covenants of record.

11 (4) For purposes of this section, manufactured home shall
12 mean (a) a factory-built structure which is to be used as a place
13 for human habitation, which is not constructed or equipped with a
14 permanent hitch or other device allowing it to be moved other than
15 to a permanent site, which does not have permanently attached to
16 its body or frame any wheels or axles, and which bears a label
17 certifying that it was built in compliance with National
18 Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280
19 et seq., promulgated by the United States Department of Housing and
20 Urban Development, or (b) a modular housing unit as defined in
21 section 71-1557 bearing a seal in accordance with the Nebraska
22 Uniform Standards for Modular Housing Units Act.

23 (5) Special districts or zones may be established in
24 those areas subject to seasonal or periodic flooding, and such
25 regulations may be applied as will minimize danger to life and
26 property.

27 (6) The powers conferred by this section shall not be
1 exercised within the limits of any incorporated city or village nor
2 within the area over which a city or village has been granted
3 zoning jurisdiction and is exercising such jurisdiction. At such
4 time as a city or village exercises control over an unincorporated
5 area by the adoption or amendment of a zoning ordinance, the
6 ordinance or amendment shall supersede any resolution or regulation
7 of the county.

8 Sec. 5. Section 23-114.03, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 23-114.03. Zoning regulations shall be adopted or
11 amended by the county board only after the adoption of the county
12 comprehensive development plan by the county board and the receipt
13 of the planning commission's specific recommendations or by
14 adopting temporary zoning as provided in sections 1 to 3 of this
15 act. Such zoning regulations shall be consistent with ~~the~~ an

16 adopted comprehensive development plan and designed for the purpose
17 of promoting the health, safety, morals, convenience, order,
18 prosperity, and welfare of the present and future inhabitants of
19 Nebraska, including, among others, such specific purposes as:

- 20 (1) Developing both urban and nonurban areas;
- 21 (2) Lessening congestion in the streets or roads;
- 22 (3) Reducing the waste of excessive amounts of roads;
- 23 (4) Securing safety from fire and other dangers;
- 24 (5) Lessening or avoiding the hazards to persons and
25 damage to property resulting from the accumulation or runoff of
26 storm or flood waters;
- 27 (6) Providing adequate light and air;
- 1 (7) Preventing excessive concentration of population and
2 excessive and wasteful scattering of population or settlement;
- 3 (8) Promoting such distribution of population, such
4 classification of land uses, and such distribution of land
5 development as will assure adequate provisions for transportation,
6 water flowage, water supply, drainage, sanitation, recreation, soil
7 fertility, food supply, and other public requirements;
- 8 (9) Protecting the tax base;
- 9 (10) Protecting property against blight and depreciation;
- 10 (11) Securing economy in governmental expenditures;
- 11 (12) Fostering the state's agriculture, recreation, and
12 other industries;
- 13 (13) Encouraging the most appropriate use of land in the
14 county; and
- 15 (14) Preserving, protecting, and enhancing historic
16 buildings, places, and districts.

17 Within the area of jurisdiction and powers established by
18 section 23-114, the county board may divide the county into
19 districts of such number, shape, and area as may be best suited to
20 carry out the purposes of this section and regulate, restrict, or
21 prohibit the erection, construction, reconstruction, alteration, or
22 use of nonfarm buildings or structures and the use, conditions of
23 use, or occupancy of land. All such regulations shall be uniform
24 for each class or kind of land or buildings throughout each
25 district, but the regulations in one district may differ from those
26 in other districts. An official map or maps indicating the
27 districts and regulations shall be adopted, and within fifteen days
1 after adoption of such regulations or maps, they shall be published
2 in book or pamphlet form or once in a legal newspaper published in
3 and of general circulation in the county or, if none is published
4 in the county, in a legal newspaper of general circulation in the
5 county. Such regulations shall also be spread in the minutes of
6 the proceedings of the county board and such map or maps filed with
7 the county clerk. Nonfarm buildings are all buildings except those
8 buildings utilized for agricultural purposes on a farmstead of
9 twenty acres or more which produces one thousand dollars or more of
10 farm products each year.

11 Sec. 6. Section 23-114.05, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 23-114.05. The erection, construction, reconstruction,
14 alteration, repair, conversion, maintenance, or use of any
15 building, structure, automobile trailer, or land in violation of
16 sections 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172 to
17 23-174, 23-174.02, 23-373, and 23-376 and sections 1 to 3 of this
18 act or of any regulation made by the county board under such
19 sections shall be a misdemeanor. Any person, partnership, limited
20 liability company, association, club, or corporation violating such
21 sections or any regulation of the county board or erecting,
22 constructing, reconstructing, altering, or converting any structure
23 without having first obtained a permit shall be guilty of a Class
24 III misdemeanor. Each day such violation continues after notice of
25 violation has been given to the offender may be considered a
26 separate offense. In addition to other remedies, the county board
27 or the proper local authorities of the county, as well as any owner
1 or owners of real estate within the district affected by the
2 regulations, may institute any appropriate action or proceedings to
3 prevent such unlawful construction, erection, reconstruction,
4 alteration, repair, conversion, maintenance, or use, to restrain,
5 correct, or abate such violation, or to prevent the illegal act,
6 conduct, business, or use in or about such premises. Any taxpayer
7 or taxpayers of the county may institute proceedings to compel
8 specific performance by the proper official or officials of any
9 duty imposed by such sections or in resolutions adopted pursuant to
10 such sections."

11 2. Renumber the remaining sections and correct the
12 repealer and internal references accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Kiel asked unanimous consent to have her name added as cointroducer to LB 179. No objections. So ordered.

MEMORIAL

A memorial tribute to Senator Stan Schellpeper was held in the George W. Norris Legislative Chamber upon adjournment.

VISITORS

Visitors to the Chamber were Carol Laws from Bellevue; 23 fourth grade students and teacher from Seward Elementary School; Senator Matzke's granddaughter, Sloan Matzke, from Seward and Kenny and Mary Helen Christoffersen from Gordon; 60 seniors and teachers from Lincoln High School, Lincoln; 32 fourth grade students and teachers from Grant Elementary School, Norfolk; 42 fourth grade students and teachers from Neligh Oakdale School, Neligh; and 18 fourth grade students and teacher

from Sacred Heart School, Falls City.

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 1:20 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Monday, April 12, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY – APRIL 12, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 12, 1999

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

PRAYER

The prayer was offered by Pastor Jim Shelbourn, First Presbyterian Church, Beatrice, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dierks who was excused; and Mmes. Bohlke, Kiel, Robak, Messrs. Kristensen, and Matzke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

**STANDING COMMITTEE REPORT
Health and Human Services**

LEGISLATIVE BILL 629. Placed on General File as amended.
Standing Committee amendment to LB 629:
AM1122

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 "Section 1. The Department of Health and Human Services
- 4 may contract with the Nebraska Dental Association or another
- 5 appropriate and qualified organization to develop and operate a
- 6 Donated Dental Services program to benefit needy disabled, aged,
- 7 and medically compromised individuals. The Donated Dental Services
- 8 program shall (1) establish a network of volunteer dentists,
- 9 including dental specialists, to donate dental services to eligible
- 10 individuals, (2) establish a system to refer eligible individuals
- 11 to appropriate volunteers, and (3) develop and implement a public
- 12 awareness campaign to educate eligible individuals about the

13 availability of the program. The department shall annually report
 14 to the Legislature the number of people served during each fiscal
 15 year, the procedures completed, and the financial value of such
 16 procedures."

(Signed) Jim Jensen, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTIONS - Approve Appointments

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 1342: Paul Dunn - Nebraska Environmental Trust Board.

Voting in the affirmative, 37:

Baker	Connealy	Jones	Peterson, C.	Schrock
Bohlke	Coordsen	Kremer	Preister	Smith
Bourne	Cudaback	Landis	Price	Stuhr
Brashear	Engel	Lynch	Quandahl	Suttle
Bromm	Hilgert	Matzke	Raikes	Tyson
Brown	Hudkins	Pedersen, Dw.	Schimiek	Vrtiska
Bruning	Janssen	Pederson, D.	Schmitt	Wehrbein
Byars	Jensen			

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Beutler	Hartnett	Redfield	Thompson	Wickersham
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Excused and not voting, 5:

Crosby	Dierks	Kiel	Kristensen	Robak
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The appointment was confirmed with 37 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 1342: Gloria Erickson - Nebraska Environmental Trust Board.

Voting in the affirmative, 33:

Baker	Cudaback	Landis	Price	Smith
Bourne	Engel	Lynch	Quandahl	Stuhr
Bruning	Hudkins	Matzke	Raikes	Suttle
Byars	Janssen	Pedersen, Dw.	Schimek	Tyson
Chambers	Jensen	Pederson, D.	Schmitt	Vrtiska
Connealy	Jones	Peterson, C.	Schrock	Wickersham
Coordsen	Kremer	Preister		

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Brashear	Brown	Hilgert	Thompson
Bohlke	Bromm	Hartnett	Redfield	Wehrbein

Excused and not voting, 5:

Crosby	Dierks	Kiel	Kristensen	Robak
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The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 1342: Susan Seacrest - Nebraska Environmental Trust Board.

Voting in the affirmative, 34:

Baker	Connealy	Kremer	Price	Stuhr
Bohlke	Coordsen	Landis	Raikes	Suttle
Bourne	Crosby	Lynch	Redfield	Thompson
Brashear	Engel	Matzke	Schimek	Tyson
Brown	Hilgert	Pedersen, Dw.	Schmitt	Vrtiska
Bruning	Janssen	Peterson, C.	Schrock	Wehrbein
Chambers	Jensen	Preister	Smith	

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Byars	Hartnett	Jones	Quandahl
Bromm	Cudaback	Hudkins	Pederson, D.	Wickersham

Excused and not voting, 4:

Dierks	Kiel	Kristensen	Robak
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The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 271. The Standing Committee amendment, AM0853, printed separately and referred to on page 1063 and considered on page 1352, was renewed.

Mr. Wickersham asked unanimous consent to replace the Wickersham-Raikes pending amendment, AM1162, found on page 1352, with a substitute amendment. No objections. So ordered.

Mr. Wickersham withdrew the Wickersham-Raikes amendment, AM1162, found on page 1352.

Mr. Wickersham offered the following substitute amendment to the Standing Committee amendment:

AM1204

- 1 1. In the Standing Committee amendments, AM0853:
- 2 a. On page 4, lines 17 and 19 and 20 strike "necessary
- 3 to carry out" and insert "for"; in line 21 strike "Property" and
- 4 insert "Unleased property"; and strike beginning with "and" in line
- 5 22 through "77-202" in line 23; and
- 6 b. On page 5, strike beginning with line 10 through
- 7 "77-202" in line 11.
- 8 2. In AM1159, on page 1, line 2, after "property" insert
- 9 ", other than property leased to carry out a public purpose as set
- 10 forth in subdivision (1)(a) of section 77-202."; and in line 6
- 11 strike "lienholder's" and insert "leaseholder's".

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 20 not voting.

The Wickersham amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Pending.

SELECT COMMITTEE REPORT

Enrollment and Review

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

AM7108

- 1 1. In the Standing Committee amendments, AM0540, on page
- 2 2, line 20, after "registration" insert "under section 28-408".

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Education

Friday, May 14, 1999
Board of Trustees of the Nebraska State Colleges
Sheryl Lindau
Steve Lewis
Willa Kosman

1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

AMENDMENT - Print in Journal

Messrs. Bromm, Tyson, Wickersham, and Wehrbein filed the following amendment to LB 446A:

AM1006

- 1 1. Insert the following new section:
- 2 "Sec. 2. (1) The General Fund appropriation for
- 3 FY1999-00 to the State Treasurer, for Program 120, for Aid to
- 4 Municipalities is hereby reduced by \$100,000. The General Fund
- 5 appropriation for FY2000-01 to the State Treasurer, for Program
- 6 120, for Aid to Municipalities is hereby reduced by \$100,000.
- 7 (2) The General Fund appropriation for FY1999-00 to the
- 8 State Treasurer, for Program 149, for Aid to Counties is hereby
- 9 reduced by \$100,000. The General Fund appropriation for FY2000-01
- 10 to the State Treasurer, for Program 149, for Aid to Counties is
- 11 hereby reduced by \$100,000."
- 12 2. Renumber the remaining section accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 730A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 730, Ninety-sixth Legislature, First Session, 1999; to reduce an appropriation; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 271. Mr. Smith withdrew the Smith et al. amendment, AM1084, found on page 1385.

Mr. Smith withdrew his amendments, AM1198 and AM1199, found on pages 1385 and 1386.

The Standing Committee amendment, AM0853, as amended, was adopted

with 25 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Smith offered the following amendment:
AM1205

(Amendments to Standing Committee amendments, AM0853)

- 1 1. On page 4, line 20, after "purpose" insert ". A
- 2 lease of property to carry out a public purpose shall be at fair
- 3 market value in order for an exemption to be allowed under this
- 4 subdivision".

Mr. Smith moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 29 not voting.

Mr. Smith requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baker	Byars	Jensen	Pedersen, Dw.	Quandahl
Brashear	Crosby	Kremer	Pederson, D.	Smith
Brown	Cudaback	Landis	Peterson, C.	Tyson
Bruning	Engel	Matzke	Price	Wehrbein

Voting in the negative, 12:

Beutler	Coordsen	Lynch	Redfield	Thompson
Bromm	Hartnett	Raikes	Schimek	Wickersham
Connealy	Janssen			

Present and not voting, 12:

Bohlke	Hilgert	Preister	Schrock	Suttle
Bourne	Hudkins	Schmitt	Stuhr	Vrtiska
Chambers	Jones			

Absent and not voting, 1:

Robak

Excused and not voting, 3:

Dierks	Kiel	Kristensen
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The Smith amendment lost with 20 ayes, 12 nays, 12 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 25 ayes, 8 nays, 12 present and not

voting, and 3 excused and not voting.

Mrs. Robak, Messrs. Lynch, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 356. Mr. Chambers reoffered his amendment, FA30, found on page 672 and considered on page 705.

Messrs. Beutler, Engel, Bruning, Brashear, and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 20 members of 4-H Youth Council and sponsors from across the state; 33 fourth grade students and teacher from St. Mary's Elementary School, Omaha; 70 fourth grade students and teachers from Hillrise Elementary School, Elkhorn; 7 Occupational Therapy Clinical Doctoral students from Creighton University, Omaha; and 39 students and teachers from District 15, Hastings.

RECESS

At 12:02 p.m., on a motion by Mr. Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dierks who was excused; and Messrs. Beutler, Coordsen, Cudaback, Engel, Landis, Dw. Pedersen, Mmes. Bohlke, Brown, Kiel, and Robak who were excused until they arrive.

STANDING COMMITTEE REPORT Judiciary

LEGISLATIVE BILL 637. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 356. The Chambers pending amendment, FA30, found on page 672 and considered on pages 705 and in this day's Journal, was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Baker	Cudaback	Kremer	Preister	Suttle
Beutler	Hartnett	Kristensen	Raikes	Thompson
Bourne	Hilgert	Landis	Redfield	Tyson
Brashear	Hudkins	Pedersen, Dw.	Schmitt	Vrtiska
Chambers	Janssen	Peterson, C.	Smith	Wickersham
Connealy	Kiel			

Voting in the negative, 13:

Bromm	Engel	Lynch	Price	Stuhr
Bruning	Jensen	Matzke	Schrock	Wehrbein
Byars	Jones	Pederson, D.		

Present and not voting, 4:

Brown	Crosby	Quandahl	Schimek
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Excused and not voting, 4:

Bohlke	Coordsen	Dierks	Robak
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The Chambers amendment was adopted with 27 ayes, 13 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch, Landis, and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen asked unanimous consent to bracket LB 356 until January 5, 2000. No objections. So ordered.

LEGISLATIVE BILL 630. Title read. Considered.

The Standing Committee amendment, AM1108, found on page 1312, was considered.

SPEAKER KRISTENSEN PRESIDING

Pending.

LEGISLATIVE BILL 623. Title read. Considered.

The Standing Committee amendment, AM0760, found on page 1045, was

adopted with 26 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 740. Title read. Considered.

The Standing Committee amendment, AM0820, found on page 1140, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 505:
AM1211

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 81-638, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-638. (1) The Legislature shall appropriate for each
- 5 year from the Department of Health and Human Services Finance and
- 6 Support Cash Fund to the Department of Health and Human Services
- 7 Finance and Support an amount derived from one cent of the
- 8 cigarette tax imposed by section 77-2602, less any amount
- 9 appropriated from the fund specifically to the University of
- 10 Nebraska Eppley Institute for Research in Cancer and Allied
- 11 Diseases. The director shall, after deducting expenses incurred in
- 12 the administration of such funds, distribute such funds exclusively
- 13 for grants and contracts for research of cancer and smoking
- 14 diseases, for funding the cancer registry prescribed in sections
- 15 81-642 to 81-650, and for associated expenses due to the
- 16 establishment and maintenance of such cancer registry. Not more
- 17 than two hundred thousand dollars shall be appropriated for funding
- 18 the cancer registry and associated expenses. The University of
- 19 Nebraska may receive such grants and contracts, and other
- 20 postsecondary institutions having colleges of medicine located in
- 21 the State of Nebraska may receive such contracts.
- 22 (2) The Legislature shall appropriate for each year from
- 23 the Department of Health and Human Services Finance and Support
- 24 Cash Fund to the Department of Health and Human Services Finance
- 1 and Support for cancer research an amount derived from two cents of
- 2 the cigarette tax imposed by section 77-2602 to be used exclusively
- 3 for grants and contracts for research on cancer and smoking
- 4 diseases, except that for distributions occurring on or after July
- 5 1, 1999, and before January 1, 2003, the distribution under this
- 6 subsection shall be seven cents of the funds allocated to the

7 department. No amount shall be appropriated or used pursuant to
 8 this subsection for the operation and associated expenses of the
 9 cancer registry. Not more than one-half of the funds appropriated
 10 pursuant to this subsection shall be distributed to the University
 11 of Nebraska Medical Center for research in cancer and allied
 12 diseases and the University of Nebraska Eppley Institute for
 13 Research in Cancer and Allied Diseases. The remaining funds
 14 available pursuant to this subsection shall be distributed for
 15 contracts with other postsecondary educational institutions having
 16 colleges of medicine located in Nebraska which have cancer research
 17 programs for the purpose of conducting research in cancer and
 18 allied diseases.

19 (3) Any contract between the Department of Health and
 20 Human Services Finance and Support and another postsecondary
 21 educational institution for cancer research under subsection (2) of
 22 this section shall provide that:

23 (a) Any money appropriated for such contract shall only
 24 be used for cancer research and shall not be used to support any
 25 other program in the institution;

26 (b) Full and detailed reporting of the expenditure of all
 27 funds under the contract is required. The report shall include,
 1 but not be limited to, separate accounting for personal services,
 2 equipment purchases or leases, and supplies. Such reports shall be
 3 made available to the Legislature; and

4 (c) No money appropriated for such contract shall be
 5 spent for travel, building construction, or any other purpose not
 6 directly related to the research that is the subject of the
 7 contract."

8 2. On page 8, line 8, strike "section 77-4008" and
 9 insert "sections 77-4008 and 81-638".

10 3. Renumber the remaining sections accordingly.

Mr. Landis filed the following amendment to LB 505:

AM1210

1 1. Insert the following new section:

2 "Sec. 5. The State Patrol Tobacco Enforcement Fund is
 3 created. The fund shall be administered by the Nebraska State
 4 Patrol and used for enforcement of federal and state law relating
 5 to tobacco. The fund shall include, but not be limited to, money
 6 transferred from the Tobacco Prevention, Control, and Enforcement
 7 Fund. Any money in the State Patrol Tobacco Enforcement Fund
 8 available for investment shall be invested by the state investment
 9 officer pursuant to the Nebraska Capital Expansion Act and the
 10 Nebraska State Funds Investment Act."

11 2. Renumber the remaining sections accordingly.

Mr. Schrock filed the following amendment to LB 822:

AM1202

(Amendments to E & R amendments, AM7093)

- 1 1. Strike section 4.
- 2 2. On page 1, lines 5 and 6, strike "sections 3 and 4"
- 3 and insert "section 3".
- 4 3. Renumber the remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 61.

GENERAL FILE

LEGISLATIVE BILL 630. The Standing Committee amendment, AM1108, found on page 1312 and considered in this day's Journal, was renewed.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Brashear offered the following amendment to the Standing Committee amendment:

AM1213

(Amendments to Standing Committee amendments, AM1108)

- 1 1. Insert the following new amendments:
- 2 "1. Strike sections 1 and 3 to 6.
- 3 9. Renumber the remaining sections and correct internal
- 4 references accordingly."
- 5 2. On page 2, line 5, strike "and" and before the period
- 6 insert"; strike beginning with 'sections' in line 16 through 'and'
- 7 in line 18 and insert 'section'; and in line 18 strike 'are' and
- 8 insert 'is'".

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Brashear amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Mrs. Kiel asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 849. No objections. So ordered.

VISITORS

Visitors to the Chamber were 6 fourth grade students and sponsor from Kenwood Schools, Kearney; 26 third through eighth grade students and teachers from Western Public School; fifth grade students and teachers from Twin Valley; 38 fifth grade students and teachers from Doniphan Elementary School; 5 fifth through eighth grade students and sponsor from Small Foot District 11, Dunbar; 53 fourth through eighth grade students and teachers from Palmer Public School; and 19 seventh and eighth grade students and teacher from St. Michael's Elementary School, Albion.

ADJOURNMENT

At 4:28 p.m., on a motion by Mr. Dw. Pedersen, the Legislature adjourned until 9:00 a.m., Tuesday, April 13, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SECOND DAY – APRIL 13, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SIXTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 13, 1999

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Nancy Gillette, Florence Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Kiel, Robak, Messrs. Landis, Lynch, Dw. Pedersen, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 794, after line 4, insert:

"SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 32."

The Journal for the thirty-seventh day was approved as corrected.

The Journal for the sixty-first day was approved.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 778. Placed on Select File as amended.

(E & R amendment, AM7116, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 640. Placed on Select File.

LEGISLATIVE BILL 806. Placed on Select File.

LEGISLATIVE BILL 755. Placed on Select File.

LEGISLATIVE BILL 499. Placed on Select File as amended.

E & R amendment to LB 499:

AM7106

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 81-1255, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-1255. The governing body of the county shall after a
- 6 public hearing adopt a resolution establishing a County Visitors
- 7 Promotion Fund and a visitors committee which shall serve as an
- 8 advisory committee to the county board in administering the
- 9 proceeds from the taxes provided to the county by the Nebraska
- 10 Visitors Development Act. The governing body of a county with a
- 11 population of more than three hundred thousand inhabitants may also
- 12 after a public hearing adopt a resolution establishing a County
- 13 Visitors Improvement Fund. The proceeds of the County Visitors
- 14 Promotion Fund shall be used generally to promote, encourage, and
- 15 attract visitors to come to the county and use the travel and
- 16 tourism facilities within the county. The proceeds of the County
- 17 Visitors Improvement Fund shall be used to improve the visitor
- 18 attractions and facilities in the county, except that no proceeds
- 19 shall be used to improve a facility in which parimutuel wagering is
- 20 conducted. If the visitors committee determines that the visitor
- 21 attractions in the county are adequate and do not require
- 22 improvement, the committee may use the County Visitors Improvement
- 23 Fund to promote, encourage, and attract visitors to the county to
- 24 use the county's travel and tourism facilities. The committee
- 1 shall consist of five to seven members appointed by the governing
- 2 body of the county. Two members of the committee shall be in the
- 3 hotel industry.
- 4 Such appointees shall serve without compensation, except
- 5 for reimbursement for necessary expenses. Committee members shall
- 6 serve for terms of four years, except that two of those initially
- 7 appointed shall be appointed for initial terms of two years.
- 8 Vacancies shall be filled in the same manner as the initial
- 9 appointments. The committee shall elect a chairperson and
- 10 vice-chairperson from among its members to serve for terms of two
- 11 years.
- 12 Sec. 2. Original section 81-1255, Reissue Revised
- 13 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 722. Placed on Select File as amended.

E & R amendment to LB 722:

AM7109

- 1 1. On page 2, lines 6 and 7 and 18, strike "Department
- 2 of Health and Human Services" and insert "department".

LEGISLATIVE BILL 759. Placed on Select File as amended.

E & R amendment to LB 759:

AM7110

- 1 1. On page 2, line 9, strike "Commission on Public
- 2 Advocacy", show as stricken, and insert "commission".

LEGISLATIVE BILL 734. Placed on Select File.

LEGISLATIVE BILL 585. Placed on Select File as amended.

(E & R amendment, AM7094, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Adrian M. Smith, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 63. Read. Considered.

LR 63 was adopted with 36 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 31. Read. Considered.

LR 31 was adopted with 33 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 27. Read. Considered.

LR 27 was adopted with 29 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 58. Read. Considered.

LR 58 was adopted with 34 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

MOTION - Chairperson of General Affairs Committee

Mr. Coordsen moved to proceed to the election of the Chairperson of the General Affairs Committee.

The motion prevailed.

Mr. Janssen placed his name in nomination.

Mr. Coordsen moved the nominations be closed and a unanimous vote be cast for Mr. Janssen.

The motion prevailed.

Mr. Janssen was duly elected Chairperson of the General Affairs Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 64. Introduced by Preister, 5.

WHEREAS, 8.2 million Americans alive today have a history of cancer; and

WHEREAS, approximately fifty thousand Nebraskans alive today are cancer survivors; and

WHEREAS, some of these persons can be considered cured; and

WHEREAS, the relative survival rate for all cancers combined is sixty percent; and

WHEREAS, cancer mortality continues to decline on an annual basis; and
WHEREAS, the costs of cancer are great both to the individual and to society as a whole.

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

1. April 19, 1999, is designated Cancer Survivors Day at the Capitol and is intended to honor current and former employees within the legislative branch as well as all Nebraskans who are cancer survivors.

Laid over.

LEGISLATIVE RESOLUTION 65. Introduced by Schimek, 27.

WHEREAS, an estimated 175,000 new invasive cases of breast cancer are expected to occur among women in the United States during 1999; and

WHEREAS, one in eight women will be diagnosed with breast cancer during their lifetime; and

WHEREAS, an estimated 1,000 Nebraska women will be diagnosed in 1999; and

WHEREAS, breast cancer is the second leading cause of cancer death in women; and

WHEREAS, early detection in the form of a mammogram greatly increases survival and treatment options; and

WHEREAS, the American Cancer Society guidelines for early detection of breast cancer recommend that women 40 years of age and older have an annual mammogram, an annual clinical breast exam performed by a health professional, and perform monthly breast self-examination; and

WHEREAS, mortality rates are declining significantly as a result of early detection and treatment.

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

1. That April 21, 1999, is designated Breast Cancer Awareness Day at the Capitol.

2. It is the intent of the Legislature to acknowledge breast cancer survivors

and to bring attention to the need for early detection and treatment.

Laid over.

LEGISLATIVE RESOLUTION 66. Introduced by Bromm, 23.

WHEREAS, Colorectal cancer is the second leading cause of cancer death, affecting 400 Nebraskans annually; and

WHEREAS, Colorectal cancer knows no racial, social, economic, or gender boundaries; and

WHEREAS, Over 129,400 cases of colorectal cancer nationally and 1,000 cases of colorectal cancer in Nebraska will be diagnosed by the end of 1999; and

WHEREAS, Early detection of colorectal cancer is vital and can save an estimated 30,000 lives nationally; and

WHEREAS, Every Nebraskan 50 years-of-age and older should be made aware of this disease.

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

1. That April 23, 1999, is designated Colorectal Cancer Awareness Day at the Capitol.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 835A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 505. Title read. Considered.

The Standing Committee amendment, AM0793, found on page 968, was considered.

Mr. Landis withdrew his amendments, AM1211 and AM1210, found on pages 1401 and 1402.

Mr. Landis offered the following amendment to the Standing Committee amendment:

AM1224

(Amendments to Standing Committee amendments, AM0793)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendments:
- 3 "1. Strike original sections 1, 2, 4, and 6 and insert

4 the following new sections:

5 'Section 1. Section 77-2602, Revised Statutes

6 Supplement, 1998, is amended to read:

7 77-2602. (1) Every person engaged in distributing or
8 selling cigarettes at wholesale in this state shall pay to the Tax
9 Commissioner of this state a special privilege tax. This shall be
10 in addition to all other taxes. It shall be paid prior to or at
11 the time of the sale, gift, or delivery to the retail dealer in the
12 several amounts as follows: On each package of cigarettes
13 containing not more than twenty cigarettes, sixty-four cents per
14 package commencing on the effective date of this act until January
15 1, 2004, thirty-four cents per package on and after January 1,
16 2004; and on packages containing more than twenty cigarettes, the
17 same tax as provided on packages containing not more than twenty
18 cigarettes for the first twenty cigarettes in each package and a
19 tax of one-twentieth of the tax on the first twenty cigarettes on
20 each cigarette in excess of twenty cigarettes in each package.
21 Commencing July 1, 1994 on the effective date of this act, and
22 continuing until July 1, 2009 January 1, 2004, the State Treasurer
23 shall place the equivalent of twenty-one twenty-three cents of such
1 tax less three million dollars each fiscal year of proceeds of such
2 tax in the General Fund. Commencing January 1, 2004, and
3 continuing until July 1, 2009, the State Treasurer shall place the
4 equivalent of twenty-one cents of such tax less three million
5 dollars each fiscal year of the proceeds of such tax in the General
6 Fund. Commencing July 1, 2009, the State Treasurer shall place the
7 equivalent of twenty-one cents of such tax in the General Fund.
8 For purposes of this section, the equivalent of a specified number
9 of cents of the tax shall mean that portion of the proceeds of the
10 tax equal to the specified number divided by sixty-four until
11 January 1, 2004, and thirty-four on and after January 1, 2004. The
12 State Treasurer shall distribute the remaining proceeds of such tax
13 in the following order:

14 (a) First, beginning July 1, 1980, the State Treasurer
15 shall place the equivalent of one cent of such tax in the Nebraska
16 Outdoor Recreation Development Cash Fund. For distributions
17 occurring on or after July 1, 1999, and before January 1, 2004, the
18 distribution under this subdivision shall not be less than the
19 amount distributed under this subdivision for FY1997-98. Any money
20 needed to increase the amount distributed under this subdivision to
21 the FY1997-98 amount shall reduce the distribution to the General
22 Fund;

23 (b) Second, beginning July 1, 1993, the State Treasurer
24 shall place the equivalent of seven cents until January 1, 2004,
25 and three cents on and after January 1, 2004, of such tax in the
26 Department of Health and Human Services Finance and Support Cash
27 Fund to carry out sections 81-637 to 81-640. For distributions
1 occurring on or after July 1, 1999, and before January 1, 2004, the
2 distribution under this subdivision shall not be less than the

3 amount distributed under this subdivision for FY1997-98. Any money
4 needed to increase the amount distributed under this subdivision to
5 the FY1997-98 amount shall reduce the distribution to the General
6 Fund;

7 (c) Third, beginning July 1, 1995, the State Treasurer
8 shall place the equivalent of two cents of such tax in the City of
9 Omaha Public Events Facilities Fund for each fiscal year through
10 fiscal year 2000-01. The Legislature shall appropriate all sums
11 inuring to the fund to the city of Omaha upon evidence that any
12 amounts so appropriated are matched with funds derived from sources
13 other than state funds in amounts equivalent to one dollar for
14 every two dollars appropriated. For distributions occurring on or
15 after July 1, 1999, and before January 1, 2004, the distribution
16 under this subdivision shall not be less than the amount
17 distributed under this subdivision for FY1997-98. Any money needed
18 to increase the amount distributed under this subdivision to the
19 FY1997-98 amount shall reduce the distribution to the General Fund;

20 (d) Fourth, beginning July 1, 1997, and continuing until
21 July 1, 2001, the State Treasurer shall place the equivalent of
22 seven cents of such tax in the Building Renewal Allocation Fund for
23 each fiscal year, for the purposes stated in the Deferred Building
24 Renewal Act. Beginning July 1, 2001, and continuing until all the
25 purposes of the Deferred Building Renewal Act have been fulfilled,
26 the State Treasurer shall place the equivalent of nine cents of
27 such tax in the Building Renewal Allocation Fund. The Legislature
1 shall appropriate each fiscal year all sums inuring to the fund,
2 plus interest earnings for the Task Force for Building Renewal to
3 be used to carry out its duties and to fulfill the purposes of the
4 Deferred Building Renewal Act. Unexpended balances existing at the
5 end of each fiscal year shall be, and are hereby, reappropriated.
6 For distributions occurring on or after July 1, 1999, and before
7 January 1, 2004, the distribution under this subdivision shall not
8 be less than the amount distributed under this subdivision for
9 FY1997-98. Any money needed to increase the amount distributed
10 under this subdivision to the FY1997-98 amount shall reduce the
11 distribution to the General Fund;

12 (e) Fifth, the State Treasurer shall place the difference
13 between the equivalent of seventeen cents until January 1, 2004,
14 and thirteen cents on and after January 1, 2004, of such tax and
15 the sum of the amounts distributed pursuant to subdivisions (a)
16 through (d) of this subsection in a special fund to be known as the
17 Nebraska Capital Construction Fund; and

18 (f) Sixth, beginning July 1, 1994, and continuing until
19 July 1, 2009, the State Treasurer shall place in the Municipal
20 Infrastructure Redevelopment Fund the sum of three million dollars
21 each fiscal year to carry out the Municipal Infrastructure
22 Redevelopment Fund Act. The Legislature shall appropriate the sum
23 of three million dollars each year for fiscal year 1994-95 through
24 fiscal year 2008-09; and

25 (g) Seventh, beginning July 1, 1999, and until January 1,
26 2004, the State Treasurer shall place the remaining proceeds of
27 such tax in the Tobacco Prevention, Control, and Enforcement Fund.

1 (2) The Legislature hereby finds and determines that the
2 projects funded from the Municipal Infrastructure Redevelopment
3 Fund, the City of Omaha Public Events Facilities Fund, and the
4 Building Renewal Allocation Fund are of critical importance to the
5 State of Nebraska. It is the intent of the Legislature that the
6 allocations and appropriations made by the Legislature to such
7 funds or, in the case of allocations for the Municipal
8 Infrastructure Redevelopment Fund, to the particular municipality's
9 account not be reduced until all contracts and securities relating
10 to the construction and financing of the projects or portions of
11 the projects funded from such funds or accounts of such funds are
12 completed or paid or, in the case of the Municipal Infrastructure
13 Redevelopment Fund, the earlier of such date or July 1, 2009, and
14 that until such time any reductions in the cigarette tax rate made
15 by the Legislature shall be simultaneously accompanied by
16 equivalent reductions in the amount dedicated to the General Fund
17 from cigarette tax revenue. Any provision made by the Legislature
18 for distribution of the proceeds of the cigarette tax for projects
19 or programs other than those to (a) the General Fund, (b) the
20 Nebraska Outdoor Recreation Development Cash Fund, (c) the
21 Department of Health and Human Services Finance and Support Cash
22 Fund, (d) the Municipal Infrastructure Redevelopment Fund, (e) the
23 City of Omaha Public Events Facilities Fund, ~~and~~ (f) the Building
24 Renewal Allocation Fund, and (g) the Tobacco Prevention, Control,
25 and Enforcement Fund shall not be made a higher priority than or an
26 equal priority to any of the programs or projects specified in
27 subdivisions (a) through ~~(f)~~ (g) of this subsection.

1 Sec. 3. Section 77-4008, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 77-4008. (1) ~~Commencing on or after January 1, 1988, a A~~
4 tax is hereby imposed upon the first owner of tobacco products to
5 be sold in this state. The tax shall be twenty-nine percent until
6 January 1, 2004, and fifteen percent on and after January 1, 2004,
7 of (a) the purchase price of such tobacco products paid by the
8 first owner or (b) the price at which a first owner who made,
9 manufactured, or fabricated the tobacco product sells the items to
10 others. Such tax shall be in addition to all other taxes.

11 (2) Whenever any person who is licensed under section
12 77-4009 purchases tobacco products from another person licensed
13 under section 77-4009, the seller shall be liable for the payment
14 of the tax.

15 Sec. 4. The State Patrol Tobacco Enforcement Fund is
16 created. The fund shall be administered by the Nebraska State
17 Patrol and used for enforcement of federal and state law relating
18 to tobacco. The fund shall include, but not be limited to, money
19 transferred from the Tobacco Prevention, Control, and Enforcement

20 Fund. Any money in the State Patrol Tobacco Enforcement Fund
21 available for investment shall be invested by the state investment
22 officer pursuant to the Nebraska Capital Expansion Act and the
23 Nebraska State Funds Investment Act.

24 Sec. 5. Section 81-638, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 81-638. (1) The Legislature shall appropriate for each
27 year from the Department of Health and Human Services Finance and
1 Support Cash Fund to the Department of Health and Human Services
2 Finance and Support an amount derived from one cent of the
3 cigarette tax imposed by section 77-2602, less any amount
4 appropriated from the fund specifically to the University of
5 Nebraska Eppley Institute for Research in Cancer and Allied
6 Diseases. The director shall, after deducting expenses incurred in
7 the administration of such funds, distribute such funds exclusively
8 for grants and contracts for research of cancer and smoking
9 diseases, for funding the cancer registry prescribed in sections
10 81-642 to 81-650, and for associated expenses due to the
11 establishment and maintenance of such cancer registry. Not more
12 than two hundred thousand dollars shall be appropriated for funding
13 the cancer registry and associated expenses. The University of
14 Nebraska may receive such grants and contracts, and other
15 postsecondary institutions having colleges of medicine located in
16 the State of Nebraska may receive such contracts.

17 (2) The Legislature shall appropriate for each year from
18 the Department of Health and Human Services Finance and Support
19 Cash Fund to the Department of Health and Human Services Finance
20 and Support for cancer research an amount derived from two cents of
21 the cigarette tax imposed by section 77-2602 to be used exclusively
22 for grants and contracts for research on cancer and smoking
23 diseases, except that for distributions occurring on or after July
24 1, 1999, and before January 1, 2004, the distribution under this
25 subsection shall be six cents of the funds allocated to the
26 department. No amount shall be appropriated or used pursuant to
27 this subsection for the operation and associated expenses of the
1 cancer registry. Not more than one-half of the funds appropriated
2 pursuant to this subsection shall be distributed to the University
3 of Nebraska Medical Center for research in cancer and allied
4 diseases and the University of Nebraska Eppley Institute for
5 Research in Cancer and Allied Diseases. The remaining funds
6 available pursuant to this subsection shall be distributed for
7 contracts with other postsecondary educational institutions having
8 colleges of medicine located in Nebraska which have cancer research
9 programs for the purpose of conducting research in cancer and
10 allied diseases.

11 (3) Any contract between the Department of Health and
12 Human Services Finance and Support and another postsecondary
13 educational institution for cancer research under subsection (2) of
14 this section shall provide that:

15 (a) Any money appropriated for such contract shall only
 16 be used for cancer research and shall not be used to support any
 17 other program in the institution;

18 (b) Full and detailed reporting of the expenditure of all
 19 funds under the contract is required. The report shall include,
 20 but not be limited to, separate accounting for personal services,
 21 equipment purchases or leases, and supplies. Such reports shall be
 22 made available to the Legislature; and

23 (c) No money appropriated for such contract shall be
 24 spent for travel, building construction, or any other purpose not
 25 directly related to the research that is the subject of the
 26 contract.

27 Sec. 6. Original sections 77-4008 and 81-638, Reissue
 1 Revised Statutes of Nebraska, and section 77-2602, Revised Statutes
 2 Supplement, 1998, are repealed.'

3 2. Renumber the remaining sections accordingly."

Mmes. Hudkins, Bohlke, and Mr. Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 36. Placed on Select File as amended.

E & R amendment to LB 36:

AM7114

1 1. Insert the following new sections:

2 "Sec. 28. Section 77-1330, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 77-1330. (1) The Property Tax Administrator shall
 5 prepare, issue, and annually revise guides for county assessors in
 6 the form of handbooks of rules and regulations, appraisal manuals,
 7 special manuals and studies, cost and price schedules, news and
 8 reference bulletins, property tax laws, and memoranda. County
 9 assessors shall continually use such guides in the performance of
 10 their duties. All appraisals or reappraisals of property for tax
 11 purposes shall be in compliance with such manuals and guides.

12 (2) At any time after an examination has been conducted
 13 of the county books and records by the property tax division of the
 14 Department of Revenue and when it is apparent that the county has
 15 failed or neglected to implement any guide prescribed or issued
 16 pursuant to subsection (1) of this section, the Property Tax
 17 Administrator may, after notice and a hearing conducted in
 18 accordance with the Administrative Procedure Act, order whatever
 19 corrective measures the Property Tax Administrator deems necessary
 20 to secure compliance with subsection (1) of this section. The
 21 values resulting from such corrective measures shall be placed upon

22 the assessment rolls and used as a basis for taxation for the
23 current tax year if deemed possible by the Property Tax
24 Administrator, otherwise for the next calendar year. Each property
1 owner shall be notified of the valuations to be used in the manner
2 required by section 77-1315, and individual protests may be taken
3 from such valuations in the manner prescribed by section 77-1502,
4 except that if the Property Tax Administrator determines that
5 corrective measures are able to be made for the current tax year,
6 the Property Tax Administrator shall have authority to extend
7 statutory due dates and filing requirements corresponding to the
8 correction. Any current year corrections shall be completed no
9 later than August 10. The performance of such corrective measures
10 shall be a charge on the county and, upon completion, the Property
11 Tax Administrator shall notify the county board of the cost and
12 make demand for such cost. If payment is not received within sixty
13 days after the mailing of such demand, the Property Tax
14 Administrator shall forthwith report such fact to the State
15 Treasurer. The State Treasurer shall immediately make payment to
16 the Department of ~~Revenue~~ Property Assessment and Taxation for the
17 costs incurred by the department for such corrective measures. The
18 payment shall be made out of any money to which such county may be
19 entitled under Chapter 77, articles 27 and 35, and Chapter 66,
20 articles 4 and 6.

21 Sec. 35. Section 81-109, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-109. Each head of a department shall serve without
24 term except the head of the Department of Property Assessment and
25 Taxation whose term is established in section 20 of this act.

26 Sec. 36. Section 81-1401, Revised Statutes Supplement,
27 1998, is amended to read:

1 81-1401. For purposes of sections 81-1401 to 81-1414,
2 unless the context otherwise requires:

3 (1) Commission means the Nebraska Commission on Law
4 Enforcement and Criminal Justice;

5 (2) Council means the Nebraska Police Standards Advisory
6 Council;

7 (3) Law enforcement agency means the police department or
8 the town marshal in incorporated municipalities, the office of
9 sheriff in unincorporated areas, and the Nebraska State Patrol;

10 (4)(a) Law enforcement officer means any person who is
11 responsible for the prevention or detection of crime or the
12 enforcement of the penal, traffic, or highway laws of the state or
13 any political subdivision of the state for more than one hundred
14 hours per year and is authorized by law to make arrests and
15 includes, but is not limited to:

16 (i) A full-time or part-time member of the Nebraska State
17 Patrol;

18 (ii) A county sheriff;

19 (iii) A full-time or part-time employee of a county

20 sheriff's office;

21 (iv) A full-time or part-time employee of a municipal or
22 village police agency; or

23 (v) A full-time employee of an organized and paid fire
24 department of any city of the metropolitan class who is an
25 authorized arson investigator and whose duties consist of
26 determining the cause, origin, and circumstances of fires or
27 explosions while on duty in the course of an investigation; but

1 (b) Law enforcement officer does not include employees of
2 the Department of Correctional Services, probation officers under
3 the Nebraska Probation System or appointed under section 43-2,123,
4 parole officers appointed by the Parole Administrator, employees of
5 the Department of Property Assessment and Taxation under section 22
6 of this act, or employees of the Department of Revenue under
7 section 77-366;

8 (5) Director means the director of the Nebraska Law
9 Enforcement Training Center; and

10 (6) Training center means the Nebraska Law Enforcement
11 Training Center."

12 2. In the Standing Committee amendments, AM0752, strike
13 amendments 2 and 3.

14 3. On page 1, line 3; and page 38, line 9, strike "and
15 81-102" and insert "81-102, and 81-109".

16 4. On page 1, line 7; and page 38, line 11, strike "and
17 77-5012" and insert "77-5012, and 81-1401".

18 5. On page 9, line 17, strike "assessment and tax
19 books," and show as stricken.

20 6. On page 18, line 2, after "equalization" insert an
21 underscored comma; in line 10 strike "section" and insert "act";
22 and in line 24 after "Property" insert "Assessment and".

23 7. On page 20, line 9, after "Nebraska" insert an
24 underscored comma; in line 12 strike "and" and insert an
25 underscored comma; in line 13 after "witnesses" insert an
26 underscored comma; in line 24 strike the last comma; and in line 25
27 after "revenue" insert an underscored comma.

1 8. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 404. Placed on Select File as amended.

(E & R amendment, AM7111, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 404A. Placed on Select File.

LEGISLATIVE BILL 78. Placed on Select File as amended.

E & R amendment to LB 78:

AM7113

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 14-2115, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 14-2115. (1) A metropolitan utilities district shall
6 operate and account for each of its several utilities separately
7 and, as to each separate utility, shall possess all powers granted
8 on behalf of that utility or on behalf of any other utility being
9 operated by such district, or granted generally to such district,
10 and all such powers are hereby declared to be cumulative, though
11 separate, as to each utility, except that limitations or
12 restrictions which by their nature or intent are applicable only to
13 a utility of one type shall not apply to other different utilities.
14 The financial obligations of each utility shall be separate and
15 independent from the financial obligations of any other utility.

16 (2) A metropolitan utilities district shall keep all
17 funds, accounts, and obligations relating to any one utility under
18 its management separate and independent from the funds and accounts
19 of each other utility under its management. The cost of any
20 consolidated operation shall be allocated to the various utilities
21 upon some reasonable basis which is open to investigation, comment,
22 or protest by members of the public. Such allocation methodologies
23 shall be determined by its the board of directors and shall provide
24 for the allocation of costs and expenses in a manner that
1 accurately reflects the actual cost of service for each utility
2 under the management of the board, except that for purposes of this
3 section, the collection of sewer use fees for cities of the
4 metropolitan class shall not be considered as a utility. The
5 district shall have separate power to provide for the cost of
6 operation, maintenance, depreciation, extension, construction, and
7 improvement of any utility under its management, applying thereto
8 standard accounting principles.

9 (3) A metropolitan utilities district shall not discount
10 its water rates or connection fees in order to obtain natural gas
11 service from any customer.

12 (4) A metropolitan utilities district shall not delay or
13 condition in any manner the installation of water service or other
14 agreements related to water service to the purchase of natural gas
15 service from the district.

16 (5) The Auditor of Public Accounts shall have the
17 authority to initiate an audit or to take any action necessary to
18 ensure compliance with this section.

19 Sec. 2. Whenever any city of the primary, first, or
20 second class or village is furnished natural gas pursuant to a
21 franchise agreement with an investor-owned natural gas utility, a
22 metropolitan utilities district shall not solicit such franchise or
23 promote discontinuance of service with the utility unless a
24 specific invitation to bid on the franchise has been formally
25 presented to the board of directors of the metropolitan utilities
26 district. For purposes of this section, a specific invitation to
27 bid means a resolution adopted by a city council of a city of the

1 primary, first, or second class or the board of trustees of a
2 village.

3 Whenever any invitation to bid is received by the board
4 of directors of a metropolitan utilities district, the invitation
5 to bid will be considered by the board at its next regularly
6 scheduled monthly meeting.

7 Sec. 3. Sections 4 to 8 of this act shall be applicable
8 to an investor-owned natural gas utility only when it is operating
9 in a county in which there is located the natural gas service area,
10 or portion of the service area, of a metropolitan utilities
11 district.

12 Sec. 4. No investor-owned natural gas utility or
13 metropolitan utilities district may extend or enlarge its natural
14 gas service area or extend or enlarge its natural gas mains or
15 natural gas services unless it is in the public interest to do so.
16 In determining whether or not an extension or enlargement is in the
17 public interest, the district or the utility shall consider the
18 following:

19 (1) The economic feasibility of the extension or
20 enlargement;

21 (2) The impact the enlargement will have on the existing
22 and future natural gas ratepayers of the metropolitan utilities
23 district or the investor-owned natural gas utility;

24 (3) Whether the extension or enlargement contributes to
25 the orderly development of utility infrastructure;

26 (4) Whether the extension or enlargement will result in
27 duplicative or redundant utility infrastructure; and

1 (5) Whether the extension or enlargement is applied in a
2 nondiscriminatory manner.

3 Sec. 5. In determining whether an enlargement or
4 extension of a natural gas service area, natural gas mains, or
5 natural gas services is in the public interest pursuant to section
6 4 of this act, the following shall constitute rebuttable
7 presumptions:

8 (1) Any enlargement or extension by a metropolitan
9 utilities district within a city of the metropolitan class or its
10 extraterritorial zoning jurisdiction is in the public interest;

11 (2) Any enlargement or extension by an investor-owned
12 natural gas utility within a city of the primary, first, or second
13 class or village in which the utility serves natural gas on a
14 franchise basis on the effective date of this act or the
15 extraterritorial zoning jurisdiction of the city or village is in
16 the public interest; and

17 (3) Any enlargement or extension by a metropolitan
18 utilities district within its statutory boundary or within a city
19 of the first or second class or village in which the utility serves
20 natural gas on a franchise basis on the effective date of this act
21 or the extraterritorial zoning jurisdiction of the city or village
22 is in the public interest.

23 Sec. 6. A metropolitan utilities district or
24 investor-owned natural gas utility shall not extend duplicative or
25 redundant interior natural gas mains or natural gas services into a
26 subdivision, whether residential, commercial, or industrial, which
27 has existing natural gas utility infrastructure or which has
1 contracted for natural gas utility infrastructure with another
2 utility.

3 Sec. 7. If any aggrieved ratepayer of the investor-owned
4 natural gas utility or of the metropolitan utilities district or if
5 the investor-owned natural gas utility or the metropolitan
6 utilities district disagrees with a determination by an
7 investor-owned natural gas utility or a metropolitan utilities
8 district that a proposed extension or enlargement is in the public
9 interest, the matter may be submitted to the Public Service
10 Commission for hearing and determination in the county where the
11 extension or enlargement is proposed and shall be subject to the
12 applicable procedures provided in sections 75-112, 75-129, and
13 75-134 to 75-136. In making a determination whether a proposed
14 extension or enlargement is in the public interest, the Public
15 Service Commission shall consider the factors set forth in sections
16 4 and 5 of this act. The Public Service Commission shall have no
17 jurisdiction over a metropolitan utilities district or
18 investor-owned natural gas utility beyond the determination of
19 disputes brought before it under section 14-2115 and sections 2 to
20 8 of this act.

21 Sec. 8. All books, records, vouchers, papers, contracts,
22 engineering designs, and other data of the metropolitan utilities
23 district relating to the public interest of an extension or
24 enlargement of natural gas mains or natural gas services or
25 relating to natural gas service areas, whether in written or
26 electronic form, shall be open and made available for public
27 inspection, investigation, comment, or protest upon reasonable
1 request during business hours, except that such books, records,
2 vouchers, papers, contracts, designs, and other data shall be
3 subject to section 84-712.05. Any such books, records, vouchers,
4 papers, contracts, designs, or other data not made available to the
5 metropolitan utilities district or an investor-owned natural gas
6 utility pursuant to this section shall not be considered by the
7 Public Service Commission in determining whether an enlargement or
8 extension is in the public interest.

9 Sec. 9. Original section 14-2115, Reissue Revised
10 Statutes of Nebraska, is repealed."

11 2. On page 1, strike beginning with "sections" in line 1
12 through line 7 and insert "section 14-2115, Reissue Revised
13 Statutes of Nebraska; to change provisions relating to allocation
14 of costs; to restrict certain activities of metropolitan utilities
15 districts and investor-owned natural gas utilities; to provide
16 duties for the Auditor of Public Accounts and the Public Service
17 Commission; to provide a grievance mechanism; and to repeal the

18 original section."

LEGISLATIVE BILL 205. Placed on Select File as amended.

E & R amendment to LB 205:

AM7118

- 1 1. On page 1, line 4, after the semicolon insert "to
- 2 define a term; to provide duties;"
- 3 2. On page 4, line 18, strike "where" and insert "in
- 4 which".
- 5 3. On page 5, line 7, strike "the" and show as stricken
- 6 and strike "handgun" and insert "a handgun of the same make and
- 7 model as the handgun which".

LEGISLATIVE BILL 548. Placed on Select File as amended.

E & R amendment to LB 548:

AM7112

- 1 1. On page 1, strike beginning with "provide" in line 1
- 2 through line 3 and insert "amend sections 43-2511 and 43-2515,
- 3 Reissue Revised Statutes of Nebraska; to provide for reimbursement
- 4 of administrative outreach services; to harmonize provisions; to
- 5 provide an operative date; and to repeal the original sections."

LEGISLATIVE BILL 559. Placed on Select File as amended.

E & R amendment to LB 559:

AM7115

- 1 1. On page 1, line 2, strike "Development".

LEGISLATIVE BILL 496. Placed on Select File as amended.

E & R amendment to LB 496:

AM7117

- 1 1. In the Standing Committee amendments, AM0826, on page
- 2 3, line 27; and page 4, line 3, after "meaning" insert "as".

LEGISLATIVE BILL 849. Placed on Select File as amended.

E & R amendment to LB 849:

AM7119

- 1 1. In the Standing Committee amendments, AM0735:
- 2 a. On page 6, line 10, after the first "service" insert
- 3 an underscored comma;
- 4 b. On page 25, line 10, strike "is" and insert "are"; and
- 5 c. On page 26, lines 2, 6, and 11, strike "qualification"
- 6 and insert "certification".

LEGISLATIVE BILL 687. Placed on Select File.

LEGISLATIVE BILL 687A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 505. The Landis pending amendment, AM1224, found in this day's Journal, to the Standing Committee amendment, was renewed.

Messrs. Brashear and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Messrs. Engel and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARING
Business and Labor

Monday, May 3, 1999
Boiler Safety Code Advisory Board
William Yates
Robert Hill
Thomas Hix

1:00 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 855. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 141, 202A, and 813.

Correctly Engrossed

The following bills were correctly engrossed: LBs 54A, 90, and 90A.

Enrollment and Review Change to LB 141
(Final Reading copy)

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

ER9047

1. On page 20, line 15, "or" has been struck and "and" inserted.

**Enrollment and Review Change to LB 813
(Final Reading copy)**

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

ER9044

1. On page 75, lines 4 and 11, "52" has been struck and "51" inserted.
2. On page 101, line 26, "60, 61, and 64" has been struck and "59, 60, and 63" inserted.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 36:

AM1222

- 1 1. Insert the following new section:
- 2 "Sec. 40. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 38, line 6, strike "2000" and insert "1999".

Mrs. Brown filed the following amendment to LB 637:

AM1021

- 1 1. Strike original section 3 and insert the following
- 2 new section:
- 3 "Sec. 3. The Title IV-D Division shall establish a State
- 4 Disbursement Unit pursuant to 42 U.S.C. 654B. The State
- 5 Disbursement Unit shall be administered and operated directly by
- 6 the Title IV-D Division. The Title IV-D Division shall enter into
- 7 a cooperative agreement with the State Treasurer for the receipt of
- 8 support order payments pursuant to section 4 of this act. The
- 9 Title IV-D Division may enter into contracts or agreements with the
- 10 State Treasurer or other government entities as necessary to
- 11 establish and operate the State Disbursement Unit authorized under
- 12 this section."

RESOLUTION

LEGISLATIVE RESOLUTION 67. Introduced by Jensen, 20.

WHEREAS, smoking is the most preventable cause of death in our society;
and

WHEREAS, tobacco use is responsible for nearly one in five deaths in the United States; and

WHEREAS, an estimated 440,000 deaths per year are attributable to smoking; and

WHEREAS, smoking-related cancer deaths continue to rise; and

WHEREAS, more women die each year from lung cancer than breast cancer; and

WHEREAS, approximately one-half of all continuing smokers die prematurely from smoking; and

WHEREAS, smoking is responsible for 87 percent of lung cancers; and

WHEREAS, smoking is also associated with cancers of the mouth, pharynx, larynx, esophagus, pancreas, uterine cervix, kidney, and bladder; and

WHEREAS, three thousand young people start smoking each day in the United States; and

WHEREAS, 39 percent of Nebraska's high school students report smoking regularly; and

WHEREAS, environmental tobacco smoke, or secondhand smoke, causes deaths and disease from lung cancer, heart disease, and other respiratory problems among nonsmokers; and

WHEREAS, tobacco costs to our society are enormous in terms of lost lives, illness, health care costs, and lost productivity.

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

1. April 22, 1999, is Tobacco Awareness Day in the Capitol.
2. It is the intent of the Legislature to bring to the attention of all Nebraskans the effects of tobacco use.

Laid over.

VISITORS

Visitors to the Chamber were Mattie Gillette and Kendall Meyer from Omaha; 16 fifth through eighth grade students and teacher from East Point School, Alliance; Roland and Adelyne Koranda from Prague; 34 fourth grade students and teacher from Stanton Elementary School; Senator Smith's cousin, Ruben and Vivian Haun, from Lincoln; forty-five fourth grade students and teachers from Ft. Calhoun Elementary School; and 42 fourth grade students and teachers from Washington School, Norfolk.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Engel who was excused; and Messrs. Coordsen, Cudaback, Dierks, Hilgert, Schrock, Vrtiska, Ms. Price, and Mrs. Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 505. The Landis pending amendment, AM1224, found in this day's Journal, to the Standing Committee amendment, was renewed.

Mr. Smith asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 18 not voting.

Mr. Landis requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 24:

Beutler	Connealy	Kremer	Preister	Suttle
Brashear	Crosby	Landis	Price	Thompson
Brown	Cudaback	Lynch	Raikes	Vrtiska
Bruning	Jensen	Matzke	Redfield	Wehrbein
Chambers	Kiel	Peterson, C.	Schimek	

Voting in the negative, 23:

Baker	Coordsen	Janssen	Quandahl	Smith
Bohlke	Dierks	Jones	Robak	Stuhr
Bourne	Hartnett	Kristensen	Schmitt	Tyson
Bromm	Hilgert	Pedersen, Dw.	Schrock	Wickersham
Byars	Hudkins	Pederson, D.		

Excused and not voting, 1:

Engel

The Landis amendment lost with 24 ayes, 23 nays, and 1 excused and not voting.

The Chair declared the call raised.

MS. SCHIMEK PRESIDING

Messrs. Dierks and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 20 not voting.

The Standing Committee amendment, AM0793, was adopted with 27 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

Mrs. Thompson moved to indefinitely postpone LB 505.

Laid over.

Messrs. Beutler, Landis, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 652. Title read. Considered.

The Standing Committee amendment, AM0717, printed separately and referred to on page 1045, was considered.

Pending.

LEGISLATIVE BILL 556. Title read. Considered.

MR. COORDSEN PRESIDING

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 729. Title read. Considered.

The Standing Committee amendment, AM0513, found on page 939, was considered.

MR. WICKERSHAM PRESIDING

Ms. Schimek moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 31 not voting.

The Standing Committee amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 28 ayes, 8 nays, 11 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 68. Introduced by Kristensen, 37.

WHEREAS, an estimated 1,100 Nebraskans will be diagnosed with prostate cancer in 1999; and

WHEREAS, an estimated 200 Nebraska men will die of prostate cancer in

1999; and

WHEREAS, prostate cancer is the second leading cause of cancer deaths among men; and

WHEREAS, both the prostate cancer incidence and mortality rates are significantly higher among African American men; and

WHEREAS, the incidence of prostate cancer increases with age; and

WHEREAS, men over fifty years of age are encouraged to have an annual exam; and

WHEREAS, Senator Jerome Warner passed away as a result of prostate cancer on April 20, 1997.

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

1. That April 20, 1999, is designated Prostate Cancer Awareness Day at the State Capitol. It is the intent of the Legislature to highlight the incidence of prostate cancer in Nebraska.

2. That it is the intent of the Legislature to honor Senator Jerome Warner for his long service to the people of Nebraska, and to mourn his death due to prostate cancer.

Laid over.

STANDING COMMITTEE REPORT Education

The Education Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Educational Telecommunications Commission

Dr. William T. Griffin

John Heil

Ann Pickel

J. Paul McIntosh

Randall Bretz

VOTE: Aye: Senators Coordsen, Suttle, Bohlke, Raikes, Brashear, Price, Wickersham, and Stuhr. Nay: None. Absent: None.

(Signed) Ardyce L. Bohlke, Chairperson

AMENDMENTS - Print in Journal

Mrs. Thompson filed the following amendment to LB 652:

AM1238

(Amendments to Standing Committee amendments, AM0717)

- 1 1. On page 3, lines 9 through 12, reinstate the stricken
- 2 matter.

Mrs. Thompson filed the following amendment to LB 652:

AM1239

(Amendments to Standing Committee amendments, AM0717)

- 1 1. On page 4, lines 1 through 12; page 5, lines 19
- 2 through 27; page 6, lines 1 and 2; and page 11, lines 6 through 12,
- 3 strike the new matter and strike the old matter and show as
- 4 stricken.
- 5 2. On page 5, line 12, strike the new matter and
- 6 reinstate the old matter.

ANNOUNCEMENTS

Mr. Cudaback was nominated from District 3 to fill the seat formerly held by Mr. Schellpeper on the Committee on Committees.

Mr. Wickersham announced the Revenue Committee will hold an executive session Wednesday, April 14, 1999, at 8:30 a.m., in Room 2022.

VISITORS

Visitors to the Chamber were 30 fourth grade students and teacher from Friend Public School.

The Doctor of the Day was Dr. Chris Best from Lincoln.

ADJOURNMENT

At 4:13 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, April 14, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-THIRD DAY – APRIL 14, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 14, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Carol Roettmer-Brewer, Aldersgate United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Preister who was excused; and Mmes. Bohlke, Brown, Kiel, Robak, Messrs. Brashear, Bromm, Hilgert, Jones, and Lynch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 99, 386, 386A, and 469.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Dierks and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 58, 27, 31, and 63.

GENERAL FILE

LEGISLATIVE BILL 652. The Standing Committee amendment, AM0717, printed separately and referred to on page 1045 and considered on page 1425, was renewed.

Mrs. Thompson renewed her pending amendment, AM0949, found on page 1351, to the Standing Committee amendment.

Mr. Bruning and Ms. Redfield asked unanimous consent to be excused until their return. No objections. So ordered.

The Thompson amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mrs. Thompson withdrew her amendments, AM1238 and AM1239, found on page 1426.

Mrs. Thompson offered the following amendment to the Standing Committee amendment:

AM1250

(Amendments to Standing Committee amendments, AM0717)

- 1 1. Strike amendments 1 through 3 and insert the
- 2 following new amendments:
- 3 "1. Strike original section 5 of this act and insert the
- 4 following new sections:
- 5 'Sec. 3. Section 43-284, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 43-284. When any juvenile is adjudged to be under
- 8 subdivision (3) or (4) of section 43-247, the court may permit such
- 9 juvenile to remain in his or her own home subject to supervision or
- 10 may make an order committing the juvenile to (1) the care of some
- 11 suitable institution; (2) inpatient or outpatient treatment at a
- 12 mental health facility or mental health program; (3) the care of
- 13 some reputable citizen of good moral character, (4) the care of
- 14 some association willing to receive the juvenile embracing in its
- 15 objects the purpose of caring for or obtaining homes for such
- 16 juveniles; which association shall have been accredited as provided
- 17 in section 43-296; (5) (2) the care of a suitable family, or (6)
- 18 (3) the care and custody of the Department of Health and Human
- 19 Services.
- 20 Under subdivision (1); or (2); (3); (4); or (5) of this
- 21 section, upon a determination by the court that there are no
- 22 parental, private, or other public funds available for the care,

23 custody, education, treatment, and maintenance of a juvenile, the
1 court may order a reasonable sum for the care, custody, education,
2 treatment, and maintenance of the juvenile to be paid out of a fund
3 which shall be appropriated annually by the county where the
4 petition is filed by the Department of Health and Human Services
5 until suitable provisions may be made for the juvenile without such
6 payment. The county shall not be liable for any costs for the
7 care, custody, education, treatment, or maintenance of a juvenile
8 pursuant to this section.

9 The amount to be paid by a county for education pursuant
10 to this section shall not exceed the average cost for education of
11 a public school student in the county in which the juvenile is
12 placed and shall be paid only for education in kindergarten through
13 grade twelve.

14 The court may enter a dispositional order removing a
15 juvenile from his or her home upon a written determination that
16 continuation in the home would be contrary to the health, safety,
17 or welfare of such juvenile and that reasonable efforts to preserve
18 and reunify the family have been made if required under section
19 43-283.01.

20 Sec. 4. Section 43-286, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 43-286. (1) When any juvenile is adjudicated to be a
23 juvenile described in subdivision (1), (2), or (4) of section
24 43-247:

25 (a) The court may continue the dispositional portion of
26 the hearing, from time to time upon such terms and conditions as
27 the court may prescribe, including an order of restitution of any
1 property stolen or damaged or an order requiring the juvenile to
2 participate in community service programs, if such order is in the
3 interest of the juvenile's reformation or rehabilitation, and,
4 subject to the further order of the court, may:

5 (i) Place the juvenile on probation subject to the
6 supervision of a probation officer; or

7 (ii) Permit the juvenile to remain in his or her own
8 home, subject to the supervision of the probation officer; ~~or~~

9 ~~(iii) Cause the juvenile to be placed in a suitable~~
10 ~~family home or institution; subject to the supervision of the~~
11 ~~probation officer. If the court has committed the juvenile to the~~
12 ~~care and custody of the Department of Health and Human Services;~~
13 ~~the department shall pay the costs of the suitable family home or~~
14 ~~institution which are not otherwise paid by the juvenile's parents.~~

15 Under subdivision (1)(a) of this section, upon a
16 determination by the court that there are no parental, private, or
17 other public funds available for the care, custody, and maintenance
18 of a juvenile, the court may order a reasonable sum for the care,
19 custody, and maintenance of the juvenile to be paid out of a fund
20 which shall be appropriated annually by the county where the
21 petition is filed by the Department of Health and Human Services or

22 the Office of Juvenile Services until a suitable provision may be
23 made for the juvenile without such payment. The county shall not
24 be liable for any costs for the care, custody, or maintenance of a
25 juvenile pursuant to this section; or

26 (b) The court may commit such juvenile to the Office of
27 Juvenile Services, but a juvenile under the age of twelve years
1 shall not be placed at the Youth Rehabilitation and Treatment
2 Center-Geneva or the Youth Rehabilitation and Treatment
3 Center-Kearney unless he or she has violated the terms of probation
4 or has committed an additional offense and the court finds that the
5 interests of the juvenile and the welfare of the community demand
6 his or her commitment. This minimum age provision shall not apply
7 if the act in question is murder or manslaughter.

8 (2) When any juvenile is found by the court to be a
9 juvenile described in subdivision (3)(b) of section 43-247, the
10 court may enter such order as it is empowered to enter under
11 subdivision (1)(a) of this section or enter an order committing or
12 placing the juvenile to the care and custody of the Department of
13 Health and Human Services.

14 (3) Beginning July 15, 1998, when any juvenile is
15 adjudicated to be a juvenile described in subdivision (1), (2),
16 (3)(b), or (4) of section 43-247 because of a nonviolent act or
17 acts and the juvenile has not previously been adjudicated to be
18 such a juvenile because of a violent act or acts, the court may,
19 with the agreement of the victim, order the juvenile to attend
20 juvenile offender and victim mediation with a mediator or at an
21 approved center selected from the roster made available pursuant to
22 section 25-2908.

23 (4)(a) When a juvenile is placed on probation or under
24 the supervision of the court and it is alleged that the juvenile is
25 again a juvenile described in subdivision (1), (2), (3)(b), or (4)
26 of section 43-247, a petition may be filed and the same procedure
27 followed and rights given at a hearing on the original petition.
1 If an adjudication is made that the allegations of the petition are
2 true, the court may make any disposition authorized by this section
3 for such adjudications.

4 (b) When a juvenile is placed on probation or under the
5 supervision of the court for conduct under subdivision (1), (2),
6 (3)(b), or (4) of section 43-247 and it is alleged that the
7 juvenile has violated a term of probation or supervision or that
8 the juvenile has violated an order of the court, a motion to revoke
9 probation or supervision or to change the disposition may be filed
10 and proceedings held as follows:

11 (i) The motion shall set forth specific factual
12 allegations of the alleged violations and a copy of such motion
13 shall be served on all persons required to be served by sections
14 43-262 to 43-267;

15 (ii) The juvenile shall be entitled to a hearing before
16 the court to determine the validity of the allegations. At such

17 hearing the juvenile shall be entitled to those rights relating to
18 counsel provided by section 43-272 and those rights relating to
19 detention provided by sections 43-254 to 43-256. The juvenile
20 shall also be entitled to speak and present documents, witnesses,
21 or other evidence on his or her own behalf. He or she may confront
22 persons who have given adverse information concerning the alleged
23 violations, may cross-examine such persons, and may show that he or
24 she did not violate the conditions of his or her probation or, if
25 he or she did, that mitigating circumstances suggest that the
26 violation does not warrant revocation. The revocation hearing
27 shall be held within a reasonable time after the juvenile is taken
1 into custody;

2 (iii) The hearing shall be conducted in an informal
3 manner and shall be flexible enough to consider evidence, including
4 letters, affidavits, and other material, that would not be
5 admissible in an adversarial criminal trial;

6 (iv) The juvenile shall be given a preliminary hearing in
7 all cases when the juvenile is confined, detained, or otherwise
8 significantly deprived of his or her liberty as a result of his or
9 her alleged violation of probation. Such preliminary hearing shall
10 be held before an impartial person other than his or her probation
11 officer or any person directly involved with the case. If as a
12 result of such preliminary hearing probable cause is found to
13 exist, the juvenile shall be entitled to a hearing before the court
14 in accordance with this subsection;

15 (v) If the juvenile is found by the court to have
16 violated the terms of his or her probation, the court may modify
17 the terms and conditions of the probation order, extend the period
18 of probation, or enter any order of disposition that could have
19 been made at the time the original order of probation was entered;
20 and

21 (vi) In cases when the court revokes probation, it shall
22 enter a written statement as to the evidence relied on and the
23 reasons for revocation.

24 Sec. 5. Section 43-290, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 43-290. It is the purpose of this section to promote
27 parental responsibility and to provide for the most equitable use
1 and availability of public money.

2 Pursuant to the petition filed by the county attorney or
3 any reputable person in accordance with section 43-274, whenever
4 the care or custody of a juvenile is given by the court to someone
5 other than his or her parent, which shall include placement with a
6 state agency, or when a juvenile is given medical, psychological,
7 or psychiatric study or treatment under order of the court, the
8 court shall make a determination of support to be paid by a parent
9 for the juvenile at the same proceeding at which placement, study,
10 or treatment is determined or at a separate proceeding. Such
11 proceeding, which may occur prior to, at the same time as, or

12 subsequent to adjudication, shall be in the nature of a disposition
13 hearing.

14 At such proceeding, after summons to the parent of the
15 time and place of hearing served as provided in sections 43-262 to
16 43-267, the court may order and decree that the parent shall pay,
17 in such manner as the court may direct, a reasonable sum that will
18 cover in whole or part the support, study, and treatment of the
19 juvenile, which amount ordered paid shall be the extent of the
20 liability of the parent. The court in making such order shall give
21 due regard to the cost of study, treatment, and maintenance of the
22 juvenile, the ability of the parent to pay, and the availability of
23 money for the support of the juvenile from previous judicial
24 decrees, social security benefits, veterans benefits, or other
25 sources. Support thus received by the court shall be transmitted
26 to the person, agency, or institution having financial
27 responsibility for such study, treatment, or maintenance and, if a
1 state agency or institution, remitted by such state agency or
2 institution quarterly to the Director of Administrative Services
3 for credit to the proper fund.

4 Whenever medical, psychological, or psychiatric study or
5 treatment is ordered by the court, whether or not the juvenile is
6 placed with someone other than his or her parent, or if such study
7 or treatment is otherwise provided as determined necessary by the
8 custodian of the juvenile, the court shall inquire as to the
9 availability of insured or uninsured health care coverage or
10 service plans which include the juvenile. The court may order the
11 parent to pay over any plan benefit sums received on coverage for
12 the juvenile. The payment of any deductible under the health care
13 benefit plan covering the juvenile shall be the responsibility of
14 the parent. If the parent willfully fails or refuses to pay the
15 sum ordered or to pay over any health care plan benefit sums
16 received, the court may proceed against him or her as for contempt,
17 either on the court's own motion or on the motion of the county
18 attorney or authorized attorney as provided in section 43-512, or
19 execution shall issue at the request of any person, agency, or
20 institution treating or maintaining such juvenile. The court may
21 afterwards, because of a change in the circumstances of the
22 parties, revise or alter the order of payment for support, study,
23 or treatment.

24 If the juvenile has been committed to the care and
25 custody of the Department of Health and Human Services, the
26 department shall pay the costs for the support, study, or treatment
27 of the juvenile which are not otherwise paid by the juvenile's
1 parent.

2 If no provision is otherwise made by law for the support
3 or payment for the study or treatment of the juvenile, compensation
4 for the study or support, study, and treatment shall be paid, when
5 approved by an order of the court, by the Department of Health and
6 Human Services or the Office of Juvenile Services. The county

7 shall not be liable for any costs for the support, study, or
8 treatment of a juvenile pursuant to this section. out of a fund
9 which shall be appropriated by the county in which the petition is
10 filed.

11 The juvenile court shall retain jurisdiction over a
12 parent ordered to pay support for the purpose of enforcing such
13 support order for so long as such support remains unpaid but not to
14 exceed ten years from the nineteenth birthday of the youngest child
15 for whom support was ordered.

16 Sec. 7. This act becomes operative January 1, 2000'.

17 2. On page 7, line 13, after 'Original' insert 'sections
18 43-284, 43-286, and 43-290, Reissue Revised Statutes of Nebraska,
19 and.'; and in line 14 strike 'is' and insert 'are'.

20 3. Renumber the remaining sections accordingly."

Pending.

UNANIMOUS CONSENT - Member Excused

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORTS Appropriations

LEGISLATIVE BILL 663. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

Transportation

LEGISLATIVE BILL 794. Placed on General File.

(Signed) Curt Bromm, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 179, 179A, and 608.

Enrollment and Review Change to LB 179

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

ER9046

1. In the E & R amendments, AM7088, on page 1, the matter beginning with "line" in line 6 through "in" in line 8 has been struck; in line 8 "after" has been struck and "strike" inserted and "and" has been inserted after "comma"; and in line 10 "redefine terms; to" has been struck

Enrollment and Review Change to LB 608

The following changes, required to be reported for publication in the Journal, have been made:
ER9045

1. On page 1, line 2, ", 48-621," has been inserted after "48-602"; and in line 3 "to change provisions relating to the use of certain funds;" has been inserted after the semicolon.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 652. Mrs. Thompson withdrew her amendment, AM1250, found in this day's Journal.

Mrs. Thompson offered the following amendment to the Standing Committee amendment:

AM1261

(Amendments to Standing Committee amendments, AM0717)

1. Strike amendments 1 through 3 and insert the following new amendments:

"1. Strike original section 5 of this act and insert the following new sections:

'Sec. 3. Section 43-284, Reissue Revised Statutes of Nebraska, is amended to read:

43-284. When any juvenile is adjudged to be under subdivision (3) or (4) of section 43-247, the court may permit such juvenile to remain in his or her own home subject to supervision or may make an order committing the juvenile to (1) the care of some suitable institution; (2) inpatient or outpatient treatment at a mental health facility or mental health program; (3) the care of some reputable citizen of good moral character, (4) the care of some association willing to receive the juvenile embracing in its objects the purpose of caring for or obtaining homes for such juveniles; which association shall have been accredited as provided in section 43-296; (5) (2) the care of a suitable family, or (6) (3) the care and custody of the Department of Health and Human Services.

Under subdivision (1); or (2); (3); (4); or (5) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, education, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, education, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until suitable provisions may be made for the juvenile without such payment.

The amount to be paid by a county for education pursuant

7 to this section shall not exceed the average cost for education of
8 a public school student in the county in which the juvenile is
9 placed and shall be paid only for education in kindergarten through
10 grade twelve.

11 The court may enter a dispositional order removing a
12 juvenile from his or her home upon a written determination that
13 continuation in the home would be contrary to the health, safety,
14 or welfare of such juvenile and that reasonable efforts to preserve
15 and reunify the family have been made if required under section
16 43-283.01.

17 Sec. 4. Section 43-286, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-286. (1) When any juvenile is adjudicated to be a
20 juvenile described in subdivision (1), (2), or (4) of section
21 43-247:

22 (a) The court may continue the dispositional portion of
23 the hearing, from time to time upon such terms and conditions as
24 the court may prescribe, including an order of restitution of any
25 property stolen or damaged or an order requiring the juvenile to
26 participate in community service programs, if such order is in the
27 interest of the juvenile's reformation or rehabilitation, and,
1 subject to the further order of the court, may:

2 (i) Place the juvenile on probation subject to the
3 supervision of a probation officer; or

4 (ii) Permit the juvenile to remain in his or her own
5 home, subject to the supervision of the probation officer; or

6 ~~(iii) Cause the juvenile to be placed in a suitable~~
7 ~~family home or institution, subject to the supervision of the~~
8 ~~probation officer. If the court has committed the juvenile to the~~
9 ~~care and custody of the Department of Health and Human Services,~~
10 ~~the department shall pay the costs of the suitable family home or~~
11 ~~institution which are not otherwise paid by the juvenile's parents.~~

12 Under subdivision (1)(a) of this section, upon a
13 determination by the court that there are no parental, private, or
14 other public funds available for the care, custody, and maintenance
15 of a juvenile, the court may order a reasonable sum for the care,
16 custody, and maintenance of the juvenile to be paid out of a fund
17 which shall be appropriated annually by the county where the
18 petition is filed until a suitable provision may be made for the
19 juvenile without such payment; or

20 (b) The court may commit such juvenile to the Office of
21 Juvenile Services, but a juvenile under the age of twelve years
22 shall not be placed at the Youth Rehabilitation and Treatment
23 Center-Geneva or the Youth Rehabilitation and Treatment
24 Center-Kearney unless he or she has violated the terms of probation
25 or has committed an additional offense and the court finds that the
26 interests of the juvenile and the welfare of the community demand
27 his or her commitment. This minimum age provision shall not apply
1 if the act in question is murder or manslaughter.

2 (2) When any juvenile is found by the court to be a
3 juvenile described in subdivision (3)(b) of section 43-247, the
4 court may enter such order as it is empowered to enter under
5 subdivision (1)(a) of this section or enter an order committing or
6 placing the juvenile to the care and custody of the Department of
7 Health and Human Services.

8 (3) Beginning July 15, 1998, when any juvenile is
9 adjudicated to be a juvenile described in subdivision (1), (2),
10 (3)(b), or (4) of section 43-247 because of a nonviolent act or
11 acts and the juvenile has not previously been adjudicated to be
12 such a juvenile because of a violent act or acts, the court may,
13 with the agreement of the victim, order the juvenile to attend
14 juvenile offender and victim mediation with a mediator or at an
15 approved center selected from the roster made available pursuant to
16 section 25-2908.

17 (4)(a) When a juvenile is placed on probation or under
18 the supervision of the court and it is alleged that the juvenile is
19 again a juvenile described in subdivision (1), (2), (3)(b), or (4)
20 of section 43-247, a petition may be filed and the same procedure
21 followed and rights given at a hearing on the original petition.
22 If an adjudication is made that the allegations of the petition are
23 true, the court may make any disposition authorized by this section
24 for such adjudications.

25 (b) When a juvenile is placed on probation or under the
26 supervision of the court for conduct under subdivision (1), (2),
27 (3)(b), or (4) of section 43-247 and it is alleged that the
1 juvenile has violated a term of probation or supervision or that
2 the juvenile has violated an order of the court, a motion to revoke
3 probation or supervision or to change the disposition may be filed
4 and proceedings held as follows:

5 (i) The motion shall set forth specific factual
6 allegations of the alleged violations and a copy of such motion
7 shall be served on all persons required to be served by sections
8 43-262 to 43-267;

9 (ii) The juvenile shall be entitled to a hearing before
10 the court to determine the validity of the allegations. At such
11 hearing the juvenile shall be entitled to those rights relating to
12 counsel provided by section 43-272 and those rights relating to
13 detention provided by sections 43-254 to 43-256. The juvenile
14 shall also be entitled to speak and present documents, witnesses,
15 or other evidence on his or her own behalf. He or she may confront
16 persons who have given adverse information concerning the alleged
17 violations, may cross-examine such persons, and may show that he or
18 she did not violate the conditions of his or her probation or, if
19 he or she did, that mitigating circumstances suggest that the
20 violation does not warrant revocation. The revocation hearing
21 shall be held within a reasonable time after the juvenile is taken
22 into custody;

23 (iii) The hearing shall be conducted in an informal

24 manner and shall be flexible enough to consider evidence, including
25 letters, affidavits, and other material, that would not be
26 admissible in an adversarial criminal trial;

27 (iv) The juvenile shall be given a preliminary hearing in
1 all cases when the juvenile is confined, detained, or otherwise
2 significantly deprived of his or her liberty as a result of his or
3 her alleged violation of probation. Such preliminary hearing shall
4 be held before an impartial person other than his or her probation
5 officer or any person directly involved with the case. If as a
6 result of such preliminary hearing probable cause is found to
7 exist, the juvenile shall be entitled to a hearing before the court
8 in accordance with this subsection;

9 (v) If the juvenile is found by the court to have
10 violated the terms of his or her probation, the court may modify
11 the terms and conditions of the probation order, extend the period
12 of probation, or enter any order of disposition that could have
13 been made at the time the original order of probation was entered;
14 and

15 (vi) In cases when the court revokes probation, it shall
16 enter a written statement as to the evidence relied on and the
17 reasons for revocation.

18 Sec. 5. Section 43-290, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-290. It is the purpose of this section to promote
21 parental responsibility and to provide for the most equitable use
22 and availability of public money.

23 Pursuant to the petition filed by the county attorney or
24 any reputable person in accordance with section 43-274, whenever
25 the care or custody of a juvenile is given by the court to someone
26 other than his or her parent, which shall include placement with a
27 state agency, or when a juvenile is given medical, psychological,
1 or psychiatric study or treatment under order of the court, the
2 court shall make a determination of support to be paid by a parent
3 for the juvenile at the same proceeding at which placement, study,
4 or treatment is determined or at a separate proceeding. Such
5 proceeding, which may occur prior to, at the same time as, or
6 subsequent to adjudication, shall be in the nature of a disposition
7 hearing.

8 At such proceeding, after summons to the parent of the
9 time and place of hearing served as provided in sections 43-262 to
10 43-267, the court may order and decree that the parent shall pay,
11 in such manner as the court may direct, a reasonable sum that will
12 cover in whole or part the support, study, and treatment of the
13 juvenile, which amount ordered paid shall be the extent of the
14 liability of the parent. The court in making such order shall give
15 due regard to the cost of study, treatment, and maintenance of the
16 juvenile, the ability of the parent to pay, and the availability of
17 money for the support of the juvenile from previous judicial
18 decrees, social security benefits, veterans benefits, or other

19 sources. Support thus received by the court shall be transmitted
20 to the person, agency, or institution having financial
21 responsibility for such study, treatment, or maintenance and, if a
22 state agency or institution, remitted by such state agency or
23 institution quarterly to the Director of Administrative Services
24 for credit to the proper fund.

25 Whenever medical, psychological, or psychiatric study or
26 treatment is ordered by the court, whether or not the juvenile is
27 placed with someone other than his or her parent, or if such study
1 or treatment is otherwise provided as determined necessary by the
2 custodian of the juvenile, the court shall inquire as to the
3 availability of insured or uninsured health care coverage or
4 service plans which include the juvenile. The court may order the
5 parent to pay over any plan benefit sums received on coverage for
6 the juvenile. The payment of any deductible under the health care
7 benefit plan covering the juvenile shall be the responsibility of
8 the parent. If the parent willfully fails or refuses to pay the
9 sum ordered or to pay over any health care plan benefit sums
10 received, the court may proceed against him or her as for contempt,
11 either on the court's own motion or on the motion of the county
12 attorney or authorized attorney as provided in section 43-512, or
13 execution shall issue at the request of any person, agency, or
14 institution treating or maintaining such juvenile. The court may
15 afterwards, because of a change in the circumstances of the
16 parties, revise or alter the order of payment for support, study,
17 or treatment.

18 If the juvenile has been committed to the care and
19 custody of the Department of Health and Human Services, the
20 department shall pay the costs for the support, study, or treatment
21 of the juvenile which are not otherwise paid by the juvenile's
22 parent.

23 If no provision is otherwise made by law for the support
24 or payment for the study or treatment of the juvenile, compensation
25 for the study or treatment shall be paid, when approved by an order
26 of the court, out of a fund which shall be appropriated by the
27 county in which the petition is filed.

1 The juvenile court shall retain jurisdiction over a
2 parent ordered to pay support for the purpose of enforcing such
3 support order for so long as such support remains unpaid but not to
4 exceed ten years from the nineteenth birthday of the youngest child
5 for whom support was ordered.

6 Sec. 7. This act becomes operative January 1, 2000'.

7 2. On page 7, line 13, after 'Original' insert 'sections
8 43-284, 43-286, and 43-290, Reissue Revised Statutes of Nebraska,
9 and'.'; and in line 14 strike 'is' and insert 'are'.

10 3. Renumber the remaining sections accordingly."

Mrs. Thompson withdrew her amendment.

Mrs. Thompson offered the following amendment to the Standing Committee amendment:

AM1263

(Amendments to Standing Committee amendments, AM0717)

1 1. Strike amendments 1 through 3 and insert the
2 following new amendments:

3 "1. Strike original section 5 of this act and insert the
4 following new sections:

5 'Sec. 3. Section 43-284, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 43-284. When any juvenile is adjudged to be under
8 subdivision (3) or (4) of section 43-247, the court may permit such
9 juvenile to remain in his or her own home subject to supervision or
10 may make an order committing the juvenile to (1) ~~the care of some~~
11 ~~suitable institution; (2) inpatient or outpatient treatment at a~~
12 ~~mental health facility or mental health program; (3) the care of~~
13 ~~some reputable citizen of good moral character; (4) the care of~~
14 ~~some association willing to receive the juvenile embracing in its~~
15 ~~objects the purpose of caring for or obtaining homes for such~~
16 ~~juveniles; which association shall have been accredited as provided~~
17 ~~in section 43-296; (5) (2) the care of a suitable family, or (6)~~
18 ~~(3) the care and custody of the Department of Health and Human~~
19 ~~Services.~~

20 Under subdivision (1); (2); (3); (4); or (5) of this
21 section; upon a determination by the court that there are no
22 parental; private; or other public funds available for the care;
23 custody; education; and maintenance of a juvenile; the court may
1 order a reasonable sum for the care; eustody; education; and
2 maintenance of the juvenile to be paid out of a fund which shall be
3 appropriated annually by the county where the petition is filed
4 until suitable provisions may be made for the juvenile without such
5 payment.

6 The amount to be paid by a county for education pursuant
7 to this section shall not exceed the average cost for education of
8 a public school student in the county in which the juvenile is
9 placed and shall be paid only for education in kindergarten through
10 grade twelve.

11 The court may enter a dispositional order removing a
12 juvenile from his or her home upon a written determination that
13 continuation in the home would be contrary to the health, safety,
14 or welfare of such juvenile and that reasonable efforts to preserve
15 and reunify the family have been made if required under section
16 43-283.01.

17 Sec. 4. Section 43-286, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-286. (1) When any juvenile is adjudicated to be a
20 juvenile described in subdivision (1), (2), or (4) of section
21 43-247:

22 (a) The court may continue the dispositional portion of

23 the hearing, from time to time upon such terms and conditions as
24 the court may prescribe, including an order of restitution of any
25 property stolen or damaged or an order requiring the juvenile to
26 participate in community service programs, if such order is in the
27 interest of the juvenile's reformation or rehabilitation, and,

1 subject to the further order of the court, may:

2 (i) Place the juvenile on probation subject to the
3 supervision of a probation officer; or

4 (ii) Permit the juvenile to remain in his or her own
5 home, subject to the supervision of the probation officer; or

6 (iii) ~~Cause the juvenile to be placed in a suitable~~
7 ~~family home or institution, subject to the supervision of the~~
8 ~~probation officer. If the court has committed the juvenile to the~~
9 ~~care and custody of the Department of Health and Human Services;~~
10 ~~the department shall pay the costs of the suitable family home or~~
11 ~~institution which are not otherwise paid by the juvenile's parents.~~

12 Under subdivision (1)(a) of this section, upon a
13 determination by the court that there are no parental, private, or
14 other public funds available for the care, custody, and maintenance
15 of a juvenile, the court may order a reasonable sum for the care,
16 custody, and maintenance of the juvenile to be paid out of a fund
17 which shall be appropriated annually by the county where the
18 petition is filed until a suitable provision may be made for the
19 juvenile without such payment; or

20 (b) The court may commit such juvenile to the Office of
21 Juvenile Services, but a juvenile under the age of twelve years
22 shall not be placed at the Youth Rehabilitation and Treatment
23 Center-Geneva or the Youth Rehabilitation and Treatment
24 Center-Kearney unless he or she has violated the terms of probation
25 or has committed an additional offense and the court finds that the
26 interests of the juvenile and the welfare of the community demand
27 his or her commitment. This minimum age provision shall not apply
1 if the act in question is murder or manslaughter.

2 (2) When any juvenile is found by the court to be a
3 juvenile described in subdivision (3)(b) of section 43-247, the
4 court may enter such order as it is empowered to enter under
5 subdivision (1)(a) of this section or enter an order committing or
6 placing the juvenile to the care and custody of the Department of
7 Health and Human Services.

8 (3) Beginning July 15, 1998, when any juvenile is
9 adjudicated to be a juvenile described in subdivision (1), (2),
10 (3)(b), or (4) of section 43-247 because of a nonviolent act or
11 acts and the juvenile has not previously been adjudicated to be
12 such a juvenile because of a violent act or acts, the court may,
13 with the agreement of the victim, order the juvenile to attend
14 juvenile offender and victim mediation with a mediator or at an
15 approved center selected from the roster made available pursuant to
16 section 25-2908.

17 (4)(a) When a juvenile is placed on probation or under

18 the supervision of the court and it is alleged that the juvenile is
19 again a juvenile described in subdivision (1), (2), (3)(b), or (4)
20 of section 43-247, a petition may be filed and the same procedure
21 followed and rights given at a hearing on the original petition.
22 If an adjudication is made that the allegations of the petition are
23 true, the court may make any disposition authorized by this section
24 for such adjudications.

25 (b) When a juvenile is placed on probation or under the
26 supervision of the court for conduct under subdivision (1), (2),
27 (3)(b), or (4) of section 43-247 and it is alleged that the
1 juvenile has violated a term of probation or supervision or that
2 the juvenile has violated an order of the court, a motion to revoke
3 probation or supervision or to change the disposition may be filed
4 and proceedings held as follows:

5 (i) The motion shall set forth specific factual
6 allegations of the alleged violations and a copy of such motion
7 shall be served on all persons required to be served by sections
8 43-262 to 43-267;

9 (ii) The juvenile shall be entitled to a hearing before
10 the court to determine the validity of the allegations. At such
11 hearing the juvenile shall be entitled to those rights relating to
12 counsel provided by section 43-272 and those rights relating to
13 detention provided by sections 43-254 to 43-256. The juvenile
14 shall also be entitled to speak and present documents, witnesses,
15 or other evidence on his or her own behalf. He or she may confront
16 persons who have given adverse information concerning the alleged
17 violations, may cross-examine such persons, and may show that he or
18 she did not violate the conditions of his or her probation or, if
19 he or she did, that mitigating circumstances suggest that the
20 violation does not warrant revocation. The revocation hearing
21 shall be held within a reasonable time after the juvenile is taken
22 into custody;

23 (iii) The hearing shall be conducted in an informal
24 manner and shall be flexible enough to consider evidence, including
25 letters, affidavits, and other material, that would not be
26 admissible in an adversarial criminal trial;

27 (iv) The juvenile shall be given a preliminary hearing in
1 all cases when the juvenile is confined, detained, or otherwise
2 significantly deprived of his or her liberty as a result of his or
3 her alleged violation of probation. Such preliminary hearing shall
4 be held before an impartial person other than his or her probation
5 officer or any person directly involved with the case. If as a
6 result of such preliminary hearing probable cause is found to
7 exist, the juvenile shall be entitled to a hearing before the court
8 in accordance with this subsection;

9 (v) If the juvenile is found by the court to have
10 violated the terms of his or her probation, the court may modify
11 the terms and conditions of the probation order, extend the period
12 of probation, or enter any order of disposition that could have

13 been made at the time the original order of probation was entered;
14 and

15 (vi) In cases when the court revokes probation, it shall
16 enter a written statement as to the evidence relied on and the
17 reasons for revocation.

18 Sec. 5. Section 43-290, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-290. It is the purpose of this section to promote
21 parental responsibility and to provide for the most equitable use
22 and availability of public money.

23 Pursuant to the petition filed by the county attorney or
24 any reputable person in accordance with section 43-274, whenever
25 the care or custody of a juvenile is given by the court to someone
26 other than his or her parent, which shall include placement with a
27 state agency, or when a juvenile is given medical, psychological,
1 or psychiatric study or treatment under order of the court, the
2 court shall make a determination of support to be paid by a parent
3 for the juvenile at the same proceeding at which placement, study,
4 or treatment is determined or at a separate proceeding. Such
5 proceeding, which may occur prior to, at the same time as, or
6 subsequent to adjudication, shall be in the nature of a disposition
7 hearing.

8 At such proceeding, after summons to the parent of the
9 time and place of hearing served as provided in sections 43-262 to
10 43-267, the court may order and decree that the parent shall pay,
11 in such manner as the court may direct, a reasonable sum that will
12 cover in whole or part the support, study, and treatment of the
13 juvenile, which amount ordered paid shall be the extent of the
14 liability of the parent. The court in making such order shall give
15 due regard to the cost of study, treatment, and maintenance of the
16 juvenile, the ability of the parent to pay, and the availability of
17 money for the support of the juvenile from previous judicial
18 decrees, social security benefits, veterans benefits, or other
19 sources. Support thus received by the court shall be transmitted
20 to the person, agency, or institution having financial
21 responsibility for such study, treatment, or maintenance and, if a
22 state agency or institution, remitted by such state agency or
23 institution quarterly to the Director of Administrative Services
24 for credit to the proper fund.

25 Whenever medical, psychological, or psychiatric study or
26 treatment is ordered by the court, whether or not the juvenile is
27 placed with someone other than his or her parent, or if such study
1 or treatment is otherwise provided as determined necessary by the
2 custodian of the juvenile, the court shall inquire as to the
3 availability of insured or uninsured health care coverage or
4 service plans which include the juvenile. The court may order the
5 parent to pay over any plan benefit sums received on coverage for
6 the juvenile. The payment of any deductible under the health care
7 benefit plan covering the juvenile shall be the responsibility of

8 the parent. If the parent willfully fails or refuses to pay the
9 sum ordered or to pay over any health care plan benefit sums
10 received, the court may proceed against him or her as for contempt,
11 either on the court's own motion or on the motion of the county
12 attorney or authorized attorney as provided in section 43-512, or
13 execution shall issue at the request of any person, agency, or
14 institution treating or maintaining such juvenile. The court may
15 afterwards, because of a change in the circumstances of the
16 parties, revise or alter the order of payment for support, study,
17 or treatment.

18 If the juvenile has been committed to the care and
19 custody of the Department of Health and Human Services, the
20 department shall pay the costs for the support, study, or treatment
21 of the juvenile which are not otherwise paid by the juvenile's
22 parent.

23 If no provision is otherwise made by law for the support
24 or payment for the study or treatment of the juvenile, compensation
25 for the study or treatment shall be paid, when approved by an order
26 of the court, out of a fund which shall be appropriated by the
27 county in which the petition is filed.

1 The juvenile court shall retain jurisdiction over a
2 parent ordered to pay support for the purpose of enforcing such
3 support order for so long as such support remains unpaid but not to
4 exceed ten years from the nineteenth birthday of the youngest child
5 for whom support was ordered.

6 Sec. 7. This act becomes operative January 1, 2000.'.

7 2. On page 7, line 13, after 'Original' insert 'sections
8 43-284, 43-286, and 43-290, Reissue Revised Statutes of Nebraska,
9 and'.; and in line 14 strike 'is' and insert 'are'.

10 3. Renumber the remaining sections accordingly."

Ms. Redfield and Mr. Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Thompson asked unanimous consent to bracket LB 652 until April 20, 1999. No objections. So ordered.

LEGISLATIVE BILL 299. Title read. Considered.

Pending.

VISITORS

Visitors to the Chamber were 25 students and teacher from Beatrice High School; Amy and Duane Gangwish from Wayne and Greg and Leland Gangwish from Kearney; 35 tenth, eleventh, and twelfth grade students and teacher from South High School, Omaha; 18 fourth grade students and teacher from Wildwood Elementary School, Ralston; 7 fourth grade students and teacher from Northern Hills Elementary School, Norfolk; and 37 fourth

grade students and teachers from Meadows Elementary School, Ralston.

RECESS

At 11:55 a.m., on a motion by Mr. Brashear, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Preister who was excused; and Messrs. Beutler, Byars, Dierks, Engel, Landis, Lynch, Tyson, Mmes. Bohlke, Brown, Kiel, and Robak who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Ms. Price asked unanimous consent to be excused until she returns. No objections. So ordered.

AMENDMENT - Print in Journal

Mr. Janssen filed the following amendment to LB 267:

AM1073

- 1 1. On page 23, line 20, after "petition" insert ", who
- 2 accepts money for signing such proposal or petition."
- 3 2. On page 27, line 27; and page 28, line 1, strike
- 4 "incorporated".
- 5 3. On page 28, line 7; and page 33, lines 4 and 9,
- 6 strike "thirty" and insert "forty-five".
- 7 4. On page 33, strike beginning with "had" in line 21
- 8 through "53-1,115" in line 22 and insert "in the following manner:
- 9 Notice indicating the time and place of such hearing shall be
- 10 mailed to the applicant, the local governing body, and each
- 11 individual protesting a license pursuant to subdivision (1)(b) of
- 12 this section, by certified mail, return receipt requested, at least
- 13 fifteen days prior to such hearing. The notice shall state that
- 14 the commission will receive evidence for the purpose of determining
- 15 whether to approve or deny the application. Mailing to the
- 16 attorney of record of a party shall be deemed to fulfill the
- 17 purposes of this section. The commission may receive evidence,
- 18 including testimony and documentary evidence, and may hear and
- 19 question witnesses concerning the application."
- 20 5. On page 40, strike beginning with "as" in line 24
- 21 through "53-1,116" in line 25 and insert "within thirty days after
- 22 the date of the order by filing a notice of appeal with the

23 commission. The commission shall handle the appeal in the manner
24 provided for hearing on an application in section 53-133."

1 6. On page 41, line 11, strike "twenty-one" and insert
2 "forty-five".

3 7. On page 44, strike beginning with "Any" in line 17
4 through line 20.

5 8. On page 46, line 13, after "Any" insert "order or";
6 and in line 17 after "appealed" insert ", and the appeal shall be
7 in accordance with the Administrative Procedure Act.".

STANDING COMMITTEE REPORT

Transportation

LEGISLATIVE BILL 829. Placed on General File as amended.

Standing Committee amendment to LB 829:

AM1240

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Sections 1 to 13 of this act shall be known
4 and may be cited as the Nebraska Transit and Rail Advisory Council
5 Act.

6 Sec. 2. (1) The Legislature finds that:

7 (a) Access to timely and efficient modes of passenger
8 transportation is necessary for Nebraska's travelers, visitors, and
9 day-to-day commuters; to the quality of life in the state; and to
10 the economy of the state;

11 (b) Technological advances in passenger transportation
12 can significantly and positively affect the ability of the state to
13 attract and provide efficient services for domestic and
14 international businesses and tourists and thus significantly affect
15 the revenue of the state;

16 (c) The development and utilization of a properly
17 designed, constructed, and financed passenger rail, high-speed
18 rail, or other passenger surface transportation systems can act as
19 a catalyst for economic growth and development; alleviate
20 traffic-congested commutes for day-to-day commuters; create new
21 employment opportunities; create a safer transportation
22 alternative; serve as a positive growth management system for
23 building a better and more environmentally secure state; and
24 promote the health, safety, and welfare of the citizens of the
1 state;

2 (d) Joint development between the public and private
3 sectors may be necessary in the planning, financing, management,
4 operation, and construction mechanism to ensure the continued
5 future development of an efficient and economically viable
6 passenger rail, high-speed rail, or other passenger surface
7 transportation system in this state; and

8 (e) Transportation benefits include improved travel times
9 and more reliable travel, hence increased productivity.

10 (2) The Legislature hereby declares that creation,
11 improvement, and operation of passenger rail, high-speed rail, and
12 other passenger surface transportation systems and the construction
13 of rail and transit facilities in Nebraska through the
14 encouragement of private investments and the use of federal and
15 state funds is a public purpose and use for which public money may
16 be borrowed, expended, advanced, loaned, or granted. Such activity
17 can best be accomplished by the creation of a Nebraska Transit and
18 Rail Advisory Council, N-TRAC.

19 Sec. 3. For purposes of the Nebraska Transit and Rail
20 Advisory Council Act:

21 (1) Department means the Department of Roads;

22 (2) High-speed rail means any high-speed fixed-guideway
23 transportation system for transporting people or goods, which
24 system is capable of operating at speeds in excess of one hundred
25 ten miles per hour, including a monorail system, dual track rail
26 system, suspended rail system, magnetic levitation system, or
27 pneumatic repulsion system. The term includes a corridor and

1 structures essential to the operation of the system, including the
2 land, structures, improvements, rolling stock, rights-of-way,
3 easements, rail lines, rail beds, guideway structures, stations,
4 platforms, switches, yards, terminals, parking lots, power relays,
5 switching houses, transit station, associated development, and any
6 other facilities or equipment used or useful for the purposes of
7 high-speed rail transportation construction, operation, or
8 maintenance or the financing of high-speed rail transportation;

9 (3) Joint development means the planning, managing,
10 financing, operating, or constructing of projects adjacent to, or
11 physically related, functionally related, or otherwise related to a
12 passenger rail, high-speed rail, or other passenger surface
13 transportation system in order to effect the policy and purposes of
14 these sections pursuant to agreements between any person, firm,
15 corporation, association, organization, agency, or other entity,
16 public or private;

17 (4) Passenger rail means any fixed-guideway
18 transportation system for transporting people or goods which
19 operates at speeds below one hundred ten miles per hour. The term
20 includes a corridor and structures essential to the operation of
21 the system, including the land, structures, improvements, rolling
22 stock, rights-of-way, easements, rail lines, rail beds, guideway
23 structures, stations, platforms, switches, yards, terminals,
24 parking lots, power relays, switching houses, transit station,
25 associated development, and any other facilities or equipment used
26 or useful for the purposes of passenger rail transportation
27 construction, operation, or maintenance or the financing of
1 passenger rail transportation;

2 (5) Right-of-way means land necessary for the
3 construction, operation, and maintenance of passenger rail,
4 high-speed rail, or other transportation system;

5 (6) Terminus means the transit station serving the
6 service area at the end of a passenger rail, high-speed rail, or
7 other passenger surface transportation system;

8 (7) Transit station or station means any structure or
9 transportation facility that is primarily used, as part of a
10 passenger rail, high-speed rail, or other passenger surface
11 transportation system, for the purpose of loading, unloading, or
12 transferring passengers or accommodating the movement of passengers
13 from one mode of transportation to another; and

14 (8) Associated development means property, equipment, or
15 buildings which are built, installed, or established to provide
16 financing, funding, or revenue for the planning, constructing,
17 managing, and operating of a high-speed rail transportation system
18 and which are directly associated with transit stations. The term
19 includes property necessary for joint development.

20 Sec. 4. (1) The Nebraska Transit and Rail Advisory
21 Council is created. The council shall consist of eleven members to
22 be appointed by the Governor with the approval of a majority of the
23 Legislature as follows:

24 (a) The Director-State Engineer or his or her designee;

25 (b) One public service commissioner;

26 (c) Two members of the general public with demonstrated
27 knowledge of passenger rail, high-speed rail, and other passenger
1 surface transportation systems;

2 (d) Two representatives of private railroads;

3 (e) One representative from the Department of Economic
4 Development; and

5 (f) Four representatives of local government.

6 (2) The Governor shall appoint the council to serve until
7 the termination of the Nebraska Transit and Rail Advisory Council
8 Act.

9 (3) The council members shall have an interest in or
10 knowledge of passenger rail, high-speed rail, or other passenger
11 surface transportation systems. A council member shall abstain
12 from voting on any decision or policy of the council if the
13 decision or policy will result in any financial benefit or
14 detriment to him or her, any member of his or her family, or any
15 business with which he or she is associated and the benefit or
16 detriment is distinguishable from the effects of the actions on the
17 public generally or a broad segment of the public.

18 (4) The Department of Roads shall assist with
19 administrative and operational support for the Nebraska Transit and
20 Rail Advisory Council.

21 (5) Members of the council who are not employed by the
22 State of Nebraska shall be reimbursed for their actual and
23 necessary expenses as provided in sections 81-1174 to 81-1177.

24 (6) A majority of the council members constitutes a
25 quorum for the transaction of business, and all decisions of the
26 council shall be approved by at least a majority of members

27 present.

1 Sec. 5. The council may do all things necessary to
2 implement the Nebraska Transit and Rail Advisory Council Act,
3 including, but not limited to:

4 (1) Collecting, administering, and expending funds;

5 (2) Conducting or authorizing feasibility studies or any
6 other studies deemed necessary or required under the act; and

7 (3) Adopting and promulgating rules and regulations to
8 carry out the act.

9 Sec. 6. Trade secrets and other proprietary or
10 commercial information which may be filed pursuant to the Nebraska
11 Transit and Rail Advisory Council Act shall not be considered
12 public records as defined in section 84-712.01 if the release of
13 such trade secrets or information would give advantage to business
14 competitors and serve no public purpose. Any person seeking
15 release of the trade secrets or information as a public record
16 shall demonstrate to the satisfaction of the council that the
17 release would not violate this section.

18 Sec. 7. The department shall:

19 (1) Conduct research, prepare, and review plans and
20 specifications for any project to be proposed to the council;

21 (2) Conduct studies, including feasibility studies, and
22 investigations and act in an advisory capacity to the council in
23 the establishment of broad policies for carrying out the Nebraska
24 Transit and Rail Advisory Council Act;

25 (3) Hold hearings, make investigations, studies, and
26 inspections and do all other things necessary to implement the act;

27 (4) Furnish necessary assistance to the council in making
1 its inspection and study of any proposed project or feasibility
2 study;

3 (5) Make data and information of the department available
4 to the council; and

5 (6) Adopt and promulgate rules and regulations necessary
6 for the department to carry out its duties under the act.

7 Sec. 8. (1) The Nebraska Transit and Rail Advisory
8 Council Cash Fund is created. The fund shall be used by the
9 council to carry out its responsibilities under the Nebraska
10 Transit and Rail Advisory Council Act. The fund may be used to
11 defray the expenses of the council.

12 (2) The State Treasurer shall credit to the fund any
13 money (a) appropriated to the fund by the Legislature, (b) donated
14 as gifts, bequests, grants, or other contributions to the fund from
15 public or private sources, and (c) received pursuant to the act.
16 Money made available by any department or agency of the United
17 States may also be credited to the fund if so directed by the
18 Director-State Engineer or may be credited to the Nebraska Transit
19 and Rail Advisory Council Revolving Fund pursuant to the act. Any
20 money in the Nebraska Transit and Rail Advisory Council Cash Fund
21 available for investment shall be invested by the state investment

22 officer pursuant to the Nebraska Capital Expansion Act and the
23 Nebraska State Funds Investment Act.

24 Sec. 9. The Nebraska Transit and Rail Advisory Council
25 Revolving Fund is created. The fund shall be used by the council
26 to carry out its responsibilities under the Nebraska Transit and
27 Rail Advisory Council Act. The revolving fund shall consist of any
1 money credited to the revolving fund pursuant to the act and other
2 funds as the council may designate. Any money in the fund
3 available for investment shall be invested by the state investment
4 officer pursuant to the Nebraska Capital Expansion Act and the
5 Nebraska State Funds Investment Act.

6 Sec. 10. The department and the Nebraska Transit and
7 Rail Advisory Council may expend the federal funds which are or may
8 become available for feasibility studies, construction, operation,
9 capital expenditures, or program administration for any passenger
10 rail, high-speed rail, or other passenger surface transportation
11 systems projects allowable under federal law.

12 Sec. 11. The council may accept gifts, donations, money,
13 and services, including in-kind resources, for any purpose
14 allowable under the Nebraska Transit and Rail Advisory Council Act.

15 Sec. 12. The Nebraska Transit and Rail Advisory Council,
16 with the assistance of the department, shall, not later than
17 January 1, 2002, complete a study on the feasibility and projected
18 costs of constructing a passenger rail, high-speed rail, or other
19 passenger surface transportation system, with particular attention
20 paid to the feasibility of other passenger surface transportation
21 systems on a statewide basis, and report its findings to the
22 Transportation Committee of the Legislature. Such report shall
23 include suggested legislation necessary to implement the
24 feasibility options included within the study for a passenger rail,
25 high-speed rail, or other passenger surface transportation system.

26 Sec. 13. The department and the Nebraska Transit and
27 Rail Advisory Council shall take all reasonable steps necessary to
1 secure private or federal funding of the feasibility study required
2 by section 13 of this act before requesting appropriations from the
3 Legislature to fund the feasibility study.

4 Sec. 14. The Nebraska Transit and Rail Advisory Council
5 Act terminates on June 30, 2003."

(Signed) Curt Bromm, Chairperson

GENERAL FILE

LEGISLATIVE BILL 299. Mr. Chambers moved to indefinitely postpone.

MS. SCHIMEK PRESIDING

Messrs. Cudaback, Kristensen, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to indefinitely postpone.

Messrs. Brashear, Chambers, and Mrs. C. Peterson offered the following amendment:

AM1269

- 1 1. On page 6, line 10, strike "IB" and insert "IC"; in
- 2 line 13 strike "IC" and insert "ID"; in line 14 strike "One ounce"
- 3 and insert "Three and one-half ounces"; and in line 15 strike "ID"
- 4 and insert "II".

The Brashear et al. amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 539. Title read. Considered.

The Standing Committee amendment, AM0427, found on page 658, was considered.

Mr. Wickersham withdrew his amendment, AM0488, found on page 706.

Mrs. Bohlke renewed her pending amendment, AM1114, found on page 1350, to the Standing Committee amendment.

The Bohlke amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 674 and 674A.

Enrollment and Review Change to LB 674

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

ER9048

1. In the E & R amendments, AM7089, on page 1, line 11, "to provide operative dates;" has been inserted after the first semicolon.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 652:
AM1265

- 1 1. Strike original sections 3 and 4.
- 2 2. On page 3, strike beginning with "The" in line 16
- 3 through the period in line 17.
- 4 3. Renumber the remaining section accordingly.

Mrs. C. Peterson filed the following amendment to LB 704:
AM1254

(Amendments to E & R amendments, AM7096)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 60-302, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-302. (1) No motor vehicle, trailer, semitrailer, or
- 5 cabin trailer, unless otherwise expressly provided, shall be
- 6 operated or parked on the highways of this state unless the vehicle
- 7 is registered in accordance with Chapter 60, article 3. There
- 8 shall be a rebuttable presumption that any vehicle stored and kept
- 9 more than thirty days in the state is being operated or parked on
- 10 the highways of this state and shall be registered in accordance
- 11 with Chapter 60, article 3, from the date of title of the motor
- 12 vehicle or, if no transfer in ownership of the motor vehicle has
- 13 occurred, from the expiration of the last registration period for
- 14 which the motor vehicle was registered. Every owner of a vehicle
- 15 required to be registered shall make application for registration
- 16 to the county treasurer of the county in which the vehicle has
- 17 situs as defined in section 60-3001. The application shall be a
- 18 copy of a certificate of title or, in the case of a renewal of a
- 19 registration, the application shall be the previous registration
- 20 period's certificate. A salvage certificate of title as defined in
- 21 section 60-129 and a nontransferable certificate of title provided
- 22 for in section 60-131 shall not be valid for registration purposes.
- 23 (2) An application for registration of a motor vehicle
- 1 shall be accompanied by proof of financial responsibility or
- 2 evidence of insurance covering the motor vehicle. Proof of
- 3 financial responsibility shall be evidenced by a copy of proof of
- 4 financial responsibility filed pursuant to subdivision (2), (3), or
- 5 (4) of section 60-528 bearing the seal of the Department of Motor
- 6 Vehicles. Evidence of insurance shall give the effective dates of
- 7 the automobile liability policy, which dates shall be evidence that
- 8 the coverage is in effect on and following the date of
- 9 registration, and shall designate, by explicit description or by
- 10 appropriate reference, all motor vehicles covered. Evidence of
- 11 insurance in the form of a certificate of insurance for fleet
- 12 vehicles may include, as an appropriate reference, a designation
- 13 that the insurance coverage is applicable to all vehicles owned by
- 14 the named insured, or wording of similar effect, in lieu of an

15 explicit description.

16 (3) Any nonresident owner who desires to register a
17 vehicle or vehicles in this state shall register in the county
18 where the vehicle is domiciled or where the owner conducts a bona
19 fide business.

20 (4) Each new application shall contain, in addition to
21 other information as may be required by the department, the name
22 and post office address of the applicant and a description of the
23 vehicle, including the color, the manufacturer, the identification
24 number, and the weight of the vehicle required by Chapter 60,
25 article 3. With the application the applicant shall pay the proper
26 registration fee as provided in sections 60-305.08 to 60-339 and
27 shall state whether the vehicle is propelled by alternative fuel as
1 defined in section 66-686 and, if alternative fuel, the type of
2 fuel. The form shall also contain a notice that bulk fuel
3 purchasers may be subject to federal excise tax liability. The
4 department shall prescribe a form, containing the notice, for
5 supplying the information for vehicles to be registered. The
6 county treasurer shall include the form in each mailing made
7 pursuant to section 60-3003. The county treasurer or his or her
8 agent shall notify the Motor Fuel Tax Enforcement and Collection
9 Division of the Department of Revenue whenever a vehicle powered by
10 an alternative fuel as defined in section 66-686 is registered.
11 The notification shall include the name and address of the
12 registrant, the date of registration, the type of motor vehicle
13 registered, and the type of alternative fuel used to propel the
14 vehicle as indicated on the registration application.

15 (5) The county treasurer or his or her agent shall
16 collect, in addition to the registration fees, one dollar and fifty
17 cents for each certificate issued and shall remit one dollar and
18 fifty cents of each additional fee collected to the State Treasurer
19 for credit to the Department of Motor Vehicles Cash Fund.

20 (6) The county treasurer or his or her agent shall
21 collect, in addition to other registration fees, one dollar and
22 fifty cents for each certificate issued and shall remit the fee to
23 the State Treasurer for credit to the State Recreation Road Fund.

24 (7) If a citation is issued to an owner or operator of a
25 vehicle for a violation of this section and the owner properly
26 registers and licenses the vehicle not in compliance and pays all
27 taxes and fees due and the owner or operator provides proof of such
1 registration to the prosecuting attorney within ten days after the
2 issuance of the citation, no prosecution for the offense cited
3 shall occur.

4 (8) If a county board consolidates services under the
5 office of a designated county official other than the county
6 treasurer pursuant to section 23-186, the powers and duties of the
7 county treasurer relating to registration under sections 60-301 to
8 60-347 shall be performed by the designated county official.

9 (9) A county treasurer or county official or his or her

10 agent may accept credit cards, charge cards, or debit cards as a
11 means of payment for registration pursuant to section 13-609.

12 Sec. 32. Section 60-529, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 60-529. Proof of financial responsibility may be
15 furnished by filing with the department the written certificate of
16 any insurance carrier, duly authorized to do business in this
17 state, certifying that there is in effect a motor vehicle liability
18 policy for the benefit of the person required to furnish proof of
19 financial responsibility. Such certificate shall give the
20 effective date of such motor vehicle liability policy, which date
21 shall be the same as the effective date of the certificate, and
22 designate, by explicit description or by appropriate reference, all
23 motor vehicles covered thereby, unless the policy is issued to a
24 person who is not the owner of a motor vehicle. A certificate of
25 insurance for fleet vehicles may include, as an appropriate
26 reference, a designation that the insurance coverage is applicable
27 to all vehicles owned by the named insured, or wording of similar
1 effect, in lieu of an explicit description.

2 Sec. 33. Section 60-534, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-534. Such motor vehicle liability policy: shall (1)
5 ~~shall~~ designate by explicit description or by appropriate reference
6 all motor vehicles with respect to which coverage is thereby to be
7 granted; and (2) ~~shall~~ insure the person named therein and any
8 other person, as insured, using any such motor vehicle or motor
9 vehicles with the express or implied permission of such named
10 insured, against loss from the liability imposed by law for damages
11 arising out of the ownership, maintenance, or use of such motor
12 vehicle or motor vehicles within the United States of America or
13 the Dominion of Canada, subject to limits exclusive of interest and
14 costs, with respect to each such motor vehicle as follows:
15 Twenty-five thousand dollars because of bodily injury to or death
16 of one person in any one accident and, subject to ~~said~~ such limit
17 for one person, fifty thousand dollars because of bodily injury to
18 or death of two or more persons in any one accident, and
19 twenty-five thousand dollars because of injury to or destruction of
20 property of others in any one accident."

21 2. On page 54, line 13, after "sections" insert
22 "60-302,"; and in line 18 before "and" insert "60-529, 60-534,".

23 3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Director, Department of Environmental Quality
Michael J. Linder

VOTE: Aye: Senators Bohlke, Bromm, Bruning, Hudkins, Jones, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 791. Title read. Considered.

The Standing Committee amendment, AM0754, found on page 1114, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA99

Amend AM0754

P. 1, line 20, strike "at least" and insert "no more than"

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Bromm, Dw. Pedersen, Wickersham, Wehrbein, Hilgert, Mmes. Bohlke, and Kiel asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 26 not voting.

The Chambers amendment was adopted with 27 ayes, 6 nays, 7 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 835A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 314:
AM1259

(Amendments to E & R amendments, AM7084)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. The Hardship Fund is created. Money in the
4 fund shall be distributed to school districts pursuant to section 2
5 of this act. The fund shall consist of funds appropriated by the
6 Legislature and funds repaid and interest paid by districts as
7 required by section 2 of this act. Any money in the fund available
8 for investment shall be invested by the state investment officer
9 pursuant to the Nebraska Capital Expansion Act and the Nebraska
10 State Funds Investment Act.

11 Sec. 2. (1) A school district may apply to the
12 Commissioner of Education for money from the Hardship Fund if one
13 or more unexpected discrete occurrences cause the district
14 financial distress. Such occurrences are limited to:

15 (a) One or more new special education students or one or
16 more new disabling conditions of a special education student
17 causing special education expenditures to increase by at least ten
18 percent over the prior school fiscal year's special education
19 expenditures, but not less than three times the cost grouping cost
20 per student in the standard cost grouping for the current school
21 fiscal year;

22 (b) The opening of a group home causing expenditures to
23 increase by at least ten percent over the prior school fiscal
1 year's special education expenditures but not less than three times
2 the cost grouping cost per student in the standard cost grouping
3 for the current school fiscal year;

4 (c) Clerical errors by public officials, other than any
5 person employed by or serving on the school board of the requesting
6 district, that are affecting the funding available to the district;
7 and

8 (d) The final calculation of state aid pursuant to
9 section 79-1065 causes a negative adjustment reducing the aid
10 originally calculated for the district by fifty percent or more.

11 (2) To qualify for money from the fund, a district shall
12 have:

13 (a) Budgeted reserves equal to at least ninety-eight
14 percent of the applicable allowable reserves authorized pursuant to
15 section 79-1027 for that district for the most recent budget prior
16 to the district becoming aware of the unexpected occurrence. Any
17 budget amendments filed pursuant to section 13-511 after the
18 district becomes aware of the unexpected occurrence will not be
19 considered when determining if a district qualifies for money from
20 the fund; and

21 (b) A current combined levy equal to or greater than

22 ninety-five percent of the maximum levy authorized pursuant to
23 section 77-3442 for all general and special levies subject to the
24 limitation.

25 (3) The commissioner shall provide application forms to
26 requesting districts which shall not be longer than one page. The
27 forms shall require (a) the name and county district number of the
1 school district, (b) a description of the unexpected discreet
2 occurrence, (c) the estimated cost of the unexpected discreet
3 occurrence for the affected school fiscal year, (d) the applicable
4 allowable reserves authorized pursuant to section 79-1027 for the
5 most recent budget prior to the district becoming aware of the
6 unexpected discreet occurrence, (e) budgeted reserves pursuant to
7 section 79-1027 for the most recent budget prior to the district
8 becoming aware of the unexpected discreet occurrence, (f) the
9 current combined levy for all general and special levies subject to
10 limitation pursuant to section 77-3442, and (g) the name and
11 address of at least one financial institution utilized by the
12 school district. The commissioner is not limited to the
13 information contained in the application for determining whether or
14 not to grant an application for money from the Hardship Fund.

15 (4) On or before the fifth day following receipt of an
16 application for distribution of money from the Hardship Fund, the
17 commissioner shall send a notice to the financial institutions
18 listed by the school district. The notice shall (a) explain the
19 Hardship Fund, (b) state the name of the school district that has
20 applied for distribution of money from the Hardship Fund, (c) state
21 the deadline for determination by the commissioner, (d) state the
22 interest rate that the State Treasurer will use to calculate
23 interest, and (e) explain that the financial institution may offer
24 its services to the district as an alternative to money from the
25 Hardship Fund. No action of a financial institution shall prevent
26 the commissioner from approving a distribution of money from the
27 Hardship Fund for a school district.

1 (5) The commissioner shall notify the district of his or
2 her determination within thirty days after receiving the
3 application. At least one representative of the school district
4 shall be allowed an opportunity to meet with the commissioner to
5 discuss the application prior to the commissioner's determination
6 on the application. The commissioner may award any amount of
7 available money from the fund he or she deems appropriate, except
8 that the amount may not exceed the costs incurred by the district
9 due to the occurrence. The commissioner is not required to award
10 any money under this section in response to any particular request.

11 (6) The district shall repay the fund in full in a manner
12 to be determined by the commissioner with interest calculated by
13 the State Treasurer at fifty percent of the rate determined
14 pursuant to section 45-104.02 for the delinquent payment of taxes
15 to the State of Nebraska. When any school district fails to make
16 any scheduled repayment, the commissioner shall, after notice to

17 the district and an opportunity to be heard, direct that any state
18 aid due the district pursuant to the Tax Equity and Educational
19 Opportunities Support Act be withheld and transferred to the
20 Hardship Fund until the balance of the money received by the
21 district from the fund plus interest calculated by the State
22 Treasurer has been repaid to the fund and shall bring such further
23 legal action as may be necessary for the fund to be repaid with
24 interest as calculated by the State Treasurer. If a district
25 reorganizes or dissolves, the repayment of money received from the
26 fund plus interest calculated by the State Treasurer shall be a
27 liability and shall be assigned pursuant to subsection (2) of
1 section 79-479.

2 (7) Before money is distributed to a district under this
3 section, the president of the school board shall sign an agreement
4 stating that:

5 (a) The costs for which money is being distributed are as
6 accurate as can be determined at that point;

7 (b) The occurrence was unexpected; and

8 (c) The district will make required repayments to the
9 fund.

10 (8) Up to two-thirds of the amount appropriated shall be
11 available to be awarded for requests received under this section
12 between July 1 and December 31 of each fiscal year. The remainder
13 of the amount appropriated shall be available to be awarded for
14 requests received under this section between January 1 and June 30
15 of each fiscal year.

16 (9) Nothing in this section guarantees an award of money
17 from the Hardship Fund to any district. Money from the fund shall
18 be paid as a lump sum to each district receiving funds and shall be
19 limited to a one-year impact per unexpected discrete occurrence.

20 (10) The State Department of Education shall remit funds
21 repaid by school districts as required by this section to the State
22 Treasurer for credit to the Hardship Fund.

23 (11) The Commissioner of Education shall report to the
24 Education Committee and the Appropriations Committee of the
25 Legislature and the Governor on or before December 1 of each year
26 for the preceding fiscal year. The report shall include (a) a list
27 of all applications with the amounts requested and a description of
1 the unexpected discrete occurrence that caused the district
2 financial distress and (b) a list of the districts receiving
3 hardship funds, including the amount awarded and repayment
4 conditions.

5 Sec. 3. Since an emergency exists, this act takes effect
6 when passed and approved according to law."

Mr. Wickersham filed the following amendment to LB 36:
AM1272

1 1. Insert the following new sections:

2 "Section 1. Any political subdivision which has received

3 proceeds from a levy imposed on all taxable property within an
4 entire county which is in excess of that requested by the political
5 subdivision under section 77-1601.02 as a result of a clerical
6 error or mistake shall, in the fiscal year following receipt,
7 return the excess tax collections, net of the collection fee, to
8 the county. By July 31 of the fiscal year following the receipt of
9 any excess tax collections, the county treasurer shall certify to
10 the political subdivision the amount to be returned. Such excess
11 tax collections shall be restricted funds in the budget of the
12 county that receives the funds under section 13-518.

13 Sec. 2. Section 13-518, Revised Statutes Supplement,
14 1998, is amended to read:

15 13-518. For purposes of sections 13-518 to 13-522:

16 (1) Allowable growth means (a) for governmental units
17 other than community colleges, the percentage increase in taxable
18 valuation in excess of the base limitation established under
19 section 77-3446, if any, due to improvements to real property as a
20 result of new construction, additions to existing buildings, any
21 improvements to real property which increase the value of such
22 property, and any increase in valuation due to annexation and any
23 personal property valuation over the prior year and (b) for
24 community colleges, the percentage increase in excess of the base
1 limitation, if any, in full-time equivalent students from the
2 second year to the first year preceding the year for which the
3 budget is being determined;

4 (2) Capital improvements means (a) acquisition of real
5 property or (b) acquisition, construction, or extension of any
6 improvements on real property;

7 (3) Governing body has the same meaning as in section
8 13-503;

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

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

22 (6) Restricted funds means (a) property tax, excluding
23 any amounts required to pay interest and principal on bonded
24 indebtedness and any amounts refunded to taxpayers, (b) payments in
25 lieu of property taxes, (c) local option sales taxes, (d) state
26 aid, (e) transfers of surpluses from any user fee, permit fee, or
27 regulatory fee if the fee surplus is transferred to fund a service

- 1 or function not directly related to the fee and the costs of the
2 activity funded from the fee, ~~and~~ (f) any funds excluded from
3 restricted funds for the prior year because they were budgeted for
4 capital improvements but which were not spent and are not expected
5 to be spent for capital improvements, and (g) any excess tax
6 collections returned to the county under section 1 of this act; and
7 (7) State aid means:
8 (a) For all governmental units, state aid paid pursuant
9 to sections 60-305.15 and 77-3523;
10 (b) For municipalities, state aid to municipalities paid
11 pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3007,
12 77-27,136, and 77-27,139.04 and insurance premium tax paid to
13 municipalities;
14 (c) For counties, state aid to counties paid pursuant to
15 sections 39-2501 to 39-2520, 47-119.01, 60-3007, 77-27,136, and
16 77-3618 and insurance premium tax paid to counties;
17 (d) For community colleges, state aid to community
18 colleges paid under sections 85-1536 to 85-1537;
19 (e) For natural resources districts, state aid to natural
20 resources districts paid pursuant to section 77-27,136; and
21 (f) For educational service units, state aid appropriated
22 under section 79-1241".
23 2. On page 38, line 9, after "sections" insert
24 "13-518,".
25 3. Renumber the remaining sections and correct internal
26 references accordingly.

Mrs. Bohlke filed the following amendment to LB 176:
AM1275

- 1 1. Strike original section 8 and all amendments thereto
2 and insert the following new section:
3 "Sec. 8. A person under sixteen years of age shall not
4 operate a motorboat or personal watercraft on the waters of this
5 state.".
6 2. On page 4, strike beginning with "The" in line 3
7 through line 7.

Messrs. Bruning and Hartnett filed the following amendment to LB 78:
AM1266

- 1 1. Strike the original amendments and insert the
2 following new amendment:
3 "1. Strike the original sections and all amendments
4 thereto and insert the following new sections:
5 'Section 1. Section 14-2115, Reissue Revised Statutes of
6 Nebraska, is amended to read:
7 14-2115. (1) A metropolitan utilities district shall
8 operate and account for each of its several utilities separately
9 and, as to each separate utility, shall possess all powers granted
10 on behalf of that utility or on behalf of any other utility being

11 operated by such district, or granted generally to such district,
12 and all such powers are hereby declared to be cumulative, though
13 separate, as to each utility, except that limitations or
14 restrictions which by their nature or intent are applicable only to
15 a utility of one type shall not apply to other different utilities.
16 The financial obligations of each utility shall be separate and
17 independent from the financial obligations of any other utility.

18 (2) A metropolitan utilities district shall keep all
19 funds, accounts, and obligations relating to any one utility under
20 its management separate and independent from the funds and accounts
21 of each other utility under its management. The cost of any
22 consolidated operation shall be allocated to the various utilities
23 upon some reasonable basis which is open to investigation, comment,
24 or protest by members of the public. Such allocation methodologies
1 shall be determined by its the board of directors and shall provide
2 for the allocation of costs and expenses in a manner that
3 accurately reflects the actual cost of service for each utility
4 under the management of the board, except that for purposes of this
5 section, the collection of sewer use fees for cities of the
6 metropolitan class shall not be considered as a utility. The
7 district shall have separate power to provide for the cost of
8 operation, maintenance, depreciation, extension, construction, and
9 improvement of any utility under its management, applying thereto
10 standard accounting principles.

11 (3) A metropolitan utilities district shall not discount
12 its water rates or connection fees to any customer in order to
13 obtain an agreement to provide natural gas service to any customer.

14 (4) A metropolitan utilities district shall not delay or
15 condition in any manner the installation of water service or other
16 agreements related to water service to the purchase of natural gas
17 service from the district.

18 (5) The Auditor of Public Accounts shall have the
19 authority to initiate an audit or to take any action necessary to
20 ensure compliance with this section.

21 Sec. 2. Whenever any city of the primary, first, or
22 second class or village is furnished natural gas pursuant to a
23 franchise agreement with an investor-owned natural gas utility, a
24 metropolitan utilities district shall not solicit such city or
25 village to enter into a franchise agreement or promote
26 discontinuance of natural gas service with the utility, unless a
27 specific invitation to submit a proposal on such a franchise has
1 been formally presented to the board of directors of the
2 metropolitan utilities district. For purposes of this section, a
3 specific invitation to submit a proposal shall mean a resolution
4 adopted by a city council of a city of the primary, first, or
5 second class or the board of trustees of a village.

6 Whenever a specific invitation to submit a proposal is
7 received by the board of directors of a metropolitan utilities
8 district, the invitation will be considered by the board at its

9 next regularly scheduled monthly meeting.

10 Sec. 3. Sections 4 to 8 of this act shall be applicable
11 to an investor-owned natural gas utility only when it is operating
12 in a county in which there is located the natural gas service area,
13 or portion of the natural gas service area, of a metropolitan
14 utilities district and only with regard to matters arising within
15 any such county.

16 Sec. 4. No investor-owned natural gas utility or
17 metropolitan utilities district may extend or enlarge its natural
18 gas service area or extend or enlarge its natural gas mains or
19 natural gas services unless it is in the public interest to do so.
20 In determining whether or not an extension or enlargement is in the
21 public interest, the district or the utility shall consider the
22 following:

23 (1) The economic feasibility of the extension or
24 enlargement;

25 (2) The impact the enlargement will have on the existing
26 and future natural gas ratepayers of the metropolitan utilities
27 district or the investor-owned natural gas utility;

1 (3) Whether the extension or enlargement contributes to
2 the orderly development of natural gas utility infrastructure;

3 (4) Whether the extension or enlargement will result in
4 uplicative or redundant natural gas utility infrastructure; and

5 (5) Whether the extension or enlargement is applied in a
6 nondiscriminatory manner.

7 Sec. 5. In determining whether an enlargement or
8 extension of a natural gas service area, natural gas mains, or
9 natural gas services is in the public interest pursuant to section
10 4 of this act, the following shall constitute rebuttable
11 presumptions:

12 (1) Any enlargement or extension by a metropolitan
13 utilities district within a city of the metropolitan class or its
14 extraterritorial zoning jurisdiction is in the public interest;

15 (2) Any enlargement or extension by an investor-owned
16 natural gas utility within a city of the primary, first, or second
17 class or village in which it serves natural gas on a franchise
18 basis or its extraterritorial zoning jurisdiction is in the public
19 interest; and

20 (3) Any enlargement or extension by a metropolitan
21 utilities district within its statutory boundary or within a city
22 of the first or second class or village in which it serves natural
23 gas on a franchise basis or its extraterritorial zoning
24 jurisdiction is in the public interest.

25 Sec. 6. A metropolitan utilities district or
26 investor-owned natural gas utility shall not extend duplicative or
27 redundant interior natural gas mains or natural gas services into a
1 subdivision, whether residential, commercial, or industrial, which
2 has existing natural gas utility infrastructure or which has
3 contracted for natural gas utility infrastructure with another

4 utility.

5 Sec. 7. If the investor-owned natural gas utility or the
6 metropolitan utilities district disagrees with a determination by
7 an investor-owned natural gas utility or a metropolitan utilities
8 district that a proposed extension or enlargement is in the public
9 interest, the matter may be submitted to the Public Service
10 Commission for hearing and determination in the county where the
11 extension or enlargement is proposed and shall be subject to the
12 applicable procedures provided in sections 75-112, 75-129, and
13 75-134 to 75-136. In making a determination whether a proposed
14 extension or enlargement is in the public interest, the Public
15 Service Commission shall consider the factors set forth in sections
16 4 and 5 of this act. The Public Service Commission shall have no
17 jurisdiction over a metropolitan utilities district or natural gas
18 utility beyond the determination of disputes brought before it
19 under section 14-2115 and sections 2 to 8 of this act.

20 Sec. 8. All books, records, vouchers, papers, contracts,
21 engineering designs, and any other data of the metropolitan
22 utilities district relating to the public interest of an extension
23 or enlargement of natural gas mains or natural gas services or
24 relating to natural gas service areas, whether in written or
25 electronic form, shall be open and made available for public
26 inspection, investigation, comment, or protest upon reasonable
27 request during business hours, except that such books, records,
1 vouchers, papers, contracts, designs, and other data shall be
2 subject to section 84-712.05. Any books, records, vouchers,
3 papers, contracts, designs, or other data not made available to the
4 metropolitan utilities district or an investor-owned natural gas
5 utility shall not be considered by the Public Service Commission in
6 determining whether an enlargement or extension is in the public
7 interest.

8 Sec. 9. Original section 14-2115, Reissue Revised
9 Statutes of Nebraska, is repealed.'".

Mr. Schrock filed the following amendment to LB 176:

(Amendment, AM1145, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

REPORT OF COMMITTEE ON COMMITTEES

April 14, 1999

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Patrick:

Pursuant to Rule 3, section 2(d) of the Rules of the Nebraska Unicameral Legislature, the Committee on Committees met to fill the vacancies created by the death of State Senator Stan Schellpeper. The committee issues the following report:

Senator Cap Dierks to fill the vacancy on the Revenue Committee.
Senator Ray Janssen to fill the vacancy on the Agriculture Committee.
Senator Jennie Robak to fill the vacancy on the Transportation Committee.
Governor-appointed senator to fill the vacancies on the Health and Human Services Committee, General Affairs Committee, and Agriculture Committee.

The above appointments were unanimously approved by the members present at the April 14, 1999, committee meeting.

Members present: Senators Bohlke, Landis, Lynch, Dierks, Beutler, Kristensen, Coordsen, Dw. Pedersen, and Crosby.

Members absent: Senators C. Peterson, Preister, Brashear.

Please submit this report to the full Legislature for its adoption.

Best wishes,
(Signed) Senator LaVon K. Crosby, #29
Chair, Committee on Committees

GENERAL FILE

LEGISLATIVE BILL 791. The Standing Committee amendment, AM0754, found on page 1114 and considered in this day's Journal, was renewed.

Mr. Connealy, Mmes. Crosby, and Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Janssen moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mr. Janssen requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 13:

Baker	Cudaback	Kristensen	Pederson, D.	Schrock
Brashear	Hartnett	Lynch	Schmitt	Smith
Coordsen	Janssen	Matzke		

Voting in the negative, 20:

Beutler	Bourne	Bruning	Chambers	Dierks
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Hudkins	Kremer	Price	Redfield	Thompson
Jensen	Landis	Quandahl	Stuhr	Tyson
Jones	Peterson, C.	Raikes	Suttle	Vrtiska

Present and not voting, 4:

Brown	Byars	Engel	Schimek
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Excused and not voting, 11:

Bohlke	Crosby	Kiel	Preister	Wehrbein
Bromm	Hilgert	Pedersen, Dw.	Robak	Wickersham
Connealy				

The Standing Committee amendment, as amended, lost with 13 ayes, 20 nays, 4 present and not voting, and 11 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 50 fourth grade students, teachers, and parents from Conestoga Elementary School, Murray-Nehawka; 36 fourth grade students and teachers from Sandoz Elementary, Lexington; and 30 fourth grade students, teachers, and parents from Bonaventure Elementary, Columbus.

The Doctor of the Day was Dr. Christy Kiem from Lincoln.

ADJOURNMENT

At 4:42 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Thursday, April 15, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA

Volume 2

NINETY-SIXTH LEGISLATURE
FIRST SESSION

1999

Convened January 6, 1999

Adjourned May 27, 1999

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

SIXTY-FOURTH DAY - APRIL 15, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 15, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Scott Christiansen, Westwood Community Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hilgert, Dw. Pedersen, Quandahl, Mmes. Redfield, Robak, and Ms. Schimek who were excused; and Messrs. Bromm, Byars, Dierks, Matzke, Mmes. Brown, Crosby, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1084, strike line 12, and insert:

"James P. Cavanaugh - Omaha; Jane Burke Law Offices".

The Journal for the forty-ninth day was approved as corrected.

The Journal for the sixty-third day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 15, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Cutshall & Associates

Cutshall & Associates - Lincoln; Kissel/E&S Associates

Downey, Robert A. - Lincoln; Capital Humane Society

Frohman, Ann M. (Withdrawn 04/12/1999) - Lincoln; Lincoln Benefit Life

Company (Withdrawn 04/12/1999)
 Kelley, Lehan & Hall, P.C.
 Kelley, Michael - Omaha; Cavanaugh Law Office
 Rasmussen Legislative Consultants, Inc.
 Rasmussen, Dennis - Lincoln; Liberty Healthcare Corporation (Withdrawn
 04/12/1999)

MOTION - Approve Appointments

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointments found on page 1426: Dr. William T. Griffin, John Heil, Ann Pickel, J. Paul McIntosh, and Randall Bretz - Nebraska Educational Telecommunications Commission.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointments found on page 1426: Dr. William T. Griffin, John Heil, J. Paul McIntosh, and Randall Bretz - Nebraska Educational Telecommunications Commission.

Voting in the affirmative, 31:

Baker	Connealy	Janssen	Pederson, D.	Suttle
Beutler	Crosby	Jensen	Price	Thompson
Bohlke	Cudaback	Jones	Raikes	Tyson
Bourne	Engel	Kremer	Schmitt	Vrtiska
Brashear	Hartnett	Landis	Smith	Wehrbein
Bruning	Hudkins	Lynch	Stuhr	Wickersham
Byars				

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Coordsen	Kristensen	Peterson, C.	Preister	Schrock
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Excused and not voting, 11:

Bromm	Hilgert	Matzke	Quandahl	Robak
Brown	Kiel	Pedersen, Dw.	Redfield	Schimek
Dierks				

The appointments were confirmed with 31 ayes, 1 nay, 5 present and not

voting, and 11 excused and not voting.

The second division is as follows:

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointment found on page 1426: Ann Pickel - Nebraska Educational Telecommunications Commission.

Voting in the affirmative, 35:

Baker	Chambers	Hudkins	Pederson, D.	Stuhr
Beutler	Connealy	Janssen	Preister	Suttle
Bohlke	Coordsen	Jensen	Price	Thompson
Bourne	Crosby	Jones	Raikes	Tyson
Brashear	Cudaback	Kremer	Schmitt	Vrtiska
Bruning	Engel	Kristensen	Schrock	Wehrbein
Byars	Hartnett	Landis	Smith	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Lynch Peterson, C.

Excused and not voting, 11:

Bromm	Hilgert	Matzke	Quandahl	Robak
Brown	Kiel	Pedersen, Dw.	Redfield	Schimek
Dierks				

The appointment was confirmed with 35 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 43. Mr. Brashear renewed his pending amendment, AM1118, printed separately and referred to on page 1343.

The Brashear amendment was adopted with 34 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 86. Mr. Beutler withdrew his motion, found on page 867, to indefinitely postpone.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 86A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 446. E & R amendment, AM7080, found on page

792, was adopted.

Mr. Bromm renewed his pending amendment, AM0590, found on page 895.

The Bromm amendment was adopted with 34 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 446A. Mr. Bromm renewed the Bromm et al. pending amendment, AM1006, found on page 1397.

The Bromm et al. amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 314. E & R amendment, AM7084, printed separately and referred to on page 987, was adopted.

Mr. Beutler withdrew his amendments, AM0860, AM0861, AM0862, AM0863, AM0864, AM0865, AM0866, and AM0867, found on pages 1113 and 1114.

Mrs. Bohlke renewed her pending amendment, AM1259, found on page 1457.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

The Bohlke amendment was adopted with 26 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 314A. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 15. Indefinitely postponed.

LEGISLATIVE BILL 746. Indefinitely postponed.

LEGISLATIVE BILL 786. Indefinitely postponed.

LEGISLATIVE BILL 841. Indefinitely postponed.

LEGISLATIVE BILL 851. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Mrs. Stuhr filed the following amendment to LB 605:
AM1280

(Amendments to Standing Committee amendments, AM0771)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 66-1344, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 66-1344. (1) ~~Each producer of ethanol shall receive a~~
6 ~~credit pursuant to this section of twenty cents per gallon of~~
7 ~~ethanol produced in Nebraska; which credit shall be in the form of~~
8 ~~a nonrefundable transferable motor vehicle fuel tax credit~~
9 ~~certificate. After July 1, 1994, no such credit shall be given for~~
10 ~~ethanol produced at an ethanol facility which was in production on~~
11 ~~or before January 1, 1992, unless on or before July 1, 1994, the~~
12 ~~name plate design capacity for the production of ethanol; before~~
13 ~~denaturing, at the facility has been expanded to equal at least two~~
14 ~~times the name plate design capacity for production of ethanol;~~
15 ~~before denaturing, existing at the facility as of January 1, 1992.~~

16 (2) ~~Any ethanol facility which is in production at the~~
17 ~~rate of at least twenty-five percent of its name plate design~~
18 ~~capacity for the production of ethanol; before denaturing, on or~~
19 ~~before December 31, 1992, shall receive a credit of twenty cents~~
20 ~~per gallon of ethanol produced beginning with the first month for~~
21 ~~which it is eligible to receive such credit and ending not later~~
22 ~~than December 31, 1997.~~

23 (3) ~~Any ethanol facility which is not in production on or~~
1 ~~before December 31, 1992, but which is in production at the rate of~~
2 ~~at least twenty-five percent of its name plate design capacity for~~
3 ~~the production of ethanol, before denaturing, on or before December~~
4 ~~31, 1995, shall receive a credit of twenty cents per gallon of~~
5 ~~ethanol produced for sixty months beginning with the first month~~
6 ~~for which it is eligible to receive such credit and ending not~~
7 ~~later than December 31, 2000, if the ethanol facility maintains an~~
8 ~~average production rate of at least twenty-five percent of its name~~
9 ~~plate design capacity for at least six months after the first month~~
10 ~~for which it is eligible to receive such credit.~~

11 (2) (4) ~~Any ethanol facility eligible for a credit under~~
12 ~~subsection (1); (2); or (3) of this section shall also receive a~~
13 ~~credit of twenty cents per gallon of ethanol produced in excess of~~
14 ~~the original name plate design capacity which results from~~
15 ~~expansion of the facility completed on or before December 31, 1995.~~
16 ~~Such credit shall be for sixty months beginning with the first~~
17 ~~month for which production from the expanded facility is eligible~~
18 ~~to receive such credit and ending not later than December 31, 2000.~~

19 (3) During such period as funds remain in the Ethanol
20 Production Incentive Cash Fund, any ethanol facility shall also
21 receive a credit of up to seven and one-half cents per gallon of

22 ethanol, before denaturing, for new production for a period not to
23 exceed thirty-six consecutive months. For purposes of this
24 subsection, new production means production (a) in excess of the
25 average of the highest three months of ethanol production at an
26 ethanol facility during the twenty-four month period immediately
27 preceding the month for which credits are first claimed under this
1 subsection and (b) which results from a new facility, a facility
2 which has not received credits prior to June 1, 1999, or the
3 expansion of an existing facility's capacity first placed into
4 service after June 1, 1999. No credits shall be paid under this
5 subsection until production is in excess of twelve times the
6 average amount determined under subdivision (a) of this subsection
7 during any twelve-consecutive-month period. New production shall
8 be approved by the Department of Revenue based on such ethanol
9 production records as may be necessary to reasonably determine new
10 production. Ethanol production eligible for credits under this
11 subsection shall be measured by a device approved by the Division
12 of Weights and Measures of the Department of Agriculture.
13 Confirmation of approval by the division shall be provided by the
14 ethanol facility at which time the initial claim for credits
15 provided under this subsection is submitted to the Department of
16 Revenue. This credit must be earned on or before December 31,
17 2003, and is available only during such period.

18 (4) Any ethanol facility that did not maximize benefits
19 for which the facility was otherwise eligible under subsections (1)
20 and (2) of this section based on name plate design capacity
21 stipulated in a contract with the Department of Revenue and which
22 has expanded its capacity by at least six million gallons, before
23 denaturing, over its original name plate design capacity shall
24 receive a credit of five cents per gallon for the first ten million
25 gallons produced over the original name plate design capacity.
26 Production shall be approved by the Department of Revenue based on
27 such ethanol production records as may be necessary to reasonably
1 determine new production. Ethanol production eligible for credits
2 under this subsection shall be measured by a device approved by the
3 Division of Weights and Measures of the Department of Agriculture.
4 Confirmation of approval by the division shall be provided by the
5 ethanol facility at which time the initial claim for credits
6 provided under this subsection is submitted to the Department of
7 Revenue. This credit must be earned on or before January 1, 2001,
8 and is available only during such period.

9 (5) The credits described in this section ~~The credit~~
10 shall be given only for ethanol produced at a plant in Nebraska at
11 which all fermentation, distillation, and dehydration takes place.
12 No credit shall be given on ethanol produced for or sold for use in
13 the production of distilled spirits. Not less than two million
14 gallons and not more than twenty-five million gallons of ethanol
15 produced annually at an ethanol facility shall be eligible for the
16 credit credits in subsections (1) and (2) of this section, and the

17 credit credits may only be claimed by a producer for the period
18 periods specified in subsection (1) or (2); (3); or (4) of this
19 section. Not more than ten million gallons of ethanol produced
20 during any twelve-consecutive-month period at an ethanol facility
21 shall be eligible for the credits described in subsections (3) and
22 (4) of this section, and the credits may only be claimed by a
23 producer for the periods specified in subsections (3) and (4) of
24 this section. Not more than one hundred twenty-five million
25 gallons of ethanol produced at an ethanol facility by the end of
26 the sixty-month period set forth in subsection (1) or (2) ~~(3) or~~
27 ~~(4)~~ of this section shall be eligible for the credit under such
1 subsections. An ethanol facility may only participate in the
2 credits described in subsection (3) of this section or the credits
3 described in subsection (4) of this section. During any fiscal
4 year, if the amount of money in the fund is not sufficient to pay
5 all the credits applied for under this section during such year,
6 each applicant shall receive a proportionate share of the amount in
7 the fund equal to the portion derived by dividing the amount in the
8 fund by the number of gallons eligible for the credit for each
9 applicant. ~~subsection; in addition to the ethanol entitled to~~
10 ~~credit under subsection (1) or (2) of this section.~~

11 (6) The Department of Revenue shall prescribe an
12 application form and procedures for claiming the credit and shall
13 ~~adopt and promulgate rules and regulations to carry out credits~~
14 under this section.

15 (7) For purposes of ascertaining the correctness of any
16 application for claiming the credit provided in this section, the
17 Tax Commissioner (a) may examine or cause to have examined, by any
18 agent or representative designated by him or her for that purpose,
19 any books, papers, records, or memoranda bearing upon such matters,
20 (b) may by summons require the attendance of the person responsible
21 for rendering the application or other document or any officer or
22 employee of such person or the attendance of any other person
23 having knowledge in the premises, and (c) may take testimony and
24 require proof material for his or her information, with power to
25 administer oaths or affirmations to such person or persons. The
26 time and place of examination pursuant to this subsection shall be
27 such time and place as may be fixed by the Tax Commissioner and as
1 are reasonable under the circumstances. In the case of a summons,
2 the date fixed for appearance before the Tax Commissioner shall not
3 be less than twenty days from the time of service of the summons.
4 No taxpayer shall be subjected to unreasonable or unnecessary
5 examinations or investigations. All records obtained pursuant to
6 this subsection shall be subject to the confidentiality
7 requirements and exceptions thereto as provided in section
8 77-27,119.

9 Sec. 2. Section 66-1345, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 66-1345. (1) There is hereby created the Ethanol

12 Production Incentive Cash Fund which shall be used by the board to
13 pay the credits created in section 66-1344 to the extent provided
14 in this section. Any money in the fund available for investment
15 shall be invested by the state investment officer pursuant to the
16 Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act. The State Treasurer shall transfer to the Ethanol
18 Production Incentive Cash Fund such money as shall be (a)
19 appropriated to the Ethanol Production Incentive Cash Fund by the
20 Legislature, (b) given as gifts, bequests, grants, or other
21 contributions to the Ethanol Production Incentive Cash Fund from
22 public or private sources, (c) made available due to failure to
23 fulfill conditional requirements pursuant to investment agreements
24 entered into prior to April 30, 1992, (d) received as return on
25 investment of the Ethanol Authority and Development Cash Fund, (e)
26 credited to the Ethanol Production Incentive Cash Fund from the
27 fertilizer fee pursuant to section 77-4401, (f) credited to the
1 Ethanol Production Incentive Cash Fund from the excise taxes
2 imposed by section 66-1345.01, and (g) credited to the Ethanol
3 Production Incentive Cash Fund pursuant to section 66-1345.04.

4 (2) The Department of Revenue shall, at the end of each
5 calendar quarter, notify the State Treasurer of the amount of motor
6 fuel tax that was not collected in the preceding calendar quarter
7 due to the credits provided in section 66-1344. The State
8 Treasurer shall transfer from the Ethanol Production Incentive Cash
9 Fund to the Highway Trust Fund an amount equal to such credits less
10 the following amounts:

11 (a) For 1993, 1994, and 1995, the amount generated during
12 the calendar quarter by a one-cent tax on motor fuel pursuant to
13 sections 66-489, 66-668, and 66-6,107;

14 (b) For 1996, the amount generated during the calendar
15 quarter by a three-quarters-cent tax on motor fuel pursuant to such
16 sections;

17 (c) For 1997, the amount generated during the calendar
18 quarter by a one-half-cent tax on motor fuel pursuant to such
19 sections; and

20 (d) For 1998, 1999, and 2000, no reduction.

21 The amounts shall be transferred through December 31,
22 2000. For 1993 through 1997, if the amount generated pursuant to
23 subdivisions (a), (b), and (c) of this subsection and the amount
24 transferred pursuant to subsection (1) of this section are not
25 sufficient to fund the credits provided in section 66-1344, then
26 the credits shall be funded through the Ethanol Production
27 Incentive Cash Fund but shall not be funded through either the
1 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
2 2000, the credits provided in such section shall be funded through
3 the Ethanol Production Incentive Cash Fund but shall not be funded
4 through either the Highway Cash Fund or the Highway Trust Fund.

5 (3) The State Treasurer shall transfer from the Ethanol
6 Production Incentive Cash Fund to the Management Services Expense

7 Revolving Fund the amount reported under subsection (4) of section
8 66-1345.02 for each calendar quarter of the fiscal year as provided
9 in such subsection.

10 (4) On ~~February 15, 2001~~ June 30, 2004, the State
11 Treasurer shall transfer any unexpended and unobligated funds from
12 the Ethanol Production Incentive Cash Fund to the Nebraska Corn
13 Development, Utilization, and Marketing Fund and Grain Sorghum
14 Development, Utilization, and Marketing Fund in the same proportion
15 as funds were collected pursuant to section 66-1345.01 from corn
16 and grain sorghum.

17 Sec. 3. Section 66-1345.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 66-1345.01. An excise tax is levied upon all corn and
20 grain sorghum sold through commercial channels in Nebraska or
21 delivered in Nebraska. ~~The tax is three-fourths cent per bushel~~
22 ~~for corn and three-fourths cent per hundredweight for grain~~
23 ~~sorghum. For any sale or delivery of corn or grain sorghum~~
24 ~~occurring on or after July 1, 1995, and before January 1, 2000, the~~
25 ~~tax is three-fourths cent per bushel for corn and three-fourths~~
26 ~~cent per hundredweight for grain sorghum. For any sale or delivery~~
27 ~~of corn or grain sorghum occurring on or after January 1, 2000, and~~
1 ~~before January 1, 2001, the tax is one-half cent per bushel for~~
2 ~~corn and one-half cent per hundredweight for grain sorghum.~~ The
3 tax shall be in addition to any fee imposed pursuant to sections
4 2-3623 and 2-4012. ~~The excise tax shall be imposed on any sale or~~
5 ~~delivery occurring on or after July 1, 1995, and before January 1,~~
6 ~~2001.~~ The Legislature finds and declares that those in production
7 agriculture have contributed sufficiently to support the Ethanol
8 Production Incentive Cash Fund by the imposition of the excise tax.
9 If additional funds are needed in the future to meet the
10 Legislature's obligation to fully fund the Ethanol Production
11 Incentive Cash Fund, those funds should come from sources other
12 than production agriculture.

13 The excise tax shall be imposed at the time of sale or
14 delivery and shall be collected by the first purchaser. The tax
15 shall be collected, administered, and enforced in conjunction with
16 the fees imposed pursuant to sections 2-3623 and 2-4012. The tax
17 shall be collected, administered, and enforced by the Department of
18 Agriculture. No corn or grain sorghum shall be subject to the tax
19 imposed by this section more than once.

20 In the case of a pledge or mortgage of corn or grain
21 sorghum as security for a loan under the federal price support
22 program, the excise tax shall be deducted from the proceeds of such
23 loan at the time the loan is made. If, within the life of the loan
24 plus thirty days after the collection of the excise tax for corn or
25 grain sorghum that is mortgaged as security for a loan under the
26 federal price support program, the grower of the corn or grain
27 sorghum so mortgaged decides to purchase the corn or grain sorghum
1 and use it as feed, the grower shall be entitled to a refund of the

2 excise tax previously paid. The refund shall be payable by the
3 department upon the grower's written application for a refund. The
4 application shall have attached proof of the tax deducted.

5 The excise tax shall be deducted whether the corn or
6 grain sorghum is stored in this or any other state. The excise tax
7 shall not apply to the sale of corn or grain sorghum to the federal
8 government for ultimate use or consumption by the people of the
9 United States when the State of Nebraska is prohibited from
10 imposing such tax by the Constitution of the United States and laws
11 enacted pursuant thereto.

12 Sec. 4. Original sections 66-1344 to 66-1345.01, Reissue
13 Revised Statutes of Nebraska, are repealed."

RESOLUTION

LEGISLATIVE RESOLUTION 69. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Smith, 48; and Bruning, 3.

WHEREAS, until 1993, the federal Natural Gas Policy Act of 1978 established the maximum lawful price that a natural gas producer could charge its pipeline customers for natural gas, providing under section 110 of the act that the producer could adjust the maximum price upward in order to recover from pipeline customers any state severance tax payments made by the producer; and

WHEREAS, in 1988, in the case of Colorado Interstate Gas Co. v. the Federal Energy Regulatory Commission, 850 F.2d 769, the United States Court of Appeals for the District of Columbia Circuit ruled that the ad valorem tax levied by the State of Kansas was not a severance tax within the meaning of section 110 of the Natural Gas Policy Act and ordered natural gas producers to refund that portion of the payments received from the pipelines attributable to the cost of the Kansas ad valorem taxes paid plus interest; and

WHEREAS, upon remand of the matter to the Federal Energy Regulatory Commission, the commission ordered the refunds to be made on that portion of all purchases which had included Kansas ad valorem taxes which were charged after June 28, 1988, the date of the Appeals Court ruling in the Colorado Interstate Gas Co. case; and

WHEREAS, in 1996, in the case of Public Service Company of Colorado v. the Federal Energy Regulatory Commission, 91 F.3d 1478, the United States Court of Appeals for the District of Columbia overruled the commission, holding that the refunds should commence from October 1983, when notice was filed in the Federal Register of the petition before the commission challenging the propriety of including the Kansas ad valorem taxes in the price charged for natural gas produced in Kansas; and

WHEREAS, as of November 1997, the consumers of natural gas in twenty-three states were entitled, pursuant to this ruling and the subsequent order of the Federal Energy Regulatory Commission, to refunds and accrued interest from natural gas producers for the period of October 1983 through June 1988, amounting to more than \$334,840,000, with Nebraska consumers

to receive approximately \$34,360,000 (approximately ten percent of the total); and

WHEREAS, of those sums, over 60 percent of the total is accrued interest as of that date with additional interest being compounded quarterly on unpaid balances and on those sums not placed in escrow accounts pursuant to commission order; and

WHEREAS, the United States Senate and the United States House of Representatives in their individual versions of the Emergency Supplemental Appropriations Act for Fiscal Year 1999 (S. 544 and H.R. 1141) have provisions, added by amendment, which would amend the Natural Gas Policy Act of 1978 to prohibit the commission or any court from ordering the payment of any interest or penalties with respect to ordered refunds of rates or charges made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989; and

WHEREAS, both acts were adopted by their respective houses of the Congress on March 25 of this year, immediately prior to their Easter adjournment and are pending consideration by a Joint Appropriations Conference Committee; and

WHEREAS, legislation for the same purpose (S. 626 in the Senate and H.R. 1117 in the House of Representatives) is currently pending; and

WHEREAS, the sole result of the final adoption of these amendments or these bills will be to mitigate or reduce the liability of natural gas producers for charges wrongfully imposed on consumers in the period of 1983 to 1988 by denying consumers interest on the amount of those charges and relieving the producers of any liability for future penalties flowing from the failure to make court-ordered payments in the prescribed manner; and

WHEREAS, the lost refunds to Nebraska natural gas consumers will amount to more than 10 percent of the total reduction, representing the fourth largest state loss of the twenty-four states receiving court-ordered refunds; and

WHEREAS, Nebraska has been urged to join with other states in petitioning Congress to reconsider the adoption of these ill-advised and possibly unconstitutional provisions and avoid future litigation at the expense of all parties involved.

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

1. That the Legislature hereby petitions the Congress of the United States to oppose the enactment of S. 626 and H.R. 1117 or any version thereof which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989.

2. That the Legislature hereby petitions the Congress of the United States to reconsider its actions with regard to S. 544 and H.R. 1141 in the adoption of the amendments which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989 and urges that the ultimate version of the Emergency Supplemental Appropriations Act for Fiscal Year 1999 as reported by the conference committee and adopted by the Congress not include any provision having this

effect.

3. That the Legislature urges the members of the Nebraska House and Senate delegations to vote against and to take such actions as necessary to prevent the passage of any amendments or legislation which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989.

4. That the Clerk of the Legislature transmit copies of this resolution to each member of the Nebraska Congressional delegation and that copies be transmitted to the Speaker of the United States House of Representatives and the President of the United States Senate with the request that it be officially entered into the Congressional Record as a memorial to the Congress of the United States.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 69 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR **Committee**
69 Urban Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 835. E & R amendment, AM7092, found on page 1195, was adopted.

Mr. Dierks withdrew his amendment, AM1192, found on page 1386.

Mr. Dierks offered the following amendment:
AM1298

(Amendments to E & R amendments, AM7092)

- 1 1. On page 1, line 15, after "of" insert "one hundred".
- 2 2. On page 3, line 22, strike "publishes and".
- 3 3. On page 4, lines 6 and 10, strike "publishes and";
- 4 and in line 26 strike "three" and insert "two".
- 5 4. On page 6, line 25, strike "publishes and".
- 6 5. On page 7, line 15, strike "three" and insert "two".
- 7 6. On page 9, line 6, after "Markets" insert "Cash"; and

- 8 in line 18 strike beginning with "the" through "Act" and insert
9 "sections 7 to 28 of this act".

The Dierks amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Brashear offered the following amendment:

AM1299

(Amendments to E & R amendments, AM7092)

- 1 1. On page 2, strike beginning with "the" in line 15
2 through line 17 and insert "farming or ranching which is prohibited
3 under Article XII, section 8, of the Constitution of Nebraska.
4 This section does not prohibit any person from engaging in any
5 activity permitted under Article XII, section 8, of the
6 Constitution of Nebraska."

Mrs. Suttle asked unanimous consent to be excused. No objections. So ordered.

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

The Brashear amendment lost with 6 ayes, 20 nays, 12 present and not voting, and 10 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 782. Placed on General File as amended.

Standing Committee amendment to LB 782:

AM1232

- 1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 20-150, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 20-150. (1) The Legislature hereby finds and declares
6 that it is the policy of the State of Nebraska to secure the rights
7 of deaf and hard of hearing persons who cannot readily understand
8 or communicate in spoken language and who consequently cannot
9 equally participate in or benefit from proceedings, programs, and
10 activities of the courts, law enforcement personnel, and
11 legislative bodies unless qualified licensed interpreters are
12 available to assist them.
13 (2) It is the intent of the Legislature that by September
14 1, 2001, all interpreters working in the State of Nebraska be
15 licensed by the Commission for the Deaf and Hard of Hearing. Prior
16 to September 1, 2000, the commission shall (a) develop licensed

17 interpreter guidelines for distribution, (b) develop training to
18 implement the guidelines, (c) adopt and promulgate rules and
19 regulations to implement the guidelines and requirements for
20 licensed interpreters, and (d) develop a roster of licensed
21 interpreters and licensed educational interpreters for use in
22 referrals and other interpreter-related matters.

23 (3) It is the intent of the Legislature to assure that
24 qualified licensed educational interpreters are provided to deaf
1 and hard of hearing children in kindergarten-through-grade-twelve
2 public school districts and educational service units. ~~Prior to~~
3 ~~September 1, 1998, the~~ The State Department of Education, in
4 cooperation with the Commission for the Deaf and Hard of Hearing,
5 shall develop qualified licensed educational interpreter guidelines
6 for distribution as well as a training program to implement the
7 guidelines. By September 1, 2000, the ~~State Department of~~
8 ~~Education department~~ shall adopt and promulgate rules and
9 regulations to implement the guidelines and requirements for
10 qualified licensed educational interpreters, and such rules and
11 regulations shall apply to all qualified licensed educational
12 interpreters employed for the 2001-02 school year and all school
13 years thereafter.

14 Sec. 2. Section 20-151, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 20-151. As used in sections 20-150 to 20-159, unless the
17 context otherwise requires:

18 (1) Appointing authority means the Legislature, a
19 legislative committee, law enforcement personnel, or any court of
20 the state required to provide a qualified licensed interpreter
21 pursuant to sections 20-150 to 20-159;

22 (2) Auxiliary aid includes, but is not limited to,
23 qualified sign language interpreters, oral interpreters, other
24 interpreters, notetakers, transcription services, written
25 materials, assistive listening devices, assisted listening systems,
26 videotext displays, and other visual delivery systems;

27 (3) Deaf or hard of hearing person means a person whose
1 hearing impairment, with or without amplification, is so severe
2 that he or she may have difficulty in auditorily processing spoken
3 language without the use of an interpreter or a person with a
4 fluctuating or permanent hearing loss which may adversely affect
5 the ability to understand spoken language without the use of an
6 interpreter or an auxiliary aid;

7 (4) Intermediary interpreter means any person, including
8 any deaf or hard of hearing person, who is able to assist in
9 providing an accurate interpretation between spoken English and
10 sign language or between variants of sign language in order to
11 facilitate communication between a deaf or hard of hearing person
12 and a qualified an interpreter;

13 (5) Licensed educational interpreter means a person who
14 demonstrates proficiencies in interpretation or transliteration as

15 required by the guidelines established by the State Department of
16 Education pursuant to subsection (3) of section 20-150;

17 (6) Licensed interpreter means a person who demonstrates
18 proficiencies in interpretation or transliteration as required by
19 the guidelines established by the Commission for the Deaf and Hard
20 of Hearing pursuant to subsection (2) of section 20-150;

21 (7) Oral interpreter means a person who interprets
22 language through facial expression, body language, and mouthing;
23 and

24 (6) Qualified interpreter means a person who demonstrates
25 proficiencies in interpretation or transliteration and is able to
26 interpret effectively, accurately, and impartially, both
27 receptively and expressively, using any necessary specialized
1 vocabulary; and

2 (7) (8) Tactile interpreter means a person who interprets
3 for a deaf-blind person. The degree of deafness and blindness will
4 determine the mode of communication to be used for each person.

5 Sec. 3. Section 20-152, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 20-152. Whenever a deaf or hard of hearing person is
8 arrested and taken into custody for an alleged violation of state
9 law or local ordinance, the appointing authority shall procure a
10 qualified licensed interpreter for any interrogation, warning,
11 notification of rights, or taking of a statement, unless otherwise
12 waived. No arrested deaf or hard of hearing person otherwise
13 eligible for release shall be held in custody solely to await the
14 arrival of a qualified licensed interpreter. A qualified licensed
15 interpreter shall be provided as soon as possible. No written or
16 oral answer, statement, or admission made by a deaf or hard of
17 hearing person in reply to a question of any law enforcement
18 officer or any other person having a prosecutorial function may be
19 used against the deaf or hard of hearing person in any criminal
20 proceeding unless (1) the statement was made or elicited through a
21 qualified licensed interpreter and was made knowingly, voluntarily,
22 and intelligently or (2) the deaf or hard of hearing person waives
23 his or her right to an interpreter and the waiver and statement
24 were made knowingly, voluntarily, and intelligently. The right of
25 a deaf or hard of hearing person to an interpreter may be waived
26 only in writing. The failure to provide ~~an~~ a licensed interpreter
27 pursuant to this section shall not be a defense to prosecution for
1 the violation for which the deaf or hard of hearing person was
2 arrested.

3 Sec. 4. Section 20-153, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 20-153. For any proceeding before the Legislature, any
6 legislative committee, any law enforcement agency or department, or
7 any court at which a deaf or hard of hearing person is subpoenaed
8 or requested in writing to attend, the appointing authority shall
9 obtain a qualified licensed interpreter to interpret the

10 proceedings to the deaf or hard of hearing person and to interpret
11 his or her testimony or statements.

12 Sec. 5. Section 20-154, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 20-154. If an appointed ~~qualified~~ licensed interpreter
15 is not able to provide effective communication with a deaf or hard
16 of hearing person, the appointing authority shall obtain another
17 qualified licensed interpreter. An oral interpreter shall be
18 provided upon request of a deaf or hard of hearing person who
19 chooses not to communicate in sign language. If an interpreter is
20 unable to render a satisfactory interpretation, the appointing
21 authority shall then obtain an intermediary interpreter to assist
22 the appointed interpreter. The appointing authority shall ensure
23 that any interpreter is properly situated so as to permit effective
24 communication with the deaf or hard of hearing person and full
25 participation of the deaf or hard of hearing person in the
26 proceeding.

27 Sec. 6. Section 20-156, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 20-156. (1) The Commission for the Deaf and Hard of
3 Hearing shall be the agency assigned responsibility for the process
4 of evaluation and granting of licensure for licensed interpreters.
5 The State Department of Education shall be the agency assigned
6 responsibility for the process of evaluation for licensed
7 educational interpreters. The commission shall be the agency
8 assigned responsibility for the process of granting licensure for
9 licensed educational interpreters to any interpreter meeting the
10 guidelines established by the department pursuant to subsection (3)
11 of section 20-150. The commission shall create the Interpreter
12 Review Board pursuant to section 11 of this act to set policies and
13 procedures for evaluation and licensing of licensed interpreters.
14 The commission may recognize evaluation and certification programs
15 as a means to carry out the duty of evaluating interpreters'
16 skills.

17 (2) The commission shall establish and charge reasonable
18 fees for licensure of interpreters, including applications,
19 renewals, modifications, and record keeping, pursuant to sections
20 20-150 to 20-159. All fees collected pursuant to this section by
21 the commission shall be remitted to the State Treasurer for credit
22 to the Commission for the Deaf and Hard of Hearing Fund. Such fees
23 shall be disbursed for payment of expenses related to this section.

24 (3) The Commission for the Deaf and Hard of Hearing
25 commission shall prepare and maintain a list roster of the various
26 types of qualified interpreters as provided by section 71-4728.
27 licensed interpreters and licensed educational interpreters and the
1 employment for which they are licensed. Each qualified licensed
2 interpreter and licensed educational interpreter shall provide his
3 or her social security number to the commission. Nothing in
4 sections 20-150 to 20-159 shall be construed to prevent any

5 appointing authority from contracting with a qualified licensed
6 interpreter or a licensed educational interpreter on a full-time
7 employment basis.

8 (4) The commission may revoke an interpreter's license if
9 the interpreter has violated rules and regulations of the
10 commission or the department. The Interpreter Review Board shall
11 serve as a board of inquiry in matters of license revocation. The
12 commission through the Interpreter Review Board shall investigate
13 claims of the use of unlicensed interpreters by any state agency or
14 political subdivision. The department shall investigate claims of
15 the use of unlicensed educational interpreters by any school
16 district, educational service unit, or approved service agency.
17 The commission shall notify in writing any state agency determined
18 to be employing unlicensed interpreters in violation of sections
19 20-150 to 20-159 and shall monitor such agency to prevent future
20 violations. The commission shall notify in writing any political
21 subdivision determined to be employing unlicensed interpreters in
22 violation of such sections and may fine such political subdivision
23 not more than five hundred dollars per violation. The department
24 shall implement procedures to ensure compliance by any school
25 district, educational service unit, or approved service agency with
26 rules and regulations of the department in the employment of
27 licensed educational interpreters. The commission or department
1 shall notify in writing such unlicensed interpreters or unlicensed
2 educational interpreters of each violation and shall inform the
3 offending interpreters of the training and licensure requirements.

4 (5) Any decision of the commission pursuant to this
5 section shall be subject to review according to the Administrative
6 Procedure Act. Any fines collected by the commission pursuant to
7 this section shall be remitted to the State Treasurer for credit to
8 the permanent school fund.

9 Sec. 7. Section 20-159, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 20-159. A qualified licensed interpreter or licensed
12 educational interpreter appointed pursuant to sections 20-150 to
13 20-159 is entitled to a fee for professional services and other
14 relevant expenses. ~~The as approved by the governing body of the~~
15 ~~appointing authority. When appropriate, the~~ appointing authority
16 ~~may shall~~ use fee guidelines established by a recognized registry
17 of interpreters ~~for the deaf and hard of hearing persons~~. When the
18 qualified licensed interpreter is appointed by a court, the fee
19 shall be paid out of the general fund of the county in which such
20 proceedings take place. When the qualified licensed interpreter is
21 appointed by an appointing authority other than a court, the fee
22 shall be paid out of funds available to the governing body of the
23 appointing authority.

24 Sec. 8. Section 71-4720.01, Revised Statutes Supplement,
25 1998, is amended to read:

26 71-4720.01. For purposes of ~~this section and~~ sections

27 71-4720 to 71-4733 and section 11 of this act:

1 (1) Commission means Commission for the Deaf and Hard of
2 Hearing;

3 (2) Deaf means a hearing impairment, with or without
4 amplification, which is so severe that the person with the
5 impairment may have difficulty in auditoria processing spoken
6 language without the use of an interpreter; and

7 (3) Hard of hearing means a hearing loss, permanent or
8 fluctuating, which may adversely affect the ability to understand
9 spoken language without the use of an interpreter or auxiliary aid.

10 Sec. 9. Section 71-4727, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-4727. The commission may employ any other employees
13 it considers necessary to carry out the purposes of sections 20-156
14 and 71-4720 to 71-4732 and section 11 of this act.

15 Sec. 10. Section 71-4728, Revised Statutes Supplement,
16 1998, is amended to read:

17 71-4728. The commission shall serve as the principal
18 state agency responsible for monitoring public policies and
19 implementing programs which shall improve the quality and
20 coordination of existing services for deaf or hard of hearing
21 persons and promote the development of new services when necessary.
22 To perform this function the commission shall:

23 (1) Inventory services available for meeting the problems
24 of persons with a hearing loss and assist such persons in locating
25 and securing such services;

26 (2) License and maintain a roster of licensed
27 interpreters or licensed educational interpreters pursuant to
1 section 20-156. The roster shall be made available to local,
2 state, and federal agencies and shall be used for referrals to
3 private organizations and individuals seeking interpreters; Prepare
4 and maintain a statewide list of persons qualified in various types
5 of interpreting and make this information available to local,
6 state, and federal agencies;

7 (3) Promote the training of interpreters for deaf or hard
8 of hearing persons;

9 (4) Provide counseling to deaf or hard of hearing persons
10 or refer such persons to private or governmental agencies which
11 provide counseling services;

12 (5) Conduct a voluntary census of deaf or hard of hearing
13 persons in Nebraska and compile a current registry;

14 (6) Promote expanded adult educational opportunities for
15 deaf or hard of hearing persons;

16 (7) Serve as an agency for the collection of information
17 concerning deaf or hard of hearing persons and for the dispensing
18 of such information to interested persons by collecting studies,
19 compiling bibliographies, gathering information, and conducting
20 research with respect to the education, training, counseling,
21 placement, and social and economic adjustment of deaf or hard of

22 hearing persons and with respect to the causes, diagnosis,
23 treatment, and methods of prevention of impaired hearing;

24 (8) Appoint advisory or special committees when
25 appropriate for indent investigations and study of particular
26 problems and receive reports of findings and recommendations;

27 (9) Assess and monitor programs for services to deaf or
1 hard of hearing persons and make recommendations to those state
2 agencies providing such services regarding changes necessary to
3 improve the quality and coordination of the services;

4 (10) Make recommendations to the Governor and the
5 Legislature with respect to modification in existing services or
6 establishment of additional services for deaf or hard of hearing
7 persons;

8 (11) Promote awareness and understanding of the rights of
9 deaf or hard of hearing persons;

10 (12) Promote statewide communication services for deaf or
11 hard of hearing persons; and

12 (13) Assist deaf or hard of hearing persons in accessing
13 comprehensive mental health, alcoholism, and drug abuse services.

14 Sec. 11. The commission shall appoint the Interpreter
15 Review Board as required in section 20-156. The board shall
16 consist of the following members who have knowledge of sign
17 language:

18 (1) The Commissioner of Education or his or her designee;

19 (2) The Director of Health and Human Services or his or
20 her designee;

21 (3) The executive director of the commission or his or
22 her designee;

23 (4) Two deaf or hard of hearing persons;

24 (5) Two licensed interpreters; and

25 (6) Two members representing local government.

26 The board shall establish policies and procedures for
27 evaluating and licensing interpreters, including, but not limited
1 to, testing, training, grievances, and license revocation pursuant
2 to section 20-156. Except for the Commissioner of Education, the
3 Director of Health and Human Services, and the executive director
4 of the commission, a member shall not serve on the board for more
5 than three consecutive years. Members of the board may be removed
6 by the commission for inefficiency, neglect of duty, or misconduct
7 in office but only after delivering to such member a copy of the
8 charges and affording such member an opportunity to be publicly
9 heard in person, or by counsel, in his or her own defense, upon not
10 less than ten days' notice. The members of the board shall receive
11 no compensation but shall be reimbursed for their actual and
12 necessary expenses in attending meetings of the commission and in
13 carrying out their official duties as provided in this section and
14 section 20-156.

15 Sec. 12. Section 71-4732, Revised Statutes Supplement,
16 1998, is amended to read:

17 71-4732. There is hereby created a Commission for the
 18 Deaf and Hard of Hearing Fund to consist of such funds as the
 19 Legislature shall appropriate and any funds received under ~~section~~
 20 sections 20-156 and 71-4731. The fund shall be used to administer
 21 sections 20-156 and 71-4720 to 71-4732 and section 11 of this act.
 22 Any money in the fund available for investment shall be invested by
 23 the state investment officer pursuant to the Nebraska Capital
 24 Expansion Act and the Nebraska State Funds Investment Act. ~~Any~~
 25 ~~money in the Commission for the Hearing Impaired Fund on September~~
 26 ~~13, 1997, shall be transferred to the Commission for the Deaf and~~
 27 ~~Hard of Hearing Fund.~~

1 Sec. 13. Original sections 20-150 to 20-154, 20-156,
 2 20-159, and 71-4727, Reissue Revised Statutes of Nebraska, and
 3 sections 71-4720.01, 71-4728, and 71-4732, Revised Statutes
 4 Supplement, 1998, are repealed."

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 594. Placed on Select File as amended.
 (E & R amendment, AM7120, may be found in the Bill Books. The
 amendment has been printed separately and is on file in the Bill Room -
 Room 1102.)

LEGISLATIVE BILL 594A. Placed on Select File.

LEGISLATIVE BILL 271. Placed on Select File as amended.
 (E & R amendment, AM7122, may be found in the Bill Books. The
 amendment has been printed separately and is on file in the Bill Room -
 Room 1102.)

LEGISLATIVE BILL 623. Placed on Select File as amended.
 E & R amendment to LB 623:
 AM7121

- 1 1. On page 1, line 2, after "appearances" insert "and
- 2 written arraignments".

LEGISLATIVE BILL 740. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING Urban Affairs

LR 69

Thursday, April 22, 1999

12:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 70. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Price, 26; Suttle, 10; Thompson, 14; Tyson, 19.

PURPOSE: To study and review the Nebraska Health Care Trust Fund Act. In 1998, the Nebraska Legislature adopted LB 1070, entitled the Nebraska Health Care Trust Fund Act (the act), sections 71-7605 to 71-7614. The act creates the Excellence in Health Care Trust Fund (the excellence fund) and the Excellence in Health Care Council (the excellence council), sections 71-7611, 71-7614. The act also provides for the awarding of grants and loan guarantees from the excellence fund for certain named health-related purposes, section 71-7614.

The excellence fund contains interest income transferred from the Tobacco Settlement Trust Fund (the tobacco fund) and the Health Care Trust Fund (the health care fund), section 71-7611. The tobacco fund contains revenue received by the state in connection with tobacco-related litigation to which the state is a party, section 71-7608. The health care fund contains medicaid funds received by the state through "intergovernmental transfers," section 71-7607.

On November 23, 1998, forty-five states and the State of Nebraska entered into a settlement agreement with certain United States tobacco product manufacturers known as the Master Settlement Agreement. Under terms of the Master Settlement Agreement (MSA), Nebraska's lawsuit against the tobacco industry was dismissed by the Lancaster County District Court on December 20, 1998, and State Specific Finality was achieved in the State of Nebraska on January 20, 1999. Nebraska was awarded approximately \$1.165 billion under the MSA, to be received in allocated payments over the next twenty-five years.

The anticipated transfer of significant amounts of money to the excellence fund for the awarding of grants and loan guarantees under the act has contributed to increased interest among members of the Legislature to provide for appropriate legislative oversight of revenue received and allocated under the act, and to further examine the need, if any, for potential changes to the act.

The Health and Human Services Committee of the Legislature shall conduct an interim study and review of the act and recommend any changes to the act that the committee deems necessary and appropriate. This study shall include, but not be limited to, an examination of:

(1) The appropriate role of the Legislature in exercising its oversight responsibilities with respect to the work of the excellence council;

(2) Appropriate limits, if any, on the term of grants and loan guarantees awarded from the excellence fund under the act;

(3) Changes, if any, to the size and representative makeup of the excellence council; and

(4) The feasibility of allowing the excellence council to partner with public or private organizations to leverage additional funding for purposes specified in the act.

The Health and Human Services Committee shall consider input from the Governor, the Nebraska Health and Human Services System, the Excellence in Health Care Council, members of the Legislature, and interested citizens with respect to the study and may conduct a public hearing in connection with such study. If indicated and appropriate, enabling legislation may be drafted to incorporate comments, suggestions, and recommendations received.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENT - Print in Journal

Messrs. Bruning and Smith filed the following amendment to LB 791:
AM1284

1 1. Insert the following new sections:

2 "Section 1. The Lottery Division of the Department of
3 Revenue shall not expend or use any funds received through
4 appropriations, revenue from lottery ticket sales, money used for
5 payments for expenses of the division, or money received from the
6 operation of the lottery games for advertising or promotional
7 materials for lottery games conducted pursuant to the State Lottery
8 Act.

9 Sec. 2. Section 9-801, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 9-801. Sections 9-801 to 9-841 and section 1 of this act
12 shall be known and may be cited as the State Lottery Act.

13 Sec. 3. Section 9-803, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 9-803. For purposes of the State Lottery Act:

16 (1) Director shall mean the Director of the Lottery
17 Division;

18 (2) Division shall mean the Lottery Division of the
19 Department of Revenue;

20 (3) Lottery contractor shall mean a lottery vendor or
21 lottery game retailer with whom the division has contracted for the
22 purpose of providing goods or services for the state lottery;

23 (4) Lottery game shall mean any variation of the
24 following types of games:

1 (a) An instant-win game in which disposable tickets
2 contain certain preprinted winners which are determined by rubbing
3 or scraping an area or areas on the tickets to match numbers,

4 letters, symbols, or configurations, or any combination thereof, as
5 provided by the rules of the game. An instant-win game may also
6 provide for preliminary and grand prize drawings conducted pursuant
7 to the rules of the game. An instant-win game shall not include
8 the use of any pickle card as defined in section 9-315; and

9 (b) An on-line lottery game in which lottery game
10 retailer terminals are hooked up to a central computer via a
11 telecommunications system through which (i) a player selects a
12 specified group of numbers or symbols out of a predetermined range
13 of numbers or symbols and purchases a ticket bearing the
14 player-selected numbers or symbols for eligibility in a drawing
15 regularly scheduled in accordance with game rules or (ii) a player
16 purchases a ticket bearing randomly selected numbers for
17 eligibility in a drawing regularly scheduled in accordance with
18 game rules.

19 Lottery game shall not be construed to mean any video
20 lottery game;

21 (5) Lottery game retailer shall mean a person who
22 contracts with or seeks to contract with the division to sell
23 tickets in lottery games to the public;

24 (6) Lottery vendor shall mean any person who submits a
25 bid, proposal, or offer as part of a major procurement;

26 (7) Major procurement shall mean any procurement or
contract for the purchase or lease of goods or services unique to
1 or used primarily for the operation of the state lottery in excess
2 of fifteen thousand dollars, including the printing of tickets, the
3 provision of terminals and other computer equipment, and
4 transportation, accounting, and consulting; ~~and advertising~~
5 services; and

6 (8) Ticket or lottery ticket shall mean any tangible
7 evidence authorized by the division to prove participation in a
8 lottery game."

9 2. Renumber the remaining sections and correct the
10 repealer accordingly.

SELECT FILE

LEGISLATIVE BILL 835. Mr. Bromm offered the following amendment:
FA101

Amend AM7092

Page 2 - Line 15, after "to", insert "directly or indirectly"

Page 2, Line 17: Remove the period, insert a comma, and add the words
"other than temporary ownership, keeping and feeding, not to exceed five (5)
days, necessary and incidental to the process of slaughter."

Mr. Matzke asked unanimous consent to be excused. No objections. So
ordered.

The Bromm amendment was adopted with 26 ayes, 3 nays, 8 present and not

voting, and 11 excused and not voting.

Pending.

LEGISLATIVE BILL 319. Mr. Brashear offered the following amendment:
AM1290

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 25-2229, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 25-2229. (1) In counties having a population of one
- 5 hundred thousand or more inhabitants, each judge of the county
- 6 court may contract with one constable for purposes of serving or
- 7 otherwise executing, according to law, and returning writs or other
- 8 legal process. Such constables shall not be considered employees
- 9 of the state or its political subdivisions. Notwithstanding any
- 10 other provision of law, the terms of such contract shall be
- 11 prescribed by the State Court Administrator.
- 12 (2) In counties having more than one contracted
- 13 constable, the party requesting the constable to serve or otherwise
- 14 execute any legal process may designate by name the constable who
- 15 shall serve or otherwise execute such legal process."
- 16 2. On page 3, line 2, strike "section 25-506.01" and
- 17 insert "sections 25-506.01 and 25-2229"; and in line 3 strike "is"
- 18 and insert "are".
- 19 3. In the Standing Committee amendments, AM0192, on page
- 20 1, line 3, strike "Any" and insert "In any county which does not
- 21 have a person contracted as a constable pursuant to section
- 22 25-2229, any".
- 23 4. Renumber the remaining section accordingly.

The Brashear amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 320. Advanced to E & R for engrossment.

LEGISLATIVE BILL 236. Advanced to E & R for engrossment.

LEGISLATIVE BILL 115. E & R amendment, AM7097, found on page 1348, was adopted.

Advanced to E & R for engrossment.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 241. Advanced to E & R for engrossment.

LEGISLATIVE BILL 405. Advanced to E & R for engrossment.

LEGISLATIVE BILL 681. Advanced to E & R for engrossment.

LEGISLATIVE BILL 753. E & R amendment, AM7099, found on page 1348, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 248. Advanced to E & R for engrossment.

LEGISLATIVE BILL 284. Advanced to E & R for engrossment.

LEGISLATIVE BILL 318. Advanced to E & R for engrossment.

LEGISLATIVE BILL 621. Advanced to E & R for engrossment.

LEGISLATIVE BILL 621A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 277. E & R amendment, AM7100, found on page 1364, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 532. Advanced to E & R for engrossment.

LEGISLATIVE BILL 533. Advanced to E & R for engrossment.

LEGISLATIVE BILL 776. E & R amendment, AM7101, found on page 1365, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 581. Advanced to E & R for engrossment.

LEGISLATIVE BILL 799. Advanced to E & R for engrossment.

LEGISLATIVE BILL 242. E & R amendment, AM7102, found on page 1367, was adopted.

Mr. Byars offered the following amendment:

AM1229

(Amendments to E & R amendments, AM7102)

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

The Byars amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 618. E & R amendment, AM7103, found on page 1370, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 18. Advanced to E & R for engrossment.

LEGISLATIVE BILL 522. Advanced to E & R for engrossment.

LEGISLATIVE BILL 781. E & R amendment, AM7104, found on page 1370, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 506. Advanced to E & R for engrossment.

LEGISLATIVE BILL 800. E & R amendment, AM7107, found on page 1370, was adopted.

Mr. Byars offered the following amendment:
AM1301

(Amendments to E & R amendments, AM7107)

1 1. Insert the following new section:

2 "Sec. 8. Section 71-193.18, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-193.18. (1) A licensed dental hygienist may monitor
5 nitrous oxide analgesia under the indirect supervision of a
6 licensed dentist.

7 (2) A licensed dental hygienist may be approved by the
8 Department of Health and Human Services Regulation and Licensure,
9 upon the recommendation of the Board of Examiners in Dentistry, to
10 administer local anesthesia under the indirect supervision of a
11 licensed dentist. The department may, upon the recommendation of
12 the board, prescribe by rule and regulation: The necessary
13 education and preparation, which shall include, but not be limited
14 to, instruction in the areas of head and neck anatomy, osteology,
15 physiology, pharmacology, medical emergencies, and clinical
16 techniques; the necessary clinical experience; and the necessary
17 examination for purposes of determining the competence of licensed
18 dental hygienists to administer local anesthesia.

19 Upon the recommendation of the Board of Examiners in
20 Dentistry, the department may approve successful completion after
21 July 1, 1994, of a course of instruction to determine competence to
22 administer local anesthesia. The course of instruction must be at
23 an institution accredited by a regional or professional accrediting
1 organization which is recognized by the United States Department of
2 Education and approved by the Department of Health and Human
3 Services Regulation and Licensure. The course of instruction must
4 be taught by a faculty member or members of the institution
5 presenting the course. The Department of Health and Human Services
6 Regulation and Licensure may approve for purposes of this
7 subsection a course of instruction if such course includes:

8 (a) At least twelve clock hours of classroom lecture,
9 including instruction in (i) medical history evaluation procedures,
10 (ii) anatomy of the head, neck, and oral cavity as it relates to

11 administering local anesthetic agents, (iii) pharmacology of local
12 anesthetic agents, vasoconstrictor, and preservatives, including
13 physiologic actions, types of anesthetics, and maximum dose per
14 weight, (iv) systemic conditions which influence selection and
15 administration of anesthetic agents, (v) signs and symptoms of
16 reactions to local anesthetic agents, including monitoring of vital
17 signs, (vi) management of reactions to or complications associated
18 with the administration of local anesthetic agents, (vii) selection
19 and preparation of the armamentaria for administering various local
20 anesthetic agents, and (viii) methods of administering local
21 anesthetic agents;

22 (b) At least twelve clock hours of clinical instruction
23 during which time at least three injections of each of the
24 anterior, middle and posterior superior alveolar, naso and greater
25 palatine, ~~infraorbital~~, inferior alveolar, lingual, mental, long
26 buccal, and infiltration injections are administered; and

27 (c) Procedures, which shall include an examination, for
1 purposes of determining whether the hygienist has acquired the
2 necessary knowledge and proficiency to administer local anesthetic
3 agents.

4 (3) No dental hygienist licensed in this state shall be
5 approved to administer local anesthesia unless such person submits
6 to the Board of Examiners in Dentistry a fee of not less than
7 twenty dollars nor more than one hundred dollars as determined by
8 the Department of Health and Human Services Regulation and
9 Licensure upon the recommendation of the board."

10 2. On page 11, line 24, strike "71-193.17" and insert
11 "71,193.18".

12 3. Renumber the remaining sections accordingly.

The Byars amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 719. Mr. Landis moved to suspend the rules, Rule 7, Sec. 3(d), and adopt the following amendment:

AM1308

1 1. Insert the following section:

2 "Sec. 2. Section 53-1,104, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-1,104. (1) Any licensee which sells or permits the
5 sale of any alcoholic liquor not authorized under the terms of such
6 license on the licensed premises or in connection with such
7 licensee's business or otherwise shall be subject to suspension,
8 cancellation, or revocation of such license by the commission.

9 (2) When ~~any~~ an order suspending a retail license to sell
10 alcoholic liquor becomes final, the licensee may elect to pay a
11 cash penalty to the commission in lieu of suspending sales of

12 alcoholic liquor for the designated period if such election is not
13 prohibited by order of the commission. For the first such
14 suspension for any licensee, the penalty shall be fifty dollars per
15 day. For a second or any subsequent suspension, the penalty shall
16 be one hundred dollars per day, except that for a second or
17 subsequent suspension for the same type of violation occurring
18 within four years after the date of the first suspension, the
19 commission, in its discretion, may order that the licensee be
20 required to suspend sales of alcoholic liquor for a period of time
21 not to exceed ten days and that the licensee may not elect to pay a
22 cash penalty. The commission may use the required suspension of
23 sales on alcoholic liquor penalty either alone or in conjunction
24 with suspension periods for which the licensee may elect to pay a
1 cash penalty. For ~~any licensee which has no~~
2 violation for a period of four years consecutively, the second or
3 subsequent suspension shall be treated as a first suspension.

4 Such election The election provided for in this
5 subsection shall be filed with the commission in writing one week
6 before ~~such~~ the suspension is ordered to commence and shall be
7 accompanied by payment in full of the sum required by this section.
8 If such election has not been received by the commission by the
9 close of business one week before the day such suspension is
10 ordered to commence, it shall be conclusively presumed that the
11 licensee has elected to close for the period of the suspension and
12 any election received later shall be absolutely void and the
13 payment made shall be returned to the licensee. The election shall
14 be made on a form prescribed by the commission. All funds received
15 under this section shall be remitted to the State Treasurer for
16 credit to the temporary school fund."

17 2. On page 2, line 14, strike "section 53-180.06" and
18 insert "sections 53-180.06 and 53-1,104"; and in line 15 strike
19 "is" and insert "are".

20 3. Renumber the remaining section accordingly.

Mr. Bourne moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis requested a ruling of the Chair on whether there had been sufficient debate on the motion to suspend the rules.

The Chair ruled there had not been sufficient debate on the motion.

Mr. Bourne challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

LEGISLATIVE BILL 738. Advanced to E & R for engrossment.

LEGISLATIVE BILL 295. Advanced to E & R for engrossment.

LEGISLATIVE BILL 112. E & R amendment, AM7105, found on page 1376, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 573. E & R amendment, AM7108, found on page 1396, was adopted.

Mr. Beutler offered the following amendment:
AM1306

(Amendments to Standing Committee amendments, AM0540)

- 1 1. Insert the following new section:
- 2 "Sec. 6. No animal welfare organization shall accept
- 3 controlled substances under a collaborating veterinarian agreement
- 4 unless, at the time of the acceptance, it has in effect third-party
- 5 liability insurance covering damages resulting from the improper
- 6 handling or control of controlled substances."

Mr. Beutler moved for a call of the house. The motion prevailed with 3 ayes, 0 nays, and 45 not voting.

The Beutler amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

Messrs. Cudaback and Dierks asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 778. E & R amendment, AM7116, printed separately and referred to on page 1405, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 640. Advanced to E & R for engrossment.

LEGISLATIVE BILL 806. Advanced to E & R for engrossment.

LEGISLATIVE BILL 755. Advanced to E & R for engrossment.

LEGISLATIVE BILL 759. E & R amendment, AM7110, found on page 1406, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 734. Advanced to E & R for engrossment.

LEGISLATIVE BILL 131. Mr. Tyson reoffered his amendment, AM0358, found on pages 752 and 1382 and considered on page 1307.

The Tyson amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Tyson renewed his pending amendment, AM1163, found on page 1382.

The Tyson amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 131A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 499. E & R amendment, AM7106, found on page 1406, was adopted.

Mrs. Hudkins renewed her pending amendment, AM1195, found on page 1386.

The Hudkins amendment was adopted with 28 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 722. E & R amendment, AM7109, found on page 1406, was adopted.

Mrs. Crosby and Mr. Byars renewed their pending amendment, AM1117, found on page 1333.

The Crosby-Byars amendment was adopted with 28 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 704:
(Amendment, AM1147, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Bromm filed the following amendment to LB 704:
AM1292

(Amendments to E & R amendments, AM7096)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 60-315.01, Reissue Revised Statutes
- 3 of Nebraska, as amended by section 3, Legislative Bill 57,
- 4 Ninety-sixth Legislature, First Session, 1999, is amended to read:
- 5 60-315.01. The owner of a vehicle bearing personalized

6 message license plates may make application to the county treasurer
7 or designated county official as provided in section 60-302 to have
8 such plates transferred to a motor vehicle other than the vehicle
9 for which such plates were originally purchased if such vehicle is
10 owned by the owner of the plates. Application for such transfer
11 shall be accompanied by a fee of three dollars. Fees collected
12 pursuant to this subsection shall be remitted to the State
13 Treasurer for credit to the Department of Motor Vehicles Cash Fund.
14 The fees shall be remitted to the State Treasurer for credit to the
15 Department of Motor Vehicles Cash Fund.

16 Sec. 18. Section 60-4,130, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-4,130. (1) Application for an employment driving
19 permit shall be made to the Department of Motor Vehicles on forms
20 furnished for that purpose by the department. The application form
21 shall contain such information as deemed necessary by the director
22 to carry out this section and section 60-4,129. The application
23 form shall also include a voter registration portion pursuant to
1 section 32-308 and the following specific question: Do you wish to
2 register to vote as part of this application process? To be
3 eligible for an employment driving permit, the applicant shall
4 furnish, along with the application to the director, the following:

5 (a) An affidavit from the applicant's employer stating
6 that such applicant is required to operate a motor vehicle from his
7 or her residence to his or her place of employment and return;

8 (b) If such applicant requires the use of a motor vehicle
9 during the normal course of employment, an affidavit from the
10 applicant's employer setting forth the facts establishing such
11 requirement;

12 (c) An affidavit stating that there exists no other
13 reasonable alternative means of transportation to and from work
14 available to the applicant; and

15 (d) If the applicant is self-employed, an affidavit to
16 the department setting forth the provisions of his or her
17 employment.

18 (2) Except as otherwise provided in this subsection, upon
19 making application for such permit, the applicant shall certify
20 that he or she will attend and complete, within sixty days, a
21 driver improvement course presented by the department or show
22 successful completion of the driver education and training course
23 as provided in section 60-4,183. If such course is not completed,
24 the employment driving permit shall be surrendered to the
25 department. If any person fails to return to the department the
26 permit as provided in this subsection, the department shall direct
27 any peace officer or authorized representative of the department to
1 secure possession of the permit and to return the permit to the
2 department. An applicant whose operator's license has been
3 suspended pursuant to section 43-3318 is not required to fulfill
4 such driver improvement or education and training course

5 requirements. All applicants shall file and maintain proof of
6 financial responsibility as required by the Motor Vehicle Safety
7 Responsibility Act.

8 (3) Any person who fails to surrender a permit, as
9 required by this section, shall be guilty of a Class IV
10 misdemeanor.

11 (4) A fee of forty dollars shall be submitted to the
12 department along with the application for an employment driving
13 permit. All fees collected shall be deposited in the General Fund.

14 (5) When the holder of an employment driving permit is
15 convicted, on or after the date of issuance of the employment
16 driving permit, of any traffic violation or of operating a motor
17 vehicle for a purpose other than specified by such permit, the
18 person shall not be eligible to receive another employment driving
19 permit during that particular period of revocation. This
20 subsection does not apply to a holder of an employment driving
21 permit if the reason for his or her license revocation or
22 suspension only involved a suspension under section 43-3318 and not
23 a revocation under any other section.

24 (6) Any person who feels himself or herself aggrieved
25 because of the refusal of the director to issue the employment
26 driving permit may appeal to the district court of the county in
27 which such person resides or, in the case of a nonresident, to the
1 district court of Lancaster County in the manner set forth in
2 section 60-4,105.

3 Sec. 19. Section 60-4,130.02, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 60-4,130.02. (1) Application for a medical hardship
6 driving permit shall be made to the Department of Motor Vehicles on
7 forms furnished for that purpose by the department. The
8 application form shall contain such information as deemed necessary
9 by the director to carry out this section and section 60-4,130.01.
10 The application form shall also include a voter registration
11 portion pursuant to section 32-308 and the following specific
12 question: Do you wish to register to vote as part of this
13 application process? To be eligible for a medical hardship driving
14 permit, the applicant shall furnish, along with the application to
15 the director, the following:

16 (a) An affidavit from the applicant's physician stating
17 that it is necessary for such applicant to receive medical
18 treatment at a location other than the applicant's residence and
19 that the treatment will not impair the applicant's ability to
20 operate a motor vehicle; and

21 (b) An affidavit stating that there exists no other
22 reasonable alternative means of transportation to and from the site
23 of medical treatment available to the applicant.

24 (2) The applicant shall also be required to file and
25 maintain proof of financial responsibility as required by the Motor
26 Vehicle Safety Responsibility Act.

27 (3) A fee of forty dollars shall be submitted to the
1 department along with the application for a medical hardship
2 driving permit. All fees collected shall be deposited in the
3 General Fund.

4 (4) When the holder of a medical hardship driving permit
5 is convicted, on or after the date of issuance of the permit, of
6 any traffic violation or of operating a motor vehicle for a purpose
7 other than specified by such permit, the person shall not be
8 eligible to receive another medical hardship driving permit during
9 that particular period of revocation.

10 (5) Any person who feels himself or herself aggrieved
11 because of the refusal of the director to issue the medical
12 hardship driving permit may appeal to the district court of the
13 county in which such person resides or, in the case of a
14 nonresident, to the district court of Lancaster County in the
15 manner set forth in section 60-4,105.

16 Sec. 30. Section 60-4,170, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-4,170. Within ten days after the revocation provided
19 for by section 60-4,169, the director shall notify in writing the
20 person whose commercial driver's license or privilege to operate a
21 commercial motor vehicle has been revoked that such license or
22 privilege has been revoked. Such notice shall: (1) Contain a list
23 of the disqualifying convictions or administrative determinations
24 upon which the director relies as his or her authority for the
25 revocation, with the dates on which such disqualifying violations
26 occurred and the dates of such convictions or administrative
27 determinations and the trial courts or administrative agencies in
1 which such convictions or administrative determinations were
2 rendered; (2) state the term of revocation; (3) include a demand
3 that the commercial driver's license be returned to the director
4 immediately; and (4) be served by mailing the notice to such person
5 by registered or certified mail to the address of such person. If
6 any person fails to return a commercial driver's license following
7 a demand by the director, the director shall immediately direct any
8 peace officer or authorized representative of the director to
9 secure possession of such license and return the license to the
10 director. Any person refusing or failing to surrender a commercial
11 driver's license as required by this section shall, upon
12 conviction, be guilty of a Class III misdemeanor.

13 Any person who feels himself or herself aggrieved because
14 of a revocation pursuant to section 60-4,169 may appeal from such
15 revocation to the district court of the county wherein such person
16 resides or, in the case of a nonresident, to the district court of
17 Lancaster County in the manner set forth in section 60-4,105. Such
18 appeal shall not suspend the order of revocation unless a stay of
19 such revocation shall be allowed by the court pending a final
20 determination of the review. The license of any person claiming to
21 be aggrieved shall not be restored to such person, in the event of

22 a final judgment of a court against such person, until the full
23 time of revocation, as fixed by the director, has elapsed.

24 Sec. 34. Section 60-4,184, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 60-4,184. Within ten days after the revocation provided
27 for by section 60-4,183, the director shall notify in writing the
1 person whose operator's license has been revoked that such license
2 has been revoked. Such notice shall:

3 (1) Contain a list of the convictions for violations upon
4 which the director relies as his or her authority for the
5 revocation, with the dates of such violations upon which
6 convictions were had and the dates of such convictions, the trial
7 courts in which such judgments of conviction were rendered, and the
8 points charged for each conviction;

9 (2) State the term of such revocation;

10 (3) Include a demand that the license be returned to the
11 director immediately; and

12 (4) Be served by mailing it to such person by either
13 registered or certified mail to the last-known residence of such
14 person or, if such address is unknown, to the last-known business
15 address of such person.

16 If any person fails to return his or her license to the
17 director as demanded, the director shall immediately direct any
18 peace officer or authorized representative of the director to
19 secure possession of such license and return the license to the
20 director. A refusal to surrender an operator's license on demand
21 shall be unlawful, and any person failing to surrender his or her
22 license as required by this section shall be guilty of a Class III
23 misdemeanor.

24 Any person who feels aggrieved because of such revocation
25 may appeal from such revocation ~~to the district court of the county~~
26 ~~in which such person resides or, in the case of a nonresident, to~~
27 ~~the district court of Lancaster County~~ in the manner set forth in
1 section 60-4,105. Such appeal shall not suspend the order of
2 revocation of such license unless a stay of such order is allowed
3 by a judge of such court pending a final determination of the
4 review. The license of any person claiming to be aggrieved shall
5 not be restored to such person, in the event the final judgment of
6 a court finds against such person, until the full time of
7 revocation, as fixed by the Department of Motor Vehicles, has
8 elapsed.

9 Sec. 37. Section 60-2131, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-2131. The director may cancel, suspend, revoke, or
12 refuse to issue or renew a motorcycle safety instructor's permit or
13 chief instructor's permit in any case when the director finds the
14 permittee or applicant has not complied with or has violated the
15 Motorcycle Safety Education Act or any rule or regulation adopted
16 and promulgated by the director. A suspended or revoked permit

17 shall be returned to the director by the permittee, and its holder
18 shall not be eligible to apply for a permit under section 60-2127
19 or 60-2129 until twelve months have elapsed since the date of such
20 suspension or revocation. Any action taken by the director to
21 cancel, suspend, revoke, or refuse to issue or renew a permit shall
22 comply with the Administrative Procedure Act. ~~A permittee or~~
23 ~~applicant may appeal the cancellation, suspension, or revocation of~~
24 ~~or the refusal to issue or renew a permit, and the appeal shall be~~
25 ~~in accordance with section 60-4,105.~~

26 Sec. 39. Sections 1 and 40 of this act become operative
27 January 1, 2000. The other sections of this act become operative
1 on their effective date.

2 Sec. 40. Original section 60-315.01, Reissue Revised
3 Statutes of Nebraska, as amended by section 3, Legislative Bill 57,
4 Ninety-sixth Legislature, First Session, 1999, is repealed."

5 2. On page 2, line 23, after the period insert "Such
6 application may be made to an examiner in any county.".

7 3. On page 14, line 14, strike "to" and show as
8 stricken; and in line 15 after "resides" insert "or, in the case of
9 a nonresident, to the district court of Lancaster County.".

10 4. On page 16, strike beginning with "of" in line 22
11 through the last comma in line 23 and show the old matter as
12 stricken; in line 24 after the period insert "The certificate shall
13 be presented in the applicant's county of residence until the
14 Department of Motor Vehicles has established the appropriate
15 procedures for the certificate to be presented to the county
16 treasurer of any county which shall be not later than January 1,
17 2003.".

18 5. On page 22, lines 8 through 11, strike the new
19 matter; in lines 11 and 12 reinstate the stricken matter; and in
20 line 12 after the reinstated "resides" insert "until such time as
21 the Department of Motor Vehicles establishes the appropriate
22 procedures for statewide licensing at which time the application
23 shall be made to the department and the department shall issue the
24 license. The department shall establish such procedures not later
25 than January 1, 2003.".

26 6. On page 23, line 18, strike "department's" and show
27 as stricken and after "records" insert "of the Department of Motor
1 Vehicles.".

2 7. On page 25, line 5, strike "pursuant to section
3 60-4,122", show as stricken, and insert "maintained in the
4 computerized records of the Department of Motor Vehicles."; in line
5 8 after "date" insert "of" and strike "was issued.", show as
6 stricken, and insert an underscored period; and strike lines 9
7 through 16.

8 8. On page 40, strike lines 8 through 10 and insert
9 "examiner is not required to hold a commercial driver's license to
10 administer a driving skills examination and occupy the seat beside
11 an applicant for a commercial driver's license.".

- 12 9. On page 43 strike lines 16 through 18 and insert
13 "tester is not required to hold a commercial driver's license to
14 administer a driving skills examination and occupy the seat beside
15 an applicant for a commercial driver's license."
16 10. On page 54, line 15, after the last comma insert
17 "60-4,130, 60-4,130.02, "; in line 17 after "60-4,158" insert
18 "60-4,170, "; and in line 18 strike "60-524, and 60-544" and insert
19 "60-4,184, 60-524, 60-544, and 60-2131".
20 11. Renumber the remaining sections accordingly.

Mrs. C. Peterson filed the following amendment to LB 704:

AM1302

- 1 1. Insert the following new sections:
2 "Sec. 33. (1) The Nebraska Commission on Motor Vehicle
3 Laws is created. The commission shall consist of not less than
4 twenty and not more than twenty-five persons appointed by the
5 Governor and two ex officio members. The two ex officio members
6 shall be the chairperson of the Transportation Committee of the
7 Legislature or his or her designee and the chairperson of the
8 Banking, Commerce and Insurance Committee of the Legislature or his
9 or her designee. The appointed members of the commission shall
10 include, but need not be limited to, persons recognizing the
11 importance of the motor vehicle laws of this state, including how
12 the current motor vehicle laws deal with persons driving without a
13 valid operator's license, without proper registration of their
14 motor vehicles, and without current and effective proof of
15 insurance.
16 (2) A range of expertise shall be represented on the
17 commission, including persons from the Department of Motor
18 Vehicles, the Department of Insurance, and the Department of Roads,
19 along with representatives from insurance companies, including
20 private and independent contractors, the Nebraska Trucking
21 Association, the Nebraska State Patrol, the Nebraska County
22 Attorney's Association, members of the general public, and members
23 of the Legislature who have indicated an interest in the motor
24 vehicle laws of this state. The commission may add additional
1 members after the initial members are appointed. Members of the
2 commission who are not state employees shall be reimbursed for
3 their actual and necessary expenses while engaged in the
4 performance of their duties on the commission pursuant to sections
5 81-1174 to 81-1177. The Department of Motor Vehicles shall be the
6 lead agency with assistance from the Transportation Committee of
7 the Legislature.
8 Sec. 34. The Nebraska Commission on Motor Vehicle Laws
9 is authorized to examine the effectiveness of the following:
10 (1) Sections 60-301, 60-302, 60-484, 60-528, and any
11 other motor vehicle laws the commission deems necessary to
12 determine the problems associated with unlicensed, underinsured,
13 and uninsured drivers and those persons driving unregistered motor

14 vehicles;

15 (2) Federal rules and regulations designed to increase
 16 the effectiveness of enforcement and compliance with the motor
 17 vehicle laws requiring operator's licenses, motor vehicle
 18 registrations, and proof of financial responsibility. The
 19 commission shall study the motor vehicle laws and other public
 20 initiatives in other states, including any information about the
 21 impact and effectiveness of the motor vehicle laws and initiatives,
 22 and shall make specific recommendations to the Legislature
 23 regarding motor vehicle legislation;

24 (3) The commission shall analyze, review, and suggest
 25 recommendations as to whether or not recodification of Chapter 60
 26 of the Nebraska statutes is necessary to increase enforcement
 27 efforts and strengthen current motor vehicle laws; and

1 (4) Any other matters necessary and proper for a complete
 2 examination of the issues.

3 Sec. 35. (1) The Nebraska Commission on Motor Vehicle
 4 Laws shall gather data about the impact of the motor vehicle laws
 5 of this state. The data shall be gathered by requesting
 6 information from public and private sources, holding public
 7 hearings, and other methods adopted by the commission.

8 (2) On or before December 31, 1999, the commission shall
 9 report its findings to the Legislature and the Governor. The
 10 report shall include an outline of the commission's activities,
 11 findings, and recommendations, including how the Legislature may
 12 address, through future legislation, any changes necessary to
 13 ensure uniformity in the motor vehicle laws and provide effective
 14 compliance throughout the state.

15 (3) The Nebraska Commission on Motor Vehicle Laws shall
 16 terminate on July 1, 2000."

17 2. Renumber the remaining sections accordingly.

Mrs. C. Peterson filed the following amendment to LB 704A:

AM1297

- 1 1. On page 2, line 1, strike "\$175,634" and insert
- 2 "\$178,134".

Mr. Janssen filed the following amendment to LB 267:

AM1295

- 1 1. Insert the following new section:
- 2 "Sec. 13. Section 53-177, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-177. (1) No license shall be issued for the sale at
- 5 retail of any alcoholic liquor within one hundred and fifty feet of
- 6 any church, school, hospital, or home for aged or indigent persons
- 7 or for veterans, their wives or children. This prohibition does ;
- 8 ~~PROVIDED, that this prohibition shall~~ not apply ~~(+)~~ (a) to any
- 9 location within such distance of one hundred and fifty feet for
- 10 which a license to sell alcoholic ~~liquors~~ liquor at retail has been

11 granted by the Nebraska Liquor Control Commission for two years
 12 continuously prior to making of application for license, ~~and (2)~~
 13 and (b) to hotels offering restaurant service, to regularly
 14 organized clubs, or to restaurants, food shops, or other places
 15 where sale of alcoholic liquors liquor is not the principal
 16 business carried on, if such place of business so exempted shall
 17 have been established for such purposes prior to May 24, 1935.

18 (2) No alcoholic liquor, other than beer, shall be sold
 19 for consumption on the premises within three hundred feet from the
 20 campus of any college or university in the state, except that this
 21 section does not prohibit a college or university (a) from holding
 22 a license to sell alcoholic liquor at retail on the campus of such
 23 college or university or (b) from contracting with an individual or
 24 corporation holding a license to sell alcoholic liquor at retail
 1 for the purpose of selling alcoholic liquor at retail on the campus
 2 of such college or university at events sanctioned by such college
 3 or university."

4 2. On page 46, line 24, after the first comma insert
 5 "53-177,".

6 3. Renumber the remaining sections accordingly.

Mr. Dierks filed the following amendment to LB 404:
 AM1289

(Amendments to E & R amendments, AM7111)

1 1. On page 2, line 10, after the period insert "This
 2 section shall not be construed to require a municipal, state, or
 3 federal zoo, park, refuge, or wildlife area or a bona fide circus
 4 or animal exhibit to obtain a permit in order to own, possess, buy,
 5 sell, or barter a domesticated cervine animal."

Mr. Brashear filed the following amendment to LB 835:
 AM1196

(Amendments to E & R amendments, AM7092)

1 1. Insert the following new section:
 2 "Sec. 32. This act becomes operative on May 1, 2000."
 3 2. On page 2, line 14, strike "effective" and insert
 4 "operative".
 5 3. On page 4, line 25; and page 7, line 14, strike
 6 beginning with "Beginning" through "a" and insert "A".

Mrs. C. Peterson and Mr. Bromm filed the following amendment to LB 704:
 AM1305

(Amendments to E & R amendments, AM7096)

1 1. Insert the following new sections:
 2 "Sec. 33. (1) The Nebraska Commission on Motor Vehicle
 3 Laws is created. The commission shall consist of not less than
 4 twenty and not more than twenty-five persons appointed by the
 5 Governor and two ex officio members. The two ex officio members
 6 shall be the chairperson of the Transportation Committee of the

7 Legislature or his or her designee and the chairperson of the
8 Banking, Commerce and Insurance Committee of the Legislature or his
9 or her designee. The appointed members of the commission shall
10 include, but need not be limited to, persons recognizing the
11 importance of the motor vehicle laws of this state, including how
12 the current motor vehicle laws deal with persons driving without a
13 valid operator's license, without proper registration of their
14 motor vehicles, without current and effective proof of insurance,
15 and how the motor vehicle laws, especially the Nebraska Rules of
16 the Road, may address and enhance safety issues.

17 (2) A range of expertise shall be represented on the
18 commission, including persons from the Department of Motor
19 Vehicles, the Department of Insurance, the Department of Roads, and
20 the Nebraska Office of Highway Safety along with representatives
21 from insurance companies, including private and independent
22 contractors, the Nebraska Trucking Association, the Nebraska State
23 Patrol, the Nebraska County Attorney's Association, members of the
1 general public, and members of the Legislature who have indicated
2 an interest in the motor vehicle laws of this state or in highway
3 safety. The commission may add additional members after the
4 initial members are appointed. Members of the commission who are
5 not state employees shall be reimbursed for their actual and
6 necessary expenses while engaged in the performance of their duties
7 on the commission pursuant to sections 81-1174 to 81-1177. The
8 Department of Motor Vehicles shall be the lead agency with
9 assistance from the Transportation Committee of the Legislature.

10 Sec. 34. The Nebraska Commission on Motor Vehicle Laws
11 is authorized to examine the effectiveness of the following:

12 (1) Sections 60-301, 60-302, 60-484, 60-528, the Nebraska
13 Rules of the Road and any other motor vehicle laws the commission
14 deems necessary to determine the problems associated with highway
15 safety, and unlicensed, underinsured, and uninsured drivers, and
16 those persons driving unregistered motor vehicles;

17 (2) Federal rules and regulations designed to increase
18 the effectiveness of enforcement and compliance with the motor
19 vehicle laws, including rules and regulations designed to increase
20 highway safety and those requiring operator's licenses, motor
21 vehicle registrations, and proof of financial responsibility. The
22 commission shall study the motor vehicle laws and other public
23 initiatives in other states, including any information about the
24 impact and effectiveness of the motor vehicle laws and initiatives,
25 including initiatives and other laws that have proven effective in
26 having an impact on highway safety, and shall make specific
27 recommendations to the Legislature regarding motor vehicle
1 legislation;

2 (3) The commission shall analyze, review, and suggest
3 recommendations as to whether or not recodification of Chapter 60
4 of the Nebraska statutes is necessary to increase enforcement
5 efforts, strengthen current motor vehicle laws, and promote highway

6 safety; and

7 (4) Any other matters necessary and proper for a complete

8 examination of the issues.

9 Sec. 35. (1) The Nebraska Commission on Motor Vehicle
 10 Laws shall gather data about the impact of the motor vehicle laws
 11 of this state, including current accident and fatality statistics.
 12 The data shall be gathered by requesting information from public
 13 and private sources, holding public hearings, and other methods
 14 adopted by the commission.

15 (2) On or before December 31, 1999, the commission shall
 16 report its findings to the Legislature and the Governor. The
 17 report shall include an outline of the commission's activities,
 18 findings, and recommendations, including how the Legislature may
 19 address, through future legislation, any changes necessary to
 20 ensure uniformity in the motor vehicle laws, increased highway
 21 safety, and provide effective compliance throughout the state.

22 (3) The Nebraska Commission on Motor Vehicle Laws shall
 23 terminate on July 1, 2000."

24 2. Renumber the remaining sections accordingly.

Ms. Schimek and Mr. Raikes filed the following amendment to LB 822:
 AM1283

(Amendments to AM1171)

1 1. On page 1, strike beginning with "In" in line 2
 2 through "2000" in line 4 and insert "In a county which, prior to
 3 June 1, 2000, has appointed a planning commission and is preparing
 4 or has adopted a comprehensive development plan that has not been
 5 implemented".

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 630. Placed on Select File as amended.

(E & R amendment, AM7123, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 556. Placed on Select File.

LEGISLATIVE BILL 729. Placed on Select File as amended.

E & R amendment to LB 729:

AM7124

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 32-1405, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 32-1405. (1) Prior to obtaining any signatures on an
 6 initiative or referendum petition, a statement of the object of the
 7 petition and the text of the measure shall be filed with the

8 Secretary of State together with a sworn statement containing the
9 names and street addresses of every person, corporation, or
10 association sponsoring the petition.

11 (2) The Secretary of State shall not accept for filing
12 any initiative or referendum petition which (a) interferes with the
13 legislative prerogative contained in the Constitution of Nebraska
14 that the necessary revenue of the state and its governmental
15 subdivisions shall be raised by taxation in the manner as the
16 Legislature may direct, (b) does not comply with sections 32-1401
17 to 32-1416, (c) would violate the Constitution of the United
18 States, (d) would violate the laws of the United States, or (e)
19 fails to substantially comply with the procedural limitations
20 imposed by the Constitution of Nebraska.

21 (3) Upon receipt of the filing, the Secretary of State
22 shall transmit the text of the proposed measure to the Revisor of
23 Statutes. The Revisor of Statutes shall review the proposed
24 measure and suggest changes as to form and draftmanship. The
1 revisor shall complete the review within ten days after receipt
2 from the Secretary of State. The Secretary of State shall provide
3 the results of the review and suggested changes to the sponsor but
4 shall otherwise keep them confidential for five days after receipt
5 by the sponsor. The Secretary of State shall then maintain the
6 opinion as public information and as a part of the official record
7 of the initiative. The suggested changes may be accepted or
8 rejected by the sponsor.

9 (3) (4) The Secretary of State shall prepare five
10 camera-ready copies of the petition from the information filed by
11 the sponsor and any changes accepted by the sponsor and shall
12 provide the copies to the sponsor within five days after receipt of
13 the review required in subsection (2) (3) of this section. The
14 sponsor shall print the petitions to be circulated from the forms
15 provided.

16 (5) If the Secretary of State refuses to accept for
17 filing any initiative or referendum petition pursuant to subsection
18 (2) of this section, any resident may apply, within ten days after
19 such refusal, to the district court of Lancaster County for a writ
20 of mandamus. If it is decided by the court that such petition
21 complies with the requirements of subsection (2) of this section,
22 the Secretary of State shall accept the petition for filing.

23 (6) If the Secretary of State accepts for filing any
24 initiative or referendum petition pursuant to this section, any
25 resident may apply, within ten days after such acceptance, to the
26 district court of Lancaster County for an order enjoining the
27 Secretary of State and all other officers from performing any of
1 the other acts described in sections 32-1401 to 32-1416. If such a
2 suit is filed, the person who is the sponsor of record of the
3 petition shall be a necessary party defendant in such suit. If it
4 is decided by the court that such petition violates the
5 requirements set forth in subsection (2) of this section, the court

6 shall enter an order enjoining the Secretary of State and all other
7 officers from performing any of the acts described in sections
8 32-1401 to 32-1416.

9 (7) Suits under subsections (5) and (6) of this section
10 shall be advanced on the court docket and heard and decided by the
11 court as quickly as possible. Either party may appeal to the Court
12 of Appeals within ten days after a decision is rendered. The
13 appeal procedures described in the Administrative Procedure Act
14 shall not apply to this section.

15 (4) ~~The changes made to this section by Laws 1995, LB 337~~
16 ~~shall apply to initiative and referendum petitions filed on or~~
17 ~~after September 9, 1995.~~

18 Sec. 2. Section 32-1408, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-1408. The Secretary of State shall not accept for
21 filing any initiative or referendum petition which (1) interferes
22 with the legislative prerogative contained in the Constitution of
23 Nebraska that the necessary revenue of the state and its
24 governmental subdivisions shall be raised by taxation in the manner
25 as the Legislature may direct, (2) does not comply with sections
26 32-1401 to 32-1416, (3) would violate the Constitution of the
27 United States, (4) would violate the laws of the United States, or
1 (5) fails to substantially comply with the procedural limitations
2 imposed by the Constitution of Nebraska.

3 Sec. 3. Section 32-1412, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-1412. (1) If the Secretary of State refuses to place
6 on the ballot any measure proposed by an initiative petition
7 presented at least four months preceding the date of the election
8 at which the proposed law or constitutional amendment is to be
9 voted upon or a referendum petition presented within ninety days
10 after the Legislature enacting the law to which the petition
11 applies adjourns sine die or for a period longer than ninety days,
12 any resident may apply, within ten days after such refusal, to the
13 district court of Lancaster County for a writ of mandamus. If a
14 suit is filed to require the Secretary of State to place the issue
15 on the ballot and the signatures have not been verified, the
16 Secretary of State shall proceed with the signature verification
17 process unless and until the suit is dismissed or the court orders
18 otherwise. If it is decided by the court that such petition is
19 legally sufficient, the Secretary of State shall order the issue
20 placed upon the ballot at the next general election.

21 (2) On a showing that an initiative or referendum
22 petition is not legally sufficient, the court, on the application
23 of any resident, may enjoin the Secretary of State and all other
24 officers from certifying or printing on the official ballot for the
25 next general election the ballot title and number of such measure.
26 If a suit is filed against the Secretary of State seeking to enjoin
27 him or her from placing the measure on the official ballot, the

1 person who is the sponsor of record of the petition shall be a
2 necessary party defendant in such suit. Any such suit may be
3 commenced at any time after the initiative or referendum petition
4 has been filed in the office of the Secretary of State pursuant to
5 section 32-1407 and prior to the election at which the initiative
6 or referendum measure is to be submitted to the registered voters.

7 (3) Such suits shall be advanced on the court docket and
8 heard and decided by the court as quickly as possible. Either
9 party may appeal to the Court of Appeals within ten days after a
10 decision is rendered. The appeal procedures described in the
11 Administrative Procedure Act shall not apply to this section.

12 (4) The district court of Lancaster County shall have
13 jurisdiction over all litigation arising under sections 32-1401 to
14 32-1416.

15 (5) For purposes of this section, not legally sufficient
16 means that an initiative or referendum petition (a) interferes with
17 the legislative prerogative contained in the Constitution of
18 Nebraska that the necessary revenue of the state and its
19 governmental subdivisions shall be raised by taxation in the manner
20 as the Legislature may direct, (b) does not comply with sections
21 32-1401 to 32-1416, (c) would violate the Constitution of the
22 United States, (d) would violate the laws of the United States, or
23 (e) fails to substantially comply with the procedural limitations
24 imposed by the Constitution of Nebraska.

25 Sec. 4. Original sections 32-1405, 32-1408, and 32-1412,
26 Reissue Revised Statutes of Nebraska, are repealed."

27 2. On page 1, line 4, after "State" insert "and to
1 authorize certain actions".

LEGISLATIVE BILL 299. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

VISITORS

Visitors to the Chamber were 16 fourth grade students and teacher from St. Joseph Catholic School, Beatrice; 15 fourth grade students and teacher from St. Joseph Elementary School, York; 48 fourth grade students and teachers from York; 33 fourth grade students and teachers from Louisville Elementary School; Wendy W. Wustenberg from St. Paul, Minnesota; and 35 fifth and sixth grade students and teachers from Elgin Elementary School.

The Doctor of the Day was Dr. Bradley Hupp from Albion.

ADJOURNMENT

At 1:32 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Monday, April 19, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIFTH DAY – APRIL 19, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 19, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Wayne Hayward, Seventh-Day Adventist Church, McCook, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Byars, Jensen, and Mrs. Robak who were excused; and Messrs. Beutler, Brashear, Hartnett, Kristensen, Matzke, Schmitt, Wickersham, Mmes. Bohlke, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 539. Placed on Select File as amended.

E & R amendment to LB 539:

AM7125

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 77-27,187.01, Revised Statutes
- 4 Supplement, 1998, is amended to read:
- 5 77-27,187.01. For purposes of the Employment Expansion
- 6 and Investment Incentive Act, unless the context otherwise
- 7 requires:
- 8 (1) Any term has the same meaning as used in the Nebraska
- 9 Revenue Act of 1967;
- 10 (2) Equivalent Nebraska employees means the number of

11 Nebraska employees computed by dividing the total hours paid in a
12 year to Nebraska employees by the product of forty times the number
13 of weeks in a year;

14 (3) Nebraska employee means an individual who is either a
15 resident or partial-year resident of Nebraska;

16 (4) Qualified employee leasing company means a company
17 which places all employees of a client-lessee on its payroll and
18 leases such employees to the client-lessee on an ongoing basis for
19 a fee and, by written agreement between the employee leasing
20 company and a client-lessee, grants to the client-lessee input into
21 the hiring and firing of the employees leased to the client-lessee;

22 (5) Related taxpayers includes any corporations that are
23 part of a unitary business under the Nebraska Revenue Act of 1967
24 but are not part of the same corporate taxpayer, any business
1 entities that are not corporations but which would be a part of the
2 unitary business if they were corporations, and any business
3 entities if at least fifty percent of such entities are owned by
4 the same persons or related taxpayers and family members as defined
5 in the ownership attribution rules of the Internal Revenue Code of
6 1986, as amended;

7 (5) (6) Taxpayer means a corporate taxpayer or other
8 person subject to either an income tax imposed by the Nebraska
9 Revenue Act of 1967 or a franchise tax under Chapter 77, article
10 38, or exempt from such taxes under section 521 of the Internal
11 Revenue Code of 1986, as amended, or a partnership, limited
12 liability company, S corporation, or joint venture when all of the
13 partners, shareholders, or members are subject to or exempt from
14 such taxes; and

15 (6) (7) Year means the taxable year of the taxpayer.

16 Sec. 2. Section 77-27,188, Revised Statutes Supplement,
17 1998, is amended to read:

18 77-27,188. (1)(a) A credit against the taxes imposed by
19 the Nebraska Revenue Act of 1967 shall be allowed to any taxpayer
20 engaged in a qualifying business as described in section 77-27,189
21 who increases the employment of such business in this state by two
22 new equivalent Nebraska employees and who makes an increased
23 investment in this state of at least seventy-five thousand dollars
24 during a taxable year.

25 (b) Any taxpayer who has been allowed a credit under
26 subdivision (1)(a) of this section during the preceding five
27 taxable years, not counting carryovers, shall be allowed a credit
1 for an increase in employment in this state by two new equivalent
2 Nebraska employees.

3 (2) Except as provided in subsection (3) of this section,
4 the amount of the credit shall be one thousand five hundred dollars
5 for each new equivalent Nebraska employee and one thousand dollars
6 for each seventy-five thousand dollars of increased investment.

7 (3) For any taxpayer described in subdivision (1)(a) of
8 this section which is also located within the boundaries of an

9 enterprise zone as defined and designated by the Department of
10 Economic Development pursuant to the Enterprise Zone Act, the
11 amount of the credit shall be:

12 (a) Four thousand five hundred dollars for each new
13 equivalent Nebraska employee and three thousand dollars for each
14 seventy-five thousand dollars of increased investment if at least
15 fifty percent of the new equivalent Nebraska employees of the
16 taxpayer reside within the boundaries of the enterprise zone; or

17 (b) Four thousand five hundred dollars for each new
18 equivalent Nebraska employee residing within the boundaries of the
19 enterprise zone, one thousand five hundred dollars for each new
20 equivalent Nebraska employee not residing within the boundaries of
21 the enterprise zone, and one thousand dollars for each seventy-five
22 thousand dollars of increased investment if less than fifty percent
23 of the new equivalent Nebraska employees of the taxpayer reside
24 within the boundaries of the enterprise zone.

25 The credit allowed to a taxpayer pursuant to this
26 subsection shall not exceed seventy-five thousand dollars in any
27 one tax year.

1 For purposes of this subdivision, employees residing
2 within the boundaries of an enterprise zone shall be construed to
3 mean employees residing within a county in which an enterprise zone
4 is located when the enterprise zone is not located in a city of the
5 primary or metropolitan class.

6 For purposes of this subdivision, an employee residing
7 within the enterprise zone shall mean an individual who is
8 domiciled within the enterprise zone for the entire pay period.

9 The failure of a taxpayer to maintain the continuous
10 employment of an employee residing in the enterprise zone or to
11 replace him or her with another employee residing within the
12 enterprise zone for the period of time set out in section
13 77-27,188.02 shall be deemed a failure to maintain the level of
14 investment and employment that created the credit for purposes of
15 section 77-27,188.02.

16 (4) The credit shall be applied as provided in section
17 77-27,188.01.

18 (5) Any taxpayer who has qualified for a credit in the
19 amount set out in subsection (3) of this section may elect to
20 receive either the amount as calculated pursuant to subsection (2)
21 or (3) of this section.

22 (6) An employee of a qualified employee leasing company
23 shall be considered to be an employee of the client-lessee for
24 purposes of this section if the employee performs services for the
25 client-lessee. A qualified employee leasing company shall provide
26 the Department of Revenue access to the records of employees leased
27 to the client-lessee.

1 Sec. 3. Section 77-27,196.01, Revised Statutes
2 Supplement, 1998, is amended to read:

3 77-27,196.01. (1) The changes made in sections

4 77-27,188, 77-27,188.02, 77-27,190, 77-27,192, 77-27,193, and
5 77-27,194 by Laws 1997, LB 886, shall become operative for all
6 credits earned in tax years beginning, or deemed to begin, on and
7 after January 1, 1998. For all credits earned in tax years
8 beginning, or deemed to begin, prior to January 1, 1998, the
9 provisions of the Employment Expansion and Investment Incentive Act
10 as they existed immediately prior to such date shall apply.

11 (2) The changes made in sections 77-27,187.01 and
12 77-27,188 by this legislative bill shall become operative for all
13 credits earned in tax years beginning, or deemed to begin, on and
14 after January 1, 1999. For all credits earned in tax years
15 beginning, or deemed to begin, prior to January 1, 1999, the
16 provisions of the Employment Expansion and Investment Incentive Act
17 as they existed immediately prior to such date shall apply.

18 Sec. 4. Section 77-4101, Revised Statutes Supplement,
19 1998, is amended to read:

20 77-4101. Sections 77-4101 to 77-4112 and section 6 of
21 this act shall be known and may be cited as the Employment and
22 Investment Growth Act.

23 Sec. 5. Section 77-4103, Revised Statutes Supplement,
24 1998, is amended to read:

25 77-4103. For purposes of the Employment and Investment
26 Growth Act, unless the context otherwise requires:

27 (1) Any term shall have the same meaning as used in
1 Chapter 77, article 27;

2 (2) Base year shall mean the year immediately preceding
3 the year during which the application was submitted;

4 (3) Base-year employee shall mean any individual who was
5 employed in Nebraska and subject to the Nebraska income tax on
6 compensation received from the taxpayer or its predecessors during
7 the base year and who is employed at the project;

8 (4) Compensation shall mean the wages and other payments
9 subject to withholding for federal income tax purposes;

10 (5) Entitlement period shall mean the year during which
11 the required increases in employment and investment were met or
12 exceeded, and the next six years;

13 (6) Equivalent employees shall mean the number of
14 employees computed by dividing the total hours paid in a year by
15 the product of forty times the number of weeks in a year;

16 (7) Investment shall mean the value of qualified property
17 incorporated into or used at the project. For qualified property
18 owned by the taxpayer, the value shall be the original cost of the
19 property. For qualified property rented by the taxpayer, the
20 average net annual rent shall be multiplied by the number of years
21 of the lease for which the taxpayer was originally bound, not to
22 exceed ten years or the end of the third year after the entitlement
23 period, whichever is earlier. The rental of land included in and
24 incidental to the leasing of a building shall not be excluded from
25 the computation;

26 (8) Motor vehicle shall mean any motor vehicle, trailer,
27 or semitrailer as defined in section 60-301 and subject to
1 licensing for operation on the highways;

2 (9) Nebraska employee shall mean an individual who is
3 either a resident or partial-year resident of Nebraska;

4 (10) Number of new employees shall mean the excess of the
5 number of equivalent employees employed at the project during a
6 year over the number of equivalent employees during the base year;

7 (11) Qualified business shall mean any business engaged
8 in the activities listed in subdivisions (b)(i) through (v) of this
9 subdivision or in the storage, warehousing, distribution,
10 transportation, or sale of tangible personal property. Qualified
11 business shall not include any business activity in which eighty
12 percent or more of the total sales are sales to the ultimate
13 consumer of food prepared for immediate consumption or are sales to
14 the ultimate consumer of tangible personal property which is not
15 (a) assembled, fabricated, manufactured, or processed by the
16 taxpayer or (b) used by the purchaser in any of the following
17 activities:

18 (i) The conducting of research, development, or testing
19 for scientific, agricultural, animal husbandry, food product, or
20 industrial purposes;

21 (ii) The performance of data processing,
22 telecommunication, insurance, or financial services. Financial
23 services for purposes of this subdivision shall only include
24 financial services provided by any financial institution subject to
25 tax under Chapter 77, article 38, or any person or entity licensed
26 by the Department of Banking and Finance or the Securities and
27 Exchange Commission;

1 (iii) The assembly, fabrication, manufacture, or
2 processing of tangible personal property;

3 (iv) The administrative management of any activities,
4 including headquarter facilities relating to such activities; or

5 (v) Any combination of the activities listed in this
6 subdivision;

7 (12) Qualified employee leasing company shall mean a
8 company which places all employees of a client-lessee on its
9 payroll and leases such employees to the client-lessee on an
10 ongoing basis for a fee and, by written agreement between the
11 employee leasing company and a client-lessee, grants to the
12 client-lessee input into the hiring and firing of the employees
13 leased to the client-lessee;

14 (13) Qualified property shall mean any tangible property
15 of a type subject to depreciation, amortization, or other recovery
16 under the Internal Revenue Code of 1986, or the components of such
17 property, that will be located and used at the project. Qualified
18 property shall not include (a) aircraft, barges, motor vehicles,
19 railroad rolling stock, or watercraft or (b) property that is
20 rented by the taxpayer qualifying under the Employment and

21 Investment Growth Act to another person;

22 ~~(13)~~ (14) Related persons shall mean any corporations,
23 partnerships, limited liability companies, or joint ventures which
24 are or would otherwise be members of the same unitary group, if
25 incorporated, or any persons who are considered to be related
26 persons under either section 267(B) and (C) or section 707(B) of
27 the Internal Revenue Code of 1986;

1 ~~(14)~~ (15) Taxpayer shall mean any person subject to the
2 sales and use taxes and either an income tax imposed by the
3 Nebraska Revenue Act of 1967 or a franchise tax under sections
4 77-3801 to 77-3807, any corporation, partnership, limited liability
5 company, or joint venture that is or would otherwise be a member of
6 the same unitary group, if incorporated, which is, or whose
7 partners, members, or owners are, subject to such taxes, and any
8 other partnership, limited liability company, S corporation, or
9 joint venture when the partners, shareholders, or members are
10 subject to such taxes; and

11 ~~(15)~~ (16) Year shall mean the taxable year of the
12 taxpayer.

13 The changes made in this section by Laws 1997, LB 264,
14 apply to investments made or employment on or after January 1,
15 1997, and for all agreements in effect on or after January 1, 1997.

16 Sec. 6. An employee of a qualified employee leasing
17 company shall be considered to be an employee of the client-lessee
18 for purposes of the Employment and Investment Growth Act if the
19 employee performs services for the client-lessee. A qualified
20 employee leasing company shall provide the Department of Revenue
21 access to the records of employees leased to the client-lessee.

22 Sec. 7. Section 77-4112, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 77-4112. (1) The changes made in sections 77-4103 to
25 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative
26 for all applications filed on and after January 1, 1988. For all
27 applications filed prior to January 1, 1988, the provisions of the
1 Employment and Investment Growth Act as they existed immediately
2 prior to such date shall apply.

3 (2) Section 77-4113 and the changes made in section
4 77-4104 by Laws 1996, LB 1290, shall become operative for all
5 applications filed on or after May 1, 1996.

6 (3) The changes made in sections 77-4101 and 77-4103 by
7 this legislative bill and section 6 of this act shall become
8 operative for any taxpayer with an agreement in effect on or after
9 January 1, 1999. Such changes and section 6 of this act shall be
10 applied on a consistent basis for determining benefits for tax
11 years beginning, or deemed to begin, on and after January 1, 1999.
12 For all benefit determinations in tax years beginning, or deemed to
13 begin, prior to January 1, 1999, the provisions of the Employment
14 and Investment Growth Act as they existed immediately prior to such
15 date shall apply.

16 Sec. 8. Original section 77-4112, Reissue Revised
17 Statutes of Nebraska, and sections 77-27,187.01, 77-27,188,
18 77-27,196.01, 77-4101, and 77-4103, Revised Statutes Supplement,
19 1998, are repealed."
20 2. On page 1, line 1, after "amend" insert "section
21 77-4112, Reissue Revised Statutes of Nebraska, and"; in line 2
22 after "77-27,188," insert "77-27,196.01,"; and strike beginning
23 with the second "to" in line 5 through the semicolon in line 6.

(Signed) Adrian M. Smith, Chairperson

MESSAGE FROM THE SECRETARY OF STATE

April 15, 1999

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment on April 15, 1999, requiring legislative confirmation:

Nancy Reckewey, Lincoln, Nebraska 68512, to the Nebraska Accountability and Disclosure Commission to complete an unexpired six year term ending June 30, 1999.

This appointment was made by me pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112 and 49-14,114 and is respectfully submitted for your consideration.

(Signed) Scott Moore
Secretary of State

CC: Tim Dempsey
Senator DiAnna Schimek

UNANIMOUS CONSENT - Member Excused

Ms. Price asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Approve Appointment

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 1455: Michael J. Linder - Director, Department of Environmental Quality.

Voting in the affirmative, 30:

Baker	Connealy	Janssen	Preister	Smith
Bourne	Coordsen	Jones	Quandahl	Stuhr
Brashear	Crosby	Kremer	Raikes	Suttle
Bromm	Cudaback	Landis	Redfield	Thompson
Brown	Engel	Matzke	Schmitt	Tyson
Bruning	Hilgert	Pedersen, Dw.	Schrock	Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Beutler	Hudkins	Pederson, D.	Schimek	Vrtiska
Dierks	Lynch	Peterson, C.		

Excused and not voting, 9:

Bohlke	Hartnett	Kiel	Price	Wickersham
Byars	Jensen	Kristensen	Robak	

The appointment was confirmed with 30 ayes, 1 nay, 8 present and not voting, and 9 excused and not voting.

MOTION - Committee on Committees Member

The motion for the approval of Mr. Cudaback being nominated from District 3 to fill the seat formerly held by Mr. Schellpeper on the Committee on Committees, found on page 1427, was renewed.

The motion prevailed.

COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby moved to approve the Committee on Committees Report found on page 1464.

The motion to approve the report prevailed with 32 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 505. Mr. Landis asked unanimous consent to bracket until May 14, 1999.

Mr. Chambers objected.

Mr. Landis moved to bracket LB 505 until May 14, 1999.

Mr. Chambers withdrew his objection.

Mr. Landis asked unanimous consent to bracket LB 505 until May 14, 1999. No objections. So ordered.

LEGISLATIVE BILL 637. Title read. Considered.

Mrs. Brown renewed her pending amendment, AM1021, found on page 1422.

Mr. Chambers moved to bracket LB 637 until January 5, 2000.

PRESIDENT MAURSTAD PRESIDING

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CUDABACK PRESIDING

PRESIDENT MAURSTAD PRESIDING

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 43, 86, 86A, 115, 236, 241, 248, 277, 284, 314, 314A, 318, 319, 320, 405, 446, 446A, 532, 533, 621, 621A, 681, and 753.

Enrollment and Review Change to LB 43

The following changes, required to be reported for publication in the

Journal, have been made:

ER9055

1. In the Brashear amendment, AM1118:
 - a. On page 2, line 27, "foregoing" has been struck and shown as stricken;
 - b. On page 5, line 14, "as so" has been struck;
 - c. On page 6, line 2, "his" has been struck, shown as stricken; and "the party's" inserted;
 - d. On page 9, lines 4 and 21, "from" has been struck, shown as stricken, and "after" inserted; and in line 9 "(2)" has been struck, shown as stricken, and "(3)" inserted; and
 - e. On page 26, lines 12 and 20, "from" has been struck, shown as stricken, and "after" inserted.
2. On page 1, line 1, "civil procedure" has been struck and "courts; to amend sections 24-734, 25-1301, 25-1301.01, 25-1505 to 25-1507, 25-1914, 25-1916, 25-1920, 25-1931, 25-21,234, 25-2719, 25-2729, 25-2730, 29-2306, 31-433, 45-103.01, 45-103.02, 45-103.04, 46-568, 48-170, 48-185, 59-823, 76-1906, and 76-1912, Reissue Revised Statutes of Nebraska, and sections 25-705, 25-1912, and 30-1601, Revised Statutes Supplement, 1998; to change provisions relating to the rendition and date of entry of judgments, decrees, and final orders" inserted; and in line 2 "to harmonize provisions; to repeal the original sections;" has been inserted after the semicolon.

Enrollment and Review Change to LB 86

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

ER9056

1. In the Standing Committee amendment, AM0297, on page 1, line 16, "act" has been struck and "Nebraska Budget Act" inserted; and in line 18 "Nebraska Budget Act" has been struck and "act" inserted.

Enrollment and Review Change to LB 314

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

ER9051

1. In the E & R amendments, AM7084, amendment 2 has been struck.
2. On page 1, the matter beginning with "provide" in line 1 through line 4 has been struck and "create the Hardship Fund; to provide for distribution of the fund for unexpected occurrences as prescribed; and to declare an emergency." inserted.

Enrollment and Review Change to LB 319

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

ER9052

1. On page 1, line 1, "section 25-506.01" has been struck and "sections

25-506.01 and 25-2229" inserted; in line 3 "to authorize certain persons or entities to execute any service of process or order as prescribed; to provide powers and duties;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 446

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

ER9049

1. In the E & R amendments, AM7080, on page 1, line 14, "strike" has been inserted after the second comma.
2. On page 1, line 2, "86-1503," has been struck.

Enrollment and Review Change to LB 446A

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

ER9050

1. On page 1, line 3, "to reduce appropriations;" has been inserted after the semicolon.

(Signed) Adrian M. Smith, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 71. Introduced by Kristensen, 37.

WHEREAS, the seventh-grade team from C.L. Jones Middle School in Minden placed first out of fourteen teams in its division at the state Odyssey of the Mind competition held in Kearney; and

WHEREAS, the Odyssey of the Mind competition is a world-wide program that helps children kindergarten through college to learn divergent thinking and problem-solving skills while participating in a series of challenging and motivating team-based activities; and

WHEREAS, the Minden team competed in the RatiOMetric Structure problem which required the team to design, construct, test, and present an efficient structure built of balsa wood and glue. The competition also required the team to use a fine arts element which includes music, drama, art, movement, and poetry in its presentation; and

WHEREAS, the first-place finish qualified the Minden team for the world finals competition to be held on May 26th through 29th at the University of Tennessee in Knoxville at which over 750 teams from every state and at least 36 countries will be represented; and

WHEREAS, the Minden team is comprised of members Dave Carstens, Lucas Jameson, Spencer Krull, Brett Maline, Spencer Meyer, and Jordan Stadler and is coached by Dave Jameson, Julie Krull, and Sam and Tammy Stadler.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the achievement of the Minden Odyssey of the Mind Team and extends its best wishes as the team competes in the world finals.

2. That the Clerk of the Legislature forward a copy of this resolution to C.L. Jones Middle School in Minden.

Laid over.

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 44:

AM1313

- 1 1. Strike the original sections and insert the following
2 new section:
3 "Section 1. Any law enforcement agency using the federal
4 forfeiture system under federal law shall prepare a report at the
5 end of its fiscal year of the seizures and proceeds received from
6 the seizures under the federal forfeiture system. The report shall
7 be given to the Clerk of the Legislature within sixty days after
8 the end of the agency's fiscal year. Any money or property seized
9 by a law enforcement agency which is subject to the federal
10 forfeiture system and returned to the law enforcement agency shall
11 remain subject to Article VII, section 5, of the Constitution of
12 Nebraska and sections 28-1439.02 to 28-1439.05".

NOTICE OF COMMITTEE HEARING**Natural Resources**

Wednesday, May 5, 1999

1:00 p.m.

Natural Resources Commission

Roger Korell

Wayne Madsen

Jim VanMarter

(Signed) Ed Schrock, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Nancy Reckewey - Nebraska Political Accountability and Disclosure Commission -- Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

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

LEGISLATIVE BILL 849A. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 849, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 637. The Chambers pending motion, found in this day's Journal, to bracket until January 5, 2000, was renewed.

Pending.

VISITORS

Visitors to the Chamber were 4 seniors and teacher from Sutherland High School; Nelson Jaboinsky, Andrea Otramari, Leomar Kurth, Cristina Pescador, and Alexandre Piccoli from Brazil and Pricilla Henkelman from Lincoln; 46 eighth grade students, teachers, and principal from St. Thomas More School, Omaha; 46 fourth grade students and teachers from Norris Elementary School, Firth; and 68 students and sponsors from the Nebraska Federation of Woman's Clubs.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Byars, Jensen, and Mrs. Robak who were excused; and Mrs. Bohlke, Messrs. Dierks, Kristensen, Landis, Dw. Pedersen, D. Pederson, and Schrock who were excused until they arrive.

STANDING COMMITTEE REPORTS**Banking, Commerce and Insurance**

LEGISLATIVE BILL 355. Placed on General File as amended.
Standing Committee amendment to LB 355:

AM1291

- 1 1. Strike the original sections and insert the following
- 2 new sections:

3 "Section 1. The Legislature finds that mental health
4 conditions affect a significant number of Nebraskans. Mental
5 health conditions, like severe physical injuries or illness, can be
6 life-altering and debilitating in nature. If properly treated and
7 managed by mental health professionals, persons with mental health
8 conditions can and do lead full and productive lives. However,
9 without such treatment or management, many mental health conditions
10 will progressively deteriorate and negatively impact upon a
11 person's livelihood, social relationships, and physical health.

12 The Legislature also finds that many persons with mental
13 health conditions either do not seek treatment or do not complete
14 or maintain such treatment programs. Treatment options are not
15 underutilized due to the scarcity of professional resources or the
16 lack of desire on the part of persons with mental health
17 conditions, but rather treatment has become unaffordable as the
18 result of the rising health care costs combined with a lack of
19 insurance coverage for mental health conditions. The associated
20 societal and monetary costs of providing no treatment or untimely
21 treatment to persons with mental health conditions are great. It
22 is the intent of sections 1 to 5 of this act that persons with
23 group health insurance plans providing coverage for mental health
24 conditions be provided with a minimum level of coverage.

- 1 Sec. 2. For purposes of sections 1 to 5 of this act:

2 (1) Health insurance plan means (a) any group sickness
3 and accident insurance policy, group health maintenance
4 organization contract, or group subscriber contract delivered,
5 issued for delivery, or renewed in this state and (b) any
6 self-funded employee benefit plan to the extent not preempted by
7 federal law. Health insurance plan includes any group policy,
8 group contract, or group plan offered or administered by the state
9 or its political subdivisions. Health insurance plan does not
10 include group policies providing coverage for a specified disease,
11 accident-only coverage, hospital indemnity coverage, disability
12 income coverage, medicare supplement coverage, long-term care
13 coverage, or other limited benefit coverage. Health insurance plan
14 does not include any policy, contract, or plan covering an employer
15 group that covers fewer than fifteen employees;

16 (2) Mental health condition means any condition or
17 disorder involving mental illness that falls under any of the
18 diagnostic categories listed in the Mental Disorders Section of the
19 International Classification of Disease;

20 (3) Mental health professional means (a) a practicing
21 physician licensed to practice medicine in this state under the
22 provisions of section 71-102, (b) a practicing psychologist
23 licensed to engage in the practice of psychology in this state as
24 provided in section 71-1,206.14, or (c) a practicing mental health

25 professional licensed or certified in this state as provided in
26 section 71-1,333;

27 (4) Rate, term, or condition means lifetime limits,
1 annual payment limits, and inpatient or outpatient service limits.
2 Rate, term, or condition does not include any deductibles,
3 copayments, or coinsurance; and

4 (5)(a) Serious mental illness means, prior to January 1,
5 2002, (i) schizophrenia, (ii) schizoaffective disorder, (iii)
6 delusional disorder, (iv) bipolar affective disorder, (v) major
7 depression, and (vi) obsessive compulsive disorder; and

8 (b) Serious mental illness means, on and after January 1,
9 2002, any mental health condition that current medical science
10 affirms is caused by a biological disorder of the brain and that
11 substantially limits the life activities of the person with the
12 serious mental illness. Serious mental illness includes, but is
13 not limited to (i) schizophrenia, (ii) schizoaffective disorder,
14 (iii) delusional disorder, (iv) bipolar affective disorder, (v)
15 major depression, and (vi) obsessive compulsive disorder.

16 Sec. 3. (1) On or after January 1, 2000, notwithstanding
17 section 44-3,131, any health insurance plan delivered, issued, or
18 renewed in this state (a) if coverage is provided for treatment of
19 mental health conditions other than alcohol or substance abuse, (i)
20 shall not establish any rate, term, or condition that places a
21 greater financial burden on an insured for access to treatment for
22 a serious mental illness than for access to treatment for a
23 physical health condition and (ii) if an out-of-pocket limit is
24 established for physical health conditions, shall apply such
25 out-of-pocket limit as a single comprehensive out-of-pocket limit
26 for both physical health conditions and mental health conditions,
27 or (b) if no coverage is to be provided for treatment of mental
1 health conditions, shall provide clear and prominent notice of such
2 noncoverage in the plan.

3 (2) If a health insurance plan provides coverage for
4 serious mental illness, the health insurance plan shall cover
5 health care rendered for treatment of serious mental illness (a) by
6 a mental health professional, (b) by a person authorized by the
7 rules and regulations of the Department of Health and Human
8 Services Regulation and Licensure to provide treatment for mental
9 illness, (c) in a mental health center as defined in section
10 71-2017.01, or (d) in any other licensed institution or facility
11 authorized in section 71-2017.01 that provides a program for the
12 treatment of a mental health condition pursuant to a written plan.
13 The issuer of a health insurance plan may require a health care
14 provider under this subdivision to enter into a contract as a
15 condition of providing benefits.

16 (3) The Director of Insurance may disapprove any plan
17 that the director determines to be inconsistent with the purposes
18 of this section.

19 Sec. 4. (1) Sections 1 to 5 of this act shall not be

20 construed to:

21 (a) Require a health insurance plan to provide coverage
22 for mental health conditions or serious mental illnesses;

23 (b) Require a health insurance plan to provide the same
24 rates, terms, or conditions between treatments for serious mental
25 illnesses and preventative care;

26 (c) Prohibit a health insurance plan from providing
27 separate reimbursement rates and service delivery systems,
1 including, but not limited to, mental health carve-out programs
2 even if the plan does not provide similar options for the treatment
3 of physical health conditions. A health insurance plan provided in
4 compliance with section 3 of this act shall not be construed to
5 violate the Managed Care Plan Network Adequacy Act; or

6 (d) Prohibit a health insurance plan from managing the
7 provision of benefits that common methods, including, but not
8 limited to, preadmission screening, prior authorization of
9 services, or other mechanisms designed to limit coverage to
10 services for mental health conditions that are deemed to be
11 medically necessary and clinically appropriate.

12 (2) A health insurance plan does not violate section 3 of
13 this act if the plan applies different rates, terms, and conditions
14 or excludes entirely from coverage the following:

15 (a) Marital, family, educational, developmental, or
16 training services;

17 (b) Care that is substantially custodial in nature;

18 (c) Services and supplies that are not medically
19 necessary or clinically appropriate; or

20 (d) Experimental treatments.

21 (3) A health insurance plan may use a case management
22 program or managed care organization to evaluate, determine, and
23 provide or arrange for medically necessary and clinically
24 appropriate care and treatment of each person with a mental health
25 condition or serious mental illness who is covered by the plan.

26 (4) A health insurance plan shall not be required to
27 offer coverage for nonemergency services rendered outside its
1 network of contracted providers.

2 Sec. 5. The Director of Insurance may adopt and
3 promulgate rules and regulations to carry out sections 1 to 5 of
4 this act.

5 Sec. 6. The Revisor of Statutes shall assign sections 1
6 to 5 of this act to Chapter 44, article 7."

LEGISLATIVE BILL 709. Placed on General File as amended.
(Standing Committee amendment, AM1062, may be found in the Bill Books.
The amendment has been printed separately and is on file in the Bill Room -
Room 1102.)

(Signed) David M. Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 637. The Chambers pending motion, found in this day's Journal, to bracket until January 5, 2000, was renewed.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mrs. Brown moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

Mrs. Brown requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 19:

Beutler	Bruning	Hudkins	Matzke	Schrock
Brashear	Cudaback	Janssen	Pederson, D.	Wehrbein
Bromm	Dierks	Jones	Quandahl	Wickersham
Brown	Engel	Landis	Redfield	

Voting in the negative, 19:

Baker	Coordsen	Kremer	Raikes	Suttle
Bourne	Crosby	Lynch	Schimek	Tyson
Chambers	Hilgert	Pedersen, Dw.	Smith	Vrtiska
Connealy	Kiel	Price	Stuhr	

Present and not voting, 5:

Hartnett	Peterson, C.	Preister	Schmitt	Thompson
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Excused and not voting, 5:

Bohlke	Byars	Jensen	Kristensen	Robak
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The motion to cease debate failed with 19 ayes, 19 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. C. Peterson and Mr. Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Messrs. Brashear and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 21

ayes, 0 nays, and 27 not voting.

PRESIDENT MAURSTAD PRESIDING

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 22:

Baker	Cudaback	Kiel	Matzke	Thompson
Bohlke	Dierks	Kremer	Price	Tyson
Bourne	Hudkins	Kristensen	Schmitt	Vrtiska
Chambers	Janssen	Lynch	Smith	Wickersham
Connealy	Jones			

Voting in the negative, 18:

Beutler	Crosby	Pedersen, Dw.	Redfield	Stuhr
Brown	Engel	Pederson, D.	Schimek	Suttle
Bruning	Hilgert	Quandahl	Schrock	Wehrbein
Coordsen	Landis	Raikes		

Present and not voting, 1:

Preister

Excused and not voting, 7:

Brashear	Byars	Jensen	Peterson, C.	Robak
Bromm	Hartnett			

The Chambers motion to bracket failed with 22 ayes, 18 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

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

LEGISLATIVE BILL 242A. Introduced by Engel, 17; Bromm, 23; Coordsen, 32; Kristensen, 37; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 242, Ninety-sixth Legislature, First Session, 1999; and to state intent relating to certain transfers.

AMENDMENT - Print in Journal

Mr. Janssen filed the following amendment to LB 267:

AM1342

- 1 1. Insert the following new section:
- 2 "Sec. 13. Section 53-177, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-177. (1) No license shall be issued for the sale at
- 5 retail of any alcoholic liquor within one hundred and fifty feet of
- 6 any church, school, hospital, or home for aged or indigent persons
- 7 or for veterans, their wives or children. This prohibition does ;
- 8 ~~PROVIDED, that this prohibition shall not apply to~~ (a) to any
- 9 location within such distance of one hundred and fifty feet for
- 10 which a license to sell alcoholic liquors liquor at retail has been
- 11 granted by the Nebraska Liquor Control Commission for two years
- 12 continuously prior to making of application for license; and (2)
- 13 and (b) to hotels offering restaurant service, to regularly
- 14 organized clubs, or to restaurants, food shops, or other places
- 15 where sale of alcoholic liquors liquor is not the principal
- 16 business carried on, if such place of business so exempted shall
- 17 have been was established for such purposes prior to May 24, 1935.
- 18 (2) No alcoholic liquor, other than beer, shall be sold
- 19 for consumption on the premises within three hundred feet from the
- 20 campus of any college or university in the state, except that this
- 21 section does not prohibit a nonpublic college or university (a)
- 22 from holding a license to sell alcoholic liquor at retail on the
- 23 campus of such college or university or (b) from contracting with
- 24 an individual or corporation holding a license to sell alcoholic
- 1 liquor at retail for the purpose of selling alcoholic liquor at
- 2 retail on the campus of such college or university at events
- 3 sanctioned by such college or university."
- 4 2. On page 46, line 24, after the first comma insert
- 5 "53-177,".
- 6 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 637. The Brown pending amendment, AM1021, found on page 1422 and considered in this day's Journal, was renewed.

Messrs. Coordsen and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown withdrew her amendment.

Mr. Beutler offered the following amendment:

AM1347

- 1 1. On page 3, line 21, after the period insert "Unless
- 2 otherwise prohibited by law, there shall be a hiring preference

- 3 given for positions created in the State Disbursement Unit for any
 4 employee of the clerks of the district courts who loses his or her
 5 position with a clerk of the district court due to the
 6 centralization of the collection and disbursement of support order
 7 payments under sections 1 to 7 of this act."

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 38 not voting.

The Beutler amendment was adopted with 25 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORT Natural Resources

LEGISLATIVE BILL 870. Placed on General File as amended.
 (Standing Committee amendment, AM1312, may be found in the Bill Books.
 The amendment has been printed separately and is on file in the Bill Room -
 Room 1102.)

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 822:
 AM1276

(Amendments to E & R amendments, AM7093)

- 1 1. On page 2, line 14, strike beginning with "defined"
 2 through "streams" and insert "designated under section 3 of this
 3 act".
 4 2. On page 4, line 3, after the comma insert "as
 5 designated prior to the effective date of this act and"; and in
 6 line 5 after "department" insert "and used by the department for
 7 determinations made concerning cold water class A streams under the
 8 Livestock Waste Management Act unless changed by the Environmental
 9 Quality Council. Beginning on the effective date of this act, the
 10 council may designate and may redesignate previously designated
 11 waters of this state as cold water class A streams for purposes of
 12 the act based on the determination by the council that the waters
 13 provide or could provide habitat of sufficient water volume or
 14 flow, water quality, substrate composition, and water temperature
 15 capable of maintaining year-round populations of cold water biota,

16 including reproduction of a salmonoid (trout) population. The
17 council shall not designate or redesignate a stream as a cold water
18 class A stream unless the stream has supported the reproduction of
19 a salmonoid (trout) population within the previous five years. The
20 department shall revise and maintain the cold water class A stream
21 map to incorporate all designations and redesignations of the
22 council".

GENERAL FILE

LEGISLATIVE BILL 637. Mr. Beutler offered the following amendment:
AM1343

- 1 1. Insert the following new section:
2 "Sec. 8. The Department of Health and Human Services
3 shall establish a statewide toll-free hotline to provide responses
4 to inquiries of obligors and obligees regarding the collection and
5 disbursement of support order payments under sections 1 to 7 of
6 this act. Sufficient telephone lines shall be established and
7 personnel available to insure that responses to inquiries are made
8 directly by department personnel without unreasonable delay to the
9 obligor or obligee."
10 2. Renumber the remaining sections and correct internal
11 references accordingly.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Beutler offered the following amendment:
AM1329

- 1 1. On page 3, line 19, after "agreements" insert "with
2 other governmental agencies"; and in line 21 after the period
3 insert "The collection and disbursement of support order payments
4 under sections 1 to 7 of this act shall not be conducted by private
5 entities."

Mr. Beutler moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 20 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Beutler Bourne Chambers Connealy Crosby

Cudaback	Janssen	Pederson, D.	Redfield	Suttle
Dierks	Kiel	Preister	Schimek	Vrtiska
Hartnett	Landis	Price	Schmitt	Wickersham
Hilgert	Matzke			

Voting in the negative, 9:

Bohlke	Kristensen	Quandahl	Smith	Wehrbein
Engel	Pedersen, Dw.	Raikes	Stuhr	

Present and not voting, 6:

Baker	Hudkins	Kremer	Schrock	Thompson
Brown				

Excused and not voting, 11:

Brashear	Byars	Jensen	Lynch	Robak
Bromm	Coordsen	Jones	Peterson, C.	Tyson
Bruning				

The Beutler amendment lost with 22 ayes, 9 nays, 6 present and not voting, and 11 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 176:

AM1320

- 1 1. Strike original sections 8 and 9 and all amendments
- 2 thereto and insert the following new sections:
- 3 "Sec. 8. A person under sixteen years of age shall not
- 4 operate a motorboat or personal watercraft on the waters of this
- 5 state. A person sixteen or seventeen years of age may operate a
- 6 motorboat or personal watercraft on the waters of this state if
- 7 such person has completed a boating safety course approved by the
- 8 commission and has been issued a valid boating safety certificate.
- 9 Sec. 9. The owner of a boat livery, or his or her agent
- 10 or employee, shall not lease, hire, or rent a motorboat or personal
- 11 watercraft to, or for operation by, any person under sixteen years
- 12 of age. The owner of a boat livery, or his or her agent or
- 13 employee, may lease, hire, or rent a motorboat or personal
- 14 watercraft to any person who is sixteen or seventeen years of age
- 15 if the person presents his or her certificate issued under section
- 16 8 of this act.".

Mr. Tyson filed the following amendment to LB 176:

AM1293

- 1 1. Insert the following new section:
2 "Section 1. Section 37-1012, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 37-1012. (1) The Game and Parks Commission shall have
5 the same responsibility with regard to division fences as a private
6 landowner as provided in sections 34-101 to 34-117, except that in
7 those areas where a state recreational trail is developed, the
8 commission shall have the same responsibility as a railroad as
9 provided in sections 74-601 to 74-604 where a single landowner's
10 property is divided by a state recreational trail. In areas where
11 a state recreational trail does not divide a single landowner's
12 property, the commission shall be responsible for one hundred
13 percent of the construction or replacement cost and the landowner
14 shall be responsible for all of the maintenance of the fence, but
15 the type of fence required under section 74-601 shall not be
16 required for those areas where a state recreational trail is
17 developed. In such areas the type of fence may be (a) wire fence
18 of at least four barbed wires, of a size not less than twelve and
19 one-half gauge fencing wire, to be secured to posts, the posts to
20 be at no greater distance than one rod from each other or (b) a
21 fence of any type that is agreed to by the commission and adjoining
22 landowner.
23 (2) The responsibility of the commission for division
24 fences pursuant to subsection (1) of this section shall not exceed
1 the amount appropriated to the commission by the Legislature for
2 such purpose during any biennium.
3 (3) The commission shall adopt and promulgate rules and
4 regulations to carry out this section."
5 2. On page 10, line 4, after "sections" insert
6 "37-1012".
7 3. Renumber the remaining sections and correct internal
8 references accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 18, 112, 131, 131A, 242, 295, 499, 506, 522, 573, 581, 618, 640, 722, 734, 738, 755, 759, 776, 778, 781, 799, 800, and 806.

Enrollment and Review Change to LB 242

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

ER9054

1. In the Byars amendment, AM1229, on page 1, line 2, "the first" has been inserted after "with".

2. In the E & R amendments, AM7102, on page 5, the matter beginning with the quotation marks in line 4 through line 11 has been struck and "'rural health education; to amend section 71-5661, Reissue Revised Statutes of Nebraska; to change provisions relating to the Rural Health Professional Incentive Fund; to eliminate the Rural Health Opportunities Loan Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 71-5671 to 71-5677.'" inserted.

Enrollment and Review Change to LB 778

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

ER9057

1. In the E & R amendments, AM7116:

a. On page 5, line 3, "brand committee" has been struck and "Nebraska Brand Committee" inserted;

b. On page 20, line 23, the colon has been struck and an underscored comma inserted;

c. On page 23, line 9, paragraphing has been inserted after the period;

d. On page 25, line 17, "who" has been inserted after the second "or".

e. On page 26, line 10, an underscored comma has been inserted after "color";

f. On page 27, line 8, an underscored comma has been inserted after "If"; and in line 10 "and" has been struck and an underscored comma inserted; and

g. On page 43, line 23, an underscored comma has been inserted after "sale".

Enrollment and Review Change to LB 800

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

ER9053

1. In the Byars amendment, AM1301:

a. On page 1, lines 19 and 20; and page 3, line 6, "Board of Examiners in Dentistry" has been struck, shown as stricken, and "board" inserted; and

b. On page 2, lines 5 and 6; and page 3, lines 8 and 9, "Department of Health and Human Services Regulation and Licensure" has been struck, shown as stricken, and "department" inserted.

2. On page 1, line 2, "71-193.17" has been struck and "71-193.18" inserted; and in line 4 "hygienists and dental" has been inserted after "dental".

Enrollment and Review Change to LB 806

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

ER9058

1. On page 2, line 8, the first "the" has been struck.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 637:

AM1327

- 1 1. On page 38, strike line 17 and insert "declared
- 2 operative by the Governor and in no event later than July 1,
- 3 2001."

Mrs. Bohlke filed the following amendment to LB 637:

FA102

Strike all original provisions and amendments thereto of the bill, and insert the following new language.

The Department of HHS shall immediately begin the process of applying for a waiver from the federal government with regard to required centralization of child support payments.

Mr. Baker filed the following amendment to LB 637:

AM1325

- 1 1. Strike section 7 and insert the following new
- 2 section:
- 3 "Sec. 29. If any section in this act or any part of any
- 4 section is declared invalid or unconstitutional, the declaration
- 5 shall not affect the validity or constitutionality of the remaining
- 6 portions."
- 7 2. On page 2, line 8; page 3, lines 22 and 23; page 4,
- 8 line 26; page 24, line 20; page 25, line 21; page 26, lines 2, 5,
- 9 and 22; and page 27, lines 15 and 21; strike "State Disbursement
- 10 Unit" and insert "Title IV-D Division".
- 11 3. On page 2, in line 15 strike beginning with
- 12 "establish" through "for" and insert "administer".
- 13 4. On page 3, strike beginning with "State" in line 4
- 14 through "(9)" in line 6; in line 8 strike "(10)" and insert "(9)";
- 15 in line 11 strike "(10)" and insert "(9)"; and strike beginning
- 16 with "The" in line 15 through line 21 and insert "(1) The Title
- 17 IV-D Division shall administer support collection and disbursement
- 18 as provided in sections 1 to 6 of this act and shall be the state
- 19 disbursement unit for purposes of federal child support collection
- 20 requirements. The Title IV-D Division will enter into a
- 21 cooperative agreement with the State Treasurer necessary to operate
- 22 such support collection and disbursement.
- 23 (2) The Child Support Fund is created. All funds
- 24 collected pursuant to sections 1 to 6 of this act shall be remitted
- 1 to the State Treasurer for credit to the fund. Any money in the
- 2 fund available for investment shall be invested by the state
- 3 investment officer pursuant to the Nebraska Capital Expansion Act
- 4 and the Nebraska State Funds Investment Act.
- 5 (3) The State Treasurer shall file an annual report

- 6 regarding its duties under sections 1 to 6 of this act with the
 7 Legislature on or before January 1."; and in line 24 after
 8 "payments" insert "from the State Treasurer".
- 9 5. On page 4, line 11; page 6, line 25; page 13, line 8;
 10 page 14, line 24; page 19, line 16; page 20, line 7; page 30, line
 11 14; page 34, line 21 strike "Disbursement Unit" and insert
 12 "Treasurer".
- 13 6. On page 4, line 25, strike "employer or other source"
 14 and insert "State Treasurer of funds from employers or other
 15 sources".
- 16 7. On page 5, line 7, strike "State Disbursement Unit"
 17 and insert "State Treasurer"; in line 9 strike "Title IV-D
 18 Division" and insert "State Treasurer"; and in line 13 strike "or"
 19 and insert an underscored comma and after "funds" insert ", or
 20 electronic funds transfer".
- 21 8. On page 6, strike beginning with "State" in line 18
 22 through "(6)" in line 20.
- 23 9. On page 9, line 21; page 10, line 3; page 11, lines
 24 17 and 18; page 17, line 16; page 18, line 2; page 28, lines 14 and
 25 15 and 17; and page 37, line 3, strike "or its designee".
- 26 10. On page 19, line 16; and page 38, line 9, strike
 27 "Disbursement Unit" and insert "Treasurer for credit to the Child
 1 Support Fund".
- 2 11. On page 27, line 16, strike "2" and insert "3".
- 3 12. On page 30, line 14; and page 34, line 22, strike
 4 "unit" and insert "Title IV-D Division".
- 5 13. On page 30, line 24; and page 32, line 5, strike
 6 "unit" and insert "State Treasurer".
- 7 14. Renumber the remaining sections and correct internal
 8 references accordingly.

VISITORS

Visitors to the Chamber were Senator Tyson's wife, Marjorie; 43 fourth grade students and teachers from Norris Elementary School, Firth; 30 fifth grade students and teacher from Howard Elementary School, Fremont; and 35 fourth grade students and teachers from Howell Community Catholic School.

ADJOURNMENT

At 4:26 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Tuesday, April 20, 1999.

Patrick J. O'Donnell
 Clerk of the Legislature

SIXTY-SIXTH DAY – APRIL 20, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 20, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Brian Moulton, Country Bible Church, Bennet, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Jensen who was excused; and Messrs. Beutler, Byars, Dierks, Raikes, Wehrbein, Mmes. Crosby, Hudkins, C. Peterson, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fifth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

COMMUNICATION

April 20, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 440A, 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:r

GENERAL FILE

LEGISLATIVE BILL 637. Mrs. Bohlke renewed her pending amendment, FA102, found on page 1535.

Ms. Price asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Bohlke withdrew her amendment.

Mr. Baker renewed his pending amendment, AM1325, found on page 1535.

Mrs. Brown requested a division of the question on the Baker amendment.

Mr. Chambers moved to bracket LB 637 until May 24, 1999.

PRESIDENT MAURSTAD PRESIDING

Messrs. Matzke and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to bracket.

Mr. Baker asked unanimous consent to replace his pending amendment, AM1325, found on page 1535, with a substitute amendment.

Mrs. Brown objected.

Mr. Baker moved to replace his pending amendment, AM1325, found on page 1535, with a substitute amendment.

Mrs. Brown withdrew her objection.

Mr. Baker asked unanimous consent to replace his pending amendment, AM1325, found on page 1535, with a substitute amendment. No objections. So ordered.

Mr. Baker withdrew his amendment, AM1325, found on page 1535.

Mrs. Bohlke reoffered her substitute amendment, FA102, found on page 1535

and considered in this day's Journal.

Mrs. Brown offered the following amendment to the Bohlke amendment:
AM1353

(Amendments to FA102)

- 1 1. After the last period insert "The counties shall
- 2 continue to do the collection and disbursement of support order
- 3 payments regardless of whether or not the counties continue to
- 4 receive federal reimbursement for such work when a waiver is
- 5 applied for by the department or if such waiver is granted by the
- 6 federal government."

Messrs. Hartnett, Hilgert, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown withdrew her amendment.

The Bohlke amendment, FA102, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Beutler withdrew his amendment, AM1327, found on page 1535.

Advanced to E & R for review with 37 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

VISITORS

Visitors to the Chamber were 60 fourth grade students and teachers from Mt. Claire Elementary School, Omaha; 62 fourth grade students and teachers from Cottonwood Elementary School, Millard; 80 fourth grade students, teachers, and sponsors from York; and 54 fourth grade students and teachers from Parkview Heights Elementary School, LaVista.

RECESS

At 12:07 p.m., on a motion by Mr. Smith, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Jensen who was excused; and Messrs. Beutler, Byars, Dierks, Janssen, Landis, Matzke, Schrock, Mmes. Bohlke, Brown, Robak, and Ms. Price who were excused until they arrive.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 271:

AM1326

(Amendments to E & R amendments, AM7122)

- 1 1. On page 4, line 19, after "purpose" insert ". When a
2 state or governmental subdivision project which will be for a
3 public purpose when completed is in a transitional state of
4 development, such transitional state shall be a public purpose".

Mr. Lynch filed the following amendment to LB 556:

AM1248

- 1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 60-309, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 60-309. Upon the filing of such application, the
6 Department of Motor Vehicles shall, upon registration, assign to
7 such motor vehicle a distinctive registration number. Upon sale or
8 transfer of any such motor vehicle, such number may be canceled or
9 may be reassigned to another motor vehicle, at the option of the
10 department, subject to the provisions ~~hereinafter contained of~~
11 Chapter 60, article 3.
12 Sec. 2. Section 60-311, Reissue Revised Statutes of
13 Nebraska, is amended to read:
14 60-311. (1) The Department of Motor Vehicles shall
15 furnish to every person whose motor vehicle is registered fully
16 reflectorized ~~number license~~ plates upon which shall be displayed
17 (a) the registration number consisting of letters and numerals
18 assigned to such motor vehicle in figures not less than two and
19 one-half inches nor more than three inches in height and (b) also
20 the word Nebraska suitably lettered so as to be attractive. Two
21 plates shall be furnished for every motor vehicle, except that one
22 plate per vehicle shall be furnished for dealers, motorcycles,
23 truck-tractors, semitrailers, trailers, cabin trailers, buses, and
24 vehicles registered pursuant to section 60-305.09. The plates
1 shall be of a color designated by the Director of Motor Vehicles.
2 The color of the plates shall be changed each time the license
3 plates are changed. Each time the license plates are changed the
4 director shall secure competitive bids for materials pursuant to
5 sections 81-145 to 81-163.01.
6 (2) Except for license plates issued pursuant to section
7 60-305.16, ~~number license~~ plates shall be issued every three years
8 beginning with the ~~number license~~ plates issued in the year ~~1984~~
9 2002. In the years in which plates are not issued, in lieu of
10 furnishing such plates, the department shall furnish to every
11 person whose motor vehicle is registered one or two renewal tabs,
12 as the case may be, which renewal tabs shall bear the year for
13 which furnished and be so constructed as to permit them to be

14 permanently affixed to the plates.

15 (3) The department may provide a distinctive license
16 plate for all motor vehicles owned or operated by the state,
17 counties, municipalities, or school districts. Such
18 government-owned motor vehicles shall display such distinctive
19 license plates when such license plates are issued or shall display
20 undercover license plates when such license plates are issued under
21 section 60-304.

22 (4) The department shall provide a distinctive plate for
23 issuance pursuant to section 60-305.16.

24 (5) Whenever new license plates, including duplicate or
25 replacement license plates, are furnished to any person, a fee of
26 ~~one dollar and fifty cents~~ per plate shall be charged in addition
27 to all other required fees. Such The plate fee shall be determined
1 by the department and shall only cover the cost of the plate and
2 renewal tabs but shall not exceed two dollars and fifty cents. All
3 fees collected pursuant to this section shall be remitted to the
4 State Treasurer for credit to the Highway Trust Fund.

5 (6) There is hereby created the License Plate Cash Fund
6 which shall consist of money transferred to it pursuant to section
7 39-2215. All costs associated with the manufacture of license
8 plates and stickers or tabs provided for in this section and
9 sections 60-311.01, 60-311.02, and 60-1804 shall be paid from funds
10 appropriated from the License Plate Cash Fund. The fund shall be
11 used exclusively for such purposes and shall be administered by the
12 department. Any money in the fund available for investment shall
13 be invested by the state investment officer pursuant to the
14 Nebraska Capital Expansion Act and the Nebraska State Funds
15 Investment Act.

16 Sec. 3. Section 60-311.01, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-311.01. (1)(a) Commencing with the year 1952,
19 registration of motor vehicles shall be carried out by counties.
20 Each county in the state shall use the county number system.

21 (b) Except as provided in subdivision (d) of this
22 subsection, beginning January 1, 2002, registration of motor
23 vehicles in counties having a population of one hundred thousand
24 inhabitants or more according to the most recent federal decennial
25 census shall be by an alphanumeric system rather than by the county
26 number system.

27 (c) Except as provided in subdivision (d) of this
1 subsection, beginning January 1, 2002, registration of motor
2 vehicles in all other counties shall be, at the option of each
3 county board of commissioners or board of supervisors, by either
4 the alphanumeric system or the county number system.

5 (d) Beginning January 1, 2002, registration of motor
6 vehicles as farm trailers or farm trucks shall be by the county
7 number system.

8 (2) Counties using the alphanumeric system shall affix on

9 the license plates of vehicles licensed therein a sticker with the
 10 name of the county on it. Such sticker shall be designed and
 11 provided by the Department of Motor Vehicles.

12 (3) Counties using the alphanumeric system shall show on
 13 the license plates of vehicles licensed therein a combination of
 14 three letters followed by a combination of three numerals. The
 15 Department of Motor Vehicles shall adopt and promulgate rules and
 16 regulations creating alphanumeric distinctions on the license
 17 plates based upon the registration of the vehicle.

18 (4) Counties using the county number system shall show on
 19 vehicles licensed therein a county number on the license plate
 20 preceding a dash which shall then be followed by the individual
 21 number assigned to the motor vehicle, and which identification
 22 number, excluding the county prefix number, may be combined with
 23 letters and numerals of the same height. The county numbers
 24 assigned to the counties in Nebraska shall be as follows:

No.	Name of County	No.	Name of County
26 1	Douglas	2	Lancaster
27 3	Gage	4	Custer
1 5	Dodge	6	Saunders
2 7	Madison	8	Hall
3 9	Buffalo	10	Platte
4 11	Otoe	12	Knox
5 13	Cedar	14	Adams
6 15	Lincoln	16	Seward
7 17	York	18	Dawson
8 19	Richardson	20	Cass
9 21	Scotts Bluff	22	Saline
10 23	Boone	24	Cuming
11 25	Butler	26	Antelope
12 27	Wayne	28	Hamilton
13 29	Washington	30	Clay
14 31	Burt	32	Thayer
15 33	Jefferson	34	Fillmore
16 35	Dixon	36	Holt
17 37	Phelps	38	Furnas
18 39	Cheyenne	40	Pierce
19 41	Polk	42	Nuckolls
20 43	Colfax	44	Nemaha
21 45	Webster	46	Merrick
22 47	Valley	48	Red Willow
23 49	Howard	50	Franklin
24 51	Harlan	52	Kearney
25 53	Stanton	54	Pawnee
26 55	Thurston	56	Sherman
27 57	Johnson	58	Nance
1 59	Sarpy	60	Frontier
2 61	Sheridan	62	Greeley
3 63	Boyd	64	Morrill

4	65	Box Butte	66	Cherry
5	67	Hitchcock	68	Keith
6	69	Dawes	70	Dakota
7	71	Kimball	72	Chase
8	73	Gosper	74	Perkins
9	75	Brown	76	Dundy
10	77	Garden	78	Deuel
11	79	Hayes	80	Sioux
12	81	Rock	82	Keya Paha
13	83	Garfield	84	Wheeler
14	85	Banner	86	Blaine
15	87	Logan	88	Loup
16	89	Thomas	90	McPherson
17	91	Arthur	92	Grant
18	93	Hooker		

19 Sec. 4. Section 60-311.02, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-311.02. The letters and ~~figures~~ numerals for
22 motorcycle and trailer plates may be one-half the size of those
23 required for motor vehicles.

24 On number license plates issued to a manufacturer or
25 dealer, there shall be displayed, in addition to the registration
26 number, the ~~letter D~~ letters DLR.

27 On number license plates issued for use on motor vehicles
1 which are exempt pursuant to subdivision (6) of section 60-3002,
2 there shall be embossed, in addition to the registration number,
3 the word exempt which shall appear at the bottom of the license
4 plates issued after January 1, 1999. The Department of Motor
5 Vehicles may provide distinctive plates for the exempt vehicles.

6 On commercial trucks and truck-tractors with a gross
7 weight of five tons or over and on farm trucks with a gross weight
8 of over sixteen tons there shall be displayed, in addition to the
9 registration number, the weight that such vehicle is licensed for,
10 using a sticker or tab on the registration plates of such trucks in
11 letters and figures of such size and design as shall be determined
12 and furnished by the department.

13 When two registration plates are issued, one shall be
14 prominently displayed at all times on the front and one on the rear
15 of the registered vehicle. When only one plate is issued for
16 dealers, motorcycles, semitrailers, trailers, cabin trailers, and
17 buses, it shall be prominently displayed on the rear of the
18 registered vehicle. When only one plate is issued for motor
19 vehicles registered pursuant to section 60-305.09 and
20 truck-tractors, it shall be prominently displayed on the front of
21 the apportioned vehicle.

22 Any violation of this section shall be subject to a
23 penalty or penalties as provided in section 60-348.

24 Sec. 5. Section 60-311.11, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 60-311.11. (1) ~~Plates~~ License plates issued pursuant to
27 sections 60-305.08 and 60-311.10 to 60-311.13 shall be the same
1 size and of the same basic design as ~~the regular number license~~
2 plates issued pursuant to section 60-311.

3 (2) The following conditions ~~shall~~ apply to all
4 personalized message license plates:

5 (a) County prefixes shall not be ~~used~~ allowed except in
6 counties using the alphanumeric system for vehicle registration.
7 The numerals in the county prefix shall be the numerals assigned to
8 the county, pursuant to subsection (4) of section 60-311.01, in
9 which the vehicle is registered. Renewal of a personalized message
10 license plate containing a county prefix shall be conditioned upon
11 the vehicle being registered in such county. The numerals in the
12 county prefix, including the hyphen, count against the maximum
13 number of characters allowed by subdivision (2)(c) of this section;

14 (b) The characters used shall consist only of letters and
15 numerals of the same size and design and shall comply with the
16 requirements of subdivision (1)(a) of section 60-311;

17 (c) A maximum of seven characters may be used, except
18 that for motorcycles, a maximum of six characters may be used;

19 (d) The characters in the order used shall not conflict
20 with or duplicate any license registration number used or to be
21 used on the regular license plates or any license registration
22 number or license plate already approved pursuant to sections
23 60-305.08, 60-311, and 60-311.10 to 60-311.13;

24 (e) The characters in the order used shall not express,
25 connote, or imply any obscene or objectionable words or
26 abbreviations; and

27 (f) An applicant receiving a personalized message license
1 plate for a farm truck with a gross weight of over sixteen tons or
2 a commercial truck or truck-tractor with a gross weight of five
3 tons or over shall affix the appropriate tonnage sticker to such
4 plate.

5 (3) The Department of Motor Vehicles shall have sole
6 authority to determine if the conditions prescribed in subsection
7 (2) of this section have been met.

8 Sec. 6. Original sections 60-309, 60-311, 60-311.01,
9 60-311.02, and 60-311.11, Reissue Revised Statutes of Nebraska, are
10 repealed."

GENERAL FILE

LEGISLATIVE BILL 829. Title read. Considered.

Messrs. Dierks and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM1240, found on page 1447, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 7 excused and

not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 105. Placed on General File as amended.
(Standing Committee amendment, AM1282, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) D. Paul Hartnett, Chairperson

AMENDMENT - Print in Journal

Mrs. Brown filed the following amendment to LB 637:
(Amendment, AM1363, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

GENERAL FILE

LEGISLATIVE BILL 76. Title read. Considered.

The Standing Committee amendment, AM0785, found on page 1041, was considered.

Mr. Chambers renewed his pending amendment, FA94, found on page 1344, to the Standing Committee amendment.

PRESIDENT MAURSTAD PRESIDING

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Cudaback, Schmitt, Hartnett, Dw. Pedersen, and Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

Mrs. Suttle moved the previous question. The question is, "Shall the debate now close?" The motion failed with 24 ayes, 4 nays, and 20 not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 19 not voting.

Mr. Bourne asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 38 ayes, 0 nays, 3 present and

not voting, and 7 excused and not voting.

Pending.

ANNOUNCEMENT

Mr. Wickersham announced the Revenue Committee will hold an executive session Wednesday, April 21, 1999, at 8:30 a.m., in Room 1524.

AMENDMENT - Print in Journal

Mrs. Stuhr filed the following amendment to LB 605:

AM1362

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 66-1344, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1344. (1) Each producer of ethanol shall receive a
- 6 credit pursuant to this section of twenty cents per gallon of
- 7 ethanol produced in Nebraska, which credit shall be in the form of
- 8 a nonrefundable transferable motor vehicle fuel tax credit
- 9 certificate. After July 1, 1994, no such credit shall be given for
- 10 ethanol produced at an ethanol facility which was in production on
- 11 or before January 1, 1992, unless on or before July 1, 1994, the
- 12 name plate design capacity for the production of ethanol, before
- 13 denaturing, at the facility has been expanded to equal at least two
- 14 times the name plate design capacity for production of ethanol,
- 15 before denaturing, existing at the facility as of January 1, 1992.
- 16 (2) Any ethanol facility which is in production at the
- 17 rate of at least twenty-five percent of its name plate design
- 18 capacity for the production of ethanol, before denaturing, on or
- 19 before December 31, 1992, shall receive a credit of twenty cents
- 20 per gallon of ethanol produced beginning with the first month for
- 21 which it is eligible to receive such credit and ending not later
- 22 than December 31, 1997.
- 23 (3) Any ethanol facility which is not in production on or
- 24 before December 31, 1992, but which is in production at the rate of
- 1 at least twenty-five percent of its name plate design capacity for
- 2 the production of ethanol, before denaturing, on or before December
- 3 31, 1995, shall receive a credit of twenty cents per gallon of
- 4 ethanol produced for sixty months beginning with the first month
- 5 for which it is eligible to receive such credit and ending not
- 6 later than December 31, 2000, if the ethanol facility maintains an
- 7 average production rate of at least twenty-five percent of its name
- 8 plate design capacity for at least six months after the first month
- 9 for which it is eligible to receive such credit.
- 10 (2) (4) Any ethanol facility eligible for a credit under
- 11 subsection (1); (2); or (3) of this section shall also receive a
- 12 credit of twenty cents per gallon of ethanol produced in excess of

13 the original name plate design capacity which results from
14 expansion of the facility completed on or before December 31, 1995.
15 Such credit shall be for sixty months beginning with the first
16 month for which production from the expanded facility is eligible
17 to receive such credit and ending not later than December 31, 2000.

18 (3) During such period as funds remain in the Ethanol
19 Production Incentive Cash Fund, any ethanol facility shall also
20 receive a credit of seven and one-half cents per gallon of
21 ethanol, before denaturing, for new production for a period not to
22 exceed thirty-six consecutive months. For purposes of this
23 subsection, new production means production which results from a
24 new facility, a facility which has not received credits prior to
25 June 1, 1999, or the expansion of an existing facility's capacity
26 first placed into service after June 1, 1999, as certified by the
27 facility's design engineer to the Department of Revenue. For
1 expansion of an existing facility's capacity, new production means
2 production in excess of the average of the highest three months of
3 ethanol production at an ethanol facility during the
4 twenty-four-month period immediately preceding certification of the
5 facility by the design engineer. No credits shall be paid under
6 this subsection for expansion of an existing facility's capacity
7 until production is in excess of twelve times the three-month
8 average amount determined under this subsection during any
9 twelve-consecutive-month period. New production shall be approved
10 by the Department of Revenue based on such ethanol production
11 records as may be necessary to reasonably determine new production.
12 Ethanol production eligible for credits under this subsection shall
13 be measured by a device approved by the Division of Weights and
14 Measures of the Department of Agriculture. Confirmation of
15 approval by the division shall be provided by the ethanol facility
16 at which time the initial claim for credits provided under this
17 subsection is submitted to the Department of Revenue. This credit
18 must be earned on or before December 31, 2003, and is available
19 only during such period.

20 (4) Any ethanol facility that did not maximize benefits
21 for which the facility was otherwise eligible under subsections (1)
22 and (2) of this section based on name plate design capacity
23 stipulated in a contract with the Department of Revenue and which
24 has expanded its capacity by at least six million gallons over its
25 original name plate design capacity shall receive a credit of five
26 cents per gallon if the ethanol facility maintains an average
27 production rate of at least twenty-five percent of its name plate
1 design capacity. Production shall be approved by the Department of
2 Revenue based on such ethanol production records as may be
3 necessary to reasonably determine the eligible credits. Ethanol
4 production eligible for credits under this subsection shall be
5 measured by a device approved by the Division of Weights and
6 Measures of the Department of Agriculture. Confirmation of
7 approval by the division shall be provided by the ethanol facility

8 at which time the initial claim for credits provided under this
9 subsection is submitted to the Department of Revenue. This credit
10 must be earned on or before December 31, 2000, and is available
11 only during such period.

12 (5) The credits described in this section The credit
13 shall be given only for ethanol produced at a plant in Nebraska at
14 which all fermentation, distillation, and dehydration takes place.
15 No credit shall be given on ethanol produced for or sold for use in
16 the production of distilled spirits. ~~Not less than two million~~
17 ~~gallons and not more than twenty-five million gallons of ethanol~~
18 ~~produced annually at an ethanol facility shall be eligible for the~~
19 ~~credit credits in subsections (1) and (2) of this section, and the~~
20 ~~credit credits may only be claimed by a producer for the period~~
21 ~~periods specified in subsection (1) or (2); (3); or (4) of this~~
22 ~~section. Not more than ten million gallons of ethanol produced~~
23 ~~during any twelve-consecutive-month period at an ethanol facility~~
24 ~~shall be eligible for the credits described in subsections (3) and~~
25 ~~(4) of this section, and the credits may only be claimed by a~~
26 ~~producer for the periods specified in subsections (3) and (4) of~~
27 ~~this section. Not more than one hundred twenty-five million~~
1 gallons of ethanol produced at an ethanol facility by the end of
2 the sixty-month period set forth in subsection (1) or (2) (3) or
3 (4) of this section shall be eligible for the credit under such
4 subsections. An ethanol facility may only participate in the
5 credits described in subsection (3) of this section or the credits
6 described in subsection (4) of this section. During any fiscal
7 year, if the amount of money in the fund is not sufficient to pay
8 all the credits applied for under this section during such year,
9 each applicant shall receive a proportionate share of the amount in
10 the fund equal to the portion derived by dividing the amount in the
11 fund by the number of gallons eligible for the credit for each
12 applicant. The credits described in this section shall be in the
13 form of a nonrefundable transferable motor vehicle fuel tax credit
14 certificate. subsection; in addition to the ethanol entitled to
15 credit under subsection (1) or (2) of this section.

16 (6) The Department of Revenue shall prescribe an
17 application form and procedures for claiming the credit and shall
18 ~~adopt and promulgate rules and regulations to carry out credits~~
19 ~~under this section.~~

20 (7) For purposes of ascertaining the correctness of any
21 application for claiming the credit provided in this section, the
22 Tax Commissioner (a) may examine or cause to have examined, by any
23 agent or representative designated by him or her for that purpose,
24 any books, papers, records, or memoranda bearing upon such matters,
25 (b) may by summons require the attendance of the person responsible
26 for rendering the application or other document or any officer or
27 employee of such person or the attendance of any other person
1 having knowledge in the premises, and (c) may take testimony and
2 require proof material for his or her information, with power to

3 administer oaths or affirmations to such person or persons. The
4 time and place of examination pursuant to this subsection shall be
5 such time and place as may be fixed by the Tax Commissioner and as
6 are reasonable under the circumstances. In the case of a summons,
7 the date fixed for appearance before the Tax Commissioner shall not
8 be less than twenty days from the time of service of the summons.
9 No taxpayer shall be subjected to unreasonable or unnecessary
10 examinations or investigations. All records obtained pursuant to
11 this subsection shall be subject to the confidentiality
12 requirements and exceptions thereto as provided in section
13 77-27,119.

14 Sec. 2. Section 66-1345, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 66-1345. (1) There is hereby created the Ethanol
17 Production Incentive Cash Fund which shall be used by the board to
18 pay the credits created in section 66-1344 to the extent provided
19 in this section. Any money in the 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. The State Treasurer shall transfer to the Ethanol
23 Production Incentive Cash Fund such money as shall be (a)
24 appropriated to the Ethanol Production Incentive Cash Fund by the
25 Legislature, (b) given as gifts, bequests, grants, or other
26 contributions to the Ethanol Production Incentive Cash Fund from
27 public or private sources, (c) made available due to failure to
1 fulfill conditional requirements pursuant to investment agreements
2 entered into prior to April 30, 1992, (d) received as return on
3 investment of the Ethanol Authority and Development Cash Fund, (e)
4 credited to the Ethanol Production Incentive Cash Fund from the
5 fertilizer fee pursuant to section 77-4401, (f) credited to the
6 Ethanol Production Incentive Cash Fund from the excise taxes
7 imposed by section 66-1345.01, and (g) credited to the Ethanol
8 Production Incentive Cash Fund pursuant to section 66-1345.04.

9 (2) The Department of Revenue shall, at the end of each
10 calendar quarter, notify the State Treasurer of the amount of motor
11 fuel tax that was not collected in the preceding calendar quarter
12 due to the credits provided in section 66-1344. The State
13 Treasurer shall transfer from the Ethanol Production Incentive Cash
14 Fund to the Highway Trust Fund an amount equal to such credits less
15 the following amounts:

16 (a) For 1993, 1994, and 1995, the amount generated during
17 the calendar quarter by a one-cent tax on motor fuel pursuant to
18 sections 66-489, 66-668, and 66-6,107;

19 (b) For 1996, the amount generated during the calendar
20 quarter by a three-quarters-cent tax on motor fuel pursuant to such
21 sections;

22 (c) For 1997, the amount generated during the calendar
23 quarter by a one-half-cent tax on motor fuel pursuant to such
24 sections; and

25 (d) For 1998, 1999, and 2000, no reduction.

26 The amounts shall be transferred through December 31,
27 2003. For 1993 through 1997, if the amount generated pursuant to
1 subdivisions (a), (b), and (c) of this subsection and the amount
2 transferred pursuant to subsection (1) of this section are not
3 sufficient to fund the credits provided in section 66-1344, then
4 the credits shall be funded through the Ethanol Production
5 Incentive Cash Fund but shall not be funded through either the
6 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
7 2000, the credits provided in such section shall be funded through
8 the Ethanol Production Incentive Cash Fund but shall not be funded
9 through either the Highway Cash Fund or the Highway Trust Fund.

10 (3) The State Treasurer shall transfer from the Ethanol
11 Production Incentive Cash Fund to the Management Services Expense
12 Revolving Fund the amount reported under subsection (4) of section
13 66-1345.02 for each calendar quarter of the fiscal year as provided
14 in such subsection.

15 (4) On ~~February 15, 2001~~ June 30, 2004, the State
16 Treasurer shall transfer any unexpended and unobligated funds from
17 the Ethanol Production Incentive Cash Fund to the Nebraska Corn
18 Development, Utilization, and Marketing Fund and Grain Sorghum
19 Development, Utilization, and Marketing Fund in the same proportion
20 as funds were collected pursuant to section 66-1345.01 from corn
21 and grain sorghum.

22 Sec. 3. Section 66-1345.01, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 66-1345.01. An excise tax is levied upon all corn and
25 grain sorghum sold through commercial channels in Nebraska or
26 delivered in Nebraska. ~~The tax is three-fourths cent per bushel~~
27 ~~for corn and three-fourths cent per hundredweight for grain~~
1 ~~sorghum.~~ For any sale or delivery of corn or grain sorghum
2 occurring on or after July 1, 1995, and before January 1, 2000, the
3 tax is three-fourths cent per bushel for corn and three-fourths
4 cent per hundredweight for grain sorghum. For any sale or delivery
5 of corn or grain sorghum occurring on or after January 1, 2000, and
6 before January 1, 2001, the tax is one-half cent per bushel for
7 corn and one-half cent per hundredweight for grain sorghum. The
8 tax shall be in addition to any fee imposed pursuant to sections
9 2-3623 and 2-4012. ~~The excise tax shall be imposed on any sale or~~
10 ~~delivery occurring on or after July 1, 1995, and before January 1,~~
11 ~~2001.~~ The Legislature finds and declares that those in production
12 agriculture have contributed sufficiently to support the Ethanol
13 Production Incentive Cash Fund by the imposition of the excise tax.
14 If additional funds are needed in the future to meet the
15 Legislature's obligation to fully fund the Ethanol Production
16 Incentive Cash Fund, those funds should come from sources other
17 than production agriculture.

18 The excise tax shall be imposed at the time of sale or
19 delivery and shall be collected by the first purchaser. The tax

20 shall be collected, administered, and enforced in conjunction with
21 the fees imposed pursuant to sections 2-3623 and 2-4012. The tax
22 shall be collected, administered, and enforced by the Department of
23 Agriculture. No corn or grain sorghum shall be subject to the tax
24 imposed by this section more than once.

25 In the case of a pledge or mortgage of corn or grain
26 sorghum as security for a loan under the federal price support
27 program, the excise tax shall be deducted from the proceeds of such
1 loan at the time the loan is made. If, within the life of the loan
2 plus thirty days after the collection of the excise tax for corn or
3 grain sorghum that is mortgaged as security for a loan under the
4 federal price support program, the grower of the corn or grain
5 sorghum so mortgaged decides to purchase the corn or grain sorghum
6 and use it as feed, the grower shall be entitled to a refund of the
7 excise tax previously paid. The refund shall be payable by the
8 department upon the grower's written application for a refund. The
9 application shall have attached proof of the tax deducted.

10 The excise tax shall be deducted whether the corn or
11 grain sorghum is stored in this or any other state. The excise tax
12 shall not apply to the sale of corn or grain sorghum to the federal
13 government for ultimate use or consumption by the people of the
14 United States when the State of Nebraska is prohibited from
15 imposing such tax by the Constitution of the United States and laws
16 enacted pursuant thereto.

17 Sec. 4. Original sections 66-1344 to 66-1345.01, Reissue
18 Revised Statutes of Nebraska, are repealed."

VISITORS

Visitors to the Chamber were 65 fourth grade students and teachers from Tara Heights Elementary School, Papillion.

ADJOURNMENT

At 4:42 p.m., on a motion by Mr. Bruning, the Legislature adjourned until 9:00 a.m., Wednesday, April 21, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY – APRIL 21, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SIXTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 21, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Glatha Rathjen, Zion Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Preister who was excused; and Mmes. Bohlke, Brown, Kiel, C. Peterson, Messrs. Bromm, Coordsen, Dierks, Hartnett, Kristensen, Landis, Dw. Pedersen, Raikes, Schrock, Wickersham, and Ms. Redfield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-sixth day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 637. Placed on Select File as amended.

E & R amendment to LB 637:

AM7126

- 1 1. Strike the original sections and all amendments
- 2 thereeto and insert the following new section:
- 3 "Section 1. The Department of Health and Human Services
- 4 shall immediately begin the process of applying for a waiver from
- 5 the federal government with regard to required centralization of
- 6 child support payments."
- 7 2. On page 1, strike beginning with "amend" in line 1
- 8 through line 11 and insert "provide a duty for the Department of
- 9 Health and Human Services relating to centralization of child
- 10 support payments."

(Signed) Adrian M. Smith, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 64, LR 65, LR 66, LR 67, and LR 68 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 64, 65, 66, 67, and 68.

GENERAL FILE

LEGISLATIVE BILL 242A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 76. Mr. Bruning offered the following amendment to the Standing Committee amendment:

FA105

Amend AM0785

Strike Section (2)

MRS. CROSBY PRESIDING

Messrs. Janssen and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Messrs. Wickersham and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 18 not voting.

Mr. Bruning moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 28 not voting.

Mr. Bruning requested a record vote on his amendment.

Voting in the affirmative, 20:

Baker	Crosby	Jensen	Quandahl	Smith
Bruning	Engel	Jones	Redfield	Stuhr
Byars	Hudkins	Kremer	Schmitt	Tyson
Coordsen	Janssen	Matzke	Schrock	Vrtiska

Voting in the negative, 24:

Beutler	Chambers	Kiel	Pederson, D.	Schimek
Bohlke	Connealy	Kristensen	Peterson, C.	Suttle
Bourne	Dierks	Landis	Price	Thompson
Brashear	Hartnett	Lynch	Raikes	Wehrbein
Bromm	Hilgert	Pedersen, Dw.	Robak	

Excused and not voting, 4:

Brown Cudaback Preister Wickersham

The Bruning amendment lost with 20 ayes, 24 nays, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Mr. Hartnett filed the following amendment to LB 774:
AM1368

(Amendments to Final Reading copy)

- 1 1. Strike section 3 and insert the following new
- 2 section:
- 3 "Sec. 3. The Department of Economic Development shall,
- 4 to the extent that funds are appropriated for such purpose,
- 5 reimburse applying cities or villages for the fees paid by such
- 6 cities or villages for the use of the cost-benefit analysis model,
- 7 developed and approved as provided in sections 77-5101 to 77-5105,
- 8 for projects using funds authorized by section 18-2147."
- 9 2. On page 1, line 4, strike "to create a fund;"

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 829. Placed on Select File as amended.

E & R amendment to LB 829:

AM7127

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. This act shall be known and may be cited as
- 4 the Nebraska Transit and Rail Advisory Council Act.
- 5 Sec. 2. (1) The Legislature finds that:
- 6 (a) Access to timely and efficient modes of passenger
- 7 transportation is necessary for Nebraska's travelers, visitors, and
- 8 day-to-day commuters; to the quality of life in the state; and to
- 9 the economy of the state;
- 10 (b) Technological advances in passenger transportation
- 11 can significantly and positively affect the ability of the state to

12 attract and provide efficient services for domestic and
13 international businesses and tourists and thus significantly affect
14 the revenue of the state;

15 (c) The development and utilization of a properly
16 designed, constructed, and financed passenger rail, high-speed
17 rail, or other passenger surface transportation system can act as a
18 catalyst for economic growth and development; alleviate
19 traffic-congested commutes for day-to-day commuters; create new
20 employment opportunities; create a safer transportation
21 alternative; serve as a positive growth management system for
22 building a better and more environmentally secure state; and
23 promote the health, safety, and welfare of the citizens of the
24 state;

1 (d) Joint development between the public and private
2 sectors may be necessary in the planning, financing, management,
3 operation, and construction mechanisms to ensure the continued
4 future development of an efficient and economically viable
5 passenger rail, high-speed rail, or other passenger surface
6 transportation system in this state; and

7 (e) Transportation benefits include improved travel times
8 and more reliable travel, hence increased productivity.

9 (2) The Legislature hereby declares that creation,
10 improvement, and operation of passenger rail, high-speed rail, and
11 other passenger surface transportation systems and the construction
12 of rail and transit facilities in Nebraska through the
13 encouragement of private investments and the use of federal and
14 state funds is a public purpose and use for which public money may
15 be borrowed, expended, advanced, loaned, or granted. Such activity
16 can best be accomplished by the creation of a Nebraska Transit and
17 Rail Advisory Council, N-TRAC.

18 Sec. 3. For purposes of the Nebraska Transit and Rail
19 Advisory Council Act:

20 (1) Associated development means property, equipment, or
21 buildings which are built, installed, or established to provide
22 financing, funding, or revenue for the planning, constructing,
23 managing, and operating of a high-speed rail transportation system
24 and which are directly associated with transit stations. The term
25 includes property necessary for joint development;

26 (2) Council means the Nebraska Transit and Rail Advisory
27 Council;

1 (3) Department means the Department of Roads;

2 (4) High-speed rail transportation system means any
3 high-speed, fixed-guideway transportation system for transporting
4 people or goods which is capable of operating at speeds in excess
5 of one hundred ten miles per hour, including a monorail system,
6 dual track rail system, suspended rail system, magnetic levitation
7 system, or pneumatic repulsion system. The term includes a
8 corridor and structures essential to the operation of the system,
9 including the land, structures, improvements, rolling stock,

10 rights-of-way, easements, rail lines, rail beds, guideway
11 structures, stations, platforms, switches, yards, terminals,
12 parking lots, power relays, switching houses, transit station,
13 associated development, and any other facilities or equipment used
14 or useful for the purposes of high-speed rail transportation
15 construction, operation, or maintenance or the financing of
16 high-speed rail transportation;

17 (5) Joint development means the planning, managing,
18 financing, operating, or constructing of projects adjacent to or
19 physically related, functionally related, or otherwise related to a
20 passenger rail, high-speed rail, or other passenger surface
21 transportation system in order to effect the policy and purposes of
22 the act pursuant to agreements between any person, firm,
23 corporation, association, organization, agency, or other entity,
24 public or private;

25 (6) Passenger rail transportation system means any
26 fixed-guideway transportation system for transporting people or
27 goods which operates at speeds below one hundred ten miles per
1 hour. The term includes a corridor and structures essential to the
2 operation of the system, including the land, structures,
3 improvements, rolling stock, rights-of-way, easements, rail lines,
4 rail beds, guideway structures, stations, platforms, switches,
5 yards, terminals, parking lots, power relays, switching houses,
6 transit station, associated development, and any other facilities
7 or equipment used or useful for the purposes of passenger rail
8 transportation construction, operation, or maintenance or the
9 financing of passenger rail transportation;

10 (7) Right-of-way means land necessary for the
11 construction, operation, and maintenance of passenger rail,
12 high-speed rail, or other passenger surface transportation system;

13 (8) Terminus means the transit station serving the
14 service area at the end of a passenger rail, high-speed rail, or
15 other passenger surface transportation system; and

16 (9) Transit station or station means any structure or
17 transportation facility that is primarily used, as part of a
18 passenger rail, high-speed rail, or other passenger surface
19 transportation system, for the purpose of loading, unloading, or
20 transferring passengers or accommodating the movement of passengers
21 from one mode of transportation to another.

22 Sec. 4. (1) The Nebraska Transit and Rail Advisory
23 Council is created. The council shall consist of eleven members to
24 be appointed by the Governor with the approval of a majority of the
25 Legislature as follows:

26 (a) The Director-State Engineer or his or her designee;

27 (b) One public service commissioner;

1 (c) Two members of the general public with demonstrated
2 knowledge of passenger rail, high-speed rail, and other passenger
3 surface transportation systems;

4 (d) Two representatives of private railroads;

5 (e) One representative from the Department of Economic
6 Development; and

7 (f) Four representatives of local government.

8 (2) The Governor shall appoint the council to serve until
9 the termination of the Nebraska Transit and Rail Advisory Council
10 Act.

11 (3) The council members shall have an interest in or
12 knowledge of passenger rail, high-speed rail, or other passenger
13 surface transportation systems. A council member shall abstain
14 from voting on any decision or policy of the council if the
15 decision or policy will result in any financial benefit or
16 detriment to him or her, any member of his or her family, or any
17 business with which he or she is associated and the benefit or
18 detriment is distinguishable from the effects of the actions on the
19 public generally or a broad segment of the public.

20 (4) The department shall assist with administrative and
21 operational support for the council.

22 (5) Members of the council who are not employed by the
23 State of Nebraska shall be reimbursed for their actual and
24 necessary expenses as provided in sections 81-1174 to 81-1177.

25 (6) A majority of the council members constitutes a
26 quorum for the transaction of business, and all decisions of the
27 council shall be approved by at least a majority of members
1 present.

2 Sec. 5. The council may do all things necessary to
3 implement the Nebraska Transit and Rail Advisory Council Act,
4 including, but not limited to:

5 (1) Collecting, administering, and expending funds;

6 (2) Conducting or authorizing feasibility studies or any
7 other studies deemed necessary or required under the act; and

8 (3) Adopting and promulgating rules and regulations to
9 carry out the act.

10 Sec. 6. Trade secrets and other proprietary or
11 commercial information which may be filed pursuant to the Nebraska
12 Transit and Rail Advisory Council Act shall not be considered
13 public records as defined in section 84-712.01 if the release of
14 such trade secrets or information would give advantage to business
15 competitors and serve no public purpose. Any person seeking
16 release of the trade secrets or information as a public record
17 shall demonstrate to the satisfaction of the council that the
18 release would not violate this section.

19 Sec. 7. The department shall:

20 (1) Conduct research, prepare, and review plans and
21 specifications for any project to be proposed to the council;

22 (2) Conduct studies, including feasibility studies, and
23 investigations and act in an advisory capacity to the council in
24 the establishment of broad policies for carrying out the Nebraska
25 Transit and Rail Advisory Council Act;

26 (3) Hold hearings, make investigations, studies, and

27 inspections, and do all other things necessary to implement the
1 act;

2 (4) Furnish necessary assistance to the council in making
3 its inspection and study of any proposed project or feasibility
4 study;

5 (5) Make data and information of the department available
6 to the council; and

7 (6) Adopt and promulgate rules and regulations necessary
8 for the department to carry out its duties under the act.

9 Sec. 8. (1) The Nebraska Transit and Rail Advisory
10 Council Cash Fund is created. The fund shall be used by the
11 council to carry out its responsibilities under the Nebraska
12 Transit and Rail Advisory Council Act. The fund may be used to
13 defray the expenses of the council.

14 (2) The State Treasurer shall credit to the fund any
15 money (a) appropriated to the fund by the Legislature, (b) donated
16 as gifts, bequests, grants, or other contributions to the fund from
17 public or private sources, and (c) received pursuant to the act.
18 Money made available by any department or agency of the United
19 States may also be credited to the fund if so directed by the
20 Director-State Engineer or may be credited to the Nebraska Transit
21 and Rail Advisory Council Revolving Fund pursuant to the act. Any
22 money in the Nebraska Transit and Rail Advisory Council Cash Fund
23 available for investment shall be invested by the state investment
24 officer pursuant to the Nebraska Capital Expansion Act and the
25 Nebraska State Funds Investment Act.

26 Sec. 9. The Nebraska Transit and Rail Advisory Council
27 Revolving Fund is created. The fund shall be used by the council
1 to carry out its responsibilities under the Nebraska Transit and
2 Rail Advisory Council Act. The revolving fund shall consist of any
3 money credited to the revolving fund pursuant to the act and other
4 funds as the council may designate. Any money in the 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. 10. The department and the council may expend the
9 federal funds which are or may become available for feasibility
10 studies, construction, operation, capital expenditures, or program
11 administration for any passenger rail, high-speed rail, or other
12 passenger surface transportation systems projects allowable under
13 federal law.

14 Sec. 11. The council may accept gifts, donations, money,
15 and services, including in-kind resources, for any purpose
16 allowable under the Nebraska Transit and Rail Advisory Council Act.

17 Sec. 12. The council, with the assistance of the
18 department, shall, not later than January 1, 2002, complete a study
19 on the feasibility and projected costs of constructing a passenger
20 rail, high-speed rail, or other passenger surface transportation
21 system, with particular attention paid to the feasibility of other

22 passenger surface transportation systems on a statewide basis, and
23 report its findings to the Transportation Committee of the
24 Legislature. Such report shall include suggested legislation
25 necessary to implement the feasibility options included within the
26 study for a passenger rail, high-speed rail, or other passenger
27 surface transportation system.

1 Sec. 13. The department and the council shall take all
2 reasonable steps necessary to secure private or federal funding of
3 the feasibility study required by section 12 of this act before
4 requesting appropriations from the Legislature to fund the
5 feasibility study.

6 Sec. 14. The Nebraska Transit and Rail Advisory Council
7 Act terminates on June 30, 2003."

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 76. Mr. Bromm offered the following amendment to the Standing Committee amendment:

FA106

Amend AM0785

(1) Page 3, Line 11, Strike "September 1, 2001", and insert "January 1, 2001."

(2) Page 2, Line 5, Strike "2002" and insert "2001".

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Thompson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

Mr. Bromm moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

The Bromm amendment was adopted with 32 ayes, 10 nays, 2 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

MESSAGES FROM THE GOVERNOR

April 21, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Coordinating Commission for Postsecondary Education:

APPOINTEE:

Earl Rademacher, 1107 W. 35, Kearney, NE 68847

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

April 21, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Liquor Control Commission:

APPOINTEE:

Robert Logsdon, 1352 Aldrich Rd., Lincoln, NE 68510

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,
Mike Johanns
Governor

vfp/

AMENDMENT - Print in Journal

Mr. Bromm filed the following amendment to LB 150:

AM1128

1 1. Insert the following new sections:

2 "Sec. 12. Section 75-109, Revised Statutes Supplement,
3 1998, is amended to read:

4 75-109. (1) Except as provided in sections 19-4603,
5 86-803, and 86-808, the commission shall regulate and exercise
6 general control as provided by law over all common and contract
7 carriers; which term is hereby defined as all carriers, including
8 contract carriers, engaged in the transportation of freight or
9 passengers for hire or furnishing ~~communication~~ telecommunications
10 services for hire in Nebraska intrastate commerce.

11 (2) The commission is authorized to do all things
12 reasonably necessary and appropriate to implement the federal
13 Telecommunications Act of 1996, Public Law 104-104, including
14 section 252 of the act which establishes specific procedures for
15 negotiation and arbitration of interconnection agreements between
16 telecommunications companies. Interconnection agreements approved
17 by the commission pursuant to section 252 of the act may contain
18 such enforcement mechanisms and procedures that the commission
19 determines to be consistent with the establishment of fair
20 competition in Nebraska telecommunications markets. The authority
21 granted to the commission pursuant to this subsection shall be
22 broadly construed in a manner consistent with the federal
23 Telecommunications Act of 1996.

24 Sec. 13. Section 75-604, Revised Statutes Supplement,
1 1998, is amended to read:

2 75-604. (1) Except as provided in section 86-805, no
3 person, firm, partnership, limited liability company, corporation,
4 cooperative, or association shall offer any telecommunications
5 service or shall construct new telecommunications facilities in or
6 extend existing telecommunications facilities into the territory of
7 another telecommunications company for the purpose of providing any
8 telecommunications service as either a telecommunications common
9 carrier or telecommunications contract carrier without first making
10 an application for and receiving from the commission a certificate
11 of convenience and necessity as a telecommunications common carrier
12 or a permit as a telecommunications contract carrier, after due
13 notice and hearing under the rules and regulations of the
14 commission. The required certificate for telecommunications common
15 carriers and required permit for telecommunications contract
16 carriers are necessary to preserve the integrity of an ubiquitous
17 network, to preserve and advance universal service, and to ensure
18 the delivery of essential and emergency telecommunications
19 services.

20 (2) If a telecommunications company holds a certificate
21 of convenience and necessity as a telecommunications common
22 carrier, it shall not be required to obtain a permit as a
23 telecommunications contract carrier.

24 (3) The commission may waive applicability of subsection

25 (1) of this section as to the provision of intra-LATA interexchange
26 services by duly adopted and promulgated rules and regulations
27 applicable to all telecommunications companies providing such
1 services, and after such waiver, certification for and provision of
2 intra-LATA interexchange services shall be governed by the
3 statutes, rules, and regulations for certification for and
4 provision of inter-LATA interexchange services.

5 (4) The commission may establish such just and reasonable
6 classifications of groups of telecommunications common carriers and
7 telecommunications contract carriers taking into consideration the
8 special nature of the services performed by such carriers. The
9 commission may adopt and promulgate such just and reasonable rules,
10 regulations, and requirements to be observed by a carrier so
11 classified or grouped as the commission deems necessary or
12 desirable and in the public interest.

13 Sec. 14. Section 86-802, Revised Statutes Supplement,
14 1998, is amended to read:

15 86-802. For purposes of sections 75-109, 75-604, 75-609,
16 75-609.01, and 86-801 to 86-811, unless the context otherwise
17 requires:

18 (1) Basic local exchange rate means the flat monthly
19 charge for an access line, whether the service is provided on a
20 flat or measured basis, imposed by a telecommunications company for
21 basic local exchange service, but does not include any charges or
22 taxes imposed by or resulting from action by a governmental body
23 which are billed by a telecommunications company to its customers;
24 (2) Basic local exchange service means the access and
25 transmission of two-way switched voice communications within a
26 local exchange area;

27 (3) Business service means telecommunications service
1 which is used for occupational, professional, or institutional
2 purposes;

3 (4) Class of subscribers means a group of customers for
4 which a telecommunications company has established a distinct
5 pricing plan for telecommunications service;

6 (5) Commission means the Public Service Commission;

7 (6) Extended area service means a telecommunications
8 service which groups two or more exchanges to allow subscribers of
9 one exchange in the group to place and receive two-way switched
10 communications to and from subscribers in one or more other
11 exchanges in the group without an interexchange toll charge;

12 (7) Federal act means the federal Communications Act of
13 1934, as amended, including the federal Telecommunications Act of
14 1996, Public Law 104-104;

15 (8) Interexchange service means the access and
16 transmission of communications between two or more local exchange
17 areas, except for two-way switched communications between local
18 exchanges that are grouped for extended area service;

19 (9) Inter-LATA interexchange service means interexchange

20 service originating and terminating in different LATAs;

21 (10) Intra-LATA interexchange service means interexchange
22 service originating and terminating within the same LATA;

23 (11) LATA means local access transport area as defined by
24 applicable federal law, rules, or regulations;

25 (12) Local exchange area means a territorial unit
26 established by a telecommunications company for the administration
27 of telecommunications service within a specific area generally
1 encompassing a city, town, or village and its environs as described
2 in maps filed with and approved by the Public Service Commission;

3 (13) Residence service means telecommunications service
4 which is furnished to a dwelling and which is used for personal or
5 domestic purposes and not for business, professional, or
6 institutional purposes;

7 (14) Telecommunications means the transmission, between
8 or among points specified by the subscriber, of information of the
9 subscriber's choosing, without a change in the form or content of
10 the information as sent or received;

11 (15) Telecommunications common carrier means a provider
12 of telecommunications services for hire which offers its services
13 to the general public at large in Nebraska intrastate commerce;

14 (16) Telecommunications company means any person, firm,
15 partnership, limited liability company, corporation, association,
16 or governmental entity offering telecommunications service for a
17 fee in Nebraska intrastate commerce;

18 (17) Telecommunications contract carrier means a provider
19 of telecommunications services for hire, other than as a common
20 carrier, in Nebraska intrastate commerce; and

21 (18) ~~(16)~~ Telecommunications service means the offering
22 of telecommunications for a fee.

23 Sec. 15. Section 86-1407, Revised Statutes Supplement,
24 1998, is amended to read:

25 86-1407. The fund may be administered by a neutral
26 third-party administrator. The commission shall oversee the
27 preparation and selection process of the administrator through a
1 request for proposal process established by the commission. If a
2 third-party administrator is selected, the administrator shall
3 serve at the will of the commission. The administrator shall:
4 Gather the necessary data to estimate fund obligations; notify
5 telecommunications companies of their obligations to the fund;
6 collect and distribute money from the fund in accordance with the
7 Nebraska Telecommunications Universal Service Fund Act and the
8 rules and regulations established by the commission; and notify the
9 commission of any violations of the act and rules and regulations
10 by telecommunications companies with respect to the fund. The
11 commission shall audit the administrator to ensure the duties are
12 being performed in accordance with the act and its rules and
13 regulations. Any telecommunications company not meeting its
14 obligation to the fund shall not be eligible to receive payments.

15 from the fund, shall be subject to administrative penalties to be
16 determined by the commission, and shall be subject to the
17 revocation of any certificate or permit issued pursuant to section
18 75-604 or any predecessor statute.

19 Sec. 17. Original sections 75-109, 75-604, 86-802, and
20 86-1407, Revised Statutes Supplement, 1998, are repealed."

21 2. Underscore sections 1 to 11 and all amendments
22 thereto.

23 3. In the Landis amendment, AM0816, on page 1, line 3,
24 strike "This" and insert "Sections 1 to 11 of this".

25 4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Monica High from Bertrand; Carl Lingen and Matt Hartz from Beatrice High School; 39 fourth grade students and teachers from St. Francis School, Humphrey; 17 students and teacher from Ralston High School; Betty Seng from Omaha; 15 fourth grade students from St. John Lutheran School, Seward; 25 fourth grade students and teacher from Sunset Hills Public School, Omaha; and 85 fourth grade students and teachers from Aurora Elementary School.

RECESS

At 12:00 noon, on a motion by Mr. Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Mr. Preister who was excused; and Mmes. Bohlke, Brown, Kiel, Robak, Messrs. Coordsen, Dierks, Engel, and Hartnett who were excused until they arrive.

AMENDMENT - Print in Journal

Mr. Bruning filed the following amendment to LB 76:

AM1384

1 1. Insert the following new section:

2 "Sec. 3. Section 29-3001, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 29-3001. A prisoner in custody under sentence and
5 claiming a right to be released on the ground that there was such a
6 denial or infringement of the rights of the prisoner as to render
7 the judgment void or voidable under the Constitution of this state
8 or the Constitution of the United States, may file a verified

9 motion ~~at any time~~ within five years after the sentencing date in
10 the court which imposed such sentence, stating the grounds relied
11 upon, and asking the court to vacate or set aside the sentence. A
12 prisoner may file only three petitions pursuant to this section
13 within the five-year period which alleges any and all grounds upon
14 which relief may be granted. A fourth or subsequent petition for
15 postconviction relief may not be filed or heard by the court
16 regardless of whether it is based on the same or different grounds
17 from the first petition, unless the petition involves the potential
18 innocence of the prisoner.

19 Unless the motion and the files and records of the case
20 show to the satisfaction of the court that the prisoner is entitled
21 to no relief, the court shall cause notice thereof to be served on
22 the county attorney, grant a prompt hearing thereon, determine the
23 issues and make findings of fact and conclusions of law with
24 respect thereto. If the court finds that there was such a denial
1 or infringement of the rights of the prisoner as to render the
2 judgment void or voidable under the Constitution of this state or
3 the Constitution of the United States, the court shall vacate and
4 set aside the judgment and shall discharge the prisoner or
5 resentence him or grant a new trial as may appear appropriate.
6 Proceedings under the provisions of sections 29-3001 to 29-3004
7 shall be civil in nature. Costs shall be taxed as in habeas corpus
8 cases.

9 A court may entertain and determine such motion without
10 requiring the production of the prisoner, whether or not a hearing
11 is held. Testimony of the prisoner or other witnesses may be
12 offered by deposition. ~~The court need not entertain a second~~
13 ~~motion or successive motions for similar relief on behalf of the~~
14 ~~same prisoner."~~

15 2. Renumber the remaining sections and correct repealer
16 accordingly.

GENERAL FILE

LEGISLATIVE BILL 849A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 76. Considered.

Mrs. Thompson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 19 not voting.

Mr. Brashear moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 12 not voting.

Mr. Tyson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler	Connealy	Kiel	Pederson, D.	Schimek
Bohlke	Crosby	Kremer	Peterson, C.	Suttle
Bourne	Dierks	Landis	Price	Thompson
Brashear	Hartnett	Lynch	Raikes	Vrtiska
Bromm	Hilgert	Pedersen, Dw.	Robak	Wehrbein
Chambers				

Voting in the negative, 20:

Baker	Cudaback	Jensen	Quandahl	Smith
Bruning	Engel	Jones	Redfield	Stuhr
Byars	Hudkins	Kristensen	Schmitt	Tyson
Coordsen	Janssen	Matzke	Schrock	Wickersham

Excused and not voting, 2:

Brown Preister

Advanced to E & R for review with 26 ayes, 20 nays, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 605. Title read. Considered.

The Standing Committee amendment, AM0771, found on page 971, was considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Bromm, Lynch, Chambers, and Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Wickersham moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 37 not voting.

The Standing Committee amendment lost with 8 ayes, 27 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Brashear asked unanimous consent to be excused. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 548A. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 548, Ninety-sixth Legislature, First Session, 1999.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Robert Logsdon - Nebraska Liquor Control Commission -- General Affairs

Earl Rademacher - Coordinating Commission for Postsecondary Education -- Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 242A. Placed on Select File.

LEGISLATIVE BILL 849A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mrs. Robak filed the following amendment to LB 689:
AM1141

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 25-1912, Revised Statutes
- 3 Supplement, 1998, is amended to read:
- 4 25-1912. (1) The proceedings to obtain a reversal,
- 5 vacation, or modification of judgments and decrees rendered or

6 final orders made by the district court, including judgments and
7 sentences upon convictions for felonies and misdemeanors, shall be
8 by filing in the office of the clerk of the district court in which
9 such judgment, decree, or final order was rendered, within thirty
10 days after the rendition of such judgment or decree or the making
11 of such final order, a notice of intention to prosecute such appeal
12 signed by the appellant or appellants or his, her, or their
13 attorney of record and, except as otherwise provided in sections
14 25-2301 to 25-2310 and sections 3 and 4 of this act, 29-2306, and
15 48-641, by depositing with the clerk of the district court the
16 docket fee required by section 33-103.

17 (2) The running of the time for filing a notice of appeal
18 shall be terminated as to all parties (a) by a motion for a new
19 trial under section 25-1143 if such motion is filed by any party
20 within ten days after the verdict, report, or decision was rendered
21 or (b) by a motion to set aside the verdict or judgment under
22 section 25-1315.02 if such motion is filed by any party within ten
23 days after the receipt of a verdict, and the full time for appeal
1 fixed in subsection (1) of this section commences to run from the
2 entry of the order ruling upon the motion filed pursuant to
3 subdivision (a) or (b) of this subsection. When any motion
4 terminating the time for filing a notice of appeal is timely filed
5 by any party, a notice of appeal filed before the court announces
6 its decision upon the terminating motion shall have no effect,
7 whether filed before or after the timely filing of the terminating
8 motion. A new notice of appeal shall be filed within the
9 prescribed time from the ruling on the motion. No additional fees
10 are required for such filing. A notice of appeal filed after the
11 court announces its decision or order on the terminating motion but
12 before the entry of the order is treated as filed on the date of
13 and after the entry of the order.

14 (3) Except as otherwise provided in subsection (2) of
15 this section and sections 25-2301 to 25-2310 and sections 3 and 4
16 of this act, 29-2306, and 48-641, an appeal shall be deemed
17 perfected and the appellate court shall have jurisdiction of the
18 cause when such notice of appeal has been filed and such docket fee
19 deposited in the office of the clerk of the district court, and
20 after being perfected no appeal shall be dismissed without notice,
21 and no step other than the filing of such notice of appeal and the
22 depositing of such docket fee shall be deemed jurisdictional.

23 (4) The clerk of the district court shall forward such
24 docket fee and a certified copy of such notice of appeal to the
25 Clerk of the Supreme Court, and the Clerk of the Supreme Court
26 shall docket such appeal.

27 (5) Within thirty days from the date of filing of notice
1 of appeal, the clerk of the district court shall prepare and file
2 with the Clerk of the Supreme Court a transcript certified as a
3 true copy of the proceedings contained therein. The Supreme Court
4 shall, by rule, specify the method of ordering the transcript and

5 the form and content of the transcript. Neither the form nor
6 substance of such transcript shall affect the jurisdiction of the
7 Court of Appeals or Supreme Court.

8 (6) Nothing in this section shall prevent any person from
9 giving supersedeas bond in the district court in the time and
10 manner provided in section 25-1916 nor affect the right of a
11 defendant in a criminal case to be admitted to bail pending the
12 review of such case in the Court of Appeals or Supreme Court.

13 Sec. 13. Section 29-2306, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 29-2306. If a defendant in a criminal case files, within
16 thirty days after the rendition of the judgment, order, or
17 sentence, an affidavit application to proceed in forma pauperis in
18 accordance with sections 25-2301 to 25-2310 and sections 3 and 4 of
19 this act with the clerk of the district court, that he or she is
20 unable by reason of poverty to pay the costs; then no payment of
21 the docket fee shall be required of him or her unless the
22 defendant's application to proceed in forma pauperis is denied.
23 The clerk of the district court shall forward a certified copy of
24 such application, including the affidavit, to the Clerk of the
25 Supreme Court. If such affidavit an application to proceed in
26 forma pauperis is filed and granted, the Court of Appeals or
27 Supreme Court shall acquire jurisdiction of the case when the
1 notice of appeal is filed with the clerk of the district court. In
2 cases in which such affidavits of poverty have been filed an
3 application to proceed in forma pauperis is granted, the amount of
4 the costs shall be endorsed on the mandate and ~~the same~~ shall be
5 paid by the county in which the indictment was found."

6 2. On page 1, line 2, after the third comma insert
7 "29-2306,;" and in line 3 after "Nebraska" insert ", and section
8 25-1912, Revised Statutes Supplement, 1998".

9 3. On page 2, line 4; page 5, line 25; page 6, lines 3
10 and 16; and page 7, line 3, strike "2 and 3" and insert "3 and 4".

11 4. On page 3, line 14, after "application" insert "on
12 the basis that the appellant's legal positions are frivolous or
13 malicious".

14 5. On page 7, line 8, after the first comma insert
15 "29-2306,;" and in line 9 after the comma insert "and section
16 25-1912, Revised Statutes Supplement, 1998,".

17 6. Renumber the remaining sections accordingly.

Messrs. Landis and Bromm filed the following amendment to LB 550:
(Amendment, AM1121, may be found in the Bill Books. The amendment has
been printed separately and is on file in the Bill Room - Room 1102.)

Messrs. Wickersham and Cudaback filed the following amendment to
LB 280:
AM1281

(Amendments to Final Reading copy)

1 1. Strike section 1 and insert the following new
2 section:

3 "Section 1. Section 77-2704.09, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 77-2704.09. (1) Sales and use taxes shall not be imposed
6 on the gross receipts from the sale, lease, or rental of and the
7 storage, use, or other consumption in this state of insulin and the
8 following when sold for a patient's use under a prescription
9 written by a person licensed under Chapter 71, article 1, or
10 sections 71-4701 to 71-4719: Prescription medicines; durable
11 medical equipment; home medical supplies; prosthetic devices;
12 orthotic devices; oxygen; ~~and~~ oxygen equipment; and mobility
13 enhancing equipment.

14 (2) For purposes of this section:

15 (a) Durable medical equipment ~~shall mean~~ means equipment
16 which can withstand repeated use, is primarily and customarily used
17 to serve a medical purpose, generally is not useful to a person in
18 the absence of illness or injury, and is appropriate for use in the
19 home;

20 (b) Home medical supplies ~~shall mean~~ means supplies
21 primarily and customarily used to serve a medical purpose which are
22 appropriate for use in the home and are generally not useful to a
23 person in the absence of illness or injury;

1 (c) Mobility enhancing equipment means equipment which is
2 primarily and customarily used to provide or increase the ability
3 to move from one place to another for a person required to use
4 durable medical equipment, orthotics, or prosthetics for locomotion
5 and which is appropriate for use either in a home or a motor
6 vehicle. Mobility enhancing equipment does not include any motor
7 vehicle or equipment on a motor vehicle normally provided by a
8 motor vehicle manufacturer;

9 (d) Orthotic devices ~~shall mean~~ means devices which are
10 used to support, or limit the movement of, parts of the body to
11 serve a medical purpose and generally are not useful to a person in
12 the absence of illness or injury;

13 ~~(d)~~ (e) Oxygen equipment ~~shall mean~~ means oxygen
14 cylinders, cylinder transport devices including sheaths and carts,
15 cylinder studs and support devices, regulators, flowmeters, tank
16 wrenches, oxygen concentrators, liquid oxygen base dispensers,
17 liquid oxygen portable dispensers, oxygen tubing, nasal cannulas,
18 face masks, oxygen humidifiers, and oxygen fittings and
19 accessories; and

20 ~~(e)~~ (f) Prosthetic devices ~~shall mean~~ means devices which
21 permanently or temporarily replace a missing part or a
22 nonfunctioning part of the human body and shall include any
23 supplies used with such devices."

24 2. On page 1, strike beginning with line 3 through the
25 first semicolon in line 4 and insert "provide a sales and use tax
26 exemption for mobility enhancing equipment;".

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 382. Placed on General File as amended.
Standing Committee amendment to LB 382:
AM1377

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Sections 1 to 12 of this act shall be known
4 and may be cited as the Convention Center Facility Financing
5 Assistance Act.

6 Sec. 2. The Legislature finds that it is essential to
7 the educational progress and economic well-being of the people of
8 this state that there be in this state convention and meeting
9 center facilities of appropriate size and quality to host regional,
10 national, or international events for instruction and education of
11 the participants.

12 The Legislature finds that convention and meeting center
13 facilities can generate new economic activity which will in turn
14 generate additional state and local tax collections from persons
15 residing outside the state. This new economic activity can reduce
16 tax burdens of state residents, while creating new economic
17 opportunities for residents.

18 For the state to receive the long-term beneficial
19 educational, economic, and fiscal impact of such facilities there
20 is a need to provide state financial assistance for convention and
21 meeting center facilities to political subdivisions endeavoring to
22 construct the facilities.

23 It is therefor in the interest of both the state and its
24 political subdivisions for the state to assist political
1 subdivisions in the financing of the construction of convention and
2 meeting center facilities which may be used to hold regional,
3 national, or international events. The amount of state financial
4 assistance provided to the project shall be a designated share of
5 the new state tax revenue attributed to such events and facilities.

6 Sec. 3. For purposes of the Convention Center Facility
7 Financing Assistance Act:

8 (1) Attributable revenue means state tax revenue
9 generated due to the construction of the eligible facility,
10 employment at the eligible facility, and spending by participants,
11 increased by the applicable investment multiplier;

12 (2) Board means a board consisting of the Governor, the
13 State Treasurer, the chairperson of the Nebraska Investment
14 Council, the chairperson of the Nebraska State Board of Public
15 Accountancy, and a professor of economics on the faculty of a state
16 postsecondary educational institution appointed to a two-year term
17 by the Coordinating Commission for Postsecondary Education;

18 (3) Bond means a general obligation bond, redevelopment
19 bond, lease-purchase bond, revenue bond, or combination of any such

20 bonds;

21 (4) Convention and meeting center facility means any real
22 or personal property necessary for a convention and meeting center,
23 including an auditorium, an exhibition hall, a facility for onsite
24 food preparation and serving, an onsite, directly connected parking
25 facility for the use of the convention and meeting center facility,
26 and an administrative office of a convention and meeting center
27 facility;

1 (5) Eligible facility means any publicly owned convention
2 and meeting center facility acquired or completed, or substantially
3 reconstructed or expanded, after January 1, 1999;

4 (6) General obligation bond means any bond or refunding
5 bond issued by a political subdivision and which is payable from
6 the proceeds of an ad valorem tax;

7 (7) Investment multiplier means the number of times
8 spending by participants in a new regional, national, or
9 international event induces additional spending on goods and
10 services;

11 (8) New regional, national, or international event means
12 a convention, meeting, trade show, or other educational function at
13 which fifty percent of the participants are registered from a
14 location outside Nebraska and which was not held in Nebraska during
15 the three years prior to the completion of construction of the
16 convention and meeting center facilities;

17 (9) Participant means a person registered to attend and
18 shown to have attended a new regional, national, or international
19 event at a convention and meeting center facility financed under
20 the act;

21 (10) Political subdivision means any local governmental
22 body formed and organized under state law and any joint entity or
23 joint public agency created under state law to act on behalf of
24 political subdivisions;

25 (11) Revenue bond means any bond or refunding bond issued
26 by a political subdivision which is limited or special rather than
27 a general obligation bond of the political subdivision and which is
1 not payable from the proceeds of an ad valorem tax; and

2 (12) State tax revenue means the Nebraska income tax
3 imposed pursuant to the Nebraska Revenue Act of 1967, the Nebraska
4 sales and use tax imposed pursuant to the Nebraska Revenue Act of
5 1967, and the state tax imposed by section 81-1253.

6 Sec. 4. Any political subdivision that has acquired,
7 constructed, or operated or has approved a general obligation bond
8 issue to acquire, construct, and operate eligible facilities may
9 apply to the board for state assistance. The state assistance may
10 be used to pay back amounts expended or borrowed through one or
11 more issues of bonds to be expended by the political subdivision to
12 acquire, construct, improve, and equip eligible facilities until
13 repayment in full of the amounts expended or borrowed by the
14 political subdivision, including the principal of and interest on

15 bonds, for eligible facilities. The political subdivision may
16 continue to apply to the board for continuing state assistance in
17 reimbursing the costs of financing the acquisition, construction,
18 improvement, and equipping of the eligible facility.

19 Sec. 5. (1) All applications for state assistance under
20 the Convention Center Facility Financing Assistance Act shall be in
21 writing and shall include a certified copy of the approving action
22 of the governing body of the applicant describing the proposed
23 eligible facility and the anticipated finances.

24 (2) The application shall contain:

25 (a) A description of the proposed financing of the
26 eligible facility, including the estimated principal and interest
27 requirements for the bonds proposed to be issued in connection with
1 the eligible facility or the amounts necessary to repay the
2 original investment by the applicant in the eligible facility;

3 (b) The estimated number of participants and the
4 estimated amount of the spending impact of these participants on
5 attributable revenue;

6 (c) A specific listing of the investment multipliers
7 suggested for use in evaluating the application;

8 (d) Estimates of attributable revenue based on the
9 investment multipliers;

10 (e) Documentation of local financial commitment to
11 support the project, including all public and private resources
12 pledged or committed to the project; and

13 (f) Any other project information deemed appropriate by
14 the board.

15 (3) Upon receiving an application for state assistance,
16 the board shall review the application and notify the applicant of
17 any additional information needed for a proper evaluation of the
18 application.

19 Sec. 6. (1) After reviewing an application submitted
20 under section 5 of this act and upon reasonable notice to the
21 applicant, the board shall hold a public hearing on the
22 application.

23 (2) The board shall give notice of the time, place, and
24 purpose of the public hearing by publication three times in a
25 newspaper of statewide circulation. Such publication shall be not
26 less than ten days prior to the hearing. The notice shall describe
27 generally the facilities for which state assistance has been
1 requested. The applicant shall pay the cost of the notice.

2 (3) At the public hearing, representatives of the
3 applicant and any other interested persons may appear and present
4 evidence and argument in support of or in opposition to the
5 application or neutral testimony. The board may seek expert
6 testimony and may require testimony of persons whom the board
7 desires to comment on the application. The board may provide for
8 the acceptance of additional evidence after conclusion of the
9 public hearing.

10 Sec. 7. (1) After consideration of the application and
11 the evidence, the board shall issue a finding of whether the
12 convention and meeting center facility described in the application
13 is eligible for state assistance.

14 (2) If the board finds that the facility described in the
15 application is an eligible facility and that state assistance is in
16 the best interest of the state, the application shall be approved.

17 (3) In determining whether state assistance is in the
18 best interest of the state, the board shall consider the amount of
19 attributable revenue estimated to be derived by the state from the
20 eligible facility and the fiscal and economic capacity of the
21 applicant to finance the local share of the eligible facility.
22 Actions of the board shall be by majority vote.

23 Sec. 8. The board shall, on the basis of the application
24 and evidence presented to it, make an estimate as to the amount of
25 attributable revenue to be derived by the state from the proposed
26 eligible facility. The finding shall be made on the basis of
27 testimony submitted to the board as to the impact of participant
1 spending. Investment multipliers used by the board shall not
2 exceed two. The board may use a lower economic multiplier than
3 described in this section upon a review of expert testimony
4 submitted in a public hearing and subject to a specific finding of
5 the board.

6 Sec. 9. If an application is approved, the board shall:

7 (1) Audit or review audits of the approved convention and
8 meeting center facility to determine the number of participants at
9 the facility that are registered from an out-of-state address and
10 to assure the number of conventions which were not held in the
11 state during the three years prior to the construction of the
12 facility;

13 (2) Determine the amount of attributable revenue with
14 regard to construction of the eligible facility, employment at the
15 eligible facility, and out-of-state participants attending
16 conventions that were not held in the state in the three years
17 prior to the construction of the eligible facility; and

18 (3) Certify the amount of attributable revenue to the
19 State Treasurer.

20 Sec. 10. (1) Upon certification under section 9 of this
21 act, the State Treasurer shall transfer the amount certified to the
22 Convention Center Support Fund. The Convention Center Support Fund
23 is created. Any money in the fund available for investment shall
24 be invested by the state investment officer pursuant to the
25 Nebraska Capital Expansion Act and the Nebraska State Funds
26 Investment Act.

27 (2) It is the intent of the Legislature to appropriate
1 from the fund to any political subdivision for which an application
2 for state assistance under the Convention Center Facility Financing
3 Assistance Act has been approved, an amount not to exceed seventy
4 percent of the attributable revenue, seventy-five million dollars

5 for any one approved project, or the cost of acquiring,
6 constructing, improving, or equipping the eligible facility. The
7 money shall not be used for an operating subsidy or other ancillary
8 facility.

9 (3) State assistance to the political subdivision shall
10 no longer be available upon the retirement of the bonds issued to
11 acquire, construct, improve, or equip the facility or any
12 subsequent bonds that refunded the original issue or the cost of
13 acquiring, constructing, improving, or equipping the eligible
14 facility exceeds seventy-five million dollars, whichever comes
15 first.

16 (4) It is the intent of the Legislature that the
17 remaining thirty percent of attributable revenue be appropriated by
18 the Legislature to the Local Civic, Cultural, and Convention Center
19 Financing Fund.

20 Sec. 11. (1) The applicant political subdivision may
21 issue from time to time its bonds and refunding bonds to finance
22 and refinance the acquisition, construction, improving, and
23 equipping of eligible facilities. The bonds may be sold by the
24 applicant in such manner and for such price as the applicant
25 determines, at a discount, at par, or at a premium, at private
26 negotiated sale or at public sale, after notice published prior to
27 the sale in a legal newspaper having general circulation in the
1 political subdivision or in such other medium of publication as the
2 applicant deems appropriate. The bonds shall have a stated
3 maturity of thirty years or less and shall bear interest at such
4 rate or rates and otherwise be issued in accordance with the
5 respective procedures and with such other terms and provisions as
6 are established, permitted, or authorized by applicable state laws
7 and home rule charters for the type of bonds to be issued. Such
8 bonds may be secured as to payment in whole or in part by a pledge,
9 as shall be determined by the applicant from the income, proceeds,
10 and revenue of the eligible facilities financed with proceeds of
11 such bonds, from the income, proceeds, and revenue of any of its
12 eligible facilities, or from its revenue and income, including its
13 sales, use, or occupation tax revenue, fees, or receipts as may be
14 determined by the applicant. The applicant may further secure the
15 bonds by a mortgage or deed of trust encumbering all or any portion
16 of the eligible facilities and by a bond insurance policy or other
17 credit support facility. No general obligation bonds, except
18 refunding bonds, shall be issued until authorized by a majority of
19 the applicant's electors voting on the question as to their
20 issuance. The face of the bonds shall plainly state that the bonds
21 and the interest thereon shall not constitute nor give rise to an
22 indebtedness, obligation, or pecuniary liability of the state nor a
23 charge against the general credit, revenue, or taxing power of the
24 state. Bonds of the applicant are declared to be issued for an
25 essential public and governmental purpose and, together with
26 interest thereon and income therefrom, shall be exempt from all

27 state income taxes.

1 (2) All payments to political subdivisions under the act
2 are made subject to specific appropriation for such purpose.
3 Nothing in the act precludes the Legislature from amending or
4 repealing the act at any time.

5 Sec. 12. The Convention Center Facility Financing
6 Assistance Act shall terminate on June 1, 2002, if no applications
7 for assistance have been approved prior to such date.

8 Sec. 13. Sections 13 to 22 of this act shall be known
9 and may be cited as the Local Civic, Cultural, and Convention
10 Center Financing Act.

11 Sec. 14. The purpose of the Local Civic, Cultural, and
12 Convention Center Financing Act is to support the development of
13 civic, cultural, and convention centers throughout Nebraska.
14 Furthermore, the act is intended to support projects that attract
15 new civic, cultural, and convention activity to Nebraska from
16 outside of Nebraska.

17 Sec. 15. For purposes of the Local Civic, Cultural, and
18 Convention Center Financing Act:

19 (1) Center means a civic, cultural, or convention center;

20 (2) Department means the Department of Economic
21 Development; and

22 (3) Fund means the Local Civic, Cultural, and Convention
23 Center Financing Fund.

24 Sec. 16. The Local Civic, Cultural, and Convention
25 Center Financing Fund is created. The fund shall be administered
26 by the department. Any money in the fund available for investment
27 shall be invested by the state investment officer pursuant to the
1 Nebraska Capital Expansion Act and the Nebraska State Funds
2 Investment Act. The fund may be used for assistance for the
3 construction of new centers or the renovation or expansion of
4 existing centers. The fund may not be used for planning,
5 programming, marketing, advertising, and related activities.

6 Sec. 17. The department may conditionally approve grants
7 of assistance from the fund to eligible and competitive applicants
8 within the following limits:

9 (1) The minimum amount allowed to be applied for by a
10 single project is twenty thousand dollars, and no project shall be
11 granted more than two hundred fifty thousand dollars from the fund;
12 and

13 (2) Assistance from the fund shall not amount to more
14 than fifty percent of the cost of construction, renovation, or
15 expansion.

16 Sec. 18. Any municipality or county may apply for a
17 grant of assistance from the fund. Application shall be made on
18 forms developed by the department. The applicant may receive
19 assistance only once for construction, renovation, or expansion of
20 any one center.

21 Sec. 19. The department shall evaluate all applications

22 for grants of assistance based on the following criteria:

23 (1) Attraction impact. Funding decisions by the
24 department shall be based in part on the likelihood of the project
25 attracting new cultural, civic, or convention activity to Nebraska
26 from outside of Nebraska. A project with greater out-of-state draw
27 shall be preferred over a project with less impact;

1 (2) Socioeconomic impact. The project's potential for
2 long-term positive impacts on the local and regional economy and
3 society;

4 (3) Financial support. Assistance from the fund shall be
5 matched at least equally from local sources. At least eighty
6 percent of the local match must be in cash. Projects with a higher
7 level of local matching funds shall be preferred as compared to
8 those with a lower level of matching funds; and

9 (4) Readiness. The applicant's ability to proceed and
10 implement its plan and operate the convention center.

11 Sec. 20. If a grant of assistance is approved by the
12 department, the applicant shall receive conditional approval of the
13 level of assistance. Projects shall receive funding from the fund
14 in the order conditional approval is received and whenever there is
15 sufficient money in the fund to provide the assistance in full. It
16 is the intent of the Legislature to appropriate funds to support
17 projects which have received conditional approval from the
18 department. A grant of assistance shall be finally approved when
19 funds for the project are appropriated by the Legislature.

20 Sec. 21. The department shall submit to the Governor,
21 the Clerk of the Legislature, and the Legislative Fiscal Analyst an
22 annual report on or before December 1 each year documenting the
23 grants conditionally approved for funding by the Legislature in the
24 following fiscal year.

25 Sec. 22. The department shall adopt and promulgate rules
26 and regulations to carry out the Local Civic, Cultural, and
27 Convention Center Financing Act."

LEGISLATIVE BILL 770. Placed on General File as amended.

Standing Committee amendment to LB 770:

AM1376

- 1 1. On page 2, line 20, after the period insert "The
2 changes made to this section by this legislative bill apply to
3 decedents whose death occurs on or after January 1, 2000.".

(Signed) William R. Wickersham, Chairperson

GENERAL FILE

LEGISLATIVE BILL 605. Mrs. Stuhr withdrew her amendments, AM1280 and AM1362, found on pages 1471 and 1546.

Mrs. Stuhr, Messrs. D. Pederson, Schrock, and Wehrbein offered the

following amendment:

AM1380

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 66-1344, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 66-1344. (1) ~~Each producer of ethanol shall receive a~~
6 ~~credit pursuant to this section of twenty cents per gallon of~~
7 ~~ethanol produced in Nebraska, which credit shall be in the form of~~
8 ~~a nonrefundable transferable motor vehicle fuel tax credit~~
9 ~~certificate. After July 1, 1994, no such credit shall be given for~~
10 ~~ethanol produced at an ethanol facility which was in production on~~
11 ~~or before January 1, 1992; unless on or before July 1, 1994, the~~
12 ~~name plate design capacity for the production of ethanol, before~~
13 ~~denaturing, at the facility has been expanded to equal at least two~~
14 ~~times the name plate design capacity for production of ethanol,~~
15 ~~before denaturing, existing at the facility as of January 1, 1992.~~

16 (2) Any ethanol facility which is in production at the
17 rate of at least twenty-five percent of its name plate design
18 capacity for the production of ethanol, before denaturing, on or
19 before December 31, 1992, shall receive a credit of twenty cents
20 per gallon of ethanol produced beginning with the first month for
21 which it is eligible to receive such credit and ending not later
22 than December 31, 1997.

23 (3) Any ethanol facility which is not in production on or
24 before December 31, 1992, but which is in production at the rate of
1 at least twenty-five percent of its name plate design capacity for
2 the production of ethanol, before denaturing, on or before December
3 31, 1995, shall receive a credit of twenty cents per gallon of
4 ethanol produced for sixty months beginning with the first month
5 for which it is eligible to receive such credit and ending not
6 later than December 31, 2000, if the ethanol facility maintains an
7 average production rate of at least twenty-five percent of its name
8 plate design capacity for at least six months after the first month
9 for which it is eligible to receive such credit.

10 (2) (4) Any ethanol facility eligible for a credit under
11 subsection (1); (2); or (3) of this section shall also receive a
12 credit of twenty cents per gallon of ethanol produced in excess of
13 the original name plate design capacity which results from
14 expansion of the facility completed on or before December 31, 1995.
15 Such credit shall be for sixty months beginning with the first
16 month for which production from the expanded facility is eligible
17 to receive such credit and ending not later than December 31, 2000.

18 (3) During such period as funds remain in the Ethanol
19 Production Incentive Cash Fund, any ethanol facility shall also
20 receive a credit of seven and one-half cents per gallon of
21 ethanol, before denaturing, for new production for a period not to
22 exceed thirty-six consecutive months. For purposes of this
23 subsection, new production means production which results from a

24 new facility, a facility which has not received credits prior to
25 June 1, 1999, or the expansion of an existing facility's capacity
26 first placed into service after June 1, 1999, as certified by the
27 facility's design engineer to the Department of Revenue. For
1 expansion of an existing facility's capacity, new production means
2 production in excess of the average of the highest three months of
3 ethanol production at an ethanol facility during the
4 twenty-four-month period immediately preceding certification of the
5 facility by the design engineer. No credits shall be paid under
6 this subsection for expansion of an existing facility's capacity
7 until production is in excess of twelve times the three-month
8 average amount determined under this subsection during any
9 twelve-consecutive-month period. New production shall be approved
10 by the Department of Revenue based on such ethanol production
11 records as may be necessary to reasonably determine new production.
12 Ethanol production eligible for credits under this subsection shall
13 be measured by a device approved by the Division of Weights and
14 Measures of the Department of Agriculture. Confirmation of
15 approval by the division shall be provided by the ethanol facility
16 at which time the initial claim for credits provided under this
17 subsection is submitted to the Department of Revenue. This credit
18 must be earned on or before December 31, 2003, and is available
19 only during such period.

20 (4) Any ethanol facility that did not maximize benefits
21 for which the facility was otherwise eligible under subsections (1)
22 and (2) of this section based on name plate design capacity
23 stipulated in a contract with the Department of Revenue and which
24 has expanded its capacity by at least six million gallons over its
25 original name plate design capacity shall receive a credit of five
26 cents per gallon, before denaturing, if the ethanol facility
27 maintains an average production rate of at least one hundred
1 percent of its original name plate design capacity for a
2 twelve-consecutive-month period. Production shall be approved by
3 the Department of Revenue based on such ethanol production records
4 as may be necessary to reasonably determine the eligible credits.
5 Ethanol production eligible for credits under this subsection shall
6 be measured by a device approved by the Division of Weights and
7 Measures of the Department of Agriculture. Confirmation of
8 approval by the division shall be provided by the ethanol facility
9 at which time the initial claim for credits provided under this
10 subsection is submitted to the Department of Revenue. This credit
11 must be earned on or before December 31, 2000, and is available
12 only during such period.

13 (5) The credits described in this section The credit
14 shall be given only for ethanol produced at a plant in Nebraska at
15 which all fermentation, distillation, and dehydration takes place.
16 No credit shall be given on ethanol produced for or sold for use in
17 the production of distilled spirits. Not less than two million
18 gallons and not more than twenty-five million gallons of ethanol

19 produced annually at an ethanol facility shall be eligible for the
20 ~~credit~~ credits in subsections (1) and (2) of this section, and the
21 ~~credit~~ credits may only be claimed by a producer for the ~~period~~
22 periods specified in subsection (1) or (2); ~~(3); or (4)~~ of this
23 section. Not more than ten million gallons of ethanol produced
24 during any twelve-consecutive-month period at an ethanol facility
25 shall be eligible for the credits described in subsections (3) and
26 (4) of this section, and the credits may only be claimed by a
27 producer for the periods specified in subsections (3) and (4) of
1 this section. Not more than one hundred twenty-five million
2 gallons of ethanol produced at an ethanol facility by the end of
3 the sixty-month period set forth in subsection (1) or (2) ~~(3) or~~
4 ~~(4)~~ of this section shall be eligible for the credit under such
5 subsections. An ethanol facility may only participate in the
6 credits described in subsection (3) of this section or the credits
7 described in subsection (4) of this section. During any fiscal
8 year, if the amount of money in the fund is not sufficient to pay
9 all the credits applied for under this section during such year,
10 each applicant shall receive a proportionate share of the amount in
11 the fund equal to the portion derived by dividing the amount in the
12 fund by the number of gallons eligible for the credit for each
13 applicant. The credits described in this section shall be in the
14 form of a nonrefundable transferable motor vehicle fuel tax credit
15 certificate. ~~subsection; in addition to the ethanol entitled to~~
16 ~~credit under subsection (1) or (2) of this section.~~

17 (6) The Department of Revenue shall prescribe an
18 application form and procedures for claiming the ~~credit~~ and shall
19 ~~adopt and promulgate rules and regulations to carry out credits~~
20 under this section.

21 (7) For purposes of ascertaining the correctness of any
22 application for claiming the credit provided in this section, the
23 Tax Commissioner (a) may examine or cause to have examined, by any
24 agent or representative designated by him or her for that purpose,
25 any books, papers, records, or memoranda bearing upon such matters,
26 (b) may by summons require the attendance of the person responsible
27 for rendering the application or other document or any officer or
1 employee of such person or the attendance of any other person
2 having knowledge in the premises, and (c) may take testimony and
3 require proof material for his or her information, with power to
4 administer oaths or affirmations to such person or persons. The
5 time and place of examination pursuant to this subsection shall be
6 such time and place as may be fixed by the Tax Commissioner and as
7 are reasonable under the circumstances. In the case of a summons,
8 the date fixed for appearance before the Tax Commissioner shall not
9 be less than twenty days from the time of service of the summons.
10 No taxpayer shall be subjected to unreasonable or unnecessary
11 examinations or investigations. All records obtained pursuant to
12 this subsection shall be subject to the confidentiality
13 requirements and exceptions thereto as provided in section

14 77-27,119.

15 Sec. 2. Section 66-1345, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 66-1345. (1) There is hereby created the Ethanol
18 Production Incentive Cash Fund which shall be used by the board to
19 pay the credits created in section 66-1344 to the extent provided
20 in this section. Any money in the fund available for investment
21 shall be invested by the state investment officer pursuant to the
22 Nebraska Capital Expansion Act and the Nebraska State Funds
23 Investment Act. The State Treasurer shall transfer to the Ethanol
24 Production Incentive Cash Fund such money as shall be (a)
25 appropriated to the Ethanol Production Incentive Cash Fund by the
26 Legislature, (b) given as gifts, bequests, grants, or other
27 contributions to the Ethanol Production Incentive Cash Fund from
1 public or private sources, (c) made available due to failure to
2 fulfill conditional requirements pursuant to investment agreements
3 entered into prior to April 30, 1992, (d) received as return on
4 investment of the Ethanol Authority and Development Cash Fund, (e)
5 credited to the Ethanol Production Incentive Cash Fund from the
6 fertilizer fee pursuant to section 77-4401, (f) credited to the
7 Ethanol Production Incentive Cash Fund from the excise taxes
8 imposed by section 66-1345.01, and (g) credited to the Ethanol
9 Production Incentive Cash Fund pursuant to section 66-1345.04.

10 (2) The Department of Revenue shall, at the end of each
11 calendar quarter, notify the State Treasurer of the amount of motor
12 fuel tax that was not collected in the preceding calendar quarter
13 due to the credits provided in section 66-1344. The State
14 Treasurer shall transfer from the Ethanol Production Incentive Cash
15 Fund to the Highway Trust Fund an amount equal to such credits less
16 the following amounts:

17 (a) For 1993, 1994, and 1995, the amount generated during
18 the calendar quarter by a one-cent tax on motor fuel pursuant to
19 sections 66-489, 66-668, and 66-6,107;

20 (b) For 1996, the amount generated during the calendar
21 quarter by a three-quarters-cent tax on motor fuel pursuant to such
22 sections;

23 (c) For 1997, the amount generated during the calendar
24 quarter by a one-half-cent tax on motor fuel pursuant to such
25 sections; and

26 (d) For 1998, 1999, and 2000, no reduction.

27 The amounts shall be transferred through December 31,
1 2003. For 1993 through 1997, if the amount generated pursuant to
2 subdivisions (a), (b), and (c) of this subsection and the amount
3 transferred pursuant to subsection (1) of this section are not
4 sufficient to fund the credits provided in section 66-1344, then
5 the credits shall be funded through the Ethanol Production
6 Incentive Cash Fund but shall not be funded through either the
7 Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and
8 2000, the credits provided in such section shall be funded through

9 the Ethanol Production Incentive Cash Fund but shall not be funded
10 through either the Highway Cash Fund or the Highway Trust Fund.

11 (3) The State Treasurer shall transfer from the Ethanol
12 Production Incentive Cash Fund to the Management Services Expense
13 Revolving Fund the amount reported under subsection (4) of section
14 66-1345.02 for each calendar quarter of the fiscal year as provided
15 in such subsection.

16 (4) On ~~February 15, 2001~~ June 30, 2004, the State
17 Treasurer shall transfer any unexpended and unobligated funds from
18 the Ethanol Production Incentive Cash Fund to the Nebraska Corn
19 Development, Utilization, and Marketing Fund and Grain Sorghum
20 Development, Utilization, and Marketing Fund in the same proportion
21 as funds were collected pursuant to section 66-1345.01 from corn
22 and grain sorghum.

23 Sec. 3. Section 66-1345.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 66-1345.01. An excise tax is levied upon all corn and
26 grain sorghum sold through commercial channels in Nebraska or
27 delivered in Nebraska. ~~The tax is three-fourths cent per bushel~~

1 ~~for corn and three-fourths cent per hundredweight for grain~~
2 ~~sorghum. For any sale or delivery of corn or grain sorghum~~
3 ~~occurring on or after July 1, 1995, and before January 1, 2000, the~~
4 ~~tax is three-fourths cent per bushel for corn and three-fourths~~
5 ~~cent per hundredweight for grain sorghum. For any sale or delivery~~
6 ~~of corn or grain sorghum occurring on or after January 1, 2000, and~~
7 ~~before January 1, 2001, the tax is one-half cent per bushel for~~
8 ~~corn and one-half cent per hundredweight for grain sorghum. The~~
9 ~~tax shall be in addition to any fee imposed pursuant to sections~~
10 ~~2-3623 and 2-4012. The excise tax shall be imposed on any sale or~~
11 ~~delivery occurring on or after July 1, 1995, and before January 1,~~
12 ~~2001. The Legislature finds and declares that those in production~~
13 ~~agriculture have contributed sufficiently to support the Ethanol~~
14 ~~Production Incentive Cash Fund by the imposition of the excise tax.~~
15 ~~If additional funds are needed in the future to meet the~~
16 ~~Legislature's obligation to fully fund the Ethanol Production~~
17 ~~Incentive Cash Fund, those funds should come from sources other~~
18 ~~than production agriculture.~~

19 The excise tax shall be imposed at the time of sale or
20 delivery and shall be collected by the first purchaser. The tax
21 shall be collected, administered, and enforced in conjunction with
22 the fees imposed pursuant to sections 2-3623 and 2-4012. The tax
23 shall be collected, administered, and enforced by the Department of
24 Agriculture. No corn or grain sorghum shall be subject to the tax
25 imposed by this section more than once.

26 In the case of a pledge or mortgage of corn or grain
27 sorghum as security for a loan under the federal price support
1 program, the excise tax shall be deducted from the proceeds of such
2 loan at the time the loan is made. If, within the life of the loan
3 plus thirty days after the collection of the excise tax for corn or

4 grain sorghum that is mortgaged as security for a loan under the
 5 federal price support program, the grower of the corn or grain
 6 sorghum so mortgaged decides to purchase the corn or grain sorghum
 7 and use it as feed, the grower shall be entitled to a refund of the
 8 excise tax previously paid. The refund shall be payable by the
 9 department upon the grower's written application for a refund. The
 10 application shall have attached proof of the tax deducted.

11 The excise tax shall be deducted whether the corn or
 12 grain sorghum is stored in this or any other state. The excise tax
 13 shall not apply to the sale of corn or grain sorghum to the federal
 14 government for ultimate use or consumption by the people of the
 15 United States when the State of Nebraska is prohibited from
 16 imposing such tax by the Constitution of the United States and laws
 17 enacted pursuant thereto.

18 Sec. 4. Original sections 66-1344 to 66-1345.01, Reissue
 19 Revised Statutes of Nebraska, are repealed."

Mr. Beutler offered the following amendment to the Stuhr et al. amendment:
 AM1386

(Amendments to AM1380)

- 1 1. On page 5, line 10, strike "each applicant" and
- 2 insert "applicants which are new facilities located more than
- 3 thirty miles from an existing facility and more than thirty miles
- 4 from the borders of Nebraska shall receive credits first and then
- 5 the remaining applicants" and before "amount" insert "remaining".

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment lost with 4 ayes, 17 nays, 18 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment to the Stuhr et al. amendment:
 AM1387

(Amendments to AM1380)

- 1 1. Strike section 3.
- 2 2. On page 10, line 18, strike "to 66-1345.01" and
- 3 insert "and 66-1345".
- 4 3. Renumber the remaining section accordingly.

Messrs. Landis, Dierks, and Hartnett asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment lost with 6 ayes, 17 nays, 14 present and not voting, and 11 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the Stuhr et al. amendment:
AM1370

(Amendments to AM1380)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 77-4401, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-4401. (1) ~~Through December 31, 1996, there shall be~~
- 5 ~~imposed a fee of four dollars per ton upon the gross tonnage of all~~
- 6 ~~sales, use, or other consumption in this state of commercial~~
- 7 ~~fertilizers, and commencing January 1, 1997, through December 31,~~
- 8 ~~2000, there shall be~~ There is imposed a fee of one dollar per ton
- 9 upon such gross tonnage. The fee shall be paid by the purchaser of
- 10 the commercial fertilizer. Any commercial fertilizer subject to
- 11 the sales and use tax pursuant to the Nebraska Revenue Act of 1967
- 12 shall be exempt from the fee imposed by this section. For purposes
- 13 of this section, the definitions found in section 81-2,162.02 shall
- 14 apply.
- 15 (2) The fee imposed by this section shall be collected by
- 16 the seller and remitted to the Department of Revenue for credit to
- 17 the ~~Ethanol Production Incentive Cash Fund through December 31,~~
- 18 ~~1996, and to the Natural Resources Enhancement Fund on and after~~
- 19 ~~January 1, 1997,~~ based on the gross tonnage of commercial
- 20 fertilizers sold during the preceding period. Payment of the fee
- 21 shall be accompanied by a report setting forth the gross tonnage of
- 22 commercial fertilizers sold by the seller. The report shall be on
- 23 a form prescribed by the Department of Revenue and shall include
- 1 such other information as the Tax Commissioner deems necessary.
- 2 The provisions of the Nebraska Revenue Act of 1967 applicable to
- 3 sales and use taxes shall apply to imposition of the fee.
- 4 (3) For purposes of this section, gross tonnage shall not
- 5 include water and other carriers added by the retail seller of the
- 6 fertilizer and shall not include sales of packages of fertilizers
- 7 containing ten pounds or less.
- 8 (4) Any person who purchased commercial fertilizer prior
- 9 to May 1, 1993, and paid a fee greater than three dollars per ton
- 10 shall be entitled to a refund of the amount paid in excess of three
- 11 dollars per ton.
- 12 (5) The Tax Commissioner shall adopt and promulgate rules
- 13 and regulations to carry out this section."
- 14 2. On page 7, strike beginning with line 4 through "(f)"
- 15 in line 5 and show as stricken; and in line 7 strike "(g)", show as
- 16 stricken, insert "(f)".
- 17 3. On page 10, line 17, after "66-1345.01" insert "and
- 18 77-4401".
- 19 4. Renumber the remaining section accordingly.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham requested a ruling of the Chair on whether the Beutler amendment is germane to the Stuhr et al. amendment.

The Chair ruled the Beutler amendment is not germane to the Stuhr et al. amendment.

Mr. Beutler offered the following amendment to the Stuhr et al. amendment: AM1372

(Amendments to AM1380)

1 1. Insert the following new sections:

2 "Sec. 4. (1) Sales of oxygenated gasoline in Nebraska
3 shall be reported monthly by sellers to the Motor Fuel Tax
4 Enforcement and Collection Division of the Department of Revenue on
5 a form prescribed by the division. The division shall prepare a
6 report on oxygenated gasoline sales and submit the report to the
7 Clerk of the Legislature no later than April 30, 2000. If the
8 report concludes that less than one-half of all gasoline sold for
9 use as motor fuel between October 1999 and March 2000 met the
10 oxygen requirement in this subsection, then all gasoline sold for
11 use as motor fuel in Nebraska shall meet the oxygen requirement in
12 this subsection beginning July 1, 2000, except as provided in
13 subsections (3) and (4) of this section. For purposes of this
14 section, oxygenated gasoline means gasoline that contains an oxygen
15 content equal to or greater than two and seven-tenths percent by
16 weight except as provided in subsections (3) and (4) of this
17 section.

18 (2) Beginning in 2001, the division shall prepare a
19 report on oxygenated gasoline sales in the preceding year and
20 submit the report to the Clerk of the Legislature no later than
21 April 30 each year. If the report concludes that less than
22 one-half of all gasoline sold for use as motor fuel during the
23 preceding year met the oxygen requirement in subsection (1) of this
1 section, then all gasoline sold for use as motor fuel in Nebraska
2 shall meet the oxygen requirement in such subsection beginning
3 January 1 of the following year except as provided in subsections
4 (3) and (4) of this section.

5 (3) Gasoline that does not have the oxygen content
6 required by this section may be offered for sale, sold, or
7 dispensed at a retail gasoline station for use in historical
8 vehicles, vehicles eligible to be licensed as historical vehicles,
9 off-road vehicles, motorcycles, boats, or snowmobiles, or small
10 engines if:

11 (a) The nonoxygenated gasoline is dispensed into a can
12 with a capacity of six or fewer gallons if it is for use in a small
13 engine;

14 (b) The nonoxygenated gasoline is unleaded premium grade;

15 (c) No more than one storage tank on the premises of the
16 retail gasoline station is used for storage of the nonoxygenated
17 gasoline offered for sale, sold, or dispensed by the station; and

18 (d) The pump stands are posted with a permanent notice
19 stating: NONOXYGENATED GASOLINE. FOR USE IN HISTORICAL VEHICLES,
20 VEHICLES ELIGIBLE TO BE LICENSED AS HISTORICAL VEHICLES, OFF-ROAD
21 VEHICLES, MOTORCYCLES, BOATS, OR SNOWMOBILES, OR SMALL ENGINES
22 ONLY.

23 (4) Gasoline that does not have the oxygen content
24 required by this section may be offered for sale, sold, or
25 dispensed at an airport for use in aircraft.

26 Sec. 5. If any report submitted pursuant to section 1 of
27 this act concludes that less than one-half of all gasoline sold for
1 use as a motor fuel during the applicable period met the oxygen
2 requirement in such section, then the Nebraska Ethanol Board shall
3 develop a plan of public education on the benefits of requiring
4 oxygenated gasoline. The plan shall be developed in cooperation
5 with the State Energy Office and shall be submitted to the Natural
6 Resources Committee of the Legislature no later than June 1
7 following such report. The board shall begin implementation of the
8 plan no later than July 1 following submission of such report.

9 Sec. 7. The following section is outright repealed:

10 Section 66-1225, Reissue Revised Statutes of Nebraska."

11 2. Renumber the remaining section accordingly.

Mr. Beutler withdrew his amendment.

Mrs. Stuhr moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 28 not voting.

The Stuhr et al. amendment was adopted with 33 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Messrs. Kristensen and Jensen filed the following amendment to LB 559:
AM1383

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 8 of this act shall be known
- 4 and may be cited as the Nebraska Telehealth Act.
- 5 Sec. 2. The Legislature finds that:
- 6 (1) Access to health care facilities and health care
- 7 practitioners is critically important to the citizens of Nebraska;
- 8 (2) Access to a continuum of health care services is
- 9 restricted in some medically underserved areas of Nebraska, and
- 10 many health care practitioners in such areas are isolated from

11 mentors, colleagues, and information resources necessary to support
12 them personally and professionally;

13 (3) The use of telecommunications technology to deliver
14 health care services can reduce health care costs, improve health
15 care quality, improve access to health care, and enhance the
16 economic health of communities in medically underserved areas of
17 Nebraska; and

18 (4) The full potential of delivering health care services
19 through Telehealth cannot be realized without the assurance of
20 payment for such services and the resolution of existing legal and
21 policy barriers to such payment.

22 Sec. 3. For purposes of the Nebraska Telehealth Act:

23 (1) Department means the Department of Health and Human
24 Services Finance and Support;

1 (2) Health care practitioner means a Nebraska
2 medicaid-enrolled provider who is licensed, registered, or
3 certified to practice in this state by the Department of Health and
4 Human Services Regulation and Licensure;

5 (3) Telehealth means the use of telecommunications
6 technology by a health care practitioner to deliver health care
7 services within his or her scope of practice at a site other than
8 the site where the patient is located; and

9 (4) Telehealth consultation means any contact between a
10 patient and a health care practitioner relating to the health care
11 diagnosis or treatment of such patient that requires the use of
12 telecommunications technology, but does not include a telephone
13 conversation, electronic mail message, or facsimile transmission
14 between a health care practitioner and a patient or a consultation
15 between two health care practitioners.

16 Sec. 4. The Nebraska Telehealth Act does not alter the
17 scope of practice of any health care practitioner or authorize the
18 delivery of health care services in a setting or manner not
19 otherwise authorized by law.

20 Sec. 5. (1) Prior to an initial telehealth consultation
21 under section 6 of this act, a health care practitioner who
22 delivers a health care service to a patient through telehealth
23 shall ensure that the following written information is provided to
24 such patient:

25 (a) A statement that the patient retains the option to
26 refuse the telehealth consultation at any time without affecting
27 the patient's right to future care or treatment and without risking
1 the loss or withdrawal of any program benefits to which the patient
2 would otherwise be entitled;

3 (b) A statement that all existing confidentiality
4 protections shall apply to the telehealth consultation;

5 (c) A statement that the patient shall have access to all
6 medical information resulting from the telehealth consultation as
7 provided by law for patient access to his or her medical records;
8 and

9 (d) A statement that dissemination of any patient
10 identifiable images or information from the telehealth consultation
11 to researchers or other entities shall not occur without the
12 written consent of the patient.

13 (2) The patient shall sign a written statement prior to
14 an initial telehealth consultation, indicating that the patient
15 understands the written information provided pursuant to subsection
16 (1) of this section and that this information has been discussed
17 with the health care practitioner or his or her designee. Such
18 signed statement shall become a part of the patient's medical
19 record.

20 (3) If the patient is a minor or is incapacitated or
21 mentally incompetent such that he or she is unable to sign the
22 written statement required by subsection (2) of this section, such
23 statement shall be signed by the patient's legally authorized
24 representative.

25 (4) This section shall not apply in an emergency
26 situation in which the patient is unable to sign the written
27 statement required by subsection (2) of this section and the
1 patient's legally authorized representative is unavailable.

2 Sec. 6. (1) On or after July 1, 2000, in-person contact
3 between a health care practitioner and a patient shall not be
4 required under the medical assistance program established in
5 sections 68-1018 to 68-1025 and Title XXI of the federal Social
6 Security Act, as amended, for health care services delivered
7 through telehealth that are otherwise eligible for reimbursement
8 under such program and federal act. Such services shall be subject
9 to reimbursement policies developed pursuant to such program and
10 federal act. This section also applies to managed care plans which
11 contract with the department pursuant to the Managed Care Plan Act
12 only to the extent that:

13 (a) Health care services delivered through telehealth are
14 covered by and reimbursed under the medicaid fee-for-service
15 program; and

16 (b) Managed care contracts with managed care plans are
17 amended to add coverage of health care services delivered through
18 telehealth and any appropriate capitation rate adjustments are
19 incorporated.

20 (2) The reimbursement rate for a telehealth consultation
21 shall, as a minimum, be set at the same rate as the medical
22 assistance program rate for a comparable in-person consultation.

23 (3) The department shall establish rates for transmission
24 cost reimbursement for telehealth consultations, considering, to
25 the extent applicable, reductions in travel costs by health care
26 practitioners and patients to deliver or to access health care
27 services and such other factors as the department deems relevant.

1 Sec. 7. A health care facility licensed pursuant to
2 sections 71-2017 to 71-2029 that receives reimbursement under the
3 Nebraska Telehealth Act for telehealth consultations shall

4 establish quality of care protocols and patient confidentiality
 5 guidelines to ensure that such consultations meet the requirements
 6 of the act and acceptable patient care standards.

7 Sec. 8. By July 1, 2000, the department shall adopt and
 8 promulgate rules and regulations to carry out the Nebraska
 9 Telehealth Act, including, but not limited to, rules and
 10 regulations to: (1) Ensure the provision of appropriate care to
 11 patients through telehealth; (2) prevent fraud and abuse in the
 12 provision of telehealth consultations; and (3) establish methods
 13 and procedures necessary to safeguard against unnecessary
 14 utilization of telehealth consultations."

Ms. Schimek filed the following amendment to LB 113A:
 AM1361

1 1. Insert the following new section:
 2 "Sec. 2. There is hereby appropriated \$100,000 from the
 3 Temporary Employee Pool Revolving Fund for FY1999-00 to the
 4 Department of Administrative Services, for Program 605, to aid in
 5 carrying out the provisions of Legislative Bill 113, Ninety-sixth
 6 Legislature, First Session, 1999."

Ms. Schimek filed the following amendment to LB 113:
 AM1364

(Amendments to Final Reading copy)

1 1. Insert the following new sections:
 2 "Sec. 3. Section 77-912, Revised Statutes Supplement,
 3 1998, is amended to read:
 4 77-912. The Director of Insurance shall transmit fifty
 5 percent of the taxes paid in conformity with Chapter 44, article 1,
 6 and Chapter 77, article 9, to the State Treasurer, forty percent of
 7 such taxes paid to the General Fund, and ten percent of such taxes
 8 paid to the Mutual Finance Assistance Fund promptly upon completion
 9 of his or her audit and examination and in no event later than May
 10 1 of each year, except that:

11 (1) All fire insurance taxes paid pursuant to sections
 12 44-150 and 81-523 shall be remitted to the State Treasurer for
 13 credit to the Fire Insurance Tax Fund;

14 (2) All workers' compensation insurance taxes paid
 15 pursuant to section 44-150 shall be remitted to the State Treasurer
 16 for credit to the Compensation Court Cash Fund; and

17 (3) On ~~August 1, 1996, and each August 1 thereafter~~
 18 ~~through~~ August 1, 1999, the State Treasurer shall transfer one
 19 hundred thousand dollars to the Nebraska Local Government
 20 Innovation and Restructuring Fund.

21 Sec. 4. Section 77-913, Revised Statutes Supplement,
 22 1998, is amended to read:

23 77-913. The Insurance Tax Fund is created. The State
 1 Treasurer shall receive the funds paid pursuant to Chapter 77,
 2 article 9, and except as provided in sections 77-912 and 77-918

3 shall keep all money received in the Insurance Tax Fund. Any money
4 in the fund available for investment shall be invested by the state
5 investment officer pursuant to the Nebraska Capital Expansion Act
6 and the Nebraska State Funds Investment Act.

7 Prior to June 1 of each year, the State Treasurer shall
8 disburse or allocate all of the funds in the Insurance Tax Fund on
9 May 1 of each year as follows:

10 (1) Ten percent of the total less one hundred thousand
11 dollars for ~~each of fiscal years 1997-98 through fiscal year~~
12 1999-00 shall be allocated to the counties proportionately in the
13 proportion that the population of each county bears to the entire
14 state, as shown by the last federal decennial census. The one
15 hundred thousand dollars shall be allocated to the Nebraska Local
16 Government Innovation and Restructuring Fund on or before August 1,
17 1999;

18 (2)(a) ~~Until July 1, 1998, thirty percent of the total~~
19 ~~shall be allocated to incorporated municipalities proportionately~~
20 ~~in the proportion that the population of each incorporated~~
21 ~~municipality bears to the total population of all incorporated~~
22 ~~municipalities, as determined by the last federal decennial census;~~
23 ~~and~~

24 (b) ~~On and after July 1, 1998, thirty~~ Thirty percent of
25 the total shall be allocated to the Municipal Equalization Fund;
26 and

27 (3) Sixty percent of the total shall be allocated to the
1 State Department of Education for distribution to school districts
2 as equalization aid pursuant to the Tax Equity and Educational
3 Opportunities Support Act as follows: The Commissioner of
4 Education shall (a) include the amount certified by the State
5 Treasurer pursuant to this section with the amount appropriated to
6 the Tax Equity and Educational Opportunities Fund for distribution
7 in the ensuing school fiscal year, (b) include such amounts in the
8 state aid certified to each school district pursuant to section
9 79-1022, and (c) distribute such funds as equalization aid under
10 the provisions of the act during the ensuing fiscal year.

11 Sec. 5. Section 81-1317, Revised Statutes Supplement,
12 1998, is amended to read:

13 81-1317. Except as may be prohibited by the Industrial
14 Relations Act or the State Employees Collective Bargaining Act and
15 except for the pay increases provided by the Legislature, the
16 Director of Personnel shall have authority to establish programs
17 and otherwise adjust terms and conditions of employment for
18 ~~FY1997-98 and FY1998-99~~ FY1999-2000 and FY2000-01 for employees not
19 covered by collective-bargaining agreements, including terms and
20 conditions of employment which may not be specifically provided or
21 may otherwise be provided by law, in order to make such terms and
22 conditions of employment more consistent with those of such covered
23 employees or otherwise address changes arising out of collective
24 bargaining, but in no event shall the adjustment exceed the

25 benefits derived from collective bargaining.

26 Sec. 6. Section 81-1317.01, Revised Statutes Supplement,
27 1998, is amended to read:

1 81-1317.01. Except for employees of the University of
2 Nebraska and the state colleges and except as may be prohibited by
3 the Industrial Relations Act or the State Employees Collective
4 Bargaining Act, terms and conditions of employment which may
5 otherwise be provided by law for employees not covered under the
6 State Personnel System may be adjusted by the
7 employer-representative as defined in section 81-1371 for FY1997-98
8 and FY1998-99 FY1999-2000 and FY2000-01 to address changes arising
9 out of collective bargaining, but in no event shall the adjustment
10 exceed the benefits derived from collective bargaining.

11 Sec. 7. Section 84-1601, Revised Statutes Supplement,
12 1998, is amended to read:

13 84-1601. (1) There is hereby established a program of
14 group life and health insurance for all permanent employees of this
15 state who work one-half or more of the regularly scheduled hours
16 during each pay period, excluding employees of the University of
17 Nebraska, the state colleges, and the community colleges. Such
18 program shall be known as the Nebraska State Insurance Program and
19 shall replace any current program of such insurance in effect in
20 any agency and funded in whole or in part by state contributions.

21 (2) Temporary employees of the state who have a work
22 assignment of at least six months' duration and who work at least
23 twenty hours per week may purchase health insurance through the
24 Nebraska State Insurance Program. The state shall pay the same
25 proportion of the insurance premium for temporary employees as is
26 established through the collective bargaining process for permanent
27 employees. For purposes of this subsection, temporary employees
1 means individuals (a) employed in the Temporary Employee Pool as
2 described in subdivision (6) of section 81-1307 and (b) hired
3 directly by state agencies. In no event shall a temporary employee
4 mean an individual hired through a private employment agency. The
5 provisions of this subsection shall terminate on July 1, 1999 2000.

6 (3) For purposes of sections 84-1601 to 84-1615, health
7 insurance may be construed to include coverage for disability and
8 dental health care services.

9 (4) Any commissioned employee of the Nebraska State
10 Patrol who on or after July 17, 1986, has reached fifty-one years
11 of age or becomes medically disabled and who will not receive
12 benefits from the federal social security program shall be afforded
13 the opportunity to remain enrolled in the state employees group
14 health insurance program until age sixty-five. Employees electing
15 this option shall be responsible for the entire premium cost,
16 including the state's share, the employee's share, and an
17 administrative fee consistent with that allowed by federal
18 guidelines for continuation of health insurance.

19 Sec. 8. Original sections 77-912, 77-913, 81-1317,

20 81-1317.01, and 84-1601, Revised Statutes Supplement, 1998, are
21 repealed.

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

24 2. On page 1, strike beginning with "purchasing" in line
25 1 through line 3 and insert "; to amend sections 77-912, 77-913,
26 81-1317, 81-1317.01, and 84-1601, Revised Statutes Supplement,
27 1998; to create the state purchasing card program; to authorize
1 purchasing card programs for political subdivisions; to change
2 funding provisions; to change employee benefit provisions; to
3 harmonize provisions; to repeal the original sections; and to
4 declare an emergency."

5 3. Insert underscoring in the original sections.

Mr. D. Pederson filed the following amendment to LB 548:
AM1344

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. It is the intent of the Legislature that in
4 implementing section 2 of this act:

5 (1) The Department of Health and Human Services Finance
6 and Support shall seek to access, to the extent possible under
7 federal law, medicaid funds to reimburse school districts and
8 educational service units for administrative expenses related to
9 administrative activities, including outreach services, currently
10 provided to medicaid-eligible and potentially medicaid-eligible
11 students;

12 (2) School districts or educational service units shall
13 not be required to perform any new activities or services; and

14 (3) The department shall coordinate administrative
15 outreach activities provided by schools and educational service
16 units with those provided under contract by other public or private
17 providers. Medicaid administrative outreach activities provided by
18 schools and educational service units shall enhance and not
19 duplicate such activities by other providers.

20 Sec. 2. (1) On and after January 1, 2000, the Department
21 of Health and Human Services, the Department of Health and Human
22 Services Finance and Support, and the State Department of Education
23 shall jointly develop a statewide billing system to access matching
24 federal medicaid funds for medicaid administrative activities which
1 are not reimbursed through the medicaid reimbursement rates
2 established under section 43-2511. The Director of Finance and
3 Support shall apply for and secure any federal waivers and state
4 medicaid plan amendments required to implement this section. Only
5 administrative activities delivered by school districts or
6 educational service units under contract with the Department of
7 Health and Human Services Finance and Support which are not
8 reimbursed through the reimbursement rates under section 43-2511
9 shall be eligible for reimbursement under this section.

10 (2) Prior to entering into such a contract, the school

11 district or educational service unit shall certify (a) the
12 administrative activities for which they are seeking reimbursement,
13 (b) that it shall expend nonfederal funds in an amount sufficient
14 to meet the required nonfederal match of expenditures, (c) that all
15 funds received under this section shall be used only to offset
16 costs incurred in providing medicaid administrative activities
17 under this section, including a transfer of funds to the department
18 to pay for initial implementation and annual administrative costs,
19 (d) compliance with all applicable federal and state rules and
20 regulations, and (e) any other certification required by the
21 department. School districts or educational service units
22 accessing funds under this section shall transfer three percent or
23 a percentage which corresponds to the department's actual cost,
24 whichever is greater, of the total amount of funds accessed under
25 this section for initial implementation and annual administrative
26 costs. The department shall require audits, reports, and
27 certifications as it deems necessary to oversee such contracts and
1 shall adopt and promulgate rules and regulations necessary to
2 implement this section. Nothing in this section shall require any
3 school district or educational service unit to enter into a
4 contract with the department under this section. Nothing in this
5 section shall prohibit the department from contracting with other
6 public or private providers of medicaid administrative activities.
7 Federal medicaid funds provided to school districts or educational
8 services units under this section shall not be subject to section
9 43-2515.

10 Sec. 3. The Revisor of Statutes shall assign sections 1
11 and 2 of this act within Chapter 68, article 10.

12 Sec. 4. Sections 1 and 2 of this act become operative
13 January 1, 2000. The other sections of this act become operative
14 on their effective date."

Mr. Wehrbein filed the following amendment to LB 630:

AM1369

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 77-2715.07, Revised Statutes
4 Supplement, 1998, is amended to read:

5 77-2715.07. (1) There shall be allowed to qualified
6 resident individuals as a nonrefundable credit against the income
7 tax imposed by the Nebraska Revenue Act of 1967:

8 (a) A credit equal to the federal credit allowed under
9 section 22 of the Internal Revenue Code; and

10 (b) A credit for taxes paid to another state as provided
11 in section 77-2730.

12 (2) There shall be allowed to qualified resident
13 individuals against the income tax imposed by the Nebraska Revenue
14 Act of 1967:

15 (a) For returns filed reporting federal adjusted gross

16 incomes of greater than twenty-nine thousand dollars, a
17 nonrefundable credit equal to twenty-five percent of the federal
18 credit allowed under section 21 of the Internal Revenue Code of
19 1986, as amended; and

20 (b) For returns filed reporting federal adjusted gross
21 income of twenty-nine thousand dollars or less, a refundable credit
22 equal to a percentage of the federal credit allowable under section
23 21 of the Internal Revenue Code of 1986, as amended, whether or not
24 the federal credit was limited by the federal tax liability. The
1 percentage of the federal credit shall be one hundred percent for
2 incomes not greater than twenty-two thousand dollars, and the
3 percentage shall be reduced by ten percent for each one thousand
4 dollars, or fraction thereof, by which the reported federal
5 adjusted gross income exceeds twenty-two thousand dollars; and

6 (c) A refundable credit for individuals who qualify for
7 an income tax credit under the Beginning Farmer Tax Credit Act for
8 all taxable years beginning or deemed to begin on or after January
9 1, 1999, under the Internal Revenue Code of 1986, as amended.

10 (3) There shall be allowed to all individuals as a
11 nonrefundable credit against the income tax imposed by the Nebraska
12 Revenue Act of 1967:

13 (a) A credit for personal exemptions allowed under
14 section 77-2716.01; and

15 (b) A credit for contributions to certified community
16 betterment programs as provided in the Community Development
17 Assistance Act. Each partner, each shareholder of an electing
18 subchapter S corporation, each beneficiary of an estate or trust,
19 or each member of a limited liability company shall report his or
20 her share of the credit in the same manner and proportion as he or
21 she reports the partnership, subchapter S corporation, estate,
22 trust, or limited liability company income.

23 (4) There shall be allowed as a credit against the income
24 tax imposed by the Nebraska Revenue Act of 1967:

25 (a) A credit to all resident estates and trusts for taxes
26 paid to another state as provided in section 77-2730; and

27 (b) A credit to all estates and trusts for contributions
1 to certified community betterment programs as provided in the
2 Community Development Assistance Act.

3 Sec. 2. Sections 2 to 14 of this act shall be known and
4 may be cited as the Beginning Farmer Tax Credit Act.

5 Sec. 3. (1) The Legislature hereby finds and declares
6 that:

7 (a) Current farm economic conditions in the State of
8 Nebraska have resulted in unemployment, outmigration of people,
9 loss of agricultural jobs, and difficulty in attracting and
10 retaining farm operations; and

11 (b) Major revisions in Nebraska's tax structure are
12 necessary to accomplish economic revitalization of rural Nebraska
13 and to be competitive with other states involved in economic

14 revitalization and development of agriculture.

15 (2) It is the policy of this state to make revisions in
16 Nebraska's tax structure in order to encourage persons to seek
17 careers in the farming industry, retain existing and established
18 farm operations, promote the creation and retention of new farm
19 jobs in Nebraska, and attract and retain investment capital in
20 rural Nebraska.

21 Sec. 4. For purposes of the Beginning Farmer Tax Credit
22 Act:

23 (1) Agricultural assets means agricultural land,
24 livestock, farming, or livestock production facilities or buildings
25 and machinery used for farming or livestock production;

26 (2) Board means the Beginning Farmer Board created by
27 section 5 of this act;

1 (3) Family means parents and grandparents of, and parents
2 and grandparents of spouses of, persons who apply for assistance
3 from the board for the purpose of entering into farming or
4 livestock production;

5 (4) Farm means any tract of land over ten acres in area
6 used for or devoted to the commercial production of farm products;

7 (5) Farm product means those plants and animals useful to
8 man and includes, but is not limited to, forages and sod crops,
9 grains and feed crops, dairy and dairy products, poultry and
10 poultry products, livestock, including breeding and grazing
11 livestock, fruits, and vegetables;

12 (6) Farming or livestock production means the active use,
13 management, and operation of real and personal property for the
14 production of a farm product;

15 (7) Financial management program means a program for
16 beginning farmers or livestock producers which includes, but is not
17 limited to, assistance in the creation and proper use of
18 record-keeping systems, periodic private consultations with
19 licensed financial management personnel, year-end monthly cash flow
20 analysis, and detailed enterprise analysis;

21 (8) Owner of agricultural assets means an individual who
22 is a resident individual as defined in section 77-2714.01, who has
23 derived at least fifty percent or more of his or her gross annual
24 income for income tax purposes from farming or livestock
25 production, who has a net worth of at least one hundred thousand
26 dollars, including any holdings by a spouse or dependent, based on
27 fair market value, who has provided the majority of the day-to-day
1 physical labor and management of a farm over a period of time
2 deemed sufficient to qualify for the granting of tax credits under
3 the act by the board, and who has such other qualifications as
4 determined by the board; and

5 (9) Qualified beginning farmer or livestock producer
6 means an individual who is a resident individual as defined in
7 section 77-2714.01, who has entered farming or livestock production
8 or is seeking entry into farming or livestock production, who

9 intends to farm or raise crops or livestock on land located within
10 the state borders of Nebraska, and who meets the eligibility
11 guidelines established in section 10 of this act and such other
12 qualifications as determined by the board.

13 Sec. 5. For the purpose of developing and directing
14 programs to provide increased and enhanced opportunities for
15 beginning farmers and livestock producers, the Beginning Farmer
16 Board is created. For administrative and budgetary purposes only,
17 the board shall be housed within the Department of Agriculture.
18 The board shall be vested with the following duties and
19 responsibilities:

20 (1) To approve and certify beginning farmers and
21 livestock producers as eligible for the programs provided by the
22 board;

23 (2) To approve and certify owners of agricultural assets
24 as eligible for the tax credits authorized by sections 12 to 14 of
25 this act;

26 (3) To advocate joint ventures between beginning farmers
27 or livestock producers and existing private and public credit and
1 banking licensed institutions, as well as to advocate joint
2 ventures with owners of agricultural assets desiring to assist
3 beginning farmers and livestock producers seeking entry into
4 farming or livestock production;

5 (4) To provide necessary and reasonable assistance and
6 support to beginning farmers and livestock producers for
7 qualification and participation in financial management programs
8 approved by the board;

9 (5) To advocate appropriate changes in policies and
10 programs of other public and private institutions or agencies which
11 will directly benefit beginning farmers and livestock producers and
12 may include changes regarding financing, taxation, and any other
13 existing policies which prohibit or impede individuals from
14 entering into farming or livestock production;

15 (6) To provide adequate explanations of facts and aspects
16 of available programs offered or recommended by the board intended
17 for beginning farmers and livestock producers;

18 (7) To assist and educate beginning farmers and livestock
19 producers by acting as a liaison between beginning farmers or
20 livestock producers and the Nebraska Investment Finance Authority;

21 (8) To encourage licensed financial institutions and
22 individuals to use alternative amortization schedules for loans and
23 land contracts granted to beginning farmers and livestock
24 producers;

25 (9) To refer beginning farmers and livestock producers to
26 agencies and organizations which may provide additional pertinent
27 information and assistance;

1 (10) To provide any other assistance and support the
2 board deems necessary and appropriate in order for entry into
3 farming or livestock production;

4 (11) To adopt and promulgate rules and regulations
5 necessary to carry out the purposes of the Beginning Farmer Tax
6 Credit Act, including criteria required for tax credit eligibility
7 and financial management program certification and guidelines which
8 constitute a viably sized farm that is necessary to adequately
9 support a beginning farmer or livestock producer. Such guidelines
10 shall vary and take into account the region of the state, number of
11 acres, land quality and type, type of operation, type of crops or
12 livestock raised, and other factors of farming or livestock
13 production; and

14 (12) To keep minutes of the board's meetings and other
15 books and records which will adequately reflect actions and
16 decisions of the board and to provide an annual report to the
17 Legislature and Governor by December 1.

18 Sec. 6. The board shall consist of the following
19 members:

20 (1) The Director of Agriculture or his or her designee;

21 (2) The Tax Commissioner or his or her designee;

22 (3) One individual representing lenders of agricultural
23 credit;

24 (4) One individual of the academic community with
25 extensive knowledge and insight in the analysis of agricultural
26 economic issues; and

27 (5) Three individuals, one from each congressional
1 district, who are currently engaged in farming or livestock
2 production and are representative of a variety of farming or
3 livestock production interests based on size of farm, type of farm
4 operation, net worth of farm operation, and geographic location.

5 All members of the board shall be resident individuals as
6 defined in section 77-2714.01. Members of the board listed in
7 subdivisions (3) through (5) of this section shall be appointed by
8 the Governor with the approval of a majority of the Legislature.
9 All appointments shall be for terms of four years.

10 Vacancies in the appointed membership of the board shall
11 be filled for the unexpired term by appointment by the Governor.
12 Members of the board shall serve the full term and until a
13 successor has been appointed by the Governor and approved by the
14 Legislature. Any member is eligible for reappointment. Any member
15 may be removed from the board by the Governor or by an affirmative
16 vote by any four members of the board for incompetence, neglect of
17 duty, or malfeasance.

18 Sec. 7. Once every two years, the members of the board
19 shall elect a chairperson and a vice-chairperson. A member of the
20 board may be reelected to the position of chairperson or
21 vice-chairperson upon the discretion of the board. Members of the
22 board shall be reimbursed for their actual and necessary expenses
23 as provided in sections 81-1174 to 81-1177.

24 Sec. 8. Four of the members of the board shall
25 constitute a quorum for the transaction of official business. The

26 affirmative vote of at least four members shall be necessary for
27 any action to be taken by the board. No vacancy in the membership
1 of the board shall constitute an impairment of a quorum to exercise
2 any and all rights and perform all duties of the board.

3 Sec. 9. The board shall meet quarterly during the year
4 and shall review pending applications in order to approve and
5 certify beginning farmers and livestock producers as eligible for
6 the programs provided by the board and to approve and certify
7 owners of agricultural assets as eligible for the tax credits
8 authorized by sections 12 to 14 of this act. Any action taken by
9 the board regarding approval and certification of program
10 eligibility, granting of tax credits, or termination of
11 share-rental agreements shall require the affirmative vote of at
12 least four members of the board.

13 Sec. 10. The board shall determine who is qualified as a
14 beginning farmer or livestock producer based on the qualifications
15 found in this section. A qualified beginning farmer or livestock
16 producer shall be an individual who: (1) Has a net worth of not
17 more than one hundred thousand dollars, including any holdings by a
18 spouse or dependent, based on fair market value; (2) provides the
19 majority of the day-to-day physical labor and management of the
20 farm; (3) has, by the judgment of the board, adequate farming or
21 livestock production experience or demonstrates knowledge in the
22 type of farming or livestock production for which he or she seeks
23 assistance from the board; (4) demonstrates to the board a profit
24 potential by submitting board-approved projected earnings
25 statements and agrees that farming or livestock production is
26 intended to become his or her principal source of income; (5)
1 demonstrates to the board a need for assistance; (6) participates
2 in a financial management program approved by the board; (7)
3 submits a nutrient management plan and a soil conservation plan to
4 the board for approval on any applicable agricultural assets
5 purchased or rented from an owner of agricultural assets; (8) is
6 not a relative as defined in section 36-702 of the owner of
7 agricultural assets in which the beginning farmer or livestock
8 producer is seeking to enter into a share-rental agreement; and (9)
9 has such other qualifications as specified by the board. A
10 qualified beginning farmer or livestock producer who has
11 successfully participated in and completed a board approved and
12 certified three-year share-rental agreement with an owner of
13 agricultural assets shall not be eligible to file a subsequent
14 application with the board but may refer to the board for
15 additional support and participate in programs, including
16 educational and financial programs and seminars, established or
17 recommended by the board that are applicable to the continued
18 success of such farmer or livestock producer.

19 Sec. 11. The board shall, following the close of each
20 fiscal year, submit an annual report of the activities and actions
of the board for the preceding fiscal year to the Governor, the

21 Legislative Fiscal Analyst, and the Clerk of the Legislature. Each
22 member of the Legislature shall receive a copy of such report by
23 request to the chairperson of the board. Each report shall include
24 the following information:

25 (1) A complete operating and financial statement for the
26 board for the prior fiscal year;

27 (2) The number of qualified beginning farmers and
1 livestock producers receiving assistance from the board;

2 (3) The number of owners of agricultural assets claiming
3 tax credits and the monetary amount of credits granted by the
4 board; and

5 (4) Any other relevant information which the board deems
6 necessary to report.

7 Sec. 12. An owner of agricultural assets shall be
8 allowed a credit to be applied against the state income tax
9 liability of such individual for agricultural assets rented on a
10 share-rental agreement basis to qualified beginning farmers or
11 livestock producers. Such asset shall be rented at prevailing
12 community rates as determined by the board. The credit allowed
13 shall be for renting agricultural assets used for farming or
14 livestock production. Such credit shall be granted by the
15 Department of Revenue only after approval and certification by the
16 board and a written three-year share-rental agreement for such
17 assets is entered into between an owner of agricultural assets and
18 a qualified beginning farmer or livestock producer. An owner of
19 agricultural assets or qualified beginning farmer or livestock
20 producer may terminate such agreement for reasonable cause upon
21 approval by the board. If an agreement is terminated without fault
22 on the part of the owner of agricultural assets as determined by
23 the board, the tax credit shall not be retroactively disallowed.
24 If an agreement is terminated with fault on the part of the owner
25 of agricultural assets as determined by the board, any prior tax
26 credits claimed by such owner shall be disallowed and recaptured
27 and shall be immediately due and payable to the State of Nebraska.
1 A credit may be granted to an owner of agricultural assets for
2 renting agricultural assets to any qualified beginning farmer or
3 livestock producer for a period of three years. After the
4 successful completion of a board approved and certified three-year
5 share-rental agreement with a qualified beginning farmer or
6 livestock producer, an owner of agricultural assets may enter into
7 a board-approved and certified three-year share-rental agreement
8 and rent such assets to another qualified beginning farmer or
9 livestock owner and be eligible to receive a credit. In order to
10 be eligible for a credit, an owner of agricultural assets cannot
11 enter into more than one three-year share-rental agreement approved
12 and certified by the board with the same qualified beginning farmer
13 or livestock owner or with more than one beginning farmer or
14 livestock owner at one time.

15 Sec. 13. In evaluating a share-rental agreement between

16 an owner of agricultural assets and a qualified beginning farmer or
17 livestock producer, the board shall not approve and certify credit
18 for an owner of agricultural assets who (1) has, with fault,
19 terminated a prior board approved and certified share-rental
20 agreement with a qualified beginning farmer or livestock producer
21 or (2) is proposing a share-rental agreement of agricultural assets
22 which, if rented to a qualified beginning farmer or livestock
23 producer, would cause the lessee to be responsible for managing or
24 maintaining a farm which, based on the discretion of the board, is
25 of greater scope and scale than necessary for a viably sized farm
26 as established by the guidelines implemented by the board in order
27 to adequately support a beginning farmer or livestock producer.
1 Any person aggrieved by a decision of the board may appeal the
2 decision, and the appeal shall be in accordance with the
3 Administrative Procedure Act.

4 Sec. 14. The tax credit approved and certified by the
5 board under section 12 of this act for an owner of agricultural
6 assets shall be equal to five percent of the gross rental income on
7 any share-rental agreement that is approved and certified by the
8 board under the Beginning Farmer Tax Credit Act, including the
9 renting of agricultural assets by an owner of such assets to a
10 qualified beginning farmer or livestock producer. The board shall
11 review each existing three-year share-rental agreement between a
12 beginning farmer or livestock producer and an owner of agricultural
13 assets on a quarterly basis and shall either certify or terminate
14 program eligibility for beginning farmers or livestock producers or
15 tax credits granted to owners of agricultural assets on an annual
16 basis.

17 Sec. 15. Original section 77-2715.07, Revised Statutes
18 Supplement, 1998, is repealed."

UNANIMOUS CONSENT - Add Cointroducer

Mr. D. Pederson asked unanimous consent to have his name added as cointroducer to LB 605. No objections. So ordered.

VISITORS

Visitors to the Chamber were 33 fourth grade students and teachers from Homer Elementary School; and 50 fourth grade students from Morton Elementary School, Lexington.

ADJOURNMENT

At 5:00 p.m., on a motion by Mr. Hilgert, the Legislature adjourned until 9:00 a.m., Thursday, April 22, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-EIGHTH DAY – APRIL 22, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 22, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Sister Clare, Marian Sisters, Waverly, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Landis, Preister, Raikes, Wickersham, Mmes. Kiel, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

SELECT FILE

LEGISLATIVE BILL 835. Mr. Brashear renewed his pending amendment, AM1196, found on page 1504.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Brashear withdrew his amendment.

Mr. Wehrbein offered the following amendment:

FA107

Amend AM7092

On page 4, line 25 and page 7, line 14, strike "January 3" and insert "February 15".

Mr. Dierks offered the following amendment to the Wehrbein amendment:

FA108

Amend FA107

Add the emergency clause

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CUDABACK PRESIDING

Mrs. Robak and Mr. Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

The Dierks amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

The Wehrbein amendment, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Dierks offered the following amendment:

FA109

Amend AM7092

On page 1, line 17 delete "employees, officers, or" and insert "officers or"

The Dierks amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARING
Education

Tuesday, May 25, 1999

1:15 p.m.

Coordinating Commission for Postsecondary Education
Earl Rademacher

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 76. Placed on Select File as amended.

E & R amendment to LB 76:

AM7128

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 29-2521.02, Reissue Revised Statutes

4 of Nebraska, is amended to read:

5 29-2521.02. (1) The Supreme Court shall within a
6 reasonable time after July 22, 1978, review and analyze all cases
7 involving criminal homicide committed on or after April 20, 1973.
8 Such review and analysis shall examine ~~(4)~~ (a) the facts including
9 mitigating and aggravating circumstances, ~~(2)~~ (b) the charges
10 filed, ~~(3)~~ (c) the crime for which defendant was convicted, and ~~(4)~~
11 (d) the sentence imposed. Such review shall be updated as new
12 criminal homicide cases occur.

13 (2) Following the transmittal of a report of the Nebraska
14 Commission on Law Enforcement and Criminal Justice pursuant to
15 subdivision (7) of section 81-1425 and subsequent reports updating
16 such report, the Supreme Court may take judicial notice of such
17 reports in undertaking the determinations required by sections
18 29-2521.01 to 29-2521.04.

19 Sec. 2. Section 29-2528, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 29-2528. ~~In~~ (1) Except as provided in subsection (2) of
22 this section, in all cases when the death penalty has been imposed
23 by the district court, the Supreme Court shall, after consideration
24 of the appeal, order the prisoner to be discharged, order a new
1 trial to be had, or appoint a day certain for the execution of the
2 sentence.

3 (2)(a) The Supreme Court shall not appoint a day certain
4 for the execution of a death sentence that falls during the period
5 beginning on the effective date of this act and ending on September
6 1, 2001.

7 (b) During the moratorium period specified in subdivision
8 (a) of this subsection, the special procedures in cases of homicide
9 provided in sections 29-2519 to 29-2546 and any other proceedings
10 related to capital cases, including motions for postconviction
11 relief, shall continue to be operative and shall proceed as if no
12 such moratorium were in place, except that no day certain for
13 execution shall be appointed that falls during the moratorium
14 period.

15 (c) During the moratorium period specified in subdivision
16 (a) of this subsection, the Supreme Court may appoint a day certain
17 for the execution of a death sentence that does not fall during the
18 moratorium period.

19 Sec. 3. Section 81-1425, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-1425. The executive director of the commission shall:

22 (1) Supervise and be responsible for the administration
23 of the policies established by the commission;

24 (2) Establish a Jail Standards subdivision within the
25 commission and establish, consolidate, or abolish any other
26 administrative subdivision within the commission and appoint and
27 remove for cause the heads thereof, and delegate appropriate powers
1 and duties to them;

2 (3) Establish and administer projects and programs for
3 the operation of the commission;

4 (4) Appoint and remove employees of the commission and
5 delegate appropriate powers and duties to them;

6 (5) Make rules and regulations for the management and the
7 administration of policies of the commission and the conduct of
8 employees under his or her jurisdiction;

9 (6) Collect, develop, and maintain statistical
10 information, records, and reports as the commission may determine
11 relevant to its functions;

12 (7) Prior to January 1, 2001, review and analyze all
13 cases involving criminal homicide committed on or after April 20,
14 1973. The review and analysis shall examine (a) the facts,
15 including mitigating and aggravating circumstances, (b) to the
16 extent such can be ascertained, the race, gender, religious
17 preference, and economic status of the defendant and of the victim,
18 (c) the charges filed, (d) the result of the judicial proceeding in
19 each case, and (e) the sentence imposed. Upon the completion of
20 such review, the report of such shall be transmitted to the
21 Governor, the Clerk of the Legislature, and the Chief Justice of
22 the Supreme Court. The review and analysis shall be updated as new
23 cases of criminal homicide occur. The commission shall report on
24 such updating annually to the parties named in this subdivision;

25 (8) Transmit monthly to the commission a report of the
26 operations of the commission for the preceding calendar month;

27 ~~(8)~~ (9) Execute and carry out the provisions of all
1 contracts, leases, and agreements authorized by the commission with
2 agencies of federal, state, or local government, corporations, or
3 persons;

4 ~~(9)~~ (10) Perform such additional duties as may be
5 assigned to him or her by the commission, the chairperson of the
6 commission, or by law; and

7 ~~(10)~~ (11) Exercise all powers and perform all duties
8 necessary and proper in carrying out his or her responsibilities.

9 Sec. 4. Original sections 29-2521.02, 29-2528, and
10 81-1425, Reissue Revised Statutes of Nebraska, are repealed."

11 2. On page 1, strike beginning with "crimes" in line 1
12 through line 17 and insert "criminal homicide; to amend sections
13 29-2521.02, 29-2528, and 81-1425, Reissue Revised Statutes of
14 Nebraska; to provide for judicial notice of certain reports; to
15 provide a moratorium on the execution of the death sentence; to
16 provide duties for the executive director of the Nebraska
17 Commission on Law Enforcement and Criminal Justice; to harmonize
18 provisions; and to repeal the original sections."

(Signed) Adrian M. Smith, Chairperson

AMENDMENT - Print in Journal

Mr. Bruning filed the following amendment to LB 76:
AM1388

(Amendments to E & R amendments, AM7128)

- 1 1. Insert the following new sections:
- 2 "Sec. 3. Section 29-2532, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 29-2532. (1)(a) Until January 1, 2001, the mode of
- 5 inflicting the punishment of death, in all cases, shall be by
- 6 causing to pass through the body of the convicted person a current
- 7 of electricity of sufficient intensity to cause death; and the
- 8 application of such current shall be continued until such convicted
- 9 person is dead.
- 10 (b) On and after January 1, 2001, the mode of inflicting
- 11 the punishment of death shall be by a continuous, intravenous
- 12 administration of a lethal quantity of an ultra-short-acting
- 13 barbiturate in connection with a chemical paralytic agent and an
- 14 agent to cause cardiac arrest into the body of the convicted person
- 15 until death occurs. The person administering the injection need
- 16 not be a physician, registered nurse, or licensed practical nurse,
- 17 licensed or registered under the laws of this state or any other
- 18 state. The infliction of the punishment of death by lethal
- 19 injection shall not be construed to be the practice of medicine,
- 20 and any pharmacist or pharmaceutical supplier may dispense the
- 21 necessary drugs as needed and without prescription to the warden.
- 22 The warden of the Nebraska Penal and Correctional Complex, and in
- 23 case of his or her death, sickness, absence or inability to act,
- 1 then the deputy warden, shall be the executioner. ~~The~~ ; **PROVIDED**;
- 2 the warden may in writing specially designate and appoint a
- 3 suitable and competent person to act for him or her, and under his
- 4 or her direction, as executioner in any particular case. A crime
- 5 punishable by death must be punished according to the provisions
- 6 herein made and not otherwise.
- 7 Sec. 4. Section 29-2533, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 29-2533. When any person shall be sentenced to ~~be~~
- 10 electrocuted death, such punishment shall be inflicted within the
- 11 walls of the Department of Correctional Services adult correctional
- 12 facility, or within the yard or enclosure adjacent thereto, under
- 13 the supervision of the warden and in such a manner as to exclude
- 14 the view of all persons save those permitted to be present as
- 15 provided in sections 29-2534 and 29-2535.
- 16 Sec. 5. Section 29-2542, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 29-2542. If any person who has been convicted of a crime
- 19 punishable by death, and sentenced to ~~be electrocuted death~~, shall
- 20 escape, and shall not be retaken before the time fixed for his or
- 21 her execution, it shall be lawful for the warden, or any sheriff or

22 other officer or person to rearrest such person and return him or
23 her to the custody of the warden of the Nebraska Penal and
24 Correctional Complex, who shall thereupon make return thereof to
25 the Governor of the state, and the Governor shall thereupon issue a
26 warrant, fixing and appointing a day for the execution, which shall
27 be carried into effect by the warden in the same manner as herein
1 provided for the execution of an original sentence of death.

2 Sec. 6. Section 29-2543, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 29-2543. Whenever any person has been tried and
5 convicted before any district court in this state of a crime
6 punishable by death and under the conviction has been sentenced by
7 the court to suffer death, it shall be the duty of the clerk of the
8 court before which the conviction was had to issue a warrant, under
9 the seal of the court, reciting therein the conviction and sentence
10 directed to the warden of the Nebraska Penal and Correctional
11 Complex, commanding him or her to proceed at the time named in the
12 sentence to carry the same into execution by causing the person so
13 convicted and sentenced to be ~~electrocuted~~ put to death by the
14 passage of an electric current through the body until dead means
15 set forth in section 29-2532. The clerk shall deliver the warrant
16 to the sheriff of the county in which conviction was had and such
17 sheriff shall thereupon forthwith remove such convicted person to a
18 Department of Correctional Services adult correctional facility of
19 the state and there deliver him or her, together with the warrant,
20 into the custody of the warden who shall receive and safely keep
21 such convict within a Department of Correctional Services adult
22 correctional facility until the time of execution or until
23 otherwise ordered by competent authority."

24 2. On page 4, lines 9 and 13, after the second comma
25 insert "29-2532, 29-2533, 29-2542, 29-2543, "; and in line 15 after
26 the semicolon insert "to change the method of inflicting the death
27 penalty;".

1 3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 72. Introduced by Byars, 30.

WHEREAS, during the past decade, the United States Congress, in an effort to help build a better functioning, more effective United Nations for the coming millennium, has urged the United Nations to take meaningful steps toward reforming itself by reducing inefficiencies, streamlining the organization, eliminating budgetary growth, reducing Secretariat staff, working to reduce United Nations costs borne by the United States, refocusing development efforts in support of open trade and free markets, and taking on new and emerging global-scale challenges like drug trafficking, crime, terrorism, and environmental protection;

WHEREAS, a strong and effective United Nations, according to the

Council on Foreign Relations, remains an important part of a strong and effective American foreign policy, as it has been since the founding of the United Nations in 1945;

WHEREAS, the United Nations has made demonstrable progress and shown good faith in moving to comply with American requests by:

(1) Reducing its staff by more than twenty percent in the past decade, eliminating more than three thousand positions in the United Nations Secretariat, including one thousand in the past several years;

(2) Adopting a no-growth budget since 1974 and reducing the United Nations' regular budget by \$123 million in its most recent budget cycle;

(3) Appointing an Inspector General to root out waste, fraud, and abuse, saving more than \$80 million and making numerous improvements in organizational operations;

(4) Consolidating a wide variety of functions, including more than twelve Secretariat departments and executive units;

(5) Appointing an Efficiency Board, akin to the United States' Reinventing Government initiative, that has resulted in hundreds of efficiency improvements and millions of dollars in savings; and

(6) Attracting dynamic new leaders to head key United Nations agencies and improve overall management of the United States system;

WHEREAS, with the end of the Cold War and the rapid growth of economic globalization, the United Nations is more important than ever as a forum for peace, progress, and prosperity, particularly as the international institution capable of bringing all nations together to set basic standards that are prerequisites to trade (e.g., standards for telecommunications, transportation, and mail), to work together on common global challenges like terrorism and the drug trade, to promote the health and well-being of the world's children, to uphold basic human rights, to feed the hungry, to respond to natural disasters, to develop peacekeeping operations and mediate conflict, and to address global health challenges like polio, malaria, and malnutrition; and

WHEREAS, the executive and legislative branches of the United States government have suggested that the United Nations reform would effectuate payment of United States past dues, which the United States is legally bound to honor and which now total more than \$1 billion (or approximately one year of operations for the United Nations Secretariat).

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

1. In recognition of the rapidly increasing importance of the United Nations to the future stability of the world and to the future security and prosperity of the United States and other nations and in recognition of the United Nations' marked progress and good faith work to comply with United States reform requests, the Legislature commends the United States Congress for its role in helping to reform the United Nations, commends the United Nations for its successful implementation of these important and needed reforms, and therefor petitions the United States Congress to authorize and appropriate sufficient money to pay amounts owed by the United States to the United Nations, now in arrears, and in addition, that the transfer of these funds to the United Nations be authorized by Congress in the current budget cycle.

Laid over.

SELECT FILE

LEGISLATIVE BILL 835A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 150. E & R amendment, AM7087, found on page 1036, was adopted.

Mr. Bromm renewed his pending amendment, AM1128, found on page 1561.

Messrs. Hilgert and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Brashear asked unanimous consent to be excused. No objections. So ordered.

The Bromm amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Bruning offered the following amendment:
AM0942

- 1 1. Insert the following new sections:
- 2 "Sec. 12. Section 70-625, Revised Statutes Supplement,
- 3 1998, is amended to read:
- 4 70-625. (1) Subject to the limitations of the petition
- 5 for its creation and all amendments to such petition, a public
- 6 power district has all the usual powers of a corporation for public
- 7 purposes and may purchase, hold, sell, and lease personal property
- 8 and real property reasonably necessary for the conduct of its
- 9 business. No district may sell household appliances at retail if
- 10 the retail price of any such appliance exceeds fifty dollars,
- 11 except that newly developed electrical appliances may be
- 12 merchandised and sold during the period of time in which any such
- 13 appliances are being introduced to the public. New models of
- 14 existing appliances shall not be deemed to be newly developed
- 15 appliances. An electrical appliance shall be considered to be in
- 16 such introductory period of time until the particular type of
- 17 appliance is used by twenty-five percent of all the electrical
- 18 customers served by such district, but such period shall in no
- 19 event exceed five years from the date of introduction by the
- 20 manufacturer of the new appliance to the local market.
- 21 (2) In addition to its powers authorized by Chapter 70
- 22 and specified in its petition for creation as amended, a public
- 23 power district may sell, lease, and service satellite television
- 24 signal descrambling or decoding devices, satellite television
- 1 programming, and equipment and services associated with such
- 2 devices and programming, except that this section does not
- 3 authorize public power districts (a) to operate as contract or

4 common carriers engaged in furnishing communications services for
5 hire in Nebraska intrastate commerce, (b) to provide signal
6 descrambling or decoding devices or satellite programming to any
7 location (i) being furnished such devices or programming on April
8 24, 1987, or (ii) where community antenna television service is
9 available from any person, firm, or corporation holding a franchise
10 pursuant to sections 18-2201 to 18-2206 or a permit pursuant to
11 sections 23-383 to 23-388 on April 24, 1987, or ~~(b)~~ (c) to sell,
12 service, or lease C-band satellite dish systems or repair parts.

13 (3) In addition to the powers authorized by Chapter 70
14 and specified in its petition for creation as amended, the board of
15 directors of a public power district may apply for and use funds
16 available from the United States Department of Agriculture or other
17 federal agencies for grants or loans to promote economic
18 development and job creation projects in rural areas as permitted
19 under the rules and regulations of the federal agency from which
20 the funds are received. Any loan to be made by a district shall
21 only be made in participation with a bank pursuant to a contract.
22 The district and the participating bank shall determine the terms
23 and conditions of the contract. In addition, in rural areas of the
24 district, the board of directors of such district may provide
25 technical or management assistance to prospective, new, or
26 expanding businesses, including home-based businesses, provide
27 assistance to a local or regional industrial or economic
1 development corporation or foundation located within or contiguous
2 to the district's service area, and provide youth and adult
3 community leadership training.

4 (4) Notwithstanding any law, ordinance, resolution, or
5 regulation of any political subdivision to the contrary, each
6 public power district may receive funds and extend loans pursuant
7 to the Nebraska Investment Finance Authority Act or pursuant to
8 this section. In addition to the powers authorized by Chapter 70
9 and specified in its petition for creation, as amended, and without
10 the need for further amendment thereto, a public power district may
11 own and operate, contract to operate, or lease energy equipment and
12 provide billing, meter reading, surveys, or evaluations and other
13 administrative services, but not to include natural gas services,
14 of public utility systems within a district's service territory.

15 Sec. 14. Original section 70-625, Revised Statutes
16 Supplement, 1998, is repealed."

17 2. Underscore sections 1 to 11 and all amendments
18 thereto.

19 3. In the Landis amendment, AM0816, on page 1, line 3,
20 strike "This" and insert "Sections 1 to 11 of this".

21 4. Renumber the remaining sections accordingly.

Mr. Bruning withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 822. E & R amendment, AM7093, found on page 1325, was adopted.

Ms. Schimek and Mr. Raikes renewed their pending amendment, AM1171, found on page 1386.

Mr. Quandahl asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 594:
AM1277

(Amendments to E & R amendments, AM7120)

- 1 1. Insert the following new sections:
- 2 "Sec. 39. Section 75-302, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 75-302. For purposes of sections 75-301 to 75-322 and in
- 5 all rules and regulations adopted and promulgated by the commission
- 6 pursuant to such sections, unless the context otherwise requires:
- 7 (1) Carrier enforcement division means the carrier
- 8 enforcement division of the Nebraska State Patrol or the Nebraska
- 9 State Patrol;
- 10 (2) Certificate means a certificate of public convenience
- 11 and necessity issued under Chapter 75, article 3, to common
- 12 carriers by motor vehicle;
- 13 (3) Civil penalty means any monetary penalty assessed by
- 14 the commission or carrier enforcement division due to a violation
- 15 of Chapter 75, article 3, or section 75-126 as such section applies
- 16 to any person or carrier specified in Chapter 75, article 3; any
- 17 term, condition, or limitation of any certificate or permit issued
- 18 pursuant to Chapter 75, article 3; or any rule, regulation, or
- 19 order of the commission, the Division of Motor Carrier Services, or
- 20 the carrier enforcement division issued pursuant to Chapter 75,
- 21 article 3;
- 22 (4) Commission means the Public Service Commission;
- 23 (5) Common carrier means any person who or which
- 1 undertakes to transport passengers or household goods for the
- 2 general public in intrastate commerce by motor vehicle for hire,
- 3 whether over regular or irregular routes, upon the highways of this
- 4 state;
- 5 (6) Contract carrier means any motor carrier which
- 6 transports passengers or household goods for hire other than as a
- 7 common carrier designed to meet the distinct needs of each
- 8 individual customer or a specifically designated class of customers
- 9 without any limitation as to the number of customers it can serve
- 10 within the class;

11 (7) Division of Motor Carrier Services means the Division
12 of Motor Carrier Services of the Department of Motor Vehicles;

13 (8) Escort services means an attendant or caregiver
14 accompanying a minor or persons who are physically, mentally, or
15 developmentally disabled and unable to travel or wait without
16 assistance or supervision;

17 (9) Highway means the roads, highways, streets, and ways
18 in this state;

19 (9) (10) Household goods means personal effects and
20 property used or to be used in a dwelling, when a part of the
21 equipment or supply of such dwelling, and similar property as the
22 commission may provide by regulation if the transportation of such
23 effects or property, is:

24 (a) Arranged and paid for by the householder, including
25 transportation of property from a factory or store when the
26 property is purchased by the householder with the intent to use in
27 his or her dwelling; or

1 (b) Arranged and paid for by another party;

2 ~~(10)~~ (11) Intrastate commerce means commerce between any
3 place in this state and any other place in this state and not in
4 part through any other state;

5 ~~(11)~~ (12) Motor carrier means any person other than a
6 regulated motor carrier who or which owns, controls, manages,
7 operates, or causes to be operated any motor vehicle used to
8 transport passengers or property over any public highway in this
9 state;

10 ~~(12)~~ (13) Motor vehicle means any vehicle, machine,
11 tractor, trailer, or semitrailer propelled or drawn by mechanical
12 power and used upon the highways in the transportation of
13 passengers or property but does not include any vehicle,
14 locomotive, or car operated exclusively on a rail or rails;

15 ~~(13)~~ (14) Permit means a permit issued under Chapter 75,
16 article 3, to contract carriers by motor vehicle;

17 ~~(14)~~ (15) Person means any individual, firm, partnership,
18 limited liability company, corporation, company, association, or
19 joint-stock association and includes any trustee, receiver,
20 assignee, or personal representative thereof;

21 ~~(15)~~ (16) Private carrier means any motor carrier which
22 owns, controls, manages, operates, or causes to be operated a motor
23 vehicle to transport passengers or property to or from its
24 facility, plant, or place of business or to deliver to purchasers
25 its products, supplies, or raw materials (a) when such
26 transportation is within the scope of and furthers a primary
27 business of the carrier other than transportation and (b) when not
1 for hire. Nothing in sections 75-301 to 75-322 shall apply to
2 private carriers except sections 75-307 to 75-307.03 as they apply
3 to private carriers; and

4 ~~(16)~~ (17) Regulated motor carrier means any person who or
5 which owns, controls, manages, operates, or causes to be operated

6 any motor vehicle used to transport passengers, other than those
7 excepted under section 75-303, or household goods over any public
8 highway in this state.

9 Sec. 40. Section 75-303, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 75-303. Sections 75-301 to 75-322 shall apply to
12 transportation by a motor carrier or the transportation of
13 passengers and household goods by a regulated motor carrier for
14 hire in intrastate commerce except for the following:

15 (1) A motor carrier for hire in the transportation of
16 school children and teachers to and from school;

17 (2) A motor carrier for hire operated in connection with
18 a part of a streetcar system;

19 (3) An ambulance, ambulance owner, hearse, or automobile
20 used exclusively as an incident to conducting a funeral;

21 (4) A motor carrier exempt by subdivision (1) of this
22 section which hauls for hire (a) persons of a religious, fraternal,
23 educational, or charitable organization, (b) pupils of a school to
24 athletic events, (c) players of American Legion baseball teams when
25 the point of origin or termination is within five miles of the
26 domicile of the carrier, and (d) the elderly as defined in section
27 13-1203 and their spouses and dependents under a contract with a
1 municipality or county authorized in section 13-1208;

2 (5) A motor carrier operated by a city and engaged in the
3 transportation of passengers, and such exempt operations shall be
4 no broader than those authorized in intrastate commerce at the time
5 the city or other political subdivision assumed ownership of the
6 operation;

7 (6) A motor vehicle owned and operated by a nonprofit
8 organization which is exempt from payment of federal income taxes,
9 as provided by section 501(c)(4), Internal Revenue Code,
10 transporting solely persons over age sixty, persons who are spouses
11 and dependents of persons over age sixty, and handicapped persons;

12 (7) A motor carrier engaged in the transportation of
13 passengers operated by a transit authority created under and acting
14 pursuant to the laws of the State of Nebraska;

15 (8) A motor carrier operated by a municipality or county,
16 as authorized in section 13-1208, in the transportation of elderly
17 persons;

18 (9) A motor vehicle having a seating capacity of twenty
19 or less which is operated by a governmental subdivision or a
20 qualified public-purpose organization as defined in section 13-1203
21 engaged in the transportation of passengers in the state; and

22 (10) A motor vehicle owned and operated by a nonprofit
23 entity organized for the purpose of furnishing electric service;
24 and

25 (11) A motor carrier engaged in escort services and under
26 contract with the Department of Health and Human Services or with
27 any agency organized under the Nebraska Community Aging Services

1 Act.

2 Sec. 41. Section 75-303.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 75-303.01. The Department of Health and Human Services
5 Finance and Support or any agency organized under the Nebraska
6 Community Aging Services Act may contract for transportation for
7 its clients with a contractor which does not hold a certificate or
8 which is not otherwise exempt under section 75-303 only if:

9 (1) The proposed contractor is the individual who will
10 personally drive the vehicle in question;

11 (2) The only compensation to the contractor for the
12 transportation is paid by the department at a rate no greater than
13 that provided for reimbursement of state employees pursuant to
14 section 81-1176 for the costs incurred in the transportation; and

15 (3)(a) There is no regulated motor carrier serving the
16 area in which the client needs transportation, (b) or the regulated
17 motor carrier serving the area is incapable of providing the
18 specific service in question by its own written statement or as
19 determined by the commission upon application of the regulated
20 motor carrier or the department, or (c) the regulated carrier can
21 not or will not provide such service at the rate specified in
22 subsection (2) of section 75-303.02.

23 Sec. 42. Section 75-303.02, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 75-303.02. (1) The commission, in consultation with the
26 Department of Health and Human Services Finance and Support, shall
27 adopt and promulgate rules and regulations governing minimum
1 liability insurance requirements, equipment standards, driver
2 qualification requirements, and the issuance and filing of notice
3 for any contractor utilized by the department or any agency
4 organized under the Nebraska Community Aging Services Act pursuant
5 to section 75-303.01.

6 (2) The Department of Health and Human Services or any
7 agency organized under the Nebraska Community Aging Services Act
8 shall reimburse common and contract carriers for transportation of
9 passengers at a rate not to exceed the rate of reimbursement
10 pursuant to section 81-1176 multiplied by three. The maximum
11 reimbursement rate provided for in this subsection shall not apply
12 when the carrier (a) transports such person wholly within the
13 corporate limits of the city or village where the transportation of
14 the person originated or (b) transports a disabled person as
15 defined by the federal Americans with Disabilities Act of 1990 in a
16 vehicle that is compliant with the regulations providing for the
17 transportation of such disabled person."

18 2. Correct the operative date and repealer so the
19 sections added by this amendment become operative on their
20 effective date with the emergency clause.

21 3. Renumber the remaining sections and correct internal
22 references accordingly.

11	GENERAL FUND	1,065,242.16
12	CASH FUND	100,000.00
13	TOTAL	1,165,242.16."
14	2. Renumber the remaining sections accordingly.	

RESOLUTION

LEGISLATIVE RESOLUTION 73. Introduced by Suttle, 10.

PURPOSE: Abused and neglected children are brought into the juvenile justice system because of the actions of other persons and not because of any wrongdoing or fault of the children themselves. The children are victims of adults and are brought into the juvenile justice system to protect such children's safety and lives. LB 223, Ninety-sixth Legislature, First Session (1999), sponsored by Senators Suttle, Connealy, Crosby, Kiel, Dw. Pedersen, C. Peterson, and Thompson, is a bill to adopt the Court Appointed Special Advocate Act and contains provisions to implement a needed extra protection for the benefit of juveniles brought into the juvenile justice system because they were abused or neglected.

This study shall review:

1. The roles and purposes of court appointed special advocates (CASAs) and guardians ad litem (GALs) in the juvenile justice system;
2. The role and value of trained lay volunteers in the juvenile justice system;
3. The qualifications needed to serve as a court appointed special advocate or guardian ad litem;
4. Whether court appointed special advocates and guardians ad litem need representation by legal counsel in juvenile proceedings;
5. The liability protection needed for court appointed special advocates;
6. The statutory provisions for court appointed special advocates in other states and relevant federal legislation;
7. Funding resources for court appointed special advocate programs; and
8. Any other issues identified by the committee and the sponsor of this resolution.

The committee assigned to conduct this study shall provide a forum for organizations and agencies who have an interest in the provisions of LB 223 to come to a consensus on the provisions for the bill.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Sister Patricia Ann, Marian Sisters, from Waverly; Jennifer Beckner and Suzy Gordon from Lux Middle School, Lincoln; Scott Schreiter from Holdrege; Marco Montenegro from Ecuador, South America and Miguel Cordova, interpreter; Senator Connealy's niece, McKenzie Wiggs, from Omaha; Senator Kiel's daughter, Raechel Achelpohl, and goddaughter, Ashley Culver, from Omaha; 42 fourth grade students and teachers from Milford; and 34 fourth grade students and teachers from Wood River Elementary School.

RECESS

At 11:56 a.m., on a motion by Mr. Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear and Quandahl who were excused; and Messrs. Byars, Janssen, Kristensen, Landis, Wickersham, Mmes. Kiel, and Robak who were excused until they arrive.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 605. Placed on Select File as amended.

E & R amendment to LB 605:

AM7129

- 1 1. In the Stuhr et al. amendment, AM1380:
- 2 a. On page 3, line 16; and page 4, line 9, strike
- 3 "which" and insert "the";
- 4 b. On page 4, line 22, strike "subsection (1) or (2)",
- 5 show the old matter as stricken, and insert "subsections (1) and
- 6 (2)";
- 7 c. On page 5, line 5, strike "subsections" and insert
- 8 "subsection"; in line 14 after "nonrefundable" insert an
- 9 underscored comma; and in line 22 strike the first "the", show as
- 10 stricken, and insert "a"; and
- 11 d. On page 8, line 1, before "2003" insert "2000" and
- 12 insert underscoring under "2003".
- 13 2. On page 1, strike beginning with "motor" in line 1
- 14 through line 4 and insert "the Ethanol Development Act; to amend
- 15 sections 66-1344 to 66-1345.01, Reissue Revised Statutes of
- 16 Nebraska; to provide, change, and eliminate ethanol production

17 credit provisions; to change provisions relating to the Ethanol
18 Production Incentive Cash Fund and an excise tax on corn and grain
19 sorghum; to harmonize provisions; and to repeal the original
20 sections."

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

Monday, May 3, 1999
Board of Emergency Medical Services
William Heine
Val Snyder

1:00 p.m.

Commission for the Deaf and Hard of Hearing
Brent Welsch

Health and Human Services System Partnership Council
Jim Blue
Lend S. Frison
Alice Maupin
Maria Ragan

State Board of Health
Dr. Glenn York

(Signed) Jim Jensen, Chairperson

SELECT FILE

LEGISLATIVE BILL 822. The Schimek-Raikes pending amendment, AM1171, found on page 1386 and considered in this day's Journal, was renewed.

Ms. Schimek and Mr. Raikes renewed their pending amendment, AM1283, found on page 1506, to the Schimek-Raikes amendment.

The Schimek-Raikes amendment, AM1283, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Kremer offered the following amendment to the Schimek-Raikes amendment:

FA110

Amend AM1171

Strike "June 1" on line 4, p. 1 and insert "January 1" after the word "to" on line 4, page 1.

Strike "January 1, 2002" on line 9, page 2, and insert after "expire" on line 9, page 2, July 1, 2001.

Messrs. Jensen, Coordsen, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CUDABACK PRESIDING

Pending.

AMENDMENTS - Print in Journal

Messrs. Kristensen and Jensen filed the following amendment to LB 559:
AM1416

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 8 of this act shall be known
- 4 and may be cited as the Nebraska Telehealth Act.
- 5 Sec. 2. The Legislature finds that:
- 6 (1) Access to health care, facilities and health care
- 7 practitioners is critically important to the citizens of Nebraska;
- 8 (2) Access to a continuum of health care services is
- 9 restricted in some medically underserved areas of Nebraska, and
- 10 many health care practitioners in such areas are isolated from
- 11 mentors, colleagues, and information resources necessary to support
- 12 them personally and professionally;
- 13 (3) The use of telecommunications technology to deliver
- 14 health care services can reduce health care costs, improve health
- 15 care quality, improve access to health care, and enhance the
- 16 economic health of communities in medically underserved areas of
- 17 Nebraska; and
- 18 (4) The full potential of delivering health care services
- 19 through Telehealth cannot be realized without the assurance of
- 20 payment for such services and the resolution of existing legal and
- 21 policy barriers to such payment.
- 22 Sec. 3. For purposes of the Nebraska Telehealth Act:
- 23 (1) Department means the Department of Health and Human
- 24 Services Finance and Support;
- 1 (2) Health care practitioner means a Nebraska
- 2 medicaid-enrolled provider who is licensed, registered, or
- 3 certified to practice in this state by the Department of Health and
- 4 Human Services Regulation and Licensure;
- 5 (3) Telehealth means the use of telecommunications
- 6 technology by a health care practitioner to deliver health care
- 7 services within his or her scope of practice at a site other than
- 8 the site where the patient is located; and
- 9 (4) Telehealth consultation means any contact between a
- 10 patient and a health care practitioner relating to the health care
- 11 diagnosis or treatment of such patient through telehealth but does
- 12 not include a telephone conversation, electronic mail message, or
- 13 facsimile transmission between a health care practitioner and a
- 14 patient or a consultation between two health care practitioners.

15 Sec. 4. The Nebraska Telehealth Act does not: (1) Alter
16 the scope of practice of any health care practitioner; (2)
17 authorize the delivery of health care services in a setting or
18 manner not otherwise authorized by law; or (3) limit a patient's
19 right to choose in-person contact with a health care practitioner
20 for the delivery of health care services for which telehealth is
21 available.

22 Sec. 5. (1) Prior to an initial telehealth consultation
23 under section 6 of this act, a health care practitioner who
24 delivers a health care service to a patient through telehealth
25 shall ensure that the following written information is provided to
26 the patient:

27 (a) A statement that the patient retains the option to
1 refuse the telehealth consultation at any time without affecting
2 the patient's right to future care or treatment and without risking
3 the loss or withdrawal of any program benefits to which the patient
4 would otherwise be entitled;

5 (b) A statement that all existing confidentiality
6 protections shall apply to the telehealth consultation;

7 (c) A statement that the patient shall have access to all
8 medical information resulting from the telehealth consultation as
9 provided by law for patient access to his or her medical records;
10 and

11 (d) A statement that dissemination of any patient
12 identifiable images or information from the telehealth consultation
13 to researchers or other entities shall not occur without the
14 written consent of the patient.

15 (2) The patient shall sign a written statement prior to
16 an initial telehealth consultation, indicating that the patient
17 understands the written information provided pursuant to subsection
18 (1) of this section and that this information has been discussed
19 with the health care practitioner or his or her designee. Such
20 signed statement shall become a part of the patient's medical
21 record.

22 (3) If the patient is a minor or is incapacitated or
23 mentally incompetent such that he or she is unable to sign the
24 written statement required by subsection (2) of this section, such
25 statement shall be signed by the patient's legally authorized
26 representative.

27 (4) This section shall not apply in an emergency
1 situation in which the patient is unable to sign the written
2 statement required by subsection (2) of this section and the
3 patient's legally authorized representative is unavailable.

4 Sec. 6. (1) On or after July 1, 2000, in-person contact
5 between a health care practitioner and a patient shall not be
6 required under the medical assistance program established in
7 sections 68-1018 to 68-1025 and Title XXI of the federal Social
8 Security Act, as amended, for health care services delivered
9 through telehealth that are otherwise eligible for reimbursement

10 under such program and federal act. Such services shall be subject
 11 to reimbursement policies developed pursuant to such program and
 12 federal act. This section also applies to managed care plans which
 13 contract with the department pursuant to the Managed Care Plan Act
 14 only to the extent that:

15 (a) Health care services delivered through telehealth are
 16 covered by and reimbursed under the medicaid fee-for-service
 17 program; and

18 (b) Managed care contracts with managed care plans are
 19 amended to add coverage of health care services delivered through
 20 telehealth and any appropriate capitation rate adjustments are
 21 incorporated.

22 (2) The reimbursement rate for a telehealth consultation
 23 shall, as a minimum, be set at the same rate as the medical
 24 assistance program rate for a comparable in-person consultation.

25 (3) The department shall establish rates for transmission
 26 cost reimbursement for telehealth consultations, considering, to
 27 the extent applicable, reductions in travel costs by health care
 1 practitioners and patients to deliver or to access health care
 2 services and such other factors as the department deems relevant.

3 Sec. 7. A health care facility licensed pursuant to
 4 sections 71-2017 to 71-2029 that receives reimbursement under the
 5 Nebraska Telehealth Act for telehealth consultations shall
 6 establish quality of care protocols and patient confidentiality
 7 guidelines to ensure that such consultations meet the requirements
 8 of the act and acceptable patient care standards.

9 Sec. 8. By July 1, 2000, the department shall adopt and
 10 promulgate rules and regulations to carry out the Nebraska
 11 Telehealth Act, including, but not limited to, rules and
 12 regulations to: (1) Ensure the provision of appropriate care to
 13 patients; (2) prevent fraud and abuse; and (3) establish methods
 14 and procedures necessary to safeguard against unnecessary
 15 utilization of telehealth consultations."

Mr. Wickersham filed the following amendment to LB 271:

AM1415

(Amendments to E & R amendments, AM7122)

1 1. On page 5, line 15, after "organizations" insert "
 2 or any organization for the exclusive benefit of any such
 3 educational, religious, charitable, or cemetery organization"; and
 4 in lines 25 and 26 strike the new language.

5 2. On page 11, lines 5, 8, 14, and 18; and page 12, line
 6 7, strike "real".

7 3. On page 11, line 9, strike "77-112" and insert
 8 "77-201"; and in line 22 after "paid" insert "and shall be
 9 collected in the same manner as personal property taxes as provided
 10 in sections 77-1711 to 77-1724".

BILL ON FIRST READING

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

LEGISLATIVE BILL 805A. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Brown, 6; Crosby, 29; Engel, 17; Kiel, 9; Lynch, 13; Matzke, 47; D. Pederson, 42; and Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 805, Ninety-sixth Legislature, First Session, 1999; and to provide for transfers.

SELECT FILE

LEGISLATIVE BILL 822. The Kremer pending amendment, FA110, found in this day's Journal, to the Schimek-Raikes amendment, was renewed.

Mr. Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kremer amendment was adopted with 27 ayes, 6 nays, 10 present and not voting, and 5 excused and not voting.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

The Schimek-Raikes amendment, AM1171, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Schrock asked unanimous consent to replace his pending amendment, AM1202, found on page 1402, with a substitute amendment. No objections. So ordered.

Mr. Schrock withdrew his amendment, AM1202, found on page 1402.

Mr. Schrock offered the following substitute amendment:
AM1423

(Amendments to E & R amendments, AM7093)

- 1 1. Strike section 4 and insert the following section:
- 2 "Sec. 4. Nothing in the Livestock Waste Management Act
- 3 shall be construed to change the zoning authority of a county that
- 4 existed prior to the effective date of this act."

The Schrock amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 873. Placed on General File as amended.

Standing Committee amendment to LB 873:

AM1227

1 1. Insert the following new sections:

2 "Sec. 8. The Department of Correctional Services is
3 authorized to develop a central warehouse system for the ordering,
4 purchasing, delivering, and billing for facilities and programs
5 within the Department of Correctional Services of items stocked in
6 the central warehouse system. The central warehouse system shall
7 operate separately and distinctly from other department
8 revolving-funded operations.

9 Sec. 9. There is hereby created the Department of
10 Correctional Services Warehouse Revolving Fund. This fund shall
11 only be used for the purchase of items to be resold at cost to
12 facilities and programs within the Department of Correctional
13 Services. Facilities and programs within the department receiving
14 items from the central warehouse system shall be billed for such
15 goods at the time of delivery. All receipts from the items sold
16 through the central warehouse system shall be deposited in the
17 fund. The fund shall be administered by the Director of
18 Correctional Services. Any money in the fund available for
19 investment shall be invested by the state investment officer
20 pursuant to the Nebraska Capital Expansion Act and the Nebraska
21 State Funds Investment Act.

22 Sec. 10. The budget division of the Department of
23 Administrative Services shall administratively create a separate
24 budget program classification within the Department of Correctional
1 Services to properly account for revenue and disbursements of items
2 stocked and sold by the central warehouse system. The Department
3 of Correctional Services shall track the operating expenses of the
4 central warehouse system within a separate budget subprogram within
5 the central office budget.

6 Sec. 11. Upon written request from the Director of
7 Correctional Services, the State Treasurer is authorized to make
8 transfers from the Department of Correctional Services Facility
9 Cash Fund to the Department of Correctional Services Warehouse
10 Revolving Fund in cumulative amounts not to exceed \$500,000, on or
11 before June 30, 2001, in order to provide one-time seed money for
12 the program."

13 2. On page 4, line 17, strike "(1)" and show as
14 stricken.

15 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 876. Placed on General File.

3 "Section 1. APPROPRIATION LANGUAGE.

8 Sec. 2. DEFINITION OF APPROPRIATION PERIOD:

12 Sec. 3. REAPPROPRIATION OF BALANCE, FY1999-00 to
13 FY2000-01.

18 Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

24 Sec. 5. DRAWING AND PAYING WARRANTS.

6 Sec. 6. AGENCY NO. 5 -- SUPREME COURT

12 Sec. 7. AGENCY NO. 5 -- SUPREME COURT

18 Sec. 8. AGENCY NO. 5 -- SUPREME COURT

19	Program No. 5 - Retired Judges' Salaries		
20		FY1999-00	FY2000-01
21	GENERAL FUND	25,000	25,000
22	PROGRAM TOTAL	25,000	25,000

23	SALARY LIMIT	25,000	25,000
24	The budget division of the Department of Administrative		
25	Services is hereby authorized to transfer General Fund		
26	appropriations from Agency 5, Programs 3, 4, 6, and 7 to Agency 5,		
27	Program 5, upon written certification by the State Court		
1	Administrator that excess appropriations are available and are		
2	necessary to pay retired judges' salaries. The Salary Limit for		
3	Agency 5, Program 5, may be administratively increased for any		
4	transfers made pursuant to this section.		
5	Sec. 9. AGENCY NO. 5 -- SUPREME COURT		
6	Program No. 6 - District and Juvenile Court Judges'		
7	Salaries		
8		FY1999-00	FY2000-01
9	GENERAL FUND	6,481,184	6,665,492
10	PROGRAM TOTAL	6,481,184	6,665,492
11	SALARY LIMIT	5,829,563	5,923,588
12	Sec. 10. AGENCY NO. 5 -- SUPREME COURT		
13	Program No. 7 - County Court Judges' Salaries		
14		FY1999-00	FY2000-01
15	GENERAL FUND	5,742,816	5,806,032
16	PROGRAM TOTAL	5,742,816	5,806,032
17	SALARY LIMIT	5,097,710	5,097,710
18	Sec. 11. AGENCY NO. 7 -- GOVERNOR		
19	Program No. 2 - Salary - Governor		
20		FY1999-00	FY2000-01
21	GENERAL FUND	80,972	81,889
22	PROGRAM TOTAL	80,972	81,889
23	SALARY LIMIT	65,000	65,000
24	Sec. 12. AGENCY NO. 8 -- LIEUTENANT GOVERNOR		
25	Program No. 8 - Salary - Lieutenant Governor		
26		FY1999-00	FY2000-01
27	GENERAL FUND	60,346	61,356
1	PROGRAM TOTAL	60,346	61,356
2	SALARY LIMIT	47,000	47,000
3	Sec. 13. AGENCY NO. 9 -- SECRETARY OF STATE		
4	Program No. 9 - Salary - Secretary of State		
5		FY1999-00	FY2000-01
6	GENERAL FUND	65,107	65,952
7	PROGRAM TOTAL	65,107	65,952
8	SALARY LIMIT	52,000	52,000
9	Sec. 14. AGENCY NO. 10 -- AUDITOR OF PUBLIC ACCOUNTS		
10	Program No. 10 - Salary - Auditor		
11		FY1999-00	FY2000-01
12	GENERAL FUND	63,063	64,073
13	PROGRAM TOTAL	63,063	64,073
14	SALARY LIMIT	49,500	49,500
15	Sec. 15. AGENCY NO. 11 -- ATTORNEY GENERAL		
16	Program No. 11 - Attorney General's Salary		
17		FY1999-00	FY2000-01

18	GENERAL FUND	73,849	73,849
19	PROGRAM TOTAL	73,849	73,849
20	SALARY LIMIT	64,500	64,500
21	Sec. 16. AGENCY NO. 12 -- STATE TREASURER		
22	Program No. 12 - Salary - State Treasurer		
23		FY1999-00	FY2000-01
24	GENERAL FUND	61,700	62,421
25	PROGRAM TOTAL	61,700	62,421
26	SALARY LIMIT	49,500	49,500
27	Sec. 17. AGENCY NO. 14 -- PUBLIC SERVICE COMMISSION		
1	Program No. 14 - Salaries of Public Service Commissioners		
2		FY1999-00	FY2000-01
3	GENERAL FUND	259,894	262,737
4	PROGRAM TOTAL	259,894	262,737
5	SALARY LIMIT	210,000	210,000
6	Sec. 18. AGENCY NO. 15 -- BOARD OF PARDONS AND BOARD OF		
7	PAROLE		
8	Program No. 320 - Board of Parole Salaries		
9		FY1999-00	FY2000-01
10	GENERAL FUND	339,469	355,013
11	PROGRAM TOTAL	339,469	355,013
12	SALARY LIMIT	278,139	291,046
13	Sec. 19. AGENCY NO. 16 -- DEPARTMENT OF REVENUE		
14	Program No. 13 - Tax Commissioner		
15		FY1999-00	FY2000-01
16	GENERAL FUND	102,384	102,384
17	PROGRAM TOTAL	102,384	102,384
18	SALARY LIMIT	90,224	90,224
19	It is the intent of the Legislature that if the		
20	appropriation or the salary limit is insufficient in this program		
21	to meet anticipated expenditures, the Tax Commissioner shall		
22	request additional funds or a higher salary limit, or both, from		
23	the Legislature by the usual deficit process. The appropriation or		
24	the salary limit shall not be administratively increased solely by		
25	the Department of Administrative Services without legislative		
26	authorization.		
27	Sec. 20. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION		
1	COURT		
2	Program No. 526 - Judges' Salaries		
3		FY1999-00	FY2000-01
4	CASH FUND	730,495	735,790
5	PROGRAM TOTAL	730,495	735,790
6	SALARY LIMIT	658,182	658,182
7	Sec. 21. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.		
8	(1) As used in this act:		
9	(a) SALARY LIMIT means total expenditures for permanent		
10	and temporary salaries and per diems; and		
11	(b) Total expenditures for permanent and temporary		
12	salaries and per diems means all remuneration paid to employees		

13 treated as taxable compensation by the Internal Revenue Service or
 14 subject to social security coverage, specifically including
 15 payments accounted for as vacation, holidays, sick leave, military
 16 leave, funeral leave, maternity leave, administrative leave,
 17 compensatory time, deferred compensation, or any other similar
 18 form, and amounts withheld pursuant to law, but excluding state
 19 contributions for social security, retirement, and employee
 20 insurance plans.

21 (2) Total expenditures for permanent and temporary
 22 salaries and per diems are limited to the amount provided by law
 23 for constitutional officers.

24 (3) The limitation on expenditures for permanent and
 25 temporary salaries and per diems for FY2000-01 shall be increased
 26 by amounts encumbered from FY1999-00 for permanent and temporary
 27 salaries and per diems. Encumbered amounts shall be calculated in
 1 accordance with section 81-138.01.

2 Sec. 22. Since an emergency exists, this act takes
 3 effect when passed and approved according to law."

LEGISLATIVE BILL 878. Placed on General File as amended.
 (Standing Committee amendment, AM1216, may be found in the Bill Books.
 The amendment has been printed separately and is on file in the Bill Room -
 Room 1102.)

LEGISLATIVE BILL 879. Placed on General File as amended.
 (Standing Committee amendment, AM1203, may be found in the Bill Books.
 The amendment has been printed separately and is on file in the Bill Room -
 Room 1102.)

LEGISLATIVE BILL 880. Placed on General File as amended.
 (Standing Committee amendment, AM1258, may be found in the Bill Books.
 The amendment has been printed separately and is on file in the Bill Room -
 Room 1102.)

LEGISLATIVE BILL 489. Placed on General File as amended.
 Standing Committee amendment to LB 489:
 AM1234

1 1. On page 5, strike lines 11 through 15.
 2 2. On page 6, strike beginning with "schools" in line 5
 3 through "Nebraska" in line 6 and insert "out-of-state schools"; and
 4 after line 11 insert the following new subsection:
 5 "(4) Beginning July 1, 2001, the board may establish fees
 6 in excess of those stated in subsection (2) of this section. The
 7 board shall consult with the advisory council established pursuant
 8 to section 85-1607 regarding any increase in fees under the act.
 9 Fees may be increased not more than five percent once each three
 10 years and shall be set out in the rules and regulations adopted and
 11 promulgated by the board."

LEGISLATIVE BILL 664. Placed on General File as amended.

Standing Committee amendment to LB 664:

AM1303

- 1 1. Insert the following new section:
- 2 "Sec. 2. It is the intent of the legislature that no
- 3 expenditures for construction of the Buffalo Soldier Barracks from
- 4 funds appropriated in section 1 of this act shall be made until the
- 5 Appropriations Committee of the Legislature has reviewed the
- 6 program statement and final design for such project. The program
- 7 statement shall be prepared by or for the Game and Parks Commission
- 8 and shall include a description of the project's final design. The
- 9 program statement and final design shall be completed and available
- 10 for presentation to the committee by the start of the 2000
- 11 legislative session."

LEGISLATIVE BILL 805. Placed on General File as amended.

Standing Committee amendment to LB 805:

AM1226

- 1 1. Strike original section 2.
- 2 2. On page 3, strike beginning with "There" in line 26
- 3 through line 28.
- 4 3. On page 4, strike beginning with "Loan" in line 1
- 5 through "to" in line 2 and insert "The Legislative Council shall".
- 6 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 860. Placed on General File as amended.

Standing Committee amendment to LB 860:

AM1323

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 "Section 1. Section 79-1319, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-1319. All telecommunications facilities operated or
- 6 supervised by the Nebraska Educational Telecommunications
- 7 Commission shall be operated at all times on a noncommercial basis,
- 8 except that ~~space on the 72 MHz C-band GE SpaceNet III Transponder~~
- 9 ~~may be leased by the commission for transmission purposes to other~~
- 10 ~~nonprofit or commercial users revenue may be generated from other~~
- 11 ~~nonprofit or commercial sources by the lease of excess transponder~~
- 12 ~~capacity, excess transmission spectrum, or transmission facilities.~~
- 13 All lease arrangements authorized by this section shall be made for
- 14 the purpose of paying a portion of the costs associated with
- 15 satellite capacity replacement and digital conversion. All lease
- 16 arrangements shall be based on sound business principles that are
- 17 made in the best interest of the State of Nebraska. The commission
- 18 may also enter into partnerships with public or private entities
- 19 for the purpose of jointly building and operating tower and other
- 20 transmission structures.
- 21 Operational and administrative service pertinent to the

22 production and utilization of inclass telecommunications
 23 instruction shall be made available to all schools and colleges of
 24 Nebraska on the basis of the actual cost of production exclusive of
 1 general overhead expense.

2 Sec. 2. Section 79-1321, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 79-1321. The NEB*SAT Cash Fund is created. The fund
 5 shall be under the direction of the Nebraska Educational
 6 Telecommunications Commission. The commission shall remit user and
 7 lease fees, penalty fees, nonfederal grant or contract funds,
 8 gifts, bequests, equipment purchase fee funds, and any other such
 9 fees or payments which are related to NEB*SAT, distance learning
 10 activities and programs, and other telecommunications-related
 11 activities to the State Treasurer for credit to the fund. Fees and
 12 revenue remitted to and expended from the fund shall not be
 13 considered to be part of the permanent operating equipment budget
 14 or construction budget of the commission and may be used for
 15 equipment purchases. Any money in the fund available for
 16 investment shall be invested by the state investment officer
 17 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 18 State Funds Investment Act.

19 Sec. 3. Original sections 79-1319 and 79-1321, Reissue
 20 Revised Statutes of Nebraska, are repealed."

(Signed) Roger R. Wehrbein, Chairperson

SELECT FILE

LEGISLATIVE BILL 822. Mr. Wickersham renewed his pending amendment, AM1276, found on page 1530.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Schrock offered the following amendment:
 AM1395

(Amendments to E & R amendments, AM7093)

- 1 1. On page 2, line 14, strike beginning with "as"
 2 through the second comma.
- 3 2. On page 3, strike beginning with "Expansion" in line
 4 1 through line 18; in line 19 strike "such" and insert "existing";
 5 and strike beginning with "For" in line 25 through line 27 and
 6 insert "The department may deny or restrict an application for a
 7 permit regarding a transfer or modification of an existing permit
 8 based upon the potential degradation of a cold water class A
 9 stream".
- 10 3. On page 4, strike line 1.

Mrs. Crosby asked unanimous consent to be excused. No objections. So

ordered.

The Schrock amendment was adopted with 26 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:

AM1425

(Amendments to E & R amendments, AM7093)

- 1 1. Insert the following new sections:
- 2 "Sec. 5. The department shall expand its surface water
- 3 monitoring programs to regularly include analysis of stream water
- 4 parameters associated with nonpoint and point source runoff,
- 5 including but not limited to, total suspended solids, total
- 6 Kjeldahl nitrogen, nitrate-nitrite, ammonia, phosphorous, dissolved
- 7 ortho-phosphorous, and chlorides.
- 8 Sec. 6. It is the intent of the Legislature to
- 9 appropriate one hundred fifty thousand dollars annually to the
- 10 department for the purpose of enhancing the department's water
- 11 quality monitoring programs to further the purposes of section 5 of
- 12 this act."
- 13 2. On page 1, lines 5 and 6, strike "and 4" and insert
- 14 "to 6".
- 15 3. Renumber the remaining sections accordingly.

Mr. Schrock offered the following amendment to the Beutler amendment:

FA111

Amend AM1425

Strike on line 2, page 1 the word "shall" and insert on line 2 page 1, after "department" the word "may".

Mr. Schrock moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 31 not voting.

Mr. Schrock requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Baker	Cudaback	Matzke	Robak	Smith
Bruning	Hilgert	Pederson, D.	Schrock	Stuhr
Connealy	Kremer	Raikes		

Voting in the negative, 22:

Bohlke	Hudkins	Pedersen, Dw.	Redfield	Tyson
Bourne	Janssen	Peterson, C.	Schmitt	Vrtiska
Bromm	Jensen	Preister	Suttle	Wehrbein
Chambers	Kristensen	Price	Thompson	Wickersham
Coordsen	Landis			

Present and not voting, 9:

Beutler	Byars	Engel	Jones	Schimek
Brown	Dierks	Hartnett	Lynch	

Excused and not voting, 4:

Brashear	Crosby	Kiel	Quandahl
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The Schrock amendment lost with 13 ayes, 22 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Beutler moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 20 not voting.

Mr. Beutler requested a roll call vote on his amendment, AM1425.

Voting in the affirmative, 23:

Beutler	Connealy	Landis	Preister	Schmitt
Bohlke	Cudaback	Lynch	Price	Schrock
Bourne	Hartnett	Matzke	Robak	Suttle
Byars	Hilgert	Pedersen, Dw.	Schimek	Thompson
Chambers	Janssen	Peterson, C.		

Voting in the negative, 18:

Baker	Hudkins	Kristensen	Smith	Vrtiska
Bromm	Jensen	Pederson, D.	Stuhr	Wehrbein
Bruning	Jones	Raikes	Tyson	Wickersham
Coordsen	Kremer	Redfield		

Present and not voting, 3:

Brown	Dierks	Engel
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Excused and not voting, 4:

Brashear	Crosby	Kiel	Quandahl
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The Beutler amendment lost with 23 ayes, 18 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Schrock offered the following amendment:

FA112

Strike the provisions of AM1423, and insert the following language-

1. Strike Section 4 & insert the following section:

Sec. 4. "Nothing in Section 2 shall be construed to change the zoning authority of a county that existed prior to the effective date of this act."

Mr. Bromm asked unanimous consent to be excused. No objections. So ordered.

The Schrock amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Mr. Lynch filed the following amendment to LB 594A:

AM1270

1. Insert the following new sections:

"Sec. 3. There is hereby appropriated (1) \$20,116 from the General Fund and \$20,116 from federal funds for FY1999-00 and (2) \$19,816 from the General Fund and \$19,816 from federal funds for FY2000-01 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 594, Ninety-sixth Legislature, First Session, 1999.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$21,780 for FY1999-00 or \$26,658 for FY2000-01.

Sec. 4. There is hereby appropriated (1) \$124,294 from the General Fund and \$194,613 from federal funds for FY1999-00 and (2) \$342,665 from the General Fund and \$533,267 from federal funds for FY2000-01 to the Department of Health and Human Services Finance and Support, for Program 348, to aid in carrying out the provisions of Legislative Bill 594, Ninety-sixth Legislature, First Session, 1999.

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

Mr. Tyson filed the following amendment to LB 585:

AM1389

(Amendments to E & R amendments, AM7094)

1. On page 2, after line 11, insert the following new subsection:

"(4) The following exceptions apply to this section:

(a) Persons who are passengers of but who are not operating a motor vehicle subject to regulation pursuant to Chapter 75, article 3, may possess open alcoholic beverage containers while such vehicle is in a public parking area or on any highway in this state; and

9 **(b) Persons who are passengers in the living quarters of**
10 **a self-propelled mobile home or cabin trailer as defined in**
11 **section 60-301, but who are not operating the self-propelled mobile**
12 **home or motor vehicle towing the cabin trailer, may possess open**
13 **alcoholic beverage containers while such vehicle is in a public**
14 **parking area or on any highway in this state."**

Mr. Landis filed the following amendment to LB 704:
AM1394

(Amendments to E & R amendments, AM7096)

1 1. Insert the following new section:
2 "Sec. 32. Section 60-6,288, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 60-6,288. (1) No vehicle which exceeds a total outside
5 width of one hundred two inches, including any load but excluding
6 designated safety devices, shall be permitted on any portion of the
7 National System of Interstate and Defense Highways. The
8 Director-State Engineer shall adopt and promulgate rules and
9 regulations, consistent with federal requirements, designating
10 safety devices which shall be excluded in determining vehicle
11 width.
12 (2) No vehicle which exceeds a total outside width of one
13 hundred two inches, including any load but excluding designated
14 safety devices, shall be permitted on any highway which is not a
15 portion of the National System of Interstate and Defense Highways,
16 except that such prohibition shall not apply to:
17 (a) Farm equipment in temporary movement, during daylight
18 hours or during hours of darkness when the clearance light
19 requirements of section 60-6,235 are fully complied with, in the
20 normal course of farm operations;
21 (b) Combines eighteen feet or less in width, while in the
22 normal course of farm operations and while being driven during
23 daylight hours or during hours of darkness when the clearance light
1 requirements of section 60-6,235 are fully complied with;
2 (c) Combines in excess of eighteen feet in width, while
3 in the normal course of farm operations, while being driven during
4 daylight hours for distances of twenty-five miles or less on
5 highways and while preceded by a well-lighted pilot vehicle or
6 flagperson, except that such combines may be driven on highways
7 while in the normal course of farm operations for distances of
8 twenty-five miles or less and while preceded by a well-lighted
9 pilot vehicle or flagperson during hours of darkness when the
10 clearance light requirements of section 60-6,235 are fully complied
11 with;
12 (d) Combines and vehicles used in transporting combines,
13 and only when transporting combines, to be engaged in harvesting,
14 while being transported into or through the state during daylight
15 hours, when the total width including the width of the combine
16 being transported does not exceed fifteen feet, except that

17 vehicles used in transporting combines may, when necessary to the
18 harvesting operation, travel unloaded for distances not to exceed
19 twenty-five miles, while the combine to be transported is engaged
20 in a harvesting operation;

21 (e) Farm equipment dealers hauling, driving, delivering,
22 or picking up farm equipment, including portable livestock
23 buildings not exceeding fourteen feet in width, or implements of
24 husbandry during daylight hours;

25 (f) Alfalfa harvesting machinery in temporary movement
26 during daylight hours and hours of darkness when (i) the clearance
27 light requirements of section 60-6,235 are fully complied with,

1 (ii) there is, on the front vehicle and above the line of the
2 regular lights of such vehicle, a flashing, amber-colored light at
3 least four inches in diameter and clearly visible to traffic
4 approaching from any direction, and (iii) there is a well-lighted
5 pilot vehicle or flagperson at least three hundred feet in advance
6 of such vehicles to give warning of the approach of overwidth
7 equipment, and such prohibition shall not apply to equipment of
8 thirteen feet or less in width to be used in highway or other
9 public construction or in agricultural land treatment in temporary
10 movement during daylight hours on roads other than
11 dustless-surfaced state highways and for necessary access to points
12 on such highways;

13 (g) Livestock forage vehicles loaded or unloaded that
14 comply with subsection (2) of section 60-6,305;

15 (h) During daylight hours only, vehicles en route to pick
16 up, delivering, or returning unloaded from delivery of baled
17 livestock forage which, including the load if any, may be twelve
18 feet in width;

19 (i) Mobile homes or prefabricated livestock buildings not
20 exceeding sixteen feet in width and with an outside tire width
21 dimension not exceeding one hundred twenty inches moving during
22 daylight hours;

23 (j) A rubber-tired crane with a fixed load when:

24 (i) The crane will be transported on a state highway,
25 excluding any portion of the National System of Interstate and
26 Defense Highways, on a city street, or on a road within the
27 corporate limits of a city;

1 (ii) The city in which the crane is intended to be
2 transported has authorized a ~~one-day~~ permit pursuant to section
3 60-6,298 for the transportation of the crane, specifying the route
4 to be used and the hours during which the crane can be transported,
5 except that no permit shall be issued by a city for travel on a
6 state highway containing a bridge or structure which is
7 structurally inadequate to carry the crane as determined by the
8 Department of Roads;

9 (iii) ~~The crane will be escorted by another vehicle or~~
10 ~~vehicles assigned by the city;~~

11 (iv) ~~The crane's gross weight does not exceed ninety-four~~

12 thousand pounds, if a four-axle crane, or seventy-two thousand
13 pounds, if a three-axle crane; and

14 (v) (iv) If a four-axle crane, the maximum weight on each
15 set of tandem axles does not exceed forty-seven thousand pounds, or
16 if a three-axle crane, the maximum weight on the front axle does
17 not exceed twenty-five thousand pounds and the total maximum weight
18 on the rear tandem axles does not exceed forty-seven thousand
19 pounds; or

20 (k) Vehicles which have been issued a permit pursuant to
21 section 60-6,299.

22 (3) The Director-State Engineer, with respect to highways
23 under his or her jurisdiction, may designate certain highways upon
24 which vehicles of no more than ninety-six inches in width may be
25 permitted to travel. Highways so designated shall be limited to
26 one or more of the following:

27 (a) Highways with traffic lanes of ten feet or less;

1 (b) Highways upon which are located narrow bridges; and

2 (c) Highways which because of sight distance, surfacing,
3 unusual curves, topographic conditions, or other unusual
4 circumstances would not in the opinion of the Director-State
5 Engineer safely accommodate vehicles of more than ninety-six inches
6 in width."

7 2. On page 54, line 18, strike "and" and before
8 "Reissue" insert "and 60-6,288,".

9 3. Renumber the remaining sections accordingly.

Mr. Hilgert filed the following amendment to LB 179:
AM1427

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 "Section 1. Section 77-3504, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 77-3504. Household income means the total federal
5 adjusted gross income, as defined in the Internal Revenue Code,
6 plus (1) any Nebraska adjustments increasing the total federal
7 adjusted gross income, (2) any interest or dividends received by
8 the owner regarding obligations of the State of Nebraska or any
9 political subdivision, authority, commission, or instrumentality
10 thereof to the extent excluded in the computation of gross income
11 for federal income tax purposes, and (3) any social security or
12 railroad retirement benefit to the extent excluded in the
13 computation of gross income for federal income tax purposes, of the
14 claimant and spouse, and any additional owners who are natural
15 persons and who occupy the homestead, for the taxable year of the
16 claimant immediately prior to the year for which the claim for
17 exemption is made, less all medical expenses actually incurred and
18 paid by the claimant, his or her spouse, or any owner-occupant
19 which are in excess of four percent of household income calculated
20 prior to the deduction for medical expenses. For purposes of this

- 21 section, medical expenses means the costs of health insurance
22 premiums and the costs of goods and services purchased from a
23 person licensed under Chapter 71, article 1 or 47, or a facility
1 licensed pursuant to Chapter 71, article 20, for purposes of
2 restoring or maintaining health, including insulin and prescription
3 medicine but not including nonprescription medicine. For purposes
4 of this section, the amount of social security benefits received by
5 a claimant as described in subdivision (1)(b) or (c) of section
6 77-3508 shall be reduced by the amount of social security benefits
7 solely attributed to the disability which the claimant would have
8 received solely because of his or her disability."
9 2. On page 1, line 1, after "amend" insert "section
10 77-3504, Reissue Revised Statutes of Nebraska, and".
11 3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 15 seventh and eighth grade students, teacher, and sponsors from Funk; 30 fourth grade students and teacher from Lincoln Elementary School, Grand Island; 32 fourth grade students and teachers from Stolley Park Elementary School, Grand Island; fourth graders from Amherst; 43 students and teachers from Brown County Rural Schools; Jane Gangwish from Shelton; and Senator C. Peterson's husband and son, Ernie and B.J.

The Doctor of the Day was Dr. Pumphrey from Lincoln.

ADJOURNMENT

At 4:48 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Friday, April 23, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY – APRIL 23, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SIXTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 23, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Dan Fraser, Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars and Mrs. Robak who were excused; and Messrs. Brashear, Hilgert, Mmes. Brown, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 23, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Parriott, Ruth - Phoenix, AZ; American Cancer Society

MOTION - Return LB 297 to Select File

Ms. Schimek moved to return LB 297 to Select File for the following specific amendment:

FA113

Strike the enacting clause.

Ms. Schimek withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 297.

A BILL FOR AN ACT relating to the State Capitol; to amend sections 81-1108.32, 81-1108.38, and 90-309, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Capitol Commission and the Nebraska State Capitol Environs Commission; 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, 39:

Baker	Crosby	Kremer	Preister	Stuhr
Beutler	Cudaback	Kristensen	Price	Suttle
Bohlke	Dierks	Landis	Quandahl	Thompson
Bourne	Engel	Lynch	Raikes	Tyson
Bromm	Hartnett	Matzke	Schimek	Vrtiska
Bruning	Hudkins	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Janssen	Pederson, D.	Schrock	Wickersham
Coordsen	Jensen	Peterson, C.	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Jones Redfield

Excused and not voting, 7:

Brashear	Byars	Hilgert	Kiel	Robak
Brown	Chambers			

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

LEGISLATIVE BILL 432.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1111, Revised Statutes Supplement, 1998; to provide powers to the Director of Administrative Services and the accounting bureau; to authorize departments and agencies to perform their own preaudits; to change provisions relating to preaudits; and to repeal the original section.

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

Voting in the affirmative, 41:

Baker	Cudaback	Kremer	Preister	Smith
Beutler	Dierks	Kristensen	Price	Stuhr
Bohlke	Engel	Landis	Quandahl	Suttle
Bourne	Hartnett	Lynch	Raikes	Thompson
Bromm	Hudkins	Matzke	Redfield	Tyson
Bruning	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Connealy	Jensen	Pederson, D.	Schmitt	Wehrbein
Coordsen	Jones	Peterson, C.	Schrock	Wickersham
Crosby				

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Byars	Hilgert	Kiel	Robak
Brown	Chambers			

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 552 with 35 ayes, 2 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 552. With Emergency.

A BILL FOR AN ACT relating to recordings and filings; to amend sections 52-1307 and 52-1314, Reissue Revised Statutes of Nebraska, and sections 9-313, 9-402 to 9-406, and 9-412, Uniform Commercial Code; to change provisions relating to signature and filing requirements; to harmonize provisions; to provide an operative date; to repeal the original sections; and

to declare an emergency.

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

Voting in the affirmative, 43:

Baker	Coordsen	Jones	Preister	Smith
Beutler	Crosby	Kremer	Price	Stuhr
Bohlke	Cudaback	Kristensen	Quandahl	Suttle
Bourne	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schimek	Vrtiska
Bruning	Hudkins	Pedersen, Dw.	Schmitt	Wehrbein
Chambers	Janssen	Pederson, D.	Schrock	Wickersham
Connealy	Jensen	Peterson, C.		

Voting in the negative, 0.

Excused and not voting, 5:

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

PRESIDENT MAURSTAD PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 68 with 36 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 68.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-340 to 71-343, 71-347, 71-351, 71-352, 71-356, 71-362, 71-364, 71-371, 71-374, 71-375 to 71-377, 71-381, 71-382, 71-386, 71-3,106, 71-3,169, 71-3,170, 71-3,174, 71-3,177, and 71-3,179, Reissue Revised Statutes of Nebraska; to provide for regulation of nail technology practitioners, establishments, and education; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-361, 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, 42:

Baker	Crosby	Jones	Peterson, C.	Smith
Beutler	Cudaback	Kremer	Preister	Stuhr
Bohlke	Dierks	Kristensen	Price	Suttle
Bourne	Engel	Landis	Quandahl	Thompson
Bromm	Hartnett	Lynch	Raikes	Tyson
Bruning	Hilgert	Matzke	Schimek	Vrtiska
Chambers	Hudkins	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Janssen	Pederson, D.	Schrock	Wickersham
Coordsen	Jensen			

Voting in the negative, 1:

Redfield

Present and not voting, 1:

Brown

Excused and not voting, 4:

Brashear	Byars	Kiel	Robak
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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 68A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 68, Ninety-sixth Legislature, First Session, 1999.

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, 39:

Baker	Chambers	Hartnett	Landis	Raikes
Beutler	Connealy	Hilgert	Lynch	Schimek
Bohlke	Coordsen	Hudkins	Matzke	Schmitt
Bourne	Crosby	Janssen	Pederson, D.	Schrock
Bromm	Cudaback	Jensen	Peterson, C.	Smith
Brown	Dierks	Kremer	Preister	Stuhr
Bruning	Engel	Kristensen	Price	Suttle

Thompson Tyson Wehrbein Wickersham

Voting in the negative, 1:

Redfield

Present and not voting, 4:

Jones Pedersen, Dw. Quandahl Vrtiska

Excused and not voting, 4:

Brashear Byars Kiel Robak

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

LEGISLATIVE BILL 101.

A BILL FOR AN ACT relating to energy; to create the Biopower Steering Committee; to provide powers and duties; and to create a fund.

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:

Baker	Coordsen	Jones	Preister	Smith
Beutler	Crosby	Kremer	Price	Stuhr
Bohlke	Cudaback	Kristensen	Quandahl	Suttle
Bourne	Dierks	Landis	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Brown	Hartnett	Matzke	Schimek	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schmitt	Wehrbein
Chambers	Hudkins	Pederson, D.	Schrock	Wickersham
Connealy	Janssen			

Voting in the negative, 0.

Present and not voting, 2:

Jensen Peterson, C.

Excused and not voting, 4:

Brashear Byars Kiel Robak

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 194 with 36 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 194. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2147, 23-3202, 60-3006, 77-1327, 77-1330, 77-1515, 77-1701, and 77-1734.01, Reissue Revised Statutes of Nebraska, and sections 13-509, 77-101, 77-123, 77-125, 77-202.01, 77-202.03, 77-1233.04, 77-1233.06, 77-1301, 77-1303, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1501, 77-1503.01, 77-1504, 77-1504.01, 77-1507, 77-1514, 77-5007, 79-1016, and 79-1022, Revised Statutes Supplement, 1998; to change provisions relating to property taxation; to define and redefine terms; to provide and change powers and duties for the Property Tax Administrator and the Tax Equalization and Review Commission; to eliminate provisions relating to county officials, omitted property, and mortgages; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-378, 77-1336, and 77-1401 to 77-1409, Reissue Revised Statutes of Nebraska, and sections 77-425 and 77-1233.05, Revised Statutes Supplement, 1998; and to declare an emergency.

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

Voting in the affirmative, 42:

Baker	Cudaback	Kremer	Preister	Smith
Bohlke	Dierks	Kristensen	Price	Stuhr
Bourne	Engel	Landis	Quandahl	Suttle
Bromm	Hartnett	Lynch	Raikes	Thompson
Bruning	Hilgert	Matzke	Redfield	Tyson
Chambers	Hudkins	Pedersen, Dw.	Schimek	Vrtiska
Connealy	Janssen	Pederson, D.	Schmitt	Wehrbein
Coordsen	Jensen	Peterson, C.	Schrock	Wickersham
Crosby	Jones			

Voting in the negative, 0.

Present and not voting, 2:

Beutler Brown

Excused and not voting, 4:

Brashear Byars Kiel Robak

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 324. With Emergency.

A BILL FOR AN ACT relating to health care; to amend sections 71-7605, 71-7608, 71-7612, and 71-7614, Revised Statutes Supplement, 1998; to define terms; to change provisions relating to investment income of certain funds; to change provisions relating to the Excellence in Health Care Council; to create a fund; to provide and change powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Peterson, C.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kremer	Price	Suttle
Brashear	Dierks	Kristensen	Quandahl	Thompson
Bromm	Engel	Landis	Raikes	Tyson
Brown	Hartnett	Lynch	Redfield	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Chambers	Hudkins	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 0.

Excused and not voting, 3:

Byars Kiel Robak

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

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 475.

A BILL FOR AN ACT relating to Native Americans; to amend sections 43-1503, 71-1906, 71-1906.01, 71-5009.01, 71-5027, and 81-2508, Reissue Revised Statutes of Nebraska, and section 71-1906.02, Revised Statutes

Supplement, 1998; to provide for native-language teaching approval; to provide a duty for the Department of Health and Human Services relating to tribal property residents; to define tribal service area; to change provisions relating to Indian reservations; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 42:

Baker	Connealy	Janssen	Pederson, D.	Smith
Beutler	Coordsen	Jensen	Peterson, C.	Stuhr
Bohlke	Crosby	Jones	Preister	Suttle
Bourne	Cudaback	Kremer	Price	Thompson
Brashear	Dierks	Landis	Raikes	Tyson
Bromm	Engel	Lynch	Schimek	Vrtiska
Brown	Hartnett	Matzke	Schmitt	Wehrbein
Bruning	Hilgert	Pedersen, Dw.	Schrock	Wickersham
Chambers	Hudkins			

Voting in the negative, 1:

Redfield

Present and not voting, 1:

Quandahl

Excused and not voting, 4:

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

LEGISLATIVE BILL 574. With Emergency.

A BILL FOR AN ACT relating to tobacco product manufacturers; to hold accountable manufacturers not signing the Master Settlement Agreement; and to declare an emergency.

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

Voting in the affirmative, 43:

Baker	Beutler	Bohlke	Bourne	Brashear
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Bromm	Dierks	Kremer	Price	Smith
Brown	Engel	Landis	Quandahl	Stuhr
Bruning	Hartnett	Lynch	Raikes	Suttle
Chambers	Hilgert	Matzke	Redfield	Thompson
Connealy	Hudkins	Pedersen, Dw.	Schimek	Tyson
Coordsen	Janssen	Pederson, D.	Schmitt	Vrtiska
Crosby	Jensen	Peterson, C.	Schrock	Wehrbein
Cudaback	Jones	Preister		

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 4:

Byars Kiel Kristensen Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 141 with 35 ayes, 2 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 141. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-514, 23-125, 23-381, 23-501, 35-1205, 35-1206, 60-3004, 79-1225, and 79-1233, Reissue Revised Statutes of Nebraska, and sections 13-520, 30-24, 125, 77-27, 139.03, 77-3442, 77-3443, and 77-3444, Revised Statutes Supplement, 1998; to provide an exemption from levy limits for public airports; to change provisions relating to levy limits and fund distributions; to change and eliminate provisions relating to taxation of motor vehicles; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 43:

Baker Beutler Bohlke Bourne Brashear

Bromm	Engel	Landis	Quandahl	Stuhr
Bruning	Hartnett	Lynch	Raikes	Suttle
Chambers	Hilgert	Matzke	Redfield	Thompson
Connealy	Hudkins	Pedersen, Dw.	Schimek	Tyson
Coordsen	Janssen	Pederson, D.	Schmitt	Vrtiska
Crosby	Jensen	Peterson, C.	Schrock	Wehrbein
Cudaback	Jones	Preister	Smith	Wickersham
Dierks	Kremer	Price		

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 4:

Byars	Kiel	Kristensen	Robak
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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 99.

A BILL FOR AN ACT relating to insurance; to require coverage for diabetes-related equipment, supplies, medication, and education; and to provide an operative 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, 43:

Baker	Connealy	Janssen	Peterson, C.	Smith
Beutler	Coordsen	Jensen	Preister	Stuhr
Bohlke	Crosby	Jones	Price	Suttle
Bourne	Cudaback	Kremer	Raikes	Thompson
Brashear	Dierks	Landis	Redfield	Tyson
Bromm	Engel	Lynch	Schimek	Vrtiska
Brown	Hartnett	Matzke	Schmitt	Wehrbein
Bruning	Hilgert	Pedersen, Dw.	Schrock	Wickersham
Chambers	Hudkins	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 1:

Quandahl

Excused and not voting, 4:

Byars Kiel Kristensen Robak

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

LEGISLATIVE BILL 469.

A BILL FOR AN ACT relating to telemarketing; to adopt the Telemarketing and Prize Promotions Act; to provide a penalty; and to provide severability.

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:

Baker	Connealy	Janssen	Peterson, C.	Smith
Beutler	Coordsen	Jensen	Preister	Stuhr
Bohlke	Crosby	Jones	Price	Suttle
Bourne	Cudaback	Kremer	Quandahl	Thompson
Brashear	Dierks	Landis	Raikes	Tyson
Bromm	Engel	Lynch	Redfield	Vrtiska
Brown	Hartnett	Matzke	Schimek	Wehrbein
Bruning	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins	Pederson, D.	Schrock	

Voting in the negative, 0.

Excused and not voting, 4:

Byars Kiel Kristensen Robak

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 608 with 33 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 608. With Emergency.

A BILL FOR AN ACT relating to unemployment compensation; to amend

sections 48-602, 48-621, and 48-625, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to the use of certain funds; to provide treatment of vacation leave and pay; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 39:

Baker	Coorsden	Jensen	Price	Stuhr
Bohlke	Crosby	Jones	Quandahl	Suttle
Bourne	Cudaback	Kremer	Raikes	Thompson
Brashear	Dierks	Landis	Redfield	Tyson
Bromm	Engel	Matzke	Schimek	Vrtiska
Brown	Hartnett	Pedersen, Dw.	Schmitt	Wehrbein
Bruning	Hudkins	Pederson, D.	Schrock	Wickersham
Connealy	Janssen	Peterson, C.	Smith	

Voting in the negative, 2:

Chambers Lynch

Present and not voting, 3:

Beutler Hilgert Preister

Excused and not voting, 4:

Byars Kiel Kristensen Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 674 with 36 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 674. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 79-947.01 and 79-975, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-710.07, 79-902, 79-934, 81-2014, and 81-2027.03, Revised Statutes Supplement, 1998; to change provisions relating to supplemental

cost-of-living adjustments; to eliminate and transfer funds; to change a monthly formula annuity; to eliminate an obsolete reference; to redefine terms; to provide duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 24-710.08, 79-947.02, and 81-2027.04, Revised Statutes Supplement, 1998; and to declare an emergency.

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

Voting in the affirmative, 42:

Baker	Coordsen	Jensen	Peterson, C.	Smith
Beutler	Crosby	Jones	Preister	Stuhr
Bohlke	Cudaback	Kremer	Price	Suttle
Bourne	Dierks	Landis	Quandahl	Thompson
Brashear	Engel	Lynch	Raikes	Tyson
Bromm	Hartnett	Matzke	Redfield	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Chambers	Hudkins	Pederson, D.	Schrock	Wickersham
Connealy	Janssen			

Voting in the negative, 0.

Present and not voting, 2:

Brown Schmitt

Excused and not voting, 4:

Byars Kiel Kristensen Robak

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 bill was read and put upon final passage:

LEGISLATIVE BILL 674A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 674, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

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

Voting in the affirmative, 42:

Baker	Coordsen	Jensen	Peterson, C.	Smith
Beutler	Crosby	Jones	Preister	Stuhr
Bohlke	Cudaback	Kremer	Price	Suttle
Bourne	Dierks	Landis	Quandahl	Thompson
Brashear	Engel	Lynch	Raikes	Tyson
Bromm	Hartnett	Matzke	Redfield	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Chambers	Hudkins	Pederson, D.	Schrock	Wickersham
Connealy	Janssen			

Voting in the negative, 0.

Present and not voting, 2:

Brown Schmitt

Excused and not voting, 4:

Byars Kiel Kristensen Robak

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

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 43 with 37 ayes, 2 nays, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 43.

A BILL FOR AN ACT relating to courts; to amend sections 24-734, 25-1301, 25-1301.01, 25-1505 to 25-1507, 25-1914, 25-1916, 25-1920, 25-1931, 25-21,234, 25-2719, 25-2729, 25-2730, 29-2306, 31-433, 45-103.01, 45-103.02, 45-103.04, 46-568, 48-170, 48-185, 59-823, 76-1906, and 76-1912, Reissue Revised Statutes of Nebraska, and sections 25-705, 25-1912, and 30-1601, Revised Statutes Supplement, 1998; to change provisions relating to the rendition and date of entry of judgments, decrees, and final orders; to eliminate a duty of the Revisor of Statutes to publish practice notes; to harmonize provisions; to repeal the original sections; and to outright repeal section 25-543, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 43:

Baker	Connealy	Jensen	Preister	Smith
Beutler	Coordsen	Jones	Price	Stuhr
Bohlke	Cudaback	Kremer	Quandahl	Suttle
Bourne	Dierks	Landis	Raikes	Thompson
Brashear	Engel	Lynch	Redfield	Tyson
Bromm	Hartnett	Matzke	Schimek	Vrtiska
Brown	Hilgert	Pedersen, Dw.	Schmitt	Wehrbein
Bruning	Hudkins	Pederson, D.	Schrock	Wickersham
Chambers	Janssen	Peterson, C.		

Voting in the negative, 0.

Excused and not voting, 5:

Byars	Crosby	Kiel	Kristensen	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 113 to Select File

Ms. Schimek moved to return LB 113 to Select File for her specific amendment, AM1364, found on page 1590.

The Schimek motion to return prevailed with 34 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 113. The Schimek specific amendment, AM1364, found on page 1590, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 113A to Select File

Ms. Schimek moved to return LB 113A to Select File for her specific amendment, AM1361, found on page 1590.

The Schimek motion to return prevailed with 33 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 113A. The Schimek specific amendment, AM1361, found on page 1590, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 280 to Select File

Mr. Wickersham moved to return LB 280 to Select File for the Wickersham-Cudaback specific amendment, AM1281, found on page 1570.

The Wickersham motion to return prevailed with 34 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 280. The Wickersham-Cudaback specific amendment, AM1281, found on page 1570, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 297, 432, 552, 68, 68A, 101, 194, 324, 475, 574, 141, 99, 469, 608, 674, 674A, and 43.

MOTION - Return LB 774 to Select File

Mr. Hartnett moved to return LB 774 to Select File for his specific amendment, AM1368, found on page 1555.

The Hartnett motion to return prevailed with 27 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 774. The Hartnett specific amendment, AM1368, found on page 1555, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 242A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 704. E & R amendment, AM7096, printed separately and referred to on page 1347, was adopted.

Mr. Bromm asked unanimous consent to replace the Bohlke pending amendment, AM0885, printed separately and referred to on page 1104, with a substitute amendment. No objections. So ordered.

Mr. Bromm withdrew the Bohlke amendment, AM0885, printed separately and referred to on page 1104.

Mr. Bromm renewed the Bohlke substitute pending amendment, AM1147, printed separately and referred to on page 1496.

The Bohlke amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Hartnett withdrew his amendment, AM1112, found on page 1316.

Mrs. C. Peterson renewed her pending amendment, AM1254, found on page 1453.

The C. Peterson amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Bromm renewed his pending amendment, AM1292, found on page 1496.

The Bromm amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Mrs. C. Peterson withdrew her amendment, AM1302, found on page 1502.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. C. Peterson and Mr. Bromm renewed their pending amendment, AM1305, found on page 1504.

Messrs. Bruning, Lynch, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. C. Peterson withdrew the C. Peterson-Bromm amendment.

Mr. Landis renewed his pending amendment, AM1394, found on page 1634.

The Landis amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 704A. Mrs. C. Peterson withdrew her amendment, AM1297, found on page 1503.

Advanced to E & R for engrossment.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 78. E & R amendment, AM7113, found on page 1416, was adopted.

Messrs. Bruning and Hartnett renewed their pending amendment, AM1266, found on page 1461.

Messrs. Kristensen, Jones, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bruning withdrew the Bruning-Hartnett amendment.

Mr. Bruning offered the following amendment:
AM1453

- 1 1. Strike the original amendments and insert the
- 2 following new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 'Section 1. Section 14-2115, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 14-2115. (1) A metropolitan utilities district shall
- 8 operate and account for each of its several utilities separately
- 9 and, as to each separate utility, shall possess all powers granted
- 10 on behalf of that utility or on behalf of any other utility being
- 11 operated by such district, or granted generally to such district,
- 12 and all such powers are hereby declared to be cumulative, though
- 13 separate, as to each utility, except that limitations or
- 14 restrictions which by their nature or intent are applicable only to
- 15 a utility of one type shall not apply to other different utilities.
- 16 The financial obligations of each utility shall be separate and
- 17 independent from the financial obligations of any other utility.
- 18 (2) A metropolitan utilities district shall keep all
- 19 funds, accounts, and obligations relating to any one utility under
- 20 its management separate and independent from the funds and accounts

21 of each other utility under its management. The cost of any
22 consolidated operation shall be allocated to the various utilities
23 upon some reasonable basis which is open to investigation, comment,
24 or protest by members of the public. Such allocation methodologies
1 shall be determined by its the board of directors and shall provide
2 for the allocation of costs and expenses in a manner that
3 accurately reflects the actual cost of service for each utility
4 under the management of the board, except that for purposes of this
5 section, the collection of sewer use fees for cities of the
6 metropolitan class shall not be considered as a utility. The
7 district shall have separate power to provide for the cost of
8 operation, maintenance, depreciation, extension, construction, and
9 improvement of any utility under its management, applying thereto
10 standard accounting principles.

11 (3) A metropolitan utilities district shall not discount
12 its water rates or connection fees to any customer in order to
13 obtain an agreement to provide natural gas service to any customer.

14 (4) A metropolitan utilities district shall not delay or
15 condition in any manner the installation of water service or other
16 agreements related to water service to the purchase of natural gas
17 service from the district.

18 (5) The Auditor of Public Accounts shall have the
19 authority to initiate an audit or to take any action necessary to
20 ensure compliance with this section.

21 Sec. 2. Whenever any city of the primary, first, or
22 second class or village is furnished natural gas pursuant to a
23 franchise agreement with an investor-owned natural gas utility, a
24 metropolitan utilities district shall not solicit such city or
25 village to enter into a franchise agreement or promote
26 discontinuance of natural gas service with the utility, unless a
27 specific invitation to submit a proposal on such a franchise has
1 been formally presented to the board of directors of the
2 metropolitan utilities district. For purposes of this section, a
3 specific invitation to submit a proposal shall mean a resolution
4 adopted by a city council of a city of the primary, first, or
5 second class or the board of trustees of a village.

6 Whenever a specific invitation to submit a proposal is
7 received by the board of directors of a metropolitan utilities
8 district, the invitation will be considered by the board at its
9 next regularly scheduled monthly meeting.

10 Sec. 3. Sections 4 to 8 of this act shall be applicable
11 to an investor-owned natural gas utility only when it is operating
12 in a county in which there is located the natural gas service area,
13 or portion of the natural gas service area, of a metropolitan
14 utilities district and only with regard to matters arising within
15 any such county.

16 Sec. 4. No investor-owned natural gas utility or
17 metropolitan utilities district may extend or enlarge its natural
18 gas service area or extend or enlarge its natural gas mains or

19 natural gas services unless it is in the public interest to do so.
20 In determining whether or not an extension or enlargement is in the
21 public interest, the district or the utility shall consider the
22 following:

23 (1) The economic feasibility of the extension or
24 enlargement;

25 (2) The impact the enlargement will have on the existing
26 and future natural gas ratepayers of the metropolitan utilities
27 district or the investor-owned natural gas utility;

1 (3) Whether the extension or enlargement contributes to
2 the orderly development of natural gas utility infrastructure;

3 (4) Whether the extension or enlargement will result in
4 duplicative or redundant natural gas utility infrastructure; and

5 (5) Whether the extension or enlargement is applied in a
6 nondiscriminatory manner.

7 Sec. 5. In determining whether an enlargement or
8 extension of a natural gas service area, natural gas mains, or
9 natural gas services is in the public interest pursuant to section
10 4 of this act, the following shall constitute rebuttable
11 presumptions:

12 (1) Any enlargement or extension by a metropolitan
13 utilities district within a city of the metropolitan class or its
14 extraterritorial zoning jurisdiction is in the public interest;

15 (2) Any enlargement or extension by an investor-owned
16 natural gas utility within a city of the primary, first, or second
17 class or village in which it serves natural gas on a franchise
18 basis or its extraterritorial zoning jurisdiction is in the public
19 interest; and

20 (3) Any enlargement or extension by a metropolitan
21 utilities district within its statutory boundary or within a city
22 of the first or second class or village in which it serves natural
23 gas on a franchise basis or its extraterritorial zoning
24 jurisdiction is in the public interest.

25 Sec. 6. A metropolitan utilities district or
26 investor-owned natural gas utility shall not extend duplicative or
27 redundant interior natural gas mains or natural gas services into a
1 subdivision, whether residential, commercial, or industrial, which
2 has existing natural gas utility infrastructure or which has
3 contracted for natural gas utility infrastructure with another
4 utility.

5 Sec. 7. If the investor-owned natural gas utility or the
6 metropolitan utilities district disagrees with a determination by
7 an investor-owned natural gas utility or a metropolitan utilities
8 district that a proposed extension or enlargement is in the public
9 interest, the matter may be submitted to the Public Service
10 Commission for hearing and determination in the county where the
11 extension or enlargement is proposed and shall be subject to the
12 applicable procedures provided in sections 75-112, 75-129, and
13 75-134 to 75-136. In making a determination whether a proposed

14 extension or enlargement is in the public interest, the Public
15 Service Commission shall consider the factors set forth in sections
16 4 and 5 of this act. The Public Service Commission shall have no
17 jurisdiction over a metropolitan utilities district or natural gas
18 utility beyond the determination of disputes brought before it
19 under sections 2 to 8 of this act. Ratepayers of the
20 investor-owned natural gas utility or the metropolitan utilities
21 district shall have the right to appear and present testimony
22 before the Public Service Commission on any matter submitted to the
23 commission under sections 2 to 8 of this act, and shall have such
24 testimony considered by the commission in arriving at its
25 determination.

26 Sec. 8. All books, records, vouchers, papers, contracts,
27 engineering designs, and any other data of the metropolitan
1 utilities district relating to the public interest of an extension
2 or enlargement of natural gas mains or natural gas services or
3 relating to natural gas service areas, whether in written or
4 electronic form, shall be open and made available for public
5 inspection, investigation, comment, or protest upon reasonable
6 request during business hours, except that such books, records,
7 vouchers, papers, contracts, designs, and other data shall be
8 subject to section 84-712.05. Any books, records, vouchers,
9 papers, contracts, designs, or other data not made available to the
10 metropolitan utilities district or an investor-owned natural gas
11 utility shall not be considered by the Public Service Commission in
12 determining whether an enlargement or extension is in the public
13 interest.

14 Sec. 9. Original section 14-2115, Reissue Revised
15 Statutes of Nebraska, is repealed.'".

SPEAKER KRISTENSEN PRESIDING

The Bruning amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Presiding Officer called for a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 30 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 205. E & R amendment, AM7118, found on page 1420, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 548. E & R amendment, AM7112, found on page 1420, was adopted.

Mr. D. Pederson renewed his pending amendment, AM1344, found on page 1593.

MR. WICKERSHAM PRESIDING

The D. Pederson amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 559. E & R amendment, AM7115, found on page 1420, was adopted.

Messrs. Kristensen withdrew the Kristensen-Jensen amendment, AM1383, found on page 1587.

Messrs. Kristensen and Jensen renewed their pending amendment, AM1416, found on page 1620.

The Kristensen-Jensen amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

Messrs. Baker, Kristensen, and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 18.

A BILL FOR AN ACT relating to wills and trusts; to amend section 30-2336, Reissue Revised Statutes of Nebraska; to adopt the Uniform Testamentary Additions to Trusts Act (1991); to provide severability; and to repeal the original section.

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

Voting in the affirmative, 41:

Beutler	Brown	Connealy	Dierks	Hilgert
Bourne	Bruning	Crosby	Engel	Hudkins
Brashear	Chambers	Cudaback	Hartnett	Janssen

Jensen	Matzke	Price	Schmitt	Thompson
Jones	Pedersen, Dw.	Quandahl	Schrock	Tyson
Kiel	Pederson, D.	Raikes	Smith	Vrtiska
Kremer	Peterson, C.	Redfield	Stuhr	Wehrbein
Landis	Preister	Schimek	Suttle	Wickersham
Lynch				

Voting in the negative, 0.

Excused and not voting, 7:

Baker	Bromm	Coordsen	Kristensen	Robak
Bohlke	Byars			

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

LEGISLATIVE BILL 112. With Emergency.

A BILL FOR AN ACT relating to medical services; to provide for the responsibility for the payment of costs of medical services for individuals who are arrested, detained, taken into custody, or incarcerated; and to declare an emergency.

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

Voting in the affirmative, 41:

Beutler	Dierks	Kiel	Preister	Smith
Bourne	Engel	Kremer	Price	Stuhr
Brashear	Hartnett	Landis	Quandahl	Suttle
Brown	Hilgert	Lynch	Raikes	Thompson
Bruning	Hudkins	Matzke	Redfield	Tyson
Chambers	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Connealy	Jensen	Pederson, D.	Schmitt	Wehrbein
Crosby	Jones	Peterson, C.	Schrock	Wickersham
Cudaback				

Voting in the negative, 0.

Excused and not voting, 7:

Baker	Bromm	Coordsen	Kristensen	Robak
Bohlke	Byars			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 115 with 37 ayes, 2 nays, 2 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 115. With Emergency.

A BILL FOR AN ACT relating to hospitals; to amend sections 71-2017.01, 71-20,118, 71-20,119, and 71-7614, Revised Statutes Supplement, 1998; to redefine limited-service rural hospitals; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 41:

Beutler	Dierks	Kiel	Preister	Smith
Bourne	Engel	Kremer	Price	Stuhr
Brashear	Hartnett	Landis	Quandahl	Suttle
Brown	Hilgert	Lynch	Raikes	Thompson
Bruning	Hudkins	Matzke	Redfield	Tyson
Chambers	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Connealy	Jensen	Pederson, D.	Schmitt	Wehrbein
Crosby	Jones	Peterson, C.	Schrock	Wickersham
Cudaback				

Voting in the negative, 0.

Excused and not voting, 7:

Baker	Bromm	Coordsen	Kristensen	Robak
Bohlke	Byars			

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 236.

A BILL FOR AN ACT relating to energy financing contracts; to amend

section 66-1062, Revised Statutes Supplement, 1998; to redefine governmental unit; 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, 40:

Beutler	Dierks	Kiel	Preister	Smith
Bourne	Engel	Kremer	Price	Stuhr
Brashear	Hartnett	Landis	Quandahl	Suttle
Bruning	Hilgert	Lynch	Raikes	Thompson
Chambers	Hudkins	Matzke	Redfield	Tyson
Connealy	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Crosby	Jensen	Pederson, D.	Schmitt	Wehrbein
Cudaback	Jones	Peterson, C.	Schrock	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 7:

Baker	Bromm	Coordsen	Kristensen	Robak
Bohlke	Byars			

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

LEGISLATIVE BILL 241.

A BILL FOR AN ACT relating to public health; to amend sections 71-5206 and 71-5206.01, Reissue Revised Statutes of Nebraska; to change provisions relating to family practice residents program; and to repeal the original sections.

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

Voting in the affirmative, 40:

Beutler	Crosby	Hudkins	Landis	Preister
Bourne	Cudaback	Janssen	Lynch	Price
Brashear	Dierks	Jensen	Matzke	Quandahl
Bruning	Engel	Jones	Pedersen, Dw.	Raikes
Chambers	Hartnett	Kiel	Pederson, D.	Redfield
Connealy	Hilgert	Kremer	Peterson, C.	Schimek

Schmitt	Smith	Suttle	Tyson	Wehrbein
Schrock	Stuhr	Thompson	Vrtiska	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 7:

Baker	Bromm	Coordsen	Kristensen	Robak
Bohlke	Byars			

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

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 248.

A BILL FOR AN ACT relating to real estate closings; to amend section 76-2,121, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

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

Voting in the affirmative, 40:

Beutler	Dierks	Kiel	Preister	Smith
Bourne	Engel	Kremer	Price	Stuhr
Brashear	Hartnett	Landis	Quandahl	Suttle
Brown	Hilgert	Lynch	Raikes	Thompson
Bruning	Hudkins	Matzke	Redfield	Tyson
Connealy	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Crosby	Jensen	Pederson, D.	Schmitt	Wehrbein
Cudaback	Jones	Peterson, C.	Schrock	Wickersham

Voting in the negative, 0.

Excused and not voting, 8:

Baker	Bromm	Chambers	Kristensen	Robak
Bohlke	Byars	Coordsen		

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

LEGISLATIVE BILL 277.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1002, Reissue Revised Statutes of Nebraska; to provide limits on certain future advances; to authorize certain priorities; 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, 39:

Beutler	Dierks	Kiel	Preister	Stuhr
Bourne	Engel	Kremer	Price	Suttle
Brashear	Hartnett	Landis	Quandahl	Thompson
Brown	Hilgert	Lynch	Redfield	Tyson
Bruning	Hudkins	Matzke	Schimek	Vrtiska
Connealy	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Crosby	Jensen	Pederson, D.	Schrock	Wickersham
Cudaback	Jones	Peterson, C.	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 8:

Baker	Bromm	Chambers	Kristensen	Robak
Bohlke	Byars	Coorsen		

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

LEGISLATIVE BILL 284.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1233, Reissue Revised Statutes of Nebraska; to change provisions relating to explosives; 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, 40:

Beutler	Brown	Crosby	Engel	Hudkins
Bourne	Bruning	Cudaback	Hartnett	Janssen
Brashear	Connealy	Dierks	Hilgert	Jensen

Jones	Matzke	Price	Schmitt	Thompson
Kiel	Pedersen, Dw.	Quandahl	Schrock	Tyson
Kremer	Pederson, D.	Raikes	Smith	Vrtiska
Landis	Peterson, C.	Redfield	Stuhr	Wehrbein
Lynch	Preister	Schimek	Suttle	Wickersham

Voting in the negative, 0.

Excused and not voting, 8:

Baker	Bromm	Chambers	Kristensen	Robak
Bohlke	Byars	Coordsen		

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

LEGISLATIVE BILL 295.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3602, Reissue Revised Statutes of Nebraska; to allow city attorneys to seek approval for pretrial diversion programs; 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, 40:

Beutler	Dierks	Kiel	Preister	Smith
Bourne	Engel	Kremer	Price	Stuhr
Brashear	Hartnett	Landis	Quandahl	Suttle
Brown	Hilgert	Lynch	Raikes	Thompson
Bruning	Hudkins	Matzke	Redfield	Tyson
Connealy	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Crosby	Jensen	Pederson, D.	Schmitt	Wehrbein
Cudaback	Jones	Peterson, C.	Schrock	Wickersham

Voting in the negative, 0.

Excused and not voting, 8:

Baker	Bromm	Chambers	Kristensen	Robak
Bohlke	Byars	Coordsen		

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

LEGISLATIVE BILL 318.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2323, Reissue Revised Statutes of Nebraska; to change provisions relating to exempt property allowances; and to repeal the original section.

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

Voting in the affirmative, 42:

Baker	Dierks	Kremer	Preister	Smith
Beutler	Engel	Kristensen	Price	Stuhr
Bourne	Hartnett	Landis	Quandahl	Suttle
Brashear	Hilgert	Lynch	Raikes	Thompson
Brown	Hudkins	Matzke	Redfield	Tyson
Bruning	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Connealy	Jensen	Pederson, D.	Schmitt	Wehrbein
Crosby	Jones	Peterson, C.	Schrock	Wickersham
Cudaback	Kiel			

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke	Byars	Chambers	Coordsen	Robak
Bromm				

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

LEGISLATIVE BILL 319.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-506.01 and 25-2229, Reissue Revised Statutes of Nebraska; to change provisions relating to service of process; to authorize certain persons or entities to execute any service of process or order as prescribed; to provide powers and duties; and to repeal the original sections.

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

Voting in the affirmative, 43:

Baker	Connealy	Hudkins	Landis	Price
Beutler	Crosby	Janssen	Lynch	Quandahl
Bourne	Cudaback	Jensen	Matzke	Raikes
Brashear	Dierks	Jones	Pedersen, Dw.	Redfield
Bromm	Engel	Kiel	Pederson, D.	Schimek
Brown	Hartnett	Kremer	Peterson, C.	Schmitt
Bruning	Hilgert	Kristensen	Preister	Schrock

Smith	Suttle	Tyson	Wehrbein	Wickersham
Stuhr	Thompson	Vrtiska		

Voting in the negative, 0.

Excused and not voting, 5:

Bohlke	Byars	Chambers	Coordsen	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER KRISTENSEN PRESIDING

LEGISLATIVE BILL 320.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-906.05, Reissue Revised Statutes of Nebraska; to provide for judicial notice as prescribed; and to repeal the original section.

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

Voting in the affirmative, 43:

Baker	Cudaback	Kiel	Preister	Smith
Beutler	Dierks	Kremer	Price	Stuhr
Bourne	Engel	Kristensen	Quandahl	Suttle
Brashear	Hartnett	Landis	Raikes	Thompson
Bromm	Hilgert	Lynch	Redfield	Tyson
Brown	Hudkins	Matzke	Schimek	Vrtiska
Bruning	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Jensen	Pederson, D.	Schrock	Wickersham
Crosby	Jones	Peterson, C.		

Voting in the negative, 0.

Excused and not voting, 5:

Bohlke	Byars	Chambers	Coordsen	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 405.

A BILL FOR AN ACT relating to aquaculture; to amend section 2-5003, Reissue Revised Statutes of Nebraska; to change provisions relating to the board; and to repeal the original section.

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

Voting in the affirmative, 43:

Baker	Cudaback	Kiel	Preister	Smith
Beutler	Dierks	Kremer	Price	Stuhr
Bourne	Engel	Kristensen	Quandahl	Suttle
Brashear	Hartnett	Landis	Raikes	Thompson
Bromm	Hilgert	Lynch	Redfield	Tyson
Brown	Hudkins	Matzke	Schimek	Vrtiska
Bruning	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Jensen	Pederson, D.	Schrock	Wickersham
Crosby	Jones	Peterson, C.		

Voting in the negative, 0.

Excused and not voting, 5:

Bohlke	Byars	Chambers	Coordsen	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 499.

A BILL FOR AN ACT relating to economic development; to amend section 81-1255, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the county visitors committee; and to repeal the original section.

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

Voting in the affirmative, 42:

Baker	Cudaback	Kiel	Peterson, C.	Smith
Beutler	Dierks	Kremer	Price	Stuhr
Bourne	Engel	Kristensen	Quandahl	Suttle
Brashear	Hartnett	Landis	Raikes	Thompson
Bromm	Hilgert	Lynch	Redfield	Tyson
Brown	Hudkins	Matzke	Schimek	Vrtiska
Bruning	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Jensen	Pederson, D.	Schrock	Wickersham
Crosby	Jones			

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 5:

Bohlke Byars Chambers Coordsen Robak

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

LEGISLATIVE BILL 506.

A BILL FOR AN ACT relating to the Political Subdivisions Self-Funding Benefits Act; to amend section 13-1614, Reissue Revised Statutes of Nebraska; to change provisions relating to employee benefits; and to repeal the original section.

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

Voting in the affirmative, 42:

Baker	Dierks	Kremer	Preister	Smith
Beutler	Engel	Kristensen	Price	Stuhr
Bourne	Hartnett	Landis	Quandahl	Suttle
Brashear	Hilgert	Lynch	Raikes	Thompson
Bromm	Hudkins	Matzke	Redfield	Tyson
Brown	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Bruning	Jensen	Pederson, D.	Schmitt	Wehrbein
Connealy	Jones	Peterson, C.	Schrock	Wickersham
Crosby	Kiel			

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 5:

Bohlke Byars Chambers Coordsen Robak

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

LEGISLATIVE BILL 522.

A BILL FOR AN ACT relating to juveniles; to amend section 43-411, Reissue Revised Statutes of Nebraska; to change provisions relating to detainers for apprehension and detention; and to repeal the original section.

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

Voting in the affirmative, 43:

Baker	Cudaback	Kiel	Preister	Smith
Beutler	Dierks	Kremer	Price	Stuhr
Bourne	Engel	Kristensen	Quandahl	Suttle
Brashear	Hartnett	Landis	Raikes	Thompson
Bromm	Hilgert	Lynch	Redfield	Tyson
Brown	Hudkins	Matzke	Schimek	Vrtiska
Bruning	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Jensen	Pederson, D.	Schrock	Wickersham
Crosby	Jones	Peterson, C.		

Voting in the negative, 0.

Excused and not voting, 5:

Bohlke	Byars	Chambers	Coordsen	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 532.

A BILL FOR AN ACT relating to livestock; to eliminate stockyards provisions; and to outright repeal sections 54-503 to 54-505, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 43:

Baker	Cudaback	Kiel	Preister	Smith
Beutler	Dierks	Kremer	Price	Stuhr
Bourne	Engel	Kristensen	Quandahl	Suttle
Brashear	Hartnett	Landis	Raikes	Thompson
Bromm	Hilgert	Lynch	Redfield	Tyson
Brown	Hudkins	Matzke	Schimek	Vrtiska
Bruning	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Jensen	Pederson, D.	Schrock	Wickersham
Crosby	Jones	Peterson, C.		

Voting in the negative, 0.

Excused and not voting, 5:

Bohlke Byars Chambers Coordsen Robak

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

LEGISLATIVE BILL 533.

A BILL FOR AN ACT relating to livestock; to eliminate provisions relating to grazing cattle of another state; and to outright repeal sections 54-1201 to 54-1203, 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, 42:

Baker	Cudaback	Kiel	Preister	Smith
Beutler	Dierks	Kremer	Price	Stuhr
Bourne	Engel	Kristensen	Quandahl	Suttle
Brashear	Hartnett	Landis	Raikes	Thompson
Bromm	Hilgert	Matzke	Redfield	Tyson
Brown	Hudkins	Pedersen, Dw.	Schimek	Vrtiska
Bruning	Janssen	Pederson, D.	Schmitt	Wehrbein
Connealy	Jensen	Peterson, C.	Schrock	Wickersham
Crosby	Jones			

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 5:

Bohlke Byars Chambers Coordsen Robak

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

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 573.

A BILL FOR AN ACT relating to animals; to adopt the Controlled Substances Animal Welfare Act.

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

Voting in the affirmative, 41:

Baker	Cudaback	Kiel	Preister	Smith
Beutler	Dierks	Kremer	Price	Stuhr
Bourne	Engel	Kristensen	Quandahl	Suttle
Brashear	Hartnett	Landis	Raikes	Thompson
Bromm	Hudkins	Matzke	Redfield	Tyson
Brown	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Bruning	Jensen	Pederson, D.	Schmitt	Wehrbein
Connealy	Jones	Peterson, C.	Schrock	Wickersham
Crosby				

Voting in the negative, 1:

Hilgert

Excused and not voting, 6:

Bohlke	Chambers	Coordsen	Lynch	Robak
Byars				

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

LEGISLATIVE BILL 581.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1401, 49-1465, and 49-14,134, Reissue Revised Statutes of Nebraska; to change provisions relating to campaign statements; to provide for digital and electronic filing of documents; to provide a penalty; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 42:

Baker	Cudaback	Kiel	Preister	Smith
Beutler	Dierks	Kremer	Price	Stuhr
Bourne	Engel	Kristensen	Quandahl	Suttle
Brashear	Hartnett	Landis	Raikes	Thompson
Bromm	Hilgert	Matzke	Redfield	Tyson
Brown	Hudkins	Pedersen, Dw.	Schimek	Vrtiska
Bruning	Janssen	Pederson, D.	Schmitt	Wehrbein
Connealy	Jensen	Peterson, C.	Schrock	Wickersham
Crosby	Jones			

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke	Chambers	Coordsen	Lynch	Robak
Byars				

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

LEGISLATIVE BILL 618.

A BILL FOR AN ACT relating to real estate; to amend sections 76-2201, 76-2203, 76-2221, and 81-885.01, Reissue Revised Statutes of Nebraska; to change and provide provisions relating to opinions and analysis of price; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 41:

Baker	Cudaback	Kiel	Preister	Smith
Beutler	Engel	Kremer	Price	Stuhr
Bourne	Hartnett	Kristensen	Quandahl	Suttle
Brashear	Hilgert	Landis	Raikes	Thompson
Bromm	Hudkins	Matzke	Redfield	Tyson
Brown	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Bruning	Jensen	Pederson, D.	Schmitt	Wehrbein
Connealy	Jones	Peterson, C.	Schrock	Wickersham
Crosby				

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 6:

Bohlke	Chambers	Coordsen	Lynch	Robak
Byars				

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

LEGISLATIVE BILL 621.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1249, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of fireworks; and to repeal the original section.

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

Voting in the affirmative, 41:

Baker	Cudaback	Jones	Peterson, C.	Smith
Beutler	Dierks	Kiel	Price	Stuhr
Bourne	Engel	Kremer	Quandahl	Suttle
Brashear	Hartnett	Kristensen	Raikes	Thompson
Bromm	Hilgert	Landis	Redfield	Tyson
Brown	Hudkins	Matzke	Schimek	Vrtiska
Bruning	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Jensen	Pederson, D.	Schrock	Wickersham
Crosby				

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 6:

Bohlke	Chambers	Coordsen	Lynch	Robak
Byars				

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

LEGISLATIVE BILL 621A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 621, Ninety-sixth Legislature, First Session, 1999.

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

Voting in the affirmative, 41:

Baker	Cudaback	Jones	Peterson, C.	Smith
Beutler	Dierks	Kiel	Price	Stuhr
Bourne	Engel	Kremer	Quandahl	Suttle
Brashear	Hartnett	Kristensen	Raikes	Thompson
Bromm	Hilgert	Landis	Redfield	Tyson
Brown	Hudkins	Matzke	Schimek	Vrtiska
Bruning	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Jensen	Pederson, D.	Schrock	Wickersham
Crosby				

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 6:

Bohlke	Chambers	Coordsen	Lynch	Robak
Byars				

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 18, 112, 115, 236, 241, 248, 277, 284, 295, 318, 319, 320, 405, 499, 506, 522, 532, 533, 573, 581, 618, 621, and 621A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 640. With Emergency.

A BILL FOR AN ACT relating to cities of the first class; to eliminate provisions relating to the review of water supply or distribution projects; to outright repeal sections 16-6,111 to 16-6,116, 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, 40:

Baker	Crosby	Jensen	Peterson, C.	Smith
Beutler	Cudaback	Jones	Price	Stuhr
Bourne	Dierks	Kiel	Quandahl	Suttle
Brashear	Engel	Kremer	Raikes	Thompson
Bromm	Hartnett	Kristensen	Redfield	Tyson
Brown	Hilgert	Landis	Schimek	Vrtiska
Bruning	Hudkins	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Janssen	Pederson, D.	Schrock	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Matzke Preister

Excused and not voting, 6:

Bohlke Chambers Coordsen Lynch Robak
Byars

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 681.

A BILL FOR AN ACT relating to the Microenterprise Development Act; to amend sections 81-1298 and 81-1299, Revised Statutes Supplement, 1998; to define a term; to change a provision relating to grants and the selection process; to change and provide a duty; and to repeal the original sections.

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

Voting in the affirmative, 41:

Baker	Cudaback	Jones	Peterson, C.	Smith
Beutler	Dierks	Kiel	Price	Stuhr
Bourne	Engel	Kremer	Quandahl	Suttle
Brashear	Hartnett	Kristensen	Raikes	Thompson
Bromm	Hilgert	Landis	Redfield	Tyson
Brown	Hudkins	Matzke	Schimek	Vrtiska
Bruning	Janssen	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Jensen	Pederson, D.	Schrock	Wickersham
Crosby				

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 6:

Bohlke Chambers Coordsen Lynch Robak
Byars

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 640 and 681.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 23, 1999, at 10:50 a.m., were the following bills: LBs 297, 432, 552, 68, 68A, 101, 194, 324, 475, 574, 141, 99, 469, 608, 674, 674A, and 43.

(Signed) Dallas Mehling
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 496:
AM1440

(Amendments to Standing Committee amendments, AM0826)

- 1 1. On page 2, lines 19 and 20, after "fee" insert "or
- 2 charge"; in line 22 after "fees" insert "or charges"; and strike
- 3 beginning with "In" in line 24 through line 27 and insert "Any
- 4 highway construction permit fee or charge shall also be reasonably
- 5 related in time to the occurrence of such costs.".

Messrs. Coordsen and Wickersham filed the following amendment to
LB 271:
AM1257

- 1 1. Insert the following new section:
- 2 "Sec. 9. Any political subdivision which owns real
- 3 estate not used for daily operations of the political subdivision
- 4 shall dispose of the real estate within five years after the real
- 5 estate was acquired or within five years after the effective date
- 6 of this act, whichever is later. This section does not apply to
- 7 real estate owned by a political subdivision for recreational or
- 8 expansion purposes.".
- 9 2. Renumber the remaining section accordingly.

Mr. Matzke filed the following amendment to LB 530:
AM1424

- 1 1. Insert the following new section:
- 2 "Sec. 2. All expenses of litigation incurred by the
- 3 State of Nebraska resulting from the defense of any legal action
- 4 commenced in any state or federal court against the state by a
- 5 political subdivision of the state shall be surcharged as an excise
- 6 tax on the political subdivision on an annual basis."
- 7 2. Renumber the remaining sections accordingly.

Mr. Dierks filed the following amendment to LB 594:
(Amendment, AM1366, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Bromm filed the following amendment to LB 585:
AM1430

(Amendments to E & R amendments, AM7094)

1 1. Strike sections 2 and 3 and insert the following new
2 sections:

3 "Sec. 2. Section 60-601, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-601. Sections 60-601 to 60-6,374 and sections 3 and 6
6 of this act shall be known and may be cited as the Nebraska Rules
7 of the Road.

8 Sec. 3. (1) For purposes of this section:

9 (a) Alcoholic beverage means (i) beer, ale porter, stout,
10 and other similar fermented beverages, including sake or similar
11 products, of any name or description containing one-half of one
12 percent or more of alcohol by volume, brewed or produced from malt,
13 wholly or in part, or from any substitute therefor, (ii) wine of
14 not less than one-half of one percent of alcohol by volume, or
15 (iii) distilled spirits which is that substance known as ethyl
16 alcohol, ethanol, or spirits of wine in any form, including all
17 dilutions and mixtures thereof from whatever source or by whatever
18 process produced. Alcoholic beverage does not include trace
19 amounts, not readily consumable as a beverage;

20 (b) Highway means a road or street including the entire
21 area within the right-of-way;

22 (c) Open alcoholic beverage container means any bottle,
23 can, or other receptacle;

1 (i) That contains any amount of alcoholic beverage; and

2 (ii)(A) That is open or has a broken seal or (B) the
3 contents of which are partially removed; and

4 (d) Passenger area means the area designed to seat the
5 driver and passengers while the motor vehicle is in operation and
6 any area that is readily accessible to the driver or a passenger
7 while in their seating positions, including any compartments in
8 such area. Passenger area does not include the area behind the
9 last upright seat of such motor vehicle if the area is not normally
10 occupied by the driver or a passenger and the motor vehicle is not
11 equipped with a trunk.

12 (2) It is unlawful for any person in the passenger area
13 of a motor vehicle to possess an open alcoholic beverage container
14 while the motor vehicle is located in a public parking area or on
15 any highway in this state.

16 (3) Except as provided in section 53-186, it is unlawful
17 for any person to consume an alcoholic beverage (a) in a public
18 parking area or on any highway in this state or (b) inside a motor
19 vehicle while in a public parking area or on any highway in this
20 state."

21 2. On page 4, line 23; page 6, line 1; page 7, line 8;
22 page 12, line 23; page 14, line 2; and page 15, line 11, strike
23 "may" and insert "shall".

24 3. On page 4, lines 24 and 25; page 6, line 3; page 7,
 25 line 10; page 12, lines 24 and 25; page 14, line 4; and page 15,
 26 line 13, strike "for a like period".

27 4. On page 8, line 8, after "under" insert "subdivision
 1 (2)(a) of"; and strike beginning with "for" in line 26 through line
 2 27 and show as stricken.

3 5. On page 9, strike the new matter.

Mr. Wehrbein filed the following amendment to LB 630:
 (Amendment, AM1455, may be found in the Bill Books. The amendment has
 been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Landis filed the following amendment to LB 550:
 (Amendment, AM1452, may be found in the Bill Books. The amendment has
 been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTION

LEGISLATIVE RESOLUTION 74. Introduced by Urban Affairs
 Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Quandahl,
 31; Redfield, 12; Schimek, 27; Smith, 48.

PURPOSE: To study the current state of the natural gas industry in Nebraska to provide a comprehensive overview of the organization, structure, governance, regulation, effectiveness, and consumer satisfaction with existing natural gas utility systems, both publicly and privately owned, in Nebraska and the emerging issues of competition, deregulation, and restructuring in the natural gas industry and their effect upon those natural gas utility systems. The study would focus on the effectiveness of the current regulatory system in guaranteeing the lowest possible rates for natural gas service consistent with market conditions and the right of investors to a fair rate-of-return, the current role in the provision and regulation of natural gas service of municipalities, investor-owned utilities, metropolitan utilities districts, and publicly-owned service providers, the impact of current trends in the provision of natural gas, the impact of federal regulatory changes, and the state of regulatory practices in neighboring jurisdictions.

This study contemplates the hiring of a consultant or consultants to conduct the proposed review. The study would involve the documentation of the existing state of the natural gas industry, a review of present trends and their impact on the future of natural gas service in Nebraska, and recommendations on appropriate statutory changes necessary to address identified problems and deficiencies in Nebraska's current statutory scheme for natural gas regulation.

In addition to these broad general themes, the study should focus specifically on the following issues:

(1) The nature of existing municipal franchises and their provisions and their adequacy to serve as the basis for municipal regulatory authority;

(2) The status of natural gas rates and the need for regulatory controls in areas outside of municipal regulatory authority;

(3) The appropriate limit on municipal regulatory control based on

customer size or amount of gas consumption;

(4) The experience in Nebraska and elsewhere of consumer choice programs, the propriety of permitting consumer choice programs to be conducted in the future, and the nature of such a program if appropriate, including regulatory controls and guarantees of service;

(5) The adequacy of continued municipal regulation, the need for enhanced municipal regulatory authority, or the need for regulatory authority to be transferred to a statewide agency;

(6) The physical and technological changes in providing natural gas that may be required as a consequence of proposed changes resulting from the study and the cost to consumers of such changes; and

(7) Determining the most appropriate method for determining the proper provider of natural gas service in areas where two or more service providers are present and willing to provide service, including means for arbitrating disputes and providing for protection of the public.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Senator Matzke's daughter-in-law and grandchildren, Ann, Alex, Sloan, and Jared Matzke, from Seward; eighth grade students, teacher, and parents from Dundy County Middle School, Benkelman; 26 fourth grade students and teacher from Nemaha Valley, Talmage; 11 sixth through eighth grade students and teacher from District 1-R, Clarkson; 60 fourth grade students and sponsors from St. Columbkille Elementary School, Papillion; 50 kindergarten through sixth grade students and teachers from Stull School, Cass County #28; 20 kindergarten through second grade students from Unadilla Community School; David and Kandy Imes from Gering and Nina Silva from Brazil; 24 fourth grade students and teachers from Grant Public School; and 35 fourth grade students and teachers from Wisner-Pilger Elementary School, Pilger.

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 2:14 p.m., on a motion by Ms. Price, the Legislature adjourned until 9:00 a.m., Monday, April 26, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTIETH DAY – APRIL 26, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 26, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Father Folda, Cathedral of the Risen Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, Messrs. Brashear, Engel, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 23, 1999, at 2:15 p.m., were the following bills: LBs 18, 112, 115, 236, 241, 248, 277, 284, 295, 318, 319, 320, 405, 499, 506, 522, 532, 533, 573, 581, 618, 621, 621A, 640, and 681.

(Signed) Dallas Mehling
Clerk of the Legislature's Office

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

The following bills were correctly engrossed: LBs 150, 242A, 835, and 835A.

Enrollment and Review Change to LB 150

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

ER9061

1. In the Bromm amendment, AM1128:
 - a. On page 2, line 16, "an" has been struck and "a" inserted; and
 - b. On page 6, line 21, "Underscore" has been struck and "In the Landis amendment, AM0816, underscore" inserted.
2. On page 1, line 1, "to amend sections 75-109, 75-604, 86-802, and 86-1407, Revised Statutes Supplement, 1998;" has been inserted after the semicolon; in line 2 "to change provisions relating to common and contract carriers; to define terms; to harmonize provisions;" has been inserted after the semicolon; and in line 3 "to repeal the original sections;" has been inserted after the semicolon.

Enrollment and Review Change to LB 835

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

ER9059

1. In the Dierks amendment, FA109, "line 17" has been struck and "lines 17 and 18," inserted.
2. In the Bromm amendment, FA101, a comma has been inserted after "keeping".
3. In the E & R amendments, AM7092, on page 4, line 17, "agreement" has been struck and "contract" inserted.
4. On page 1, line 2, "; and to declare an emergency" has been inserted after "Act".

Enrollment and Review Change to LB 835A

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

ER9060

1. On page 2, lines 2 and 3, "Cash" has been inserted after "Markets".

(Signed) Adrian M. Smith, Chairperson

MOMENT OF SILENCE

A moment of silence was observed in memory of former U.S. Senator Roman Hruska who passed away Sunday, April 25, 1999.

RESOLUTION

LEGISLATIVE RESOLUTION 22. Read. Considered.

The Standing Committee amendment, AM0939, found on page 1169, was

adopted with 31 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LR 22 was adopted with 36 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 548A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 496. E & R amendment, AM7117, found on page 1420, was adopted.

Mr. Kristensen renewed his pending amendment, AM1440, found on page 1679.

The Kristensen amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 271. E & R amendment, AM7122, printed separately and referred to on page 1486, was adopted.

Mr. Beutler withdrew his amendment, AM1326, found on page 1540.

Mr. Wickersham renewed his pending amendment, AM1415, found on page 1622.

The Wickersham amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Messrs. Coordsen and Wickersham renewed their pending amendment, AM1257, found on page 1679.

Mr. Coordsen withdrew the Coordsen-Wickersham amendment.

Mr. Wickersham offered the following amendment:
AM1465

(Amendments to E & R amendments, AM7122)

- 1 1. Insert the following new section:
- 2 "Sec. 9. This act becomes operative on January 1,
- 3 2000."
- 4 2. On page 4, strike beginning with "to" in line 6

- 5 through line 19 and insert "to the extent used or being developed
 6 for use by the state or governmental subdivision for a public
 7 purpose. For purposes of this subdivision, public purpose means
 8 use of the property (i) to provide public services with or without
 9 cost to the recipient, including the general operation of
 10 government, public education, public safety, transportation, public
 11 works, civil and criminal justice, public health and welfare,
 12 developments by a public housing authority, parks, culture,
 13 recreation, community development, and cemetery purposes or (ii) to
 14 carry out the duties and responsibilities conferred by law with or
 15 without consideration. Public purpose does not include leasing of
 16 property to a private party unless the lease of the property is at
 17 fair market value for a public purpose. Leases of property by a
 18 public housing authority to low-income individuals as a place of
 19 residence are for the authority's public purpose;"; and in line 21
 20 after "used" insert "or developed for use".
 21 3. Renumber the remaining section accordingly.

Mr. Kristensen offered the following amendment to the Wickersham amendment:

FA114

Amend AM1465

Line 2 strike "January 1" and insert "January 2".

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

MRS. CROSBY PRESIDING

The Kristensen amendment was adopted with 29 ayes, 6 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Tyson offered the following amendment to the Wickersham amendment:
 FA115

Amend AM1465

Page 1 line 16 - after "is" insert "necessary to provide revenue to operate and carry out a public purpose" and strike the balance of the sentence

The Tyson amendment lost with 1 aye, 22 nays, 24 present and not voting, and 1 excused and not voting.

The Wickersham amendment, as amended, was adopted with 30 ayes, 1 nay, 16 present and not voting, and 1 excused and not voting.

Mr. Wickersham offered the following amendment:
 AM1485

(Amendments to E & R amendments, AM7122)

- 1 1. Insert the following new section:
- 2 "Sec. 9. (1) On or before March 1, the county assessor
- 3 shall send notice to the state or to any state or governmental

4 subdivision which has unleased property not being used for a public
 5 purpose and upon which a payment of in lieu of taxes is not made.
 6 Such notice shall inform the state or governmental subdivision that
 7 the property will be subject to taxation for property tax purposes.
 8 The written notice shall contain the legal description of the
 9 property and be given by first-class mail addressed to the state's
 10 or governmental subdivision's last-known address.

11 (2) The state or governmental subdivision may protest
 12 such determination of the county assessor to the county board of
 13 equalization on or before April 1. The county board of
 14 equalization shall issue its decision on the protest on or before
 15 May 1.

16 (3) The decision of the county board of equalization may
 17 be appealed to the Tax Equalization and Review Commission on or
 18 before June 1."

19 2. Renumber the remaining section accordingly.

The Wickersham amendment was adopted with 32 ayes, 0 nays, 14 present
 and not voting, and 2 excused and not voting.

Mr. Bromm and Mrs. Hudkins offered the following amendment:
 AM1488

(Amendments to E & R amendments, AM7122)

- 1 1. Insert the following new section:
- 2 "Sec. 9. The state or any governmental subdivision which
 3 owns property, all of which is integral and necessary to the public
 4 purpose of the state or governmental subdivision, a portion of
 5 which is specifically used for the public purpose, may negotiate
 6 with the affected governmental units a mutually agreed upon in lieu
 7 of tax payment. Payments under this section shall be in lieu of
 8 taxation.".
- 9 2. On page 4, line 21, after "purpose" insert "or
 10 property subject to section 9 of this act".
- 11 3. Renumber the remaining section accordingly.

Pending.

MESSAGE FROM THE GOVERNOR

April 23, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed

as the Chief Information Officer--Department of Administrative Services:

APPOINTEE:

Steven L. Schafer, 7324 Skyhawk Cr., Lincoln, NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE RESOLUTION 69. Reported to the Legislature for further consideration.

(Signed) D. Paul Hartnett, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 75. Introduced by Price, 26; Dierks, 40.

PURPOSE: To study issues addressed by LB 825, Ninety-sixth Legislature, First Session, heard by the Agriculture Committee.

LB 825 adopts the Commercial Dog and Cat Operator Inspection Act. It establishes a licensing and inspection program for commercial breeders and dealers of dogs and cats as defined in the bill, to be administered by the Department of Agriculture. Licensing fees are established in the bill, as are penalties for operating without a required license. Hobby breeders are defined in the bill and excluded from the licensing and inspection requirements.

Concerned citizens, including animal breeders, animal dealers, members of animal associations, health department officials, animal rescue groups, and concerned citizens across this state, initiated the introduction of LB 825.

The breeding of dogs and cats is a commercial business and can be an outstanding field of commerce for our state. It can have a positive economical impact in rural and urban areas if done correctly and humanely.

LB 825 is a vehicle to develop quality standards for the breeding of dogs and cats. It provides a level playing field for commercial breeders by setting breeding standards that will improve animal health and physical conditions, puts Nebraska back in good standing with our neighboring states, and protects commercial breeders and consumers.

The interim study may include the review of, but need not be limited to:

- (1) Similar legislation in surrounding states;
- (2) Rules and regulations of the Animal and Plant Health Inspection Service of the United States Department of Agriculture set out in 9 C.F.R., part 3, subpart A and all other related sections;
- (3) Dual inspection programs and the management of such programs;

- (4) Inspection standards;
- (5) Frequency of inspections, including, but not limited to, types and estimated number of facilities involved;
- (6) United States Department of Agriculture Memorandum of Understanding terms and conditions;
- (7) Accurate fiscal note;
- (8) Funding sources;
- (9) Fee schedule; and
- (10) Amendment considerations.

The interim study will solicit comments, suggestions, and recommendations from consumers, breeders, veterinarians, and public and private agencies. The study may include a public hearing to include public input. The committee shall, upon the conclusion of the study, make a report of its findings, together with its recommendations, to the Legislative Council by December 31, 1999. Appropriate enacting legislation of the Commercial Dog and Cat Operator Inspection Act will then be drafted.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 76. Introduced by Lynch, 13.

WHEREAS, the Nebraska Legislature passed LB 199 in 1991, commemorating Workers Memorial Day; and

WHEREAS, April 28, 1999, is recognized as Workers Memorial Day; and

WHEREAS, Workers Memorial Day is established to remember the courage and integrity of American workers past and present; and

WHEREAS, every citizen should assist in ensuring that all individuals work in a safe environment; and

WHEREAS, nationally more than sixty thousand workers die each year from job injuries and illnesses and more than six million workers are injured; and

WHEREAS, in Nebraska in 1998, there were 68,206 accidents in the workplace, of which fifty-three were fatal.

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

1. That April 28, 1999, is designated as Workers Memorial Day.
2. That it is the intent of the Legislature to honor those workers who sacrificed for the safety of all workers and to mourn for their lives.

Laid over.

ATTORNEY GENERAL'S OPINIONOpinion No. 99017

DATE: April 21, 1999

SUBJECT: Whether Legislative Bill 331, Which Gives the Nebraska Workers' Compensation Court the Power to Prosecute Violations of the Workers' Compensation Act, Violates Article II, Section 1, the Separation of Powers Clause of the Nebraska Constitution

REQUESTED BY: Senator Mark Quandahl, Legislative District 31

WRITTEN BY: Don Stenberg, Attorney General
Jason W. Hayes, Assistant Attorney General

You have made a request for an opinion from the Office of the Attorney General on the constitutionality of Legislative Bill 331, 96th Neb. Leg., 1st Sess. In your request, you stated that the proposal "relegates to the Workers' Compensation Courts, the authority properly exercised by the Executive or Legislative branch of government." In a subsequent conversation with your legislative assistant, she mentioned that you wanted the opinion to encompass the final reading language of the legislation.

L.B. 331 in part, enables the Nebraska Workers' Compensation Court to order payment of a monetary penalty by a risk management pool or a workers' compensation insurer, when a violation of the Nebraska Workers' Compensation Act has occurred. This order may be made if the Court finds, after due notice or hearing, that a risk management pool or workers' compensation insurer has failed to comply with an obligation under the Act. Failure to comply with the obligation must occur with such frequency as to indicate a general business practice to engage in that type of conduct.¹

In addition, the legislation gives the Nebraska Workers' Compensation Court the ability to adjudicate matters which involve a self-insurer failing to comply with an obligation under the Nebraska Workers' Compensation Act. Notice and hearing are provided by the Court to the self-insurer. Failure of the self-insurer to comply with the obligation must occur with such frequency as to indicate a general business practice to engage in that type of conduct. Upon such a finding, the Court is given the ability to suspend or revoke the approval of a self-insurer to provide self-insurance coverage for workers' compensation liability, or to order payment of a monetary penalty.²

¹ See L.B. 331, § 2 (a) and (b).

² See L.B. 331, § 2 (c).

According to the Administrator of the Workers' Compensation Court, the current enforcement, due notice and hearing procedures provided for in Neb. Rev. Stat. § 48-146.02 (Reissue 1998) are initiated by a presiding judge under an order to show cause proceeding. The Court provides notice of hearing to the respondent. The respondent must then appear at the hearing and give evidence of their compliance with the Nebraska Workers' Compensation Act. Upon a failure by the respondent to show their compliance under the Act, the Court may enforce the Act depending on the classification of the respondent.

If the respondent is an insurance organization, the Court may ask the Department of insurance to suspend or revoke the respondent's ability to write workers' compensation insurance. If the respondent is an intergovernmental risk management pool, the Court may suspend or revoke the respondent's ability to provide group self-insurance coverage of workers' compensation liability. If the respondent is a self-insurer, the Court may suspend or revoke the respondent's ability to provide self-insurance coverage of workers' compensation liability. LB 331 would enhance the enforcement ability of the Court by permitting it to order payment of monetary penalties from a respondent when a violation of the Act occurs. The procedures for a show cause hearing conducted currently under § 48-146.02 would remain in effect under L.B. 331.

DISCUSSION

The enabling legislation for the Workers' Compensation Court is found in § 48-152. The section provides, "there is hereby created, pursuant to the provisions of Article V, section 1, of the Nebraska Constitution, a court consisting of seven judges . . . which court shall have the authority to administer and enforce all of the provisions of the Nebraska Workers' Compensation Act . . ." Neb. Rev. Stat. § 48-152 (Reissue 1998). According to this section, the Court is established under Article V, the article creating the judicial branch of the state government. Article V provides, "the judicial power of the state is vested in a Supreme Court, an appellate court, district courts, county courts . . . and such other courts inferior to the Supreme Court as may be enacted by law." Neb. Const. Art. V, § 1. Thus, the Workers' Compensation Court is a court formed under the judicial branch of state government, and is not an administrative court or legislative tribunal, as found under the executive and legislative branches, respectively.

The Nebraska Constitution delineates the boundary under which one branch of government may not intrude into the functions of another branch of government. "The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others . . ." Neb. Const. Art. II, § 1. "The purpose of the clause is to establish the permanent framework of our system of government, to assign to the three departments their respective powers and duties, and to establish certain fixed principles upon which our government is to be conducted. The clause prohibits one

department of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives." *State ex rel. Stenberg v. Murphy*, 247 Neb. 358, 364, 527 N.W.2d 185, 192 (1995).

This provision of the state constitution has been applied to limit the scope under which duties may be granted to the judicial branch of state government. "It is elementary in the area of the constitutional interpretation of Article II, section 1, of the Constitution, that the Legislature may not impose upon the courts the performance of nonjudicial duties . . ." *C.R.T. Corporation v. Board of Equalization*, 172 Neb. 540, 545, 110 N.W.2d 194, 198 (1961). The Court, citing a Maryland decision to which it relied upon, stated:

It would thus be made to seem evident in our fundamental law that the policy and intent of the law is that the courts and judges provided for in our system shall not only not be required, but shall not be permitted, to exercise any power, or to perform any trust, or to assume any duty, not pertaining to, or connected with, the administering of the judicial function, and that the exercise of any power or trust or the assumption of any public duty other than such as pertains to the exercise of the judicial function is not only without constitutional warrant, but against the constitutional mandate in the respect to the powers they are to exercise and the character of the duties they are to discharge.

Tyson et al. v. Washington County et al., 78 Neb. 211, 217, 110 N.W. 634, 637 (1907).

The duties of the judicial branch of government have been held to entail rendering decisions in contested matters between adverse parties. "[G]enerally judicial power is the authority to hear and determine a controversy as to rights and upon such determination to render a judgment binding upon the defendants. . . . The authority to hear and determine controversies between public officers, the state, counties, cities and other municipal corporations, subdivisions of the state and the state bonding fund is a judicial power." *Laverty v. Cochran*, 132 Neb. 118, 122, 271 N.W. 354, 356-57 (1937).³ "Judicial power, it would seem, is the authority of some person or tribunal to hear and determine a controversy, and to reduce such determination to a judgment or decree binding the parties thereto." *Horbach v. Tyrrell*, 48 Neb. 514, 518, 67 N.W. 485, 486 (1896).

The judiciary has also been given duties that pertain to the administration of the judicial branch of government. "Particular powers which have been held within the proper scope of the judiciary include among others the power to regulate the practice of law, to regulate the matters of court procedures, to

³ "The judicial function under the Constitution is to apply the law in controverted cases . . ." *Gordon v. Lowry*, 116 Neb. 359, 361, 217 N.W. 610, 611 (1928) (citing from 2 Wigmore, Evidence (2d Ed.) § 1353).

hear causes pending between adverse parties, and to apply the law to the facts of a particular case." 16 C.J.S. §173. These duties are necessary for the court to conduct the administration of justice, such as formulating court procedures and regulating the admission of attorneys to practice law. See *In re Application of Majorek*, 244 Neb. 595, 508 N.W.2d 275 (1993).

L.B. 331 proposes to give the Workers' Compensation Court the ability to impose a monetary penalty on respondents that the Court finds are not in compliance with the Workers' Compensation Act. Neb. Rev. Stat. Chapter 48, Article 1 (Reissue 1998). These respondents are limited to workers' compensation insurers, self-insurers and intergovernmental risk management pools. The Court will be able to impose this penalty on a respondent after notice and hearing is granted by the Court under its own motion. The monetary penalty is provided as an enforcement tool to bring providers into compliance with the Act.⁴

Pursuant to § 48-146.02, the Workers' Compensation Court currently has the authority to conduct notice and hearing review for insurance and intergovernmental risk management pools that are in violation of the Workers' Compensation Act. Neb. Rev. Stat. § 48-146.02 (1) and (2) (Reissue 1998). This section gives the Court the ability to request the appearance of a respondent in a show cause action before the Court. The Court may request such an appearance when it has reason to believe that the party is in violation of the Workers' Compensation Act.⁵

Although such show cause hearings would remain with the adoption of L.B. 331, the Court presently does not have the ability to impose monetary fines upon respondents who fail to comply with the Act. Instead, as provided in § 48-146.02, the Court may only request the Director of Insurance, found within the Executive Branch of government, to suspend or revoke the authorization of an insurance organization to write workers' compensation insurance. Such a request does not reach the level of an actual monetary penalty being imposed by the Workers' Compensation Court.

With regard to risk management pools, the Court has the ability under § 48-146.02, upon a finding of noncompliance, to suspend or revoke the ability of the risk management pool to provide group self-insurance. These risk management pools only encompass those entities established under § 44-4319 of the Intergovernmental Risk Management Act, and include public agencies rather than private concerns. Under the statute, the Court is given the ability to restrict future actions by the risk management pools

⁴ See Introductor's Statement of Intent, L.B. 331, 96th Neb. Leg., 1st Sess. (Neb. 1999).

⁵ This is the procedure outlined by the Administrator of the Workers' Compensation Court.

area of workers' compensation insurance, but again this does not rise to the level of allowing the Court to impose a monetary penalty to address previous violations of the Act by a risk management pool.⁶

The prosecution of laws is a duty reserved for the executive branch of government. "The function of the executive department is to administer and enforce the laws as written and interpreted by the courts." 16 C.J.S. § 215. "The judicial department of the government may not encroach on the executive department, and may not interfere with administrative activities of the executive branch only when necessary to protect individual constitutional rights." 16 C.J.S. § 203. "[U]nder the division of powers devised by the Constitution, neither the Legislature nor the courts may exercise the powers thus conferred upon the executive branch." *State v. Young*, 154 Neb. 588, 591, 48 N.W.2d 677, 679 (1951). Therefore, the judicial branch of government may not encroach upon an area reserved for the executive branch. The prosecution of law is a power reserved for the executive branch and may not be delegated to the judicial branch.

L.B. 331, if enacted, would give an Article V court, rather than the executive branch, the ability to prosecute violations of law. The provisions in the legislation that allow the Court to prosecute violations of the Workers' Compensation Act, and at the same time allow the Court to sit in judgment, violates Article II, § 1 of the Nebraska Constitution.

The Doctrine of the Separation of Powers has long been a cornerstone in our republican form of both federal and state government. The Nebraska Supreme Court quoted Alexander Hamilton's argument found in Federalist No. 78:

The executive not only dispenses the honors, but holds the sword of community; The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated; The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of society; and can take no active resolution whatsoever; It may truly be said to have neither force nor will, but merely judgment.

State ex rel. Randall v. Hall, 125 Neb. 236, 242, 249 N.W. 756, 759 (1933). The purpose of the Separation of Powers Doctrine found in Article II, § 1 of the Nebraska Constitution is "to establish and maintain the independence of

⁶ Presently under § 48-145 (1), the Workers' Compensation Court may in its discretion withdraw approval of a self-insurer to provide its own coverage under the Workers' Compensation Act. Neb. Rev. Stat. 48-145 (1) (Reissue 1998). L.B. 331 would give due process rights to a self-insurer by requiring a notice and hearing procedure for withdrawing such approval. Section 48-145(1) currently does not provide for a monetary penalty to be imposed by the Court for violations of the Act committed by self-insurers.

the three branches of government." *Id.* L.B. 331 violates this independence.

CONCLUSION

Legislative Bill 331 is unconstitutional on its face, as it gives a court established under Article V, Section 1 of the Nebraska Constitution the ability to prosecute a violation of statutory law. Such authority given by the Legislature to an Article V court is prohibited by the Separation of Powers provision found in Article II, § 1 of the Nebraska Constitution. L.B. 331 would allow an encroachment by the judicial branch of state government into the powers reserved exclusively for the executive branch of government under Article IV of the Nebraska Constitution.

Sincerely,

Don Stenberg

Attorney General

(Signed) Jason W. Hayes

Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Legislature

02-48-16

REPORTS

The following reports were received by the Legislature:

Agricultural and Horticultural Land Board, Northeast District, Area 3 Report

Auditor of Public Accounts

Nebraska Department of Roads - FY 97

Nebraska State Board of Landscape Architects - FY 97

Nebraska Public Service Commission - FY 97

Nebraska Commission on Mexican-Americans - FY 98

Nebraska Commission on Indian Affairs - FY 98

Nebraska State Patrol Investigative and Auto Theft Cash Fund - FY 98

Nebraska Brand Committee - FY 98

Chadron State College Accountants' Reports and Financial Statements -
FY 98

University of Nebraska - Financial Statements and Reports Required by
Government Auditing Standards and OMB Circular A-133 - FY 98

University of Nebraska - Financial Statements and Supplemental
Information - FY 98

State of Nebraska Office of the Lieutenant Governor

Health and Human Services System Procedures Report - Family Support
Services

Public Employees' Retirement Systems - State and County Employees'
Retirement Plans - FY 97

Governor Programs: 002 Salary - Governor, 021 Office of the Governor,

and 125 Transition Expenses

Energy Office, Nebraska

Municipal Natural Gas Regulation Revolving Loan Fund Report

Investment Finance Authority, Nebraska (NIFA)

Single Family Housing Revenue Bonds

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for March 1999

VISITORS

Visitors to the Chamber were Jakob Tesch from Berlin; 34 fifth grade students and teachers from Clarkson Elementary School, Fremont; 60 fourth grade students and teachers from Golden Hills Elementary School, Papillion; 13 fourth grade students and teacher from Northern Hills Elementary School, Norfolk; Gary Malone from Crete; and Michael Shaeffer from Lincoln.

RECESS

At 12:02 p.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Brown, Kiel, Robak, Messrs. Dierks, Lynch, Matzke, Schrock, and Ms. Schimek who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 99018

DATE: April 26, 1999

SUBJECT: Amendment to LB 605 to provide for use of Ethanol Production Incentive Cash Fund for ethanol promotion and travel by the Governor to promote use of ethanol

REQUESTED BY: Senator Ed Schrock

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion concerning a proposed amendment to LB 605 to permit use of a portion of the Ethanol Production Incentive Cash Fund (EPIC Fund) by the Governor for promotion of ethanol and travel to promote the use of ethanol in other states. You have not provided us with a copy of your proposed amendment. However, you have inquired whether there are any legal constraints on the expenditure of EPIC Funds for these purposes.

The EPIC Fund is established by Neb. Rev. Stat. § 66-1345 (1996), and it's authorized uses are set forth therein. Under current law, the EPIC Fund may be used only "to pay the credits created in section 66-1344 to the extent provided in this section." Neb. Rev. Stat. § 66-1345 (1). These credits are used to make production incentive payments to producers of ethanol in Nebraska who meet certain criteria.

Under Nebraska law, "the Legislature has plenary legislative authority limited only by the state and federal Constitutions." *Lenstrom v. Thone*, 209 Neb. 783, 789, 311 Neb.2d 884 (1981). "Unless restricted by some provision of state or federal Constitution, the legislature may enact laws and appropriate funds for the accomplishment of any public purpose. It is for the Legislature to decide in the first instance what is and what is not a public purpose . . .". *Id.*

The promotion of ethanol use in the manner outlined in your request arguably benefits the economy of Nebraska, and would almost certainly constitute a legitimate public purpose if so determined by the Nebraska Legislature. *See State ex rel. Douglas v. Thone*, 204 Neb. 836, 286 N.W.2d 249 (1979). *See also* Op. Atty. Gen. No. 92061 (April 16, 1992) (discussing the public purpose doctrine). Furthermore, the Governor clearly possesses sufficient authority to engage in such promotional/economic development activities. *See* Neb. Const. art IV, § 6.

Thus, provided that the pertinent statutory language is properly amended to authorize the contemplated additional uses of the EPIC Fund, we see no legal obstacle to the proposed amendment.¹

¹ We note that the question presented identified no specific legal concerns. Thus, our response is necessarily general in nature. We also received the opinion request late on Friday morning with a request for a response by noon the following Monday. Consequently, the legal research on this matter cannot be considered exhaustive.

Sincerely,
Don Stenberg
Attorney General
(Signed) Steve Gras
Deputy Attorney General

SELECT FILE

LEGISLATIVE BILL 271. The Bromm-Hudkins pending amendment, AM1488, found in this day's Journal, was renewed.

Mr. Bromm withdrew the Bromm-Hudkins amendment.

Mr. Landis moved to indefinitely postpone LB 271.

Laid over.

LEGISLATIVE BILL 630. E & R amendment, AM7123, printed separately and referred to on page 1506, was adopted.

Mr. Wehrbein withdrew his amendments, AM1369, found on page 1594, and AM1455, printed separately and referred to on page 1681.

Mr. Wehrbein offered the following amendment:
(Amendment, AM1477, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wehrbein offered the following amendment to his amendment:

FA118

Amend AM1477

On page 13, line 14, after Sec. 15 strike "Prior to July 1, 2000,"

The Wehrbein amendment, FA118, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The Wehrbein amendment, AM1477, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Wickersham offered the following amendment:

AM1478

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 12 of this act shall be known
- 4 and may be cited as the Beginning Farmer Assistance Act.
- 5 Sec. 2. The Legislature hereby finds and declares that:
- 6 (1) Current farm economic conditions in the State of
- 7 Nebraska have resulted in unemployment, outmigration of people,
- 8 loss of agricultural jobs, and difficulty in attracting and
- 9 retaining farm operations; and
- 10 (2) It is the policy of this state to encourage persons
- 11 to seek careers in the farming industry, retain existing and
- 12 established farm operations, promote the creation and retention of
- 13 new farm jobs in Nebraska, and attract and retain investment
- 14 capital in rural Nebraska.

15 Sec. 3. For purposes of the Beginning Farmer Assistance
16 Act:

17 (1) Agricultural assets means agricultural land,
18 livestock, farming, or livestock production facilities or buildings
19 and machinery used for farming or livestock production;

20 (2) Board means the Beginning Farmer Board created by
21 section 4 of this act;

22 (3) Family means parents and grandparents of, and parents
23 and grandparents of spouses of, persons who apply for assistance
24 from the board for the purpose of entering into farming or
1 livestock production;

2 (4) Farm means any tract of real property used for or
3 devoted to the commercial production of farm products;

4 (5) Farm product means those plants and animals useful to
5 man and includes, but is not limited to, forages and sod crops,
6 grains and feed crops, dairy and dairy products, poultry and
7 poultry products, livestock, including breeding and grazing
8 livestock, fruits, and vegetables;

9 (6) Farming or livestock production means the active use,
10 management, and operation of real and personal property for the
11 production of a farm product;

12 (7) Financial management program means a program for
13 beginning farmers or livestock producers which includes, but is not
14 limited to, assistance in the creation and proper use of
15 record-keeping systems, periodic private consultations with
16 licensed financial management personnel, year-end monthly cash flow
17 analysis, and detailed enterprise analysis;

18 (8) Owner of agricultural assets means an individual who
19 is a resident individual as defined in section 77-2714.01, who has
20 derived at least fifty percent or more of his or her gross annual
21 income for income tax purposes from farming or livestock
22 production, who has a net worth of at least one hundred thousand
23 dollars, including any holdings by a spouse or dependent, based on
24 fair market value, who has provided the majority of the day-to-day
25 physical labor and management of a farm over a period of time
26 deemed sufficient by the board, and who has such other
27 qualifications as determined by the board; and

1 (9) Qualified beginning farmer or livestock producer
2 means an individual who is a resident individual as defined in
3 section 77-2714.01, who has entered farming or livestock production
4 or is seeking entry into farming or livestock production, who
5 intends to farm or raise crops or livestock on land located within
6 the state borders of Nebraska, and who meets the eligibility
7 guidelines established in section 9 of this act and such other
8 qualifications as determined by the board.

9 Sec. 4. For the purpose of developing and directing
10 programs to provide increased and enhanced opportunities for
11 beginning farmers and livestock producers, the Beginning Farmer
12 Board is created. For administrative and budgetary purposes only,

13 the board shall be housed within the Department of Agriculture.
14 The board shall be vested with the following duties and
15 responsibilities:

16 (1) To approve and certify beginning farmers and
17 livestock producers as eligible for the programs provided by the
18 board;

19 (2) To approve and certify owners of agricultural assets
20 and beginning farmers or livestock producers as eligible for the
21 benefits authorized by sections 11 and 12 of this act;

22 (3) To advocate joint ventures between beginning farmers
23 or livestock producers and existing private and public credit and
24 banking licensed institutions, as well as to advocate joint
25 ventures with owners of agricultural assets desiring to assist
26 beginning farmers and livestock producers seeking entry into
27 farming or livestock production;

1 (4) To provide necessary and reasonable assistance and
2 support to beginning farmers and livestock producers for
3 qualification and participation in financial management programs
4 approved by the board;

5 (5) To advocate appropriate changes in policies and
6 programs of other public and private institutions or agencies which
7 will directly benefit beginning farmers and livestock producers and
8 may include changes regarding financing, taxation, and any other
9 existing policies which prohibit or impede individuals from
10 entering into farming or livestock production;

11 (6) To provide adequate explanations of facts and aspects
12 of available programs offered or recommended by the board intended
13 for beginning farmers and livestock producers;

14 (7) To assist and educate beginning farmers and livestock
15 producers by acting as a liaison between beginning farmers or
16 livestock producers and the Nebraska Investment Finance Authority;

17 (8) To encourage licensed financial institutions and
18 individuals to use alternative amortization schedules for loans and
19 land contracts granted to beginning farmers and livestock
20 producers;

21 (9) To refer beginning farmers and livestock producers to
22 agencies and organizations which may provide additional pertinent
23 information and assistance;

24 (10) To provide any other assistance and support the
25 board deems necessary and appropriate in order for entry into
26 farming or livestock production;

27 (11) To adopt and promulgate rules and regulations
1 necessary to carry out the purposes of the Beginning Farmer Tax
2 Credit Act, including criteria required for rental agreement
3 eligibility and financial management program certification and
4 guidelines which constitute a viably sized farm that is necessary
5 to adequately support a beginning farmer or livestock producer.
6 Such guidelines shall vary and take into account the region of the
7 state, number of acres, land quality and type, type of operation,

8 type of crops or livestock raised, and other factors of farming or
9 livestock production;

10 (12) To enter into rental agreements with owners of
11 agricultural assets and beginning farmers or livestock producers as
12 provided in sections 11 and 12 of this act; and

13 (13) To keep minutes of the board's meetings and other
14 books and records which will adequately reflect actions and
15 decisions of the board and to provide an annual report to the
16 Legislature, the Governor, and the Legislative Fiscal Analyst by
17 December 1.

18 Sec. 5. The board shall consist of the following
19 members:

20 (1) The Director of Agriculture or his or her designee;

21 (2) The executive director of the Rural Development
22 Commission or his or her designee;

23 (3) One individual representing lenders of agricultural
24 credit;

25 (4) One individual of the academic community with
26 extensive knowledge and insight in the analysis of agricultural
27 economic issues; and

1 (5) Three individuals, one from each congressional
2 district, who are currently engaged in farming or livestock
3 production and are representative of a variety of farming or
4 livestock production interests based on size of farm, type of farm
5 operation, net worth of farm operation, and geographic location.

6 All members of the board shall be resident individuals as
7 defined in section 77-2714.01. Members of the board listed in
8 subdivisions (3) through (5) of this section shall be appointed by
9 the Governor with the approval of a majority of the Legislature.
10 All appointments shall be for terms of four years.

11 Vacancies in the appointed membership of the board shall
12 be filled for the unexpired term by appointment by the Governor.
13 Members of the board shall serve the full term and until a
14 successor has been appointed by the Governor and approved by the
15 Legislature. Any member is eligible for reappointment. Any member
16 may be removed from the board by the Governor or by an affirmative
17 vote by any four members of the board for incompetence, neglect of
18 duty, or malfeasance.

19 Sec. 6. Once every two years, the members of the board
20 shall elect a chairperson and a vice-chairperson. A member of the
21 board may be reelected to the position of chairperson or
22 vice-chairperson upon the discretion of the board. Members of the
23 board shall be reimbursed for their actual and necessary expenses
24 as provided in sections 81-1174 to 81-1177.

25 Sec. 7. Four of the members of the board shall
26 constitute a quorum for the transaction of official business. The
27 affirmative vote of at least four members shall be necessary for
1 any action to be taken by the board. No vacancy in the membership
2 of the board shall constitute an impairment of a quorum to exercise

3 any and all rights and perform all duties of the board.

4 Sec. 8. The board shall meet quarterly during the year
5 and shall review pending applications in order to approve and
6 certify beginning farmers and livestock producers as eligible for
7 the programs provided by the board and to approve and execute
8 rental agreements with owners of agricultural assets and beginning
9 farmers or livestock producers that are eligible for the benefits
10 authorized by sections 11 and 12 of this act. Any action taken by
11 the board regarding approval and certification of program
12 eligibility, granting of tax credits, or termination of rental
13 agreements shall require the affirmative vote of at least four
14 members of the board.

15 Sec. 9. The board shall determine who is qualified as a
16 beginning farmer or livestock producer based on the qualifications
17 found in this section. A qualified beginning farmer or livestock
18 producer shall be an individual who: (1) Has a net worth of not
19 more than one hundred thousand dollars, including any holdings by a
20 spouse or dependent, based on fair market value; (2) provides the
21 majority of the day-to-day physical labor and management of the
22 farm; (3) has, by the judgment of the board, adequate farming or
23 livestock production experience or demonstrates knowledge in the
24 type of farming or livestock production for which he or she seeks
25 assistance from the board; (4) demonstrates to the board a profit
26 potential by submitting board-approved projected earnings
27 statements and agrees that farming or livestock production is
1 intended to become his or her principal source of income; (5)
2 demonstrates to the board a need for assistance; (6) participates
3 in a financial management program approved by the board; (7)
4 submits a nutrient management plan and a soil conservation plan to
5 the board for approval on any applicable agricultural assets
6 purchased or rented from an owner of agricultural assets; (8) is
7 not a relative as defined in section 36-702 of the owner of
8 agricultural assets in which the beginning farmer or livestock
9 producer is seeking to enter into a rental agreement; and (9) has
10 such other qualifications as specified by the board.

11 Sec. 10. The board shall, following the close of each
12 fiscal year, submit an annual report of the activities and actions
13 of the board for the preceding fiscal year to the Governor, the
14 Legislative Fiscal Analyst, and the Clerk of the Legislature. Each
15 member of the Legislature shall receive a copy of such report by
16 request to the chairperson of the board. Each report shall include
17 the following information:

18 (1) A complete operating and financial statement for the
19 board for the prior fiscal year;

20 (2) The number of qualified beginning farmers and
21 livestock producers receiving assistance from the board;

22 (3) The number of rental agreements entered into by the
23 board and the amount of assistance granted by the board; and

24 (4) Any other relevant information which the board deems

25 necessary to report.

26 Sec. 11. Beginning January 1, 2001, the beginning farmer
27 or livestock producer and owner of agricultural assets shall be
1 entitled to a rental assistance benefit equal to five percent of
2 the cash rent of agricultural assets of the owner of agricultural
3 assets to the beginning farmer or livestock producer. Such assets
4 shall only be rented at prevailing market rates as determined by
5 the board. The benefit shall be granted only after approval and
6 certification by the board of a written three-year rental agreement
7 entered into between the owner of agricultural assets, the
8 beginning farmer or livestock producer, and the board. The
9 agreement shall obligate the owner of agricultural assets not to
10 terminate the agreement without just cause and shall not obligate
11 the beginning farmer or livestock producer to be responsible for
12 managing or maintaining a farm which, based on the discretion of
13 the board, is of greater scope and scale than necessary for a
14 viably sized farm as established by the guidelines of the board.
15 The written agreement shall obligate the beginning farmer or
16 livestock producer to commit to farming or livestock production as
17 his or her principal source of income, participate in a financial
18 management program approved by the board, and comply with the
19 nutrient management plan and soil conservation that was approved by
20 the board. The written agreement shall obligate the board to
21 provide five percent of the cash rent required in the rental
22 agreement. An owner of agricultural assets or a beginning farmer
23 or livestock producer may terminate such agreement for reasonable
24 cause upon approval by the board. The benefits provided by the
25 Beginning Farmer Assistance Act may be collected for a total of
26 three years. After execution of an agreement qualifying for
27 assistance under the act, neither the beginning farmer or livestock
1 producer or the owner of agricultural assets shall be eligible for
2 further benefits under the act unless the rental agreement is
3 terminated prior to the end of the three-year period at no fault of
4 the person seeking later qualification for benefits. If the board
5 finds that such termination was not the fault of the person seeking
6 later qualification for the program, it may approve the beginning
7 farmer or livestock producer or owner of agricultural assets for
8 benefits arising from a subsequent qualifying rental agreement.
9 Any person aggrieved by a decision of the board may appeal the
10 decision, and the appeal shall be in accordance with the
11 Administrative Procedure Act.

12 Sec. 12. The Beginning Farmer Benefit Fund is created.
13 Any money in the fund available for investment shall be invested by
14 the state investment officer pursuant to the Nebraska Capital
15 Expansion Act and the Nebraska State Funds Investment Act. The
16 fund shall consist of money appropriated to the fund for this
17 purpose. The board shall not enter into contracts which obligate
18 the board to pay more under the contracts than has been
19 appropriated by the Legislature for the fund for the current budget

20 period. Any benefits approved under the Beginning Farmer
 21 Assistance Act are to be paid from the fund as provided in the
 22 agreement of the board. The benefit amount shall be limited to
 23 five percent of the cash rent provided for in the agreement for
 24 three years."

Mr. Wickersham offered the following amendment to his amendment:
 FA119

Amend AM1478

On page 1, line 1 after "Sections" insert "1 through 14 and 16".

The Wickersham amendment, FA119, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Messrs. Dw. Pedersen, Engel, Kristensen, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham offered the following amendment to his amendment:
 FA121

Amend AM1478

On page 9, line 2, after "rent" insert "or cash equivalent of a share crop rental"

The Wickersham amendment, FA121, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. D. Pederson and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Wickersham moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 28 not voting.

Mr. Wehrbein requested a roll call vote, in reverse order, on the Wickersham amendment, AM1478, as amended.

Voting in the affirmative, 19:

Baker	Brown	Jensen	Preister	Suttle
Beutler	Chambers	Jones	Price	Thompson
Bourne	Hartnett	Landis	Redfield	Wickersham
Bromm	Janssen	Pedersen, Dw.	Schimek	

Voting in the negative, 18:

Brashear	Connealy	Hilgert	Matzke	Schrock
Bruning	Coordsen	Hudkins	Peterson, C.	Smith
Byars	Crosby	Kremer	Quandahl	Stuhr

Tyson Vrtiska Wehrbein

Present and not voting, 7:

Bohlke Dierks Raikes Robak Schmitt
Cudaback Engel

Excused and not voting, 4:

Kiel Kristensen Lynch Pederson, D.

The Wickersham amendment, as amended, lost with 19 ayes, 18 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Ms. Redfield offered the following amendment:

FA120

On page 11, line 2, after "assets" insert "and qualified beginning farmers";
On page 11, line 7, strike "An", replace with "The". On line 8, after "assets" insert "and the qualified beginning farmer";
On page 13, line 1, strike "an" and replace with "the"; in line 3, after "assets" insert "and the qualified beginning farmer".

Ms. Redfield moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 33 not voting.

Mr. Coordsen requested a roll call vote on the Redfield amendment.

Voting in the affirmative, 15:

Baker Bruning Coordsen Jones Quandahl
Bromm Byars Cudaback Kremer Redfield
Brown Chambers Dierks Price Smith

Voting in the negative, 15:

Beutler Crosby Landis Robak Tyson
Bohlke Engel Matzke Schimek Vrtiska
Connealy Janssen Pedersen, Dw. Schrock Wehrbein

Present and not voting, 14:

Bourne Hilgert Peterson, C. Schmitt Thompson
Brashear Hudkins Preister Stuhr Wickersham
Hartnett Jensen Raikes Suttle

Excused and not voting, 4:

Kiel Kristensen Lynch Pederson, D.

The Redfield amendment lost with 15 ayes, 15 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Coordsen, Hartnett, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein offered the following amendment:

FA122

Section 12, line 10, page 11, after "basis", and in Section 12, line 2, page 12 after "assets." insert including cash rent of agricultural assets or cash equivalent of a share-crop rental,"

The Wehrbein amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

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

SELECT COMMITTEE REPORT **Enrollment and Review**

LEGISLATIVE BILL 548A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Schafer, Steven L., Chief Information Officer - Dept. of Administrative Services -- Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING **Natural Resources**

Friday, May 21, 1999
Nebraska Ethanol Board
James Ziebarth

8:30 a.m.

(Signed) Ed Schrock, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 113, 113A, 280, and 774.

Correctly Engrossed

The following bill was correctly engrossed: LB 822.

Enrollment and Review Change to LB 113
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9068

1. In the Schimek amendment, AM1364, on page 3, line 18; and page 4, line 8, "FY1999-2000" has been struck and "FY1999-00" inserted.

Enrollment and Review Change to LB 280
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9067

1. In the Wickersham-Cudaback amendment, AM1281, on page 2, line 22, "shall include" has been struck, shown as stricken, and "includes" inserted.

Enrollment and Review Change to LB 822

The following changes, required to be reported for publication in the Journal, have been made:
ER9062

1. In the Schrock amendment, FA112:
 - a. Underscoring has been inserted beginning with "Nothing" through the period;
 - b. Section 4 has been renumbered as section 10; and
 - c. "Section 2" has been struck and "section 54-2404" inserted.
2. In the Schrock amendment, AM1395, amendment 1 has been struck.
3. In the Wickersham amendment, AM1276, on page 1, line 2, "3" has been struck and "9" inserted.
4. In the Kremer amendment, FA110, the matter beginning with the first "Strike" through the first period has been struck and "In AM1171" inserted.
5. In the Schimek-Raikes amendment, AM1283, on page 1, line 3, "June" has been struck and "January" inserted.
6. In the Schimek-Raikes amendment, AM1171:

a. On page 1, line 9, an underscored comma has been inserted after the second "regulations"; in line 14 "(a)" has been struck and "(1)" inserted; in line 16 "closest geographically" has been struck and "geographically closest" inserted; in line 19 "(b)" has been struck and "(2)" inserted; in line 21 "(c) Many" has been struck and "(3) May" inserted; and in line 23 "(d)" has been struck and "(4)" inserted; and

b. On page 2, line 4, "(e)" has been struck and "(5)" inserted.

7. In the E & R amendments, AM7093:

a. On page 1, lines 5 and 6, "3 and 4" has been struck and "9 and 10" inserted; and

b. On page 4, lines 9 and 14, "54-2401" has been struck and "23-114.03, 23-114.05, 54-2401," inserted; in lines 10 and 15 ", and section 23-114, Revised Statutes Supplement, 1998" has been inserted after "Nebraska"; and in line 15 "to provide for temporary zoning regulations as prescribed;" has been inserted after the semicolon.

8. On page 1, line 1, "the Livestock Waste Management Act" has been struck and "land use" inserted.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Bourne filed the following amendment to LB 267:

AM1431

- 1 1. Insert the following new section:
- 2 "Sec. 13. Section 53-180.06, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-180.06. (1) To establish proof of age for the purpose
- 5 of purchasing or consuming alcoholic liquor, a person shall present
- 6 or display only a valid driver's or operator's license, Nebraska
- 7 state identification card, military identification card, alien
- 8 registration card, or passport.
- 9 (2) Every holder of a retail license ~~shall~~ may maintain,
- 10 in a separate book, a record of each person who has furnished
- 11 documentary proof of age for the purpose of making any purchase of
- 12 alcoholic liquor. The record shall show the name and address of
- 13 the purchaser, the date of the purchase, and a description of the
- 14 identification used and shall be signed by the purchaser."
- 15 2. On page 46, line 24, after the first comma insert
- 16 "53-180.06,".
- 17 3. Renumber the remaining sections accordingly.

Mr. Dierks filed the following amendment to LB 404:

AM1479

(Amendments to E & R amendments, AM7111)

- 1 1. On page 2, line 10, after the period insert "This
- 2 section shall not be construed to require a municipal, state, or
- 3 federal zoo, park, refuge, or wildlife area, a bona fide circus or
- 4 animal exhibit, or any private, nonprofit zoological society to

- 5 obtain a permit in order to own, possess, buy, sell, or barter a
 6 domesticated cervine animal."

Mr. Quandahl filed the following amendment to LB 729:
 AM1446

(Amendments to E & R amendments, AM7124)

- 1 1. On page 1, line 12, after "which" insert "the
 2 Attorney General determines"; in line 20 after the period insert
 3 "The Secretary of State shall transmit a copy of the proposed
 4 measure to the Attorney General for a determination of whether it
 5 should be accepted for filing. The Attorney General shall return
 6 his or her determination to the Secretary of State within ten days
 7 of receiving the proposal from the Secretary of State."; and in
 8 line 21 strike "receipt", show as stricken, and insert
 9 "acceptance".
- 10 2. On page 3, line 21, after "which" insert "the
 11 Attorney General determines".
- 12 3. On page 4, line 2, after the period insert "The
 13 Secretary of State shall transmit a copy of the proposed measure to
 14 the Attorney General for a determination of whether it should be
 15 accepted for filing. The Attorney General shall return his or her
 16 determination to the Secretary of State within ten days of
 17 receiving the proposal from the Secretary of State.".

Mr. Jensen filed the following amendment to LB 594:
 AM1475

(Amendments to E & R amendments, AM7120)

- 1 1. Strike section 17.
 2 2. On page 75, line 1, strike "68-1020,".
 3 3. Renumber the remaining sections accordingly.

Mr. Coordsen filed the following amendment to LB 880:
 AM1482

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 2, line 25, strike "5,976,154" and insert
 2 "5,986,154"; and in line 27 strike "6,036,154" and insert
 3 "6,046,154".
- 4 2. On page 3, after line 1 insert:
 5 "There is included in the appropriation to this program
 6 for FY1999-00 \$10,000 from General Funds for the purpose of
 7 conducting the joint study prescribed by Legislative Resolution 22,
 8 Ninety-sixth Legislature, First Session, 1999."

Mr. Schrock filed the following amendment to LB 880:
 AM1438

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 129, strike line 4 and insert "GENERAL FUND
 2 3,517,619 3,718,541"; strike line 7 and insert: "PROGRAM TOTAL
 3 35,208,978 35,185,288"; and after line 18 insert:

- 4 "There is included in the appropriation to this program
 5 for FY1999-00 \$150,000 General Funds to enhance water quality
 6 monitoring programs. There is included in the appropriation to
 7 this program for FY2000-01 \$150,000 General Funds to enhance water
 8 quality monitoring programs."

Mrs. Bohlke filed the following amendment to LB 539:
 AM1483

(Amendments to E & R amendments, AM7125)

- 1 1. On page 1, line 17; and page 8, line 8, strike "all"
- 2 and insert "full-time".

SELECT COMMITTEE REPORT Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 22.

(Signed) Adrian M. Smith, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 22. Introduced by Coordsen, 32;
 Schellpeper, 18; Dierks, 40.

WHEREAS, three hundred seventy-five thousand to five hundred twenty-five thousand gallons of drip oil are being used in irrigation wells; and

WHEREAS, the purpose of the drip oil is to lubricate bolts and the stem of the well; and

WHEREAS, most of these drip oils are petroleum-based and leakage from the pumps may contaminate ground water; and

WHEREAS, industry analysts predict petroleum-based drip oils will be regulated in all farming states within five years; and

WHEREAS, the University of Nebraska Industrial Agricultural Products Center has developed a drip oil made from soybeans that provides an environmentally-safe alternative; and

WHEREAS, the possibility exists that drip oil could be developed made from corn that provides an environmentally safe alternative to petroleum-based drip oil.

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

1. That a study be done to determine the environmental damage, if any, caused from this practice and the potential for nonpetroleum lubricant use.

2. That the University of Nebraska in cooperation with the Department of Water Resources, the Nebraska Soybean Board, or the Corn Development, Utilization, and Marketing Board be used for this research study.

3. That copies of this resolution be sent to the University of Nebraska

Industrial Agriculture Products Center, the Department of Water Resources, the Nebraska Soybean Board at the Nebraska Soybean Offices in Lincoln, Nebraska, and the Corn Development, Utilization, and Marketing Board at the corn board offices in Lincoln, Nebraska.

4. That the Legislature appropriate ten thousand dollars for funding this research.

5. That a report of the progress of the study be made to the Legislature by January 1, 2000.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 44. No objections. So ordered.

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 550. No objections. So ordered.

VISITORS

Visitors to the Chamber were Braden Hadfield from Lincoln; 48 fourth grade students and teachers from West Point Elementary School; Senator Stuhr's son, daughter-in-law, and grandson, Boyd, Laurie, and Austin Stuhr, from Bradshaw; and 56 fourth grade students and teacher from Bel Air Elementary School, Norfolk.

The Doctor of the Day was Dr. Bruce Gfeller from Lincoln.

ADJOURNMENT

At 4:49 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, April 27, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY – APRIL 27, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 27, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Bromm, Byars, Dierks, Engel, Hilgert, Matzke, Dw. Pedersen, D. Pederson, Raikes, Mmes. Hudkins, Kiel, C. Peterson, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 71 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 71 and 22.

RESOLUTION

LEGISLATIVE RESOLUTION 69. Read. Considered.

LR 69 was adopted with 25 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 539. E & R amendment, AM7125, found on page 1511, was adopted.

Mrs. Bohlke withdrew her amendment, AM1483, found on page 1710.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 144. E & R amendment, AM7002, found on page 302, was adopted.

Mrs. Bohlke renewed her pending amendment, AM0880, found on page 1381.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Redfield requested a ruling of the Chair on whether the Bohlke amendment is germane to the bill.

The Chair ruled the Bohlke amendment is not germane to the bill.

Mrs. Bohlke moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM0880 to LB 144.

Messrs. Bruning, Kremer, Jensen, Connealy, Mmes. Kiel, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 17 not voting.

Mr. Beutler requested a roll call vote on the Bohlke motion to suspend the rules.

Voting in the affirmative, 32:

Baker	Crosby	Landis	Preister	Stuhr
Bohlke	Cudaback	Lynch	Price	Suttle
Bourne	Engel	Matzke	Raikes	Thompson
Bromm	Hartnett	Pedersen, Dw.	Schimek	Vrtiska
Brown	Hilgert	Pederson, D.	Schmitt	Wehrbein
Chambers	Janssen	Peterson, C.	Schrock	Wickersham
Coordsen	Kristensen			

Voting in the negative, 7:

Beutler	Byars	Dierks	Hudkins	Jones
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Smith Tyson

Present and not voting, 2:

Quandahl Redfield

Excused and not voting, 7:

Brashear	Connealy	Kiel	Kremer	Robak
Bruning	Jensen			

The Bohlke motion to suspend the rules prevailed with 32 ayes, 7 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The Bohlke pending amendment, AM0880, found on page 1381, was renewed.

Mr. Beutler offered the following amendment to the Bohlke amendment:
AM1508

(Amendments to AM0880)

- 1 1. On page 2, line 20, after the underscored period
- 2 insert the following new paragraph:
- 3 "Beginning with the 2007-08 school year, the assessment
- 4 program shall consist of one test chosen by the board to be given
- 5 in grades 4, 8, and 11 which tests students on the standards
- 6 adopted by the board in the areas of mathematics, reading, writing,
- 7 science, and social studies and to be reported to the board in a
- 8 uniform format provided by the board."

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Baker	Chambers	Jones	Peterson, C.	Schmitt
Beutler	Crosby	Lynch	Quandahl	Tyson
Bruning	Cudaback	Pedersen, Dw.	Redfield	Wehrbein
Byars	Engel	Pederson, D.	Schimek	

Voting in the negative, 13:

Bohlke	Coordsen	Kristensen	Landis	Matzke
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Price	Schrock	Stuhr	Thompson	Wickersham
Raikes	Smith	Suttle		

Present and not voting, 11:

Bourne	Hartnett	Hudkins	Kiel	Preister
Bromm	Hilgert	Janssen	Kremer	Vrtiska
Dierks				

Excused and not voting, 5:

Brashear	Brown	Connealy	Jensen	Robak
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The Beutler amendment lost with 19 ayes, 13 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Jones offered the following amendment to the Bohlke amendment:
AM1507

(Amendments to AM0880)

1. On page 2, lines 17 through 20, strike the new
- 2 matter.

Mr. Jones moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 28 not voting.

Mr. Jones requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Baker	Cudaback	Janssen	Peterson, C.	Schmitt
Beutler	Dierks	Jones	Quandahl	Smith
Byars	Engel	Kremer	Redfield	Tyson
Crosby	Hudkins	Pedersen, Dw.		

Voting in the negative, 22:

Bohlke	Hartnett	Lynch	Price	Suttle
Bromm	Hilgert	Matzke	Raikes	Thompson
Bruning	Kiel	Pederson, D.	Schimek	Wehrbein
Chambers	Kristensen	Preister	Stuhr	Wickersham
Coordsen	Landis			

Present and not voting, 3:

Bourne	Schrock	Vrtiska
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Excused and not voting, 5:

Brashear Brown Connealy Jensen Robak

The Jones amendment lost with 18 ayes, 22 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

MR. CUDABACK PRESIDING

Mr. Beutler offered the following amendment to the Bohlke amendment:
FA123

(Amendments to AM0880)

- 1 1. On page 2, line 20, after the underscored period
- 2 insert the following new paragraph:
- 3 "Beginning with the 2007-08 school year, the assessment
- 4 program shall consist of one test chosen by the board to be given
- 5 in grades 4, 8, and 11 which tests students on the standards
- 6 adopted by the board in the areas of mathematics, reading, writing,
- 7 science, and social studies and to be reported to the board in a
- 8 uniform format provided by the board."
2. Strike subsection (5) beginning on line seventeen, page 2

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 629A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 629, Ninety-sixth Legislature, First Session, 1999.

LEGISLATIVE BILL 652A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 652, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 77. Introduced by Kristensen, 37.

PURPOSE: To examine the feasibility of enacting a district attorney system in Nebraska. In the 1999 legislative session, LB 617 proposed a framework

for establishing a district attorney system which shall serve as a basis for the study.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 78. Introduced by Kristensen, 37.

PURPOSE: To examine the feasibility of establishing a state-administered college savings program. In the 1999 legislative session, LB 660 was introduced to provide families with a secure and affordable option to budget for future costs and expenses relating to obtaining a college education. The interim study shall include, but not be limited to, an examination of the financial soundness of offering a prepaid expense program, a savings trust program, or both.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 79. Introduced by Kristensen, 37.

PURPOSE: To reorganize, streamline, and consolidate postsecondary educational and administrative services for state-supported postsecondary educational institutions. In the 1999 legislative session, LR 23CA and LB 631 were introduced to accomplish this purpose. This interim study shall include, but not be limited to:

(1) The interrelationship of the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the Coordinating Commission for Postsecondary Education and the possible elimination of duplicative functions and roles of such governing bodies; and

(2) The functions and roles of the Nebraska state college system and the alternative of placing such functions and roles within either the university system or the community college system.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

April 26, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Dry Bean Commission:

APPOINTEE:

Dale Eirich, RR 2 Box 356, Bayard, NE 69334

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

AMENDMENTS - Print in Journal

Mr. Schrock filed the following amendment to LB 605:
AM1504

(Amendments to AM1380)

- 1 1. On page 6, line 20, after "section" insert "and to
2 fund ethanol promotion".
- 3 2. On page 8, line 16, after "(4)" insert "The
4 Governor's Ethanol Promotion Fund is created. The State Treasurer
5 shall transfer up to one hundred thousand dollars from the Ethanol
6 Production Incentive Cash Fund to the Governor's Ethanol Promotion
7 Fund each fiscal year at the request of the Governor. The
8 Governor's Ethanol Promotion Fund shall be used for ethanol
9 promotion activities, including promotion of ethanol-derived
10 products such as ethyl tertiary butyl ether and travel related to
11 ethanol promotion, in other states at the discretion and direction
12 of the Governor. The Governor shall use the fund in a manner
13 designed to best provide the Nebraska ethanol industry with
14 representation in discussions and negotiations with other states

15 considering oxygenating motor fuel. Any money in the fund
16 available for investment shall be invested by the state investment
17 officer pursuant to the Nebraska Capital Expansion Act and the
18 Nebraska State Funds Investment Act.
19 (5)".

Mr. Jensen filed the following amendment to LB 594:

(Amendment, AM1490, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mrs. Suttle and Mr. Jensen filed the following amendment to LB 594:

(Amendment, AM1506, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mrs. Brown filed the following amendment to LB 637:

(Amendment, AM1502, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were 32 fourth grade students and teachers from Plainview Elementary School; M.D. Hendrickson from Benkelman and Marilyn Jean Hendrickson from Omaha; 48 fourth grade students and teachers from Abraham Lincoln Elementary School, Hastings; 20 students and teacher from Watson Elementary School, Hastings; and Annette Kovar from Lincoln and Sophia Smith Kamp from the Netherlands.

RECESS

At 12:03 p.m., on a motion by Mr. Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Robak, Ms. Price, Messrs. Connealy, Dierks, Jones, Kristensen, Landis, and Tyson who were excused until they arrive.

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 267:

AM1466

- 1 1. Insert the following new section:
- 2 "Sec. 13. Section 53-1,104, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:

53-1,104. (1) Any licensee which sells or permits the sale of any alcoholic liquor not authorized under the terms of such license on the licensed premises or in connection with such licensee's business or otherwise shall be subject to suspension, cancellation, or revocation of such license by the commission.

(2) When ~~any an~~ order suspending a retail license to sell alcoholic liquor becomes final, the licensee may elect to pay a cash penalty to the commission in lieu of suspending sales of alcoholic liquor for the designated period if such election is not prohibited by order of the commission. For the first such suspension for any licensee, the penalty shall be fifty dollars per day. For a second or any subsequent suspension, the penalty shall be one hundred dollars per day, except that for a second or subsequent suspension for violation of section 53-180 or 53-180.02 occurring within four years after the date of the first suspension, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for a period of time not to exceed ten days and that the licensee may not elect to pay a cash penalty. The commission may use the required suspension of sales on alcoholic liquor penalty either alone or in conjunction with suspension periods for which the licensee may elect to pay a cash penalty. For purposes of this subsection, second or subsequent suspension for violation of section 53-180 shall include suspension for a violation of section 53-180.02 following suspension for a violation of section 53-180 and second or subsequent suspension for violation of section 53-180.02 shall include suspension for a violation of section 53-180 following suspension for a violation of section 53-180.02. For ; except that for any licensee which has no violation for a period of four years consecutively, the second or subsequent suspension shall be treated as a first suspension.

~~Such election~~ The election provided for in this subsection shall be filed with the commission in writing one week before ~~such the~~ suspension is ordered to commence and shall be accompanied by payment in full of the sum required by this section. If such election has not been received by the commission by the close of business one week before the day such suspension is ordered to commence, it shall be conclusively presumed that the licensee has elected to close for the period of the suspension and any election received later shall be absolutely void and the payment made shall be returned to the licensee. The election shall be made on a form prescribed by the commission. All funds received under this section shall be remitted to the State Treasurer for credit to the temporary school fund."

2. On page 46, line 24, after the first comma insert "53-1,104,".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 880. Title read. Considered.

The Standing Committee amendment, AM1258, printed separately and referred to on page 1628, was considered.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen renewed his pending amendment, AM1482, found on page 1709, to the Standing Committee amendment.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Coordsen amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Schrock renewed his pending amendment, AM1438, found on page 1709, to the Standing Committee amendment.

Mr. Schrock withdrew his amendment.

Mr. Wehrbein offered the following amendment to the Standing Committee amendment:

AM1461

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 22, lines 7 and 8, strike "23,645" and insert
- 2 "43,023,645" and strike "25,407" and insert "60,025,407"; and after
- 3 line 9 insert:
- 4 "There is included in the appropriation to this program
- 5 for FY1999-00 \$43,000,000 Cash Funds for state aid, which shall
- 6 only be used for such purpose. There is included in the
- 7 appropriation to this program for FY2000-01 \$60,000,000 Cash Funds
- 8 for state aid, which shall only be used for such purpose."
- 9 2. On page 139, line 1, after "Fund" insert ", Nebraska
- 10 Telecommunications Universal Service Fund".

The Wehrbein amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mrs. Brown offered the following amendment to the Standing Committee amendment:

AM1501

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 5, line 22, strike "13,147,365" and insert
- 2 "12,731,320"; in line 23 strike "530,317" and insert "451,786"; in
- 3 line 24 strike "13,677,682" and insert "13,183,106"; and in line 25

- 4 strike "10,218,858" and insert "9,927,669".
5 2. On page 6, strike lines 4 through 8.
6 3. On page 68, line 24, strike "83,069,910 90,426,301"
7 and insert "82,569,726 86,983,594".
8 4. On page 69, line 1, strike "91,420,284 102,025,585"
9 and insert "90,920,100 98,582,878"; in line 2 strike "49,634,497
10 54,117,383" and insert "49,478,103 51,924,926"; and strike line
11 22.

PRESIDENT MAURSTAD PRESIDING

Messrs. Connealy and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown withdrew her amendment.

Mr. Dw. Pedersen offered the following amendment to the Standing Committee amendment:

FA124

Amend AM1258

On page 70 strike lines 3-5. Renumber accordingly

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dw. Pedersen amendment was adopted with 27 ayes, 4 nays, 14 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Messrs. Cudaback and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to bracket LB 880.

Mr. Chambers withdrew his motion to bracket.

Mrs. Brown reoffered her amendment, AM1501, found in this day's Journal.

Messrs. Brashear and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

MESSAGE FROM THE GOVERNOR

April 27, 1999

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

Dear President, Speaker Kristensen and Senators:

On this date, I have appointed Robert L. Dickey to fill the vacancy in the 18th Legislative District created by the death of Senator Stan Schellpeper. The appointment will take effect immediately.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

GOVERNORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Mike Johanns, on behalf of the State of Nebraska and as Governor, do hereby appoint Robert L. Dickey as Senator for Legislative District #18.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on April 27, 1999, and continue until January 3, 2001, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Mike Johanns
Governor

(SEAL)

(Signed) Scott Moore
Secretary of State

Scott Moore, Secretary of State
Greg Lemon, Deputy

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
 COUNTY OF LANCASTER)

"I, Robert L. Dickey, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Nebraska Unicameral Legislature, District 18 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Robert L. Dickey

Subscribed in my presence and sworn to before me this 27th day of April, 1999.

(Signed) John V. Hendry
 Supreme Court Chief Justice

(SEAL)

*Constitution of the State of Nebraska, Article XV, Section One.
 For Executive, Judicial Officers and Members of the Legislature.

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

The following bills were correctly engrossed: LBs 78, 205, 496, 548, 559, 704, and 704A.

Enrollment and Review Change to LB 78

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

ER9063

1. In the Bruning amendment, AM1453:
 - a. On page 1, lines 1 and 2 have been struck;
 - b. On page 5, lines 14 and 15, 16, and 22, "Public Service Commission" has been struck and "commission" inserted; and in line 23 the comma has been struck.

Enrollment and Review Change to LB 548

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

ER9064

1. In the Pederson amendment, AM1344:
 - a. On page 2, line 12, "they are" has been struck and "it is" inserted; and
 - b. On page 3, line 8, "services" has been struck and "service" inserted.
2. The E & R amendments, AM7112, have been struck.
3. On page 1, the matter beginning with "agreements" in line 1 through line 3 has been struck and "funding for medicaid administrative activities; to state intent; to provide powers and duties; to provide a duty for the Revisor of Statutes; and to provide operative dates." inserted.

Enrollment and Review Change to LB 559

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

ER9065

1. On page 1, line 1, "Medicaid" has been struck and "Nebraska" inserted.

Enrollment and Review Change to LB 704

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

ER9066

1. In the Landis amendment, AM1394, section 32 has been renumbered as section 47.
2. In the Bromm amendment, AM1292:
 - a. Sections 1, 18, 19, 30, 34, 37, 39, and 40 have been renumbered as sections 2, 26, 27, 38, 42, 48, 50, and 51, respectively;
 - b. On page 3, the matter beginning with "to" in line 26 through the second comma in line 27 has been struck and shown as stricken; and
 - c. On page 8, line 26, "1 and 40" has been struck and "2 and 51" inserted.
3. In the Bohlke amendment, AM1147, sections 2, 6, 16, 18, 19, 20, and 22 have been renumbered as sections 4, 8, 18, 20, 21, 22, and 24, respectively.
4. In the C. Peterson amendment, AM1254, sections 32 and 33 have been renumbered as sections 44 and 45, respectively.
5. In the E & R amendments, AM7096:
 - a. Section 33 and all amendments thereto have been struck and the following new section inserted:

"Sec. 52. Original sections 60-302, 60-330, 60-480, 60-484, 60-486, 60-487, 60-490, 60-491, 60-493, 60-494, 60-497.03, 60-499, 60-4,105, 60-4,113, 60-4,114, 60-4,115, 60-4,118, 60-4,119, 60-4,120.01, 60-4,120.02, 60-4,121, 60-4,122, 60-4,123, 60-4,127, 60-4,130, 60-4,130.02, 60-4,141, 60-4,144, 60-4,145, 60-4,146, 60-4,146.01, 60-4,148, 60-4,149, 60-4,149.01,

60-4,153, 60-4,158, 60-4,170, 60-4,171, 60-4,178, 60-4,181, 60-4,184, 60-524, 60-529, 60-534, 60-544, 60-6,288, and 60-2131, Reissue Revised Statutes of Nebraska, and section 75-363, Revised Statutes Supplement, 1998, as amended by section 1, Legislative Bill 161, Ninety-sixth Legislature, First Session, 1999, are repealed.";

b. On page 4, line 19, the semicolon has been struck and an underscored comma inserted;

c. On page 29, line 24, the last period has been struck and an underscored semicolon inserted;

d. On page 48, line 2, "department" has been struck, shown as stricken, and "Department of Motor Vehicles" inserted; and

e. On page 55, the matter beginning with "60-330" in line 1 through the first period in line 14 has been struck and "60-302, 60-330, 60-480, 60-484, 60-486, 60-487, 60-490, 60-491, 60-493, 60-494, 60-497.03, 60-499, 60-4,105, 60-4,113, 60-4,114, 60-4,115, 60-4,118, 60-4,119, 60-4,120.01, 60-4,120.02, 60-4,121, 60-4,122, 60-4,123, 60-4,127, 60-4,130, 60-4,130.02, 60-4,141, 60-4,144, 60-4,145, 60-4,146, 60-4,146.01, 60-4,148, 60-4,149, 60-4,149.01, 60-4,153, 60-4,158, 60-4,170, 60-4,171, 60-4,178, 60-4,181, 60-4,184, 60-524, 60-529, 60-534, 60-544, 60-6,288, and 60-2131, Reissue Revised Statutes of Nebraska, section 60-315.01, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 57, Ninety-sixth Legislature, First Session, 1999, and section 75-363, Revised Statutes Supplement, 1998, as amended by section 1, Legislative Bill 161, Ninety-sixth Legislature, First Session, 1999; to change and eliminate provisions relating to proof of financial responsibility, license plates, registration fees, operators' licenses, commercial drivers' licenses, state identification cards, over-dimensional vehicles, and motor carrier regulations; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 60-4,101 and 60-4,116, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Messrs. Bromm and Beutler filed the following amendment to LB 585:
AM1489

(Amendments to E & R amendments, AM7094)

- 1 1. Strike section 6 and insert the following new
- 2 sections:
- 3 "Sec. 2. Section 60-4,118, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-4,118. (1) No operator's license shall be granted to
- 6 any applicant until such applicant satisfies the examiner that he
- 7 or she possesses sufficient powers of eyesight to enable him or her
- 8 to obtain a Class O license and to operate a motor vehicle on the
- 9 highways of this state with a reasonable degree of safety. The
- 10 Department of Motor Vehicles, with the advice of the Health
- 11 Advisory Board, shall adopt and promulgate rules and regulations:

12 (a) Requiring a minimum acuity level of vision. Such
13 level may be obtained through the use of standard eyeglasses,
14 contact lenses, or bioptic or telescopic lenses which are specially
15 constructed vision correction devices which include a lens system
16 attached to or used in conjunction with a carrier lens; and

17 (b) Requiring a minimum field of vision. Such field of
18 vision may be obtained through standard eyeglasses, contact lenses,
19 or the carrier lens of the bioptic or telescopic lenses.

20 (2) If a vision aid is used by the applicant to meet the
21 vision requirements of this section, the operator's license of the
22 applicant shall be restricted to the use of such vision aid when
23 operating the motor vehicle. If the applicant fails to meet the
1 vision requirements, the examiner shall require the applicant to
2 present an optometrist's or ophthalmologist's statement certifying
3 the vision reading obtained when testing the applicant within
4 ninety days of the applicant's license examination. If the vision
5 reading meets the vision requirements prescribed by the department,
6 the vision requirements of this section shall have been met.

7 (3) If the applicant for an operator's license discloses
8 that he or she has any other physical impairment which may affect
9 the safety of operation by such applicant of a motor vehicle, the
10 examiner shall require the applicant to show cause why such license
11 should be granted and, through such personal examination and
12 demonstration as may be prescribed by the director with the advice
13 of the Health Advisory Board, to show the necessary ability to
14 safely operate a motor vehicle on the highways. The director may
15 also require the person to appear before the board or a designee of
16 the board. If the examiner, board, or designee is then satisfied
17 that such applicant has the ability to safely operate a motor
18 vehicle, an operator's license may be issued to the applicant
19 subject, at the discretion of the director, to a limitation to
20 operate only such motor vehicles at such time, for such purpose,
21 and within such area as the license shall designate.

22 (4)(a) The director may, when requested by a law
23 enforcement officer, when the director has reason to believe that a
24 person may be physically or mentally incompetent to operate a motor
25 vehicle, or when a person's driving record appears to the
26 department to justify an examination, request the advice of the
27 Health Advisory Board and may give notice to the person to appear
1 before an examiner, the board, or a designee of the director for
2 examination concerning the person's ability to operate a motor
3 vehicle safely. Any such request by a law enforcement officer
4 shall be accompanied by written justification for such request and
5 shall be approved by a supervisory law enforcement officer, police
6 chief, or county sheriff.

7 (b) A refusal to appear before an examiner, the board, or
8 a designee of the director for an examination after notice to do so
9 shall be unlawful and shall result in the immediate cancellation of
10 the person's operator's license by the director.

11 (c) If the person cannot qualify at the examination by an
12 examiner, his or her operator's license shall be immediately
13 surrendered to the examiner and forwarded to the director who shall
14 cancel the person's operator's license.

15 (d) If in the opinion of the board the person cannot
16 qualify at the examination by the board, the board shall advise the
17 director. If the director determines after consideration of the
18 advice of the board that the person lacks the physical or mental
19 ability to operate a motor vehicle, the director shall notify the
20 person in writing of the decision. Upon receipt of the notice, the
21 person shall immediately surrender his or her operator's license to
22 the director who shall cancel the person's operator's license.

23 (e) Refusal to surrender an operator's license on demand
24 shall be unlawful, and any person failing to surrender his or her
25 operator's license as required by this subsection shall be guilty
26 of a Class III misdemeanor.

27 (5) No operator's license referred to in this section
1 shall, under any circumstances, be issued to any person who has not
2 attained the age of seventeen years; ~~but upon application~~
3 ~~therefor and proof of age in the manner provided in section 60-484;~~
4 ~~any such person may take the examination required by this section~~
5 ~~at any time within sixty days prior to his or her seventeenth~~
6 ~~birthday.~~

7 (6) No operator's license shall be issued to a person
8 under eighteen years of age applying for an operator's license
9 under this section unless such person:

10 (a) Has possessed a valid provisional operator's permit
11 for at least a twelve-month period beginning on the date of
12 issuance of such person's provisional operator's permit;

13 (b) Has not accumulated three or more points pursuant to
14 section 60-4,182 during the twelve-month period immediately
15 preceding the date of the application for the operator's license;
16 and

17 (c) Has surrendered the provisional operator's permit to
18 the examiner.

19 (7) The department shall waive the written examination
20 and the driving test required under this section for any person
21 ~~eighteen seventeen to twenty-one~~ years of age or older applying for
22 his or her initial operator's license, except a commercial driver's
23 license or permit, if he or she has ~~held been issued~~ a provisional
24 operator's permit ~~within the twenty-four months immediately~~
25 ~~preceding the date of application.~~

26 (8)(a) Upon receipt by the director of (i) a certified
27 copy of a court order issued pursuant to section 60-6,211.05, (ii)
1 sufficient evidence that the defendant has surrendered his or her
2 operator's license to the department and installed an approved
3 ignition interlock device in accordance with such court order, and
4 (iii) payment by the defendant of the fee provided in section
5 60-4,115, the defendant shall be eligible for reinstatement of his

6 or her operator's license following the expiration of thirty days
7 after revocation under section 60-6,206 and the director shall
8 issue to the defendant a Class O license restricted to the
9 operation of a motor vehicle equipped with an ignition interlock
10 device. The department shall not issue such a license to any
11 person convicted of a second or subsequent violation of section
12 60-6,196 or 60-6,197 until at least one year of the operator's
13 license revocation shall have elapsed.

14 (b) Upon expiration of the court order issued pursuant to
15 section 60-6,211.05 or an order issued by the Board of Pardons
16 pursuant to section 83-1,127.02, the defendant may apply to the
17 department in writing for issuance of an operator's license which
18 does not contain such restriction. If the license surrendered by
19 the defendant under subdivision (a) of this subsection has not
20 expired, the director shall return such license to the defendant.
21 If such license has expired, the defendant shall reapply for an
22 operator's license pursuant to the Motor Vehicle Operator's License
23 Act.

24 Sec. 7. Upon conviction for a second or subsequent
25 violation of section 60-6,196 or 60-6,197, the court shall impose
26 either of the following restrictions on all motor vehicles owned by
27 the person so convicted:

1 (1)(a) The court shall order the motor vehicle or motor
2 vehicles immobilized at the owner's expense for a period of time
3 not less than five days and not more than eight months and shall
4 notify the department of Motor Vehicles of the period of
5 immobilization. Any immobilized motor vehicle shall be released to
6 the holder of a bona fide lien on the motor vehicle executed prior
7 to such immobilization when possession of the motor vehicle is
8 requested as provided by law by such lienholder for purposes of
9 foreclosing and satisfying such lien. If a person tows and stores
10 a motor vehicle pursuant to this subdivision at the direction of a
11 peace officer or the court and has a lien upon such motor vehicle
12 while it is in his or her possession for reasonable towing and
13 storage charges, the person towing the vehicle has the right to
14 retain such motor vehicle until such lien is paid. For purposes of
15 this subdivision, immobilized or immobilization means revocation or
16 suspension, at the discretion of the court, of the registration of
17 such motor vehicle or motor vehicles, including the license plates.
18 The record of such revocation or suspension shall become a part of
19 the owner's record maintained by the department; and

20 (b)(i) Any immobilized motor vehicle shall be released by
21 the court without any legal or physical restraints to any
22 registered owner who is not the registered owner convicted of a
23 second or subsequent violation of section 60-6,196 or 60-6,197 if
24 an affidavit is submitted to the court by such registered owner
25 stating that the affiant is employed, that the motor vehicle
26 subject to immobilization is necessary to continue that employment,
27 that such employment is necessary for the well-being of the

1 affiant's dependent children or parents, that the affiant will not
2 authorize the use of the motor vehicle by any person known by the
3 affiant to have been convicted of a second or subsequent violation
4 of section 60-6,196 or 60-6,197, that affiant will immediately
5 report to a local law enforcement agency any unauthorized use of
6 the motor vehicle by any person known by the affiant to have been
7 convicted of a second or subsequent conviction of section 60-6,196
8 or 60-6,197, and that failure to release the motor vehicle would
9 cause undue hardship to the affiant.

10 (ii) A registered owner who executes an affidavit
11 pursuant to subdivision (c)(i) of this section which is acted upon
12 by the court and who fails to immediately report an unauthorized
13 use of the motor vehicle which is the subject of the affidavit is
14 guilty of a Class IV misdemeanor and may not file any additional
15 affidavits pursuant to subdivision (c)(i) of this section.

16 (iii) The Department of Motor Vehicles shall adopt and
17 promulgate rules and regulations to implement the provisions of
18 this subsection; or

19 (2) As an alternative to subdivision (1) of this section,
20 the court shall order the installation of an ignition interlock
21 device on each of the owner's motor vehicles, if the owner was
22 sentenced to an operator's license revocation of at least one year
23 and has completed at least one year of such revocation. The
24 installation of an ignition interlock device shall be for a period
25 not less than six months, commencing upon the end of such year of
26 the operator's license revocation. Notwithstanding any other
27 provision of law, and if the owner was convicted of a second or
1 subsequent violation of section 60-6,196 or 60-6,197, no ignition
2 interlock device shall be ordered by any court or state agency
3 under any circumstances until at least one year of the operator's
4 license revocation shall have elapsed."

5 2. On page 4, lines 10 through 12; page 5, lines 16
6 through 18; page 6, lines 22 and 23; page 12, lines 11 through 13;
7 page 13, lines 18 and 19; and page 14, lines 24 through 26, strike
8 the new matter and all amendments thereto and insert ", and shall
9 issue an order pursuant to section 7 of this act with respect to
10 all motor vehicles owned by such person".

11 3. On page 4, lines 23 through 25; page 6, lines 1
12 through 3; page 7, lines 8 through 10; page 12, lines 23 through
13 25; page 14, lines 2 through 4; and page 15, lines 11 through 13,
14 strike the new matter and all amendments thereto and insert "and
15 shall issue an order pursuant to section 7 of this act with respect
16 to all motor vehicles owned by such person".

17 4. Renumber the remaining sections and correct internal
18 references and the repealer section accordingly.

Messrs. Wickersham and Wehrbein filed the following amendment to
LB 87A:
AM1511

1 1. Strike the original section and insert the following
2 new sections:

3 "Section 1. Section 77-4104, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-4104. (1) In order to utilize the incentives set
6 forth in the Employment and Investment Growth Act, the taxpayer
7 shall file an application for an agreement with the Tax
8 Commissioner.

9 (2) The application shall contain:

10 (a) A written statement describing the plan of employment
11 and investment for a qualified business in this state;

12 (b) Sufficient documents, plans, and specifications as
13 required by the Tax Commissioner to support the plan and to define
14 a project;

15 (c) If more than one location within this state is
16 involved, sufficient documentation to show that the employment and
17 investment at different locations are interdependent parts of the
18 plan. A headquarters shall be presumed to be interdependent with
19 any other location directly controlled by such headquarters. A
20 showing that the parts of the plan would be considered parts of a
21 unitary business for corporate income tax purposes shall not be
22 sufficient to show interdependence for the purposes of this
23 subdivision;

24 (d) A nonrefundable application fee of five hundred
1 dollars. The fee shall be deposited into the Employment and
2 Investment Growth Fund, which fund is hereby created. Any money in
3 the fund available for investment shall be invested by the state
4 investment officer pursuant to the Nebraska Capital Expansion Act
5 and the Nebraska State Funds Investment Act; and

6 (e) A timetable showing the expected sales tax refunds
7 and what year they are expected to be claimed. The timetable shall
8 include both direct refunds due to investment and credits taken as
9 sales tax refunds as accurately as possible; and

10 (f) Beginning October 1, 1999, a realistic assessment of
11 the amount of investment and employment expected at the project.

12 The application and all supporting information shall be
13 confidential except for the information required to be reported by
14 sections 77-4110 and 77-4113 and beginning October 1, 1999, the
15 realistic assessment of the amount of investment and employment
16 expected at the project.

17 (3) Once satisfied that the plan in the application
18 defines a project consistent with the purposes stated in section
19 77-4102 in one or more qualified business activities within this
20 state, that the plans will result in either (a) the investment in
21 qualified property of at least three million dollars and the hiring
22 of at least thirty new employees or (b) the investment in qualified
23 property resulting in a net gain in the total value of tangible
24 property in this state of a type subject to depreciation,
25 amortization, or other recovery under the Internal Revenue Code of

26 1986 of at least twenty million dollars, and that the required
27 levels of employment and investment for the project will be met
1 prior to the end of the sixth year after the year in which the
2 application was submitted, the Tax Commissioner shall approve the
3 application. In determining the net gain in value for purposes of
4 this subsection, all tangible personal property shall be valued in
5 a manner consistent with the value determined for qualified
6 property, and the total value on the last day of each year shall be
7 compared with the total value on the last day of the base year.

8 (4) After approval, the taxpayer and the Tax Commissioner
9 shall enter into a written agreement. The taxpayer shall agree to
10 complete the project, and the Tax Commissioner, on behalf of the
11 State of Nebraska, shall designate the approved plans of the
12 taxpayer as a project and, in consideration of the taxpayer's
13 agreement, agree to allow the taxpayer to use the incentives
14 contained in the Employment and Investment Growth Act. The
15 application, and all supporting documentation, to the extent
16 approved, shall be considered a part of the agreement. The
17 agreement shall state:

18 (a) The levels of employment and investment required by
19 the act for the project;

20 (b) The time period under the act in which the required
21 levels must be met;

22 (c) The documentation the taxpayer will need to supply
23 when claiming an incentive under the act;

24 (d) The date the application was filed; and

25 (e) A requirement that the company update the Department
26 of Revenue annually on any changes in plans or circumstances which
27 affect the timetable of sales tax refunds as set out in the
1 application. If the company fails to comply with this requirement,
2 the Tax Commissioner may defer any pending sales tax refunds until
3 the company does comply.

4 (5) The incentives contained in section 77-4105 shall be
5 in lieu of the tax credits allowed by section 77-27,188 for any
6 project. In computing credits under section 77-27,188, any
7 investment or employment which is eligible for benefits under the
8 Employment and Investment Growth Act shall be subtracted from the
9 increases computed for determining the credits under section
10 77-27,188.

11 (6) A taxpayer and the Tax Commissioner may enter into
12 agreements for more than one project and may include more than one
13 project in a single agreement. The projects may be either
14 sequential or concurrent. A project may involve the same location
15 as another project. No new employment or new investment shall be
16 included in more than one project for either the meeting of the
17 employment or investment requirements or the creation of credits.
18 When projects overlap and the plans do not clearly specify, then
19 the taxpayer shall specify in which project the employment and
20 investment belongs.

21 Sec. 2. Original section 77-4104, Reissue Revised
 22 Statutes of Nebraska, is repealed."

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Eirich, Dale - Dry Bean Commission -- Agriculture

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 880. The Brown pending amendment, AM1501, found in this day's Journal, was renewed.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to bracket LB 880 until May 15, 1999.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 30 not voting.

Mr. Chambers requested a roll call vote, in reverse order, on his motion to bracket.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 39:

Baker	Byars	Hudkins	Pederson, D.	Schrock
Beutler	Connealy	Janssen	Peterson, C.	Smith
Bohlke	Coordsen	Jones	Pleister	Stuhr
Bourne	Crosby	Kiel	Price	Suttle
Brashear	Cudaback	Kremer	Quandahl	Thompson
Bromm	Dierks	Landis	Raikes	Wehrbein
Brown	Engel	Matzke	Redfield	Wickersham
Bruning	Hilgert	Pedersen, Dw.	Schimek	

Present and not voting, 5:

Hartnett Jensen Schmitt Tyson Vrtiska

Excused and not voting, 3:

Kristensen Lynch Robak

The Chambers motion to bracket failed with 1 aye, 39 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

MR. COORDSEN PRESIDING

The Brown pending amendment, AM1501, found in this day's Journal, was renewed.

MR. CUDABACK PRESIDING

Mrs. Stuhr asked unanimous consent to be excused. No objections. So ordered.

Mrs. Brown withdrew her amendment.

Mr. Chambers offered the following amendment:

FA125

Amend AM1258

Page 1, line 13, after "each," insert "specific"

Mr. Chambers withdrew his amendment.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

AMENDMENT - Print in Journal

Messrs. Dw. Pedersen and Wickersham filed the following amendment to LB 663:

AM1516

- 1 1. Insert the following new section:
- 2 "Sec. 2. There is hereby appropriated \$2,500 from the
- 3 General Fund for FY1999-00 to the Nebraska State Historical
- 4 Society, for a historical marker to commemorate the history of the
- 5 Cheyenne Tribe at Fort Robinson State Park."

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 299, 539, and 630.

Enrollment and Review Change to LB 630

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

ER9069

1. In the Wehrbein amendment, AM1477:

a. On page 4, lines 1 through 4 have been struck; in line 5 "(4)" has been struck and "(3)" inserted; in line 7 "(5)" has been struck and "(4)" inserted; in line 12 "(6)" has been struck and "(5)" inserted; in line 15 "(7)" has been struck and "(6)" inserted; and in line 21 "(8)" has been struck and "(7)" inserted; and

b. On page 5, line 5, "(9)" has been strike and "(8)" inserted.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 878. Title read. Considered.

The Standing Committee amendment, AM1216, printed separately and referred to on page 1628, was considered.

Mr. Wehrbein offered the following amendment to the Standing Committee amendment:

AM1527

(Amendments to Standing Committee amendments, AM1216)

1. Insert the following new sections:

"Sec. 8. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN

SERVICES

Program No. 917 - Juvenile Correctional Facilities

Improvements

	FY1999-00	FY2000-01	FUTURE
STATE BUILDING FUND	2,500,000	-0-	-0-
PROGRAM TOTAL	2,500,000	-0-	-0-

PROGRAM TOTAL

The Department of Health and Human Services is authorized

to develop a facilities master plan and to replace and renovate existing facilities at the Youth Rehabilitation and Treatment Center - Geneva. Included in the appropriation to this program is up to \$500,000 for development of a facilities master plan.

Sec. 52. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE

SERVICES

Program No. 917 - Juvenile Correctional Facilities

17 Improvements

	FY1999-00	FY2000-01	FUTURE
18 STATE BUILDING FUND	-0-	2,200,000	-0-
20 PROGRAM TOTAL	-0-	2,200,000	-0-

21 The Department of Administrative Services is authorized

22 to replace and renovate existing facilities at the Youth

23 Rehabilitation and Treatment Center - Geneva."

1 2. Renumber the remaining sections accordingly.

The Wehrbein amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment:

FA129

Amend AM1216

On page 15, line 27, after the period, insert the following:

"It is the intent of the Legislature that no further expenditures for construction of an incarceration work camp be made from this appropriation or any reappropriated amounts until the siting decision is reviewed by the Department of Corrections and a report of their findings is delivered to the Executive Board of the Legislature no later than December 1, 1999."

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 33 not voting.

The Chambers amendment was adopted with 29 ayes, 5 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 45 ayes, 0 nays, and 3 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 879. Title read. Considered.

The Standing Committee amendment, AM1203, printed separately and referred to on page 1628, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 41 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Brashear asked unanimous consent to be excused. No objections. So

ordered.

LEGISLATIVE BILL 873. Title read. Considered.

The Standing Committee amendment, AM1227, found on page 1624, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 876. Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 877. Title read. Considered.

The Standing Committee amendment, AM1158, found on page 1625, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 489. Title read. Considered.

The Standing Committee amendment, AM1234, found on page 1628, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 860. Title read. Considered.

The Standing Committee amendment, AM1323, found on page 1629, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 663. Title read. Considered.

Messrs. Dw. Pedersen and Wickersham renewed their pending amendment, AM1516, found in this day's Journal.

The Dw. Pedersen-Wickersham amendment was adopted with 37 ayes, 0

to LB 758. No objections. So ordered.

Mr. Janssen asked unanimous consent to have his name added as cointroducer to LB 127. No objections. So ordered.

VISITORS

Visitors to the Chamber were 32 fourth grade students and teacher from Karen Western Elementary School, Omaha; and 10 sixth through eighth grade students and teacher from Springdale Christian School, Greeley.

The Speaker introduced newly appointed Senator Robert Dickey, wife, Mary, children, June, Jim, and Julie, and his mother, Marguerite Dickey.

ADJOURNMENT

At 7:38 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Wednesday, April 28, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SECOND DAY – APRIL 28, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 28, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Father Doug Morin, Saint Michael's Parish, Cheney, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Stuhr who was excused; and Mmes. Bohlke, Robak, Messrs. Brashear, Bromm, Chambers, and Coordsen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 69.

RESOLUTION

LEGISLATIVE RESOLUTION 76. Read. Considered.

LR 76 was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 882. Title read. Considered.

The Standing Committee amendment, AM1144, found on page 1364, was considered.

Messrs. Matzke, Quandahl, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA130

- 7 "Claim No. 99-261, against the Department of Revenue
- 8 pay to Record Printing Company, P.O. Box 530, Cairo,
- 9 NE 68824,
- 10 out of the General Fund 25,072.03".
- 11 On page 4, lines 5 and 6, strike "1,045,736.95" and insert
- 12 "1,076,558.98".

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Hilgert moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Hilgert requested a roll call vote on the first Standing Committee amendment.

Voting in the affirmative, 25:

Bohlke	Cudaback	Janssen	Quandahl	Schrock
Bourne	Dierks	Jones	Raikes	Smith
Bromm	Engel	Kiel	Robak	Suttle
Coordsen	Hilgert	Kremer	Schimek	Tyson
Crosby	Hudkins	Peterson, C.	Schmitt	Vrtiska

Voting in the negative, 17:

Brashear	Chambers	Landis	Pederson, D.	Thompson
Brown	Connealy	Matzke	Price	Wehrbein
Bruning	Jensen	Pedersen, Dw.	Redfield	Wickersham
Byars	Kristensen			

Present and not voting, 6:

Baker	Dickey	Hartnett	Lynch	Preister
Beutler				

Excused and not voting, 1:

Stuhr

The first Standing Committee amendment was adopted with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Standing Committee amendment is as follows:

FA131

- 1 1. On page 3, after line 15 insert
2 "Claim No. 99-100, against the Department of
3 Revenue, pay to Muckels Aerial Inc., P.O. Box 1107,
4 Grand Island, NE 68802,
5 out of the General Fund 5,750.00";
6 and after line 28 insert

Mr. Baker asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Bromm and Raikes moved to reconsider the first section of the committee amendment, FA130.

Mr. Raikes moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

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

The Bromm-Raikes motion to reconsider prevailed with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The first Standing Committee amendment, FA130, found in this day's Journal, was reconsidered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

The first Standing Committee amendment lost with 16 ayes, 21 nays, 8 present and not voting, and 4 excused and not voting.

The second Standing Committee amendment, FA131, found in this day's Journal, was renewed.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

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

Mr. Vrtiska requested a roll call vote on the second Standing Committee amendment.

Voting in the affirmative, 17:

Bohlke	Dierks	Janssen	Schimek	Smith
Bourne	Engel	Kiel	Schmitt	Tyson
Connealy	Hilgert	Kremer	Schrock	Vrtiska
Crosby	Hudkins			

Voting in the negative, 23:

Brashear	Chambers	Landis	Preister	Redfield
Bromm	Coordsen	Lynch	Price	Thompson
Brown	Jensen	Matzke	Quandahl	Wehrbein
Bruning	Jones	Pedersen, Dw.	Raikes	Wickersham
Byars	Kristensen	Pederson, D.		

Present and not voting, 4:

Cudaback	Dickey	Hartnett	Peterson, C.
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Excused and not voting, 5:

Baker	Beutler	Robak	Stuhr	Suttle
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The second Standing Committee amendment lost with 17 ayes, 23 nays, 4 present and not voting, and 5 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 870:

AM1529

(Amendments to Standing Committee amendments, AM1312)

- 1 1. Insert the following new sections:
- 2 "Sec. 13. The Department of Environmental Quality shall
- 3 expand its surface water monitoring programs to regularly include
- 4 analysis of stream water parameters associated with nonpoint and
- 5 point source runoff, including, but not limited to, total suspended

- 6 solids, total Kjeldahl nitrogen, nitrate-nitrite, ammonia,
7 phosphorous, dissolved ortho-phosphorous, and chlorides.
8 Sec. 14. It is the intent of the Legislature to
9 appropriate one hundred fifty thousand dollars annually to the
10 Department of Environmental Quality for the purpose of enhancing
11 the department's water quality monitoring programs to further the
12 purposes of section 13 of this act."
13 2. Renumber the remaining sections accordingly.

Mr. Wehrbein filed the following amendment to LB 730:

AM1515

- 1 1. On page 3, line 15, after "(3)" insert "For
2 administrative and budgetary purposes only, the task force shall be
3 housed within the Department of Agriculture.
4 (4)".

Mr. Schrock filed the following amendment to LB 605:

AM1526

(Amendments to AM1380)

- 1 1. Insert the following new sections:
2 "Section 1. Section 66-1330, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 66-1330. Sections 66-1330 to 66-1348 and section 2 of
5 this act shall be known and may be cited as the Ethanol Development
6 Act.
7 Sec. 2. The board shall present an award each year in
8 recognition of a Nebraska petroleum marketer who effectively
9 markets ethanol-blended fuel in a positive manner. The award shall
10 recognize a marketer who prices ethanol blends in a manner that
11 encourages consumers to use the product, who emphasizes the
12 performance attributes of ethanol blended fuel, who promotes air
13 quality benefits of ethanol, who uses promotional materials
14 including pump signage to convey the benefits of ethanol fuels, who
15 has generally demonstrated a marketing strategy that promotes the
16 use of ethanol, and who operates retail outlets that have ethanol
17 blend sales totaling at least forty percent of gasoline sales. The
18 board shall annually identify at least one qualified recipient for
19 the award. The award shall be publicly announced through news
20 media, and the recipient will be publicly acknowledged."
21 2. On page 10, line 18, after "sections" insert "66-1330
22 and".
23 3. Renumber the remaining sections accordingly.

Ms. Schimek filed the following amendment to LB 480:

AM1503

- 1 1. On page 3, line 6, after "Initiative" insert
2 "Advisory"; in line 9 strike "(1)" and insert "(a)"; in line 10
3 strike "(2)" and insert "(b)"; in line 11 strike "(3)" and insert
4 "(c)" and strike "(4)" and insert "(d)"; in line 12 strike "(5)"

- 5 and insert "(e)"; in line 13 strike "(6)" and insert "(f)" and
 6 strike "(7)" and insert "(g)"; in line 14 strike "(8)" and insert
 7 "(h)" and strike "(9)" and insert "(i)"; in line 15 strike "(10)"
 8 and insert "(j)"; in line 16 strike "(11)" and insert "(k)"; in
 9 line 17 strike "(12)" and insert "(l)"; in line 18 strike "(13)"
 10 and insert "(m)"; and in line 28 after "appoint" insert "advisory".
 11 2. On page 4, line 4, after "the" insert "advisory";
 12 strike beginning with "The" in line 7 through line 9; in line 22
 13 strike "commission" and insert "advisory council"; in line 24 after
 14 the period insert "Funds for reimbursement for expenses shall be
 15 from the Women's Health Initiative Fund."; and in line 25 after
 16 "The" insert "advisory".
 17 3. On page 5, strike beginning with "shall" in line 1
 18 through the "for" in line 2 and insert "will determine how the
 19 Department of Health and Human Services will provide personnel to
 20 carry out"; strike beginning with the second "and" in line 3
 21 through "director" in line 4; and in line 4 strike "may" and insert
 22 "shall" and after "personnel" insert ", including an executive
 23 director".
 24 4. On page 6, line 1, after "Initiative" insert
 1 "Advisory"; and in lines 5 and 12 strike beginning with "Women's"
 2 through "Nebraska" and insert "Department of Health and Human
 3 Services".

Mr. Schrock filed the following amendment to LB 870:
 AM1530

- (Amendments to Standing Committee amendments, AM1312)
 1 1. On page 13, line 11, after the last comma insert "the
 2 results of water quality monitoring programs"; and after line 16
 3 insert:
 4 "(4) It is the intent of the Legislature to appropriate
 5 \$150,000 annually to the department to enhance water quality
 6 monitoring programs".

Mr. Broom filed the following amendment to LB 770:
 AM1528

- (Amendments to Standing Committee amendments, AM1376)
 1 1. On page 1, line 3, strike "2000" and insert "2001.
 2 Each clerk of the county court shall send to the Department of
 3 Revenue a copy of each inheritance tax worksheet filed in the
 4 county court between October 1, 1999, and September 30, 2000. The
 5 department shall use the information to create a report for the
 6 Legislature of the financial impact of the changes made by this
 7 legislative bill on the various counties had the changes been
 8 effective during the reporting period. The report shall be filed
 9 with the Clerk of the Legislature by January 1, 2000".

Mrs. Robak filed the following amendment to LB 571:
 AM1537

1 1. Insert the following new sections:

2 "Sec. 5. Section 32-1201, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-1201. The county board shall draw warrants in payment
5 of all bills submitted by the election commissioner or county clerk
6 related to the cost of any election conducted by the office of the
7 election commissioner or county clerk. Except as otherwise
8 provided in subsection (4) of section 32-1203, the initial payment
9 for bills submitted to the election commissioner or county clerk
10 for the cost of preparing for and conducting elections shall be a
11 county expense. The compensation of the election commissioner or
12 county clerk, the deputy election commissioner or deputy county
13 clerk for elections, and all permanent employees of the election
14 commissioner or county clerk, the expenditures for the rental,
15 furnishing, and equipping of the office of the election
16 commissioner or county clerk, the expenditures for necessary office
17 supplies, books, documents, and appurtenances relating to or used
18 in performing the duties of the election commissioner or county
19 clerk in relation to elections, ~~and the cost of elections for~~
20 ~~county, state, and federal governments, and the cost of elections~~
21 ~~for state government other than constitutional amendments as~~
22 ~~provided in subsection (5) of section 32-1203~~ shall be an
23 apportioned county expense and shall not be chargeable to other
24 political subdivisions.

1 Sec. 6. Section 32-1202, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-1202. The cost of publication and posting of notices
4 and ballots, the cost of precinct registration lists, the
5 compensation of temporary employees, inspectors, judges and clerks
6 of election, and members of counting boards, the cost of renting,
7 heating, lighting, and equipping polling places including placing
8 and removing ballot boxes and other fixtures and equipment, the
9 cost of printing and delivering ballots and sample ballots, the
10 cost of postage, cards of instructions for voters, maps, voter
11 books for the polling place, other election supplies, and
12 electronic media, the expense of programming and operation of
13 voting machines and vote counting devices, and all other expenses
14 of conducting statewide primary and general elections not listed in
15 section 32-1201 shall be chargeable to the political subdivisions
16 and the state, if applicable under subsection (5) of section
17 32-1203, in and for which such elections are held.

18 Sec. 7. Section 32-1203, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-1203. (1) Each city, village, school district, public
21 power district, sanitary and improvement district, metropolitan
22 utilities district, fire district, natural resources district,
23 community college area, educational service unit, hospital
24 district, reclamation district, and library board shall pay for the
25 costs of nominating and electing its officers as provided in

26 subsection (2), (3), or (4) of this section. If a special issue is
27 placed on the ballot at the time of the statewide primary or
1 general election by any political subdivision, the political
2 subdivision shall pay for the costs of the election as provided in
3 subsection (2), (3), or (4) of this section. The districts listed
4 in this subsection shall furnish to the Secretary of State and
5 election commissioner or county clerk any maps and additional
6 information which the election commissioner or county clerk may
7 require in the proper performance of their duties in the conduct of
8 elections and certification of results.

9 (2) The charge for each primary and general election
10 shall be determined by (a) ascertaining the total cost of all
11 chargeable costs as described in section 32-1202, (b) dividing the
12 total cost by the number of precincts participating in the election
13 to fix the cost per precinct, (c) prorating the cost per precinct
14 by the inked ballot inch in each precinct for each political
15 subdivision and the state, if applicable under subsection (5) of
16 this section, and (d) totaling the cost for each precinct for each
17 political subdivision and the state, if applicable.

18 (3) In lieu of the charge determined pursuant to
19 subsection (2) of this section, the election commissioner or county
20 clerk may charge public power districts the fee for election costs
21 set by section 70-610.

22 (4) In lieu of the charge determined pursuant to
23 subsection (2) of this section, the election commissioner or county
24 clerk may bill school districts directly for the costs of an
25 election held under section 10-703.01.

26 (5) The state shall reimburse each county for the actual
27 cost of placing constitutional amendments on the primary and
1 general election ballots at the direction of the Legislature.

2 Sec. 8. Section 32-1207, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-1207. The election commissioner or county clerk shall
5 fix and certify the cost of elections pursuant to sections 32-1203
6 to 32-1206. The cost of elections shall be due and payable from
7 each political subdivision and the state, if applicable, within
8 thirty days after the receipt of the statement certifying the cost
9 of the election. All payments received by the election
10 commissioner or county clerk from each political subdivision and
11 the state, if applicable, for the cost of elections shall be placed
12 in the county general fund and shall be used to help defray the
13 cost of elections."

14 2. Renumber the remaining sections and correct the
15 repealer accordingly.

Mr. Hilgert filed the following amendment to LB 179:
AM1514

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 "Section 1. Section 77-3504, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 77-3504. Household income means the total federal
5 adjusted gross income, as defined in the Internal Revenue Code,
6 plus (1) any Nebraska adjustments increasing the total federal
7 adjusted gross income, (2) any interest or dividends received by
8 the owner regarding obligations of the State of Nebraska or any
9 political subdivision, authority, commission, or instrumentality
10 thereof to the extent excluded in the computation of gross income
11 for federal income tax purposes, and (3) any social security or
12 railroad retirement benefit to the extent excluded in the
13 computation of gross income for federal income tax purposes, of the
14 claimant and spouse, and any additional owners who are natural
15 persons and who occupy the homestead, for the taxable year of the
16 claimant immediately prior to the year for which the claim for
17 exemption is made, less all medical expenses actually incurred and
18 paid by the claimant, his or her spouse, or any owner-occupant
19 which are in excess of four percent of household income calculated
20 prior to the deduction for medical expenses. For purposes of this
21 section, medical expenses means the costs of health insurance
22 premiums and the costs of goods and services purchased from a
23 person licensed under Chapter 71, article 1 or 47, or a facility
1 licensed pursuant to Chapter 71, article 20, for purposes of
2 restoring or maintaining health, including insulin and prescription
3 medicine but not including nonprescription medicine. For purposes
4 of this section, the amount of social security benefits received by
5 a claimant as described in subdivision (1)(b) or (c) of section
6 77-3508 shall be reduced by the amount of social security benefits
7 which the claimant received solely because of his or her disability
8 in the last year the claimant was less than sixty-five years of
9 age."

10 2. On page 1, line 1, after "amend" insert "section
11 77-3504, Reissue Revised Statutes of Nebraska, and".

12 3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 6 kindergarten through eighth grade students, teacher, and sponsors from Lake Minatare School; 27 seniors and teacher from Sterling High School; 34 fourth grade students, teachers, and sponsors from Brownell-Talbot School, Omaha; 24 kindergarten through sixth grade students and teachers from Oconto Elementary School; 75 fourth grade students and teacher from G. Stanley Hall Elementary School, LaVista; fourth grade students and teachers from Beattie Elementary School, Lincoln; and 44 fourth grade students and teachers from Cardinal Elementary School, South Sioux City.

RECESS

At 11:55 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Stuhr who was excused; and Messrs. Beutler, Hartnett, Jones, Matzke, Schmitt, Schrock, Smith, Wickersham, Mmes. Bohlke, Brown, and Robak who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

April 28, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 297, 432, 552, 68, 101, 194, 324, 475, 574, 141, 99, 469, 608, 674, 674A, 43, 18, 112, 115, 236, 241, 248, 277, 284, 295, 318, 319, 320, 405, 499, 506, 522, 532, 533, 573, 581, 618, 621, 621A, 640, and 681 were received in my office on April 23, 1999.

These bills were signed by me on April 28, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

April 28, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 68A with line-item reductions.

The cash fund appropriation to administer the regulation of nail technology practitioners, salons, schools, and instructors is reduced by \$59,771 in FY1999-00 and \$49,820 in FY2000-01. This reduction can be made without harming the effectiveness of the program. Personal service limitation amounts are also reduced by \$40,024 for FY1999-00 and by \$34,691 for FY2000-01.

As the Nebraska Department of Health and Human Services - Regulation and Licensure has indicated it can implement LB 68 based upon this reduction of funds, I urge you to sustain my veto.

Sincerely,
(Signed) Mike Johanns
Governor

NOTICE OF COMMITTEE HEARING Transportation

Thursday, May 13, 1999 8:45 a.m.
Chief Information Officer, Department of Administrative Services
Steven L. Schafer

(Signed) Curt Bromm, Chairperson

GENERAL FILE

LEGISLATIVE BILL 882. Messrs. Vrtiska and Kristensen renewed their pending amendment, AM1412, found on page 1616.

Mr. Chambers requested a division of the question on the Vrtiska-Kristensen amendment.

The Chair sustained the division of the question.

The first Vrtiska-Kristensen amendment is as follows:
FA139

- 2 Tort Claim No. 98-173, against the Department of
- 3 Labor, pay to Elaine Miller and V. Gene Summerlin,
- 4 Attorney, 330 South 10th St., Lincoln, NE 68508, out
- 5 of the General Fund 698,242.16
- 6 and out of the Elevator Inspection Fund 100,000.00
- 7 The claims included in this section shall be paid through
- 8 Program 591 in Agency 65.
- 9 For informational purposes only, the appropriations
- 10 contained in this section and fund source:
- 11 GENERAL FUND 1,065,242.16
- 12 CASH FUND 100,000.00
- 13 TOTAL 1,165,242.16."
- 14 2. Renumber the remaining sections accordingly.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Chambers offered the following amendment to the first Vrtiska-Kristensen amendment:

FA141

Amend FA139

Claim No. 98-173

In line 5, strike "698,242.16" and insert "998, 242.16"

Mr. Chambers withdrew his amendment.

The first Vrtiska-Kristensen amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The second Vrtiska-Kristensen amendment is as follows:

FA140

1. Insert the following new section:

"Sec. 2. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of tort claims which have been settled by the Attorney General in the district court or in which court judgments have been entered and which require the approval of the Legislature for payment.

DESCRIPTION	DOLLARS
Tort Claim No. 95-369, against the Department of Health and Human Services, pay to <u>Caroline C. and Bruce Mason, Attorney</u> , 1505 South 108th St., Omaha, NE 68144, out of the General Fund	85,000.00
Tort Claim No. 95-366, against the Department of Health and Human Services, pay to <u>Debra W. and Bruce Mason, Attorney</u> , 1505 South 108th St., Omaha, NE 68144, out of the General Fund	87,000.00
Tort Claim No. 95-367, against the Department of Health and Human Services, pay to <u>Donna W. and Bruce Mason, Attorney</u> , 1505 South 108th St., Omaha, NE 68144, out of the General Fund	120,000.00
Tort Claim No. 95-368, against the Department of Health and Human Services, pay to <u>Billie V. and Bruce Mason, Attorney</u> , 1505 South 108th St., Omaha, NE 68144, out of the General Fund	75,000.00

The second Vrtiska-Kristensen amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 331:
AM1540

(Amendments to Final Reading copy)

- 1 1. On page 4, strike beginning with "The" in line 2
2 through line 5; and strike beginning with "The" in line 20 through
3 line 24.
- 4 2. On page 5, strike beginning with "The" in line 8
5 through line 12; in line 14 strike "this subsection" and insert
6 "subdivision (1)(b) or (1)(c) of this section"; and strike lines 16
7 through line 18.

Mr. Preister filed the following amendment to LB 870:
AM1551

(Amendments to Standing Committee amendments, AM1312)

- 1 1. On page 11, line 22, after the stricken "any" insert
2 "It is the intent of the Legislature that the applicant shall bear
3 the responsibility of notifying the public and all necessary local
4 authorities and comply with all applicable zoning requirements,
5 regulations, and other ordinances prior to the submission of an
6 application to the department.
7 (2)"; and in line 25 after the period insert "The
8 application shall include certification by each municipal and
9 county planning commission and governing body with zoning
10 jurisdiction over the proposed facility site that all local zoning
11 requirements, regulations, and ordinances have been complied with
12 prior to submission of the application to the department.
13 Certification shall be in the form of an ordinance or a resolution
14 adopted by such commission or governing body. Any local zoning
15 requirement, regulation, ordinance, or resolution that cannot be
16 met until the department has approved the permit shall be
17 specifically identified as items of conditional compliance, and the
18 commission or governing body may issue a conditional certification
19 of such requirements.".
- 20 2. On page 12, line 10, strike "(2)" and show as
21 stricken.
- 22 3. On page 12, line 24, and page 13, line 4, strike the
23 new matter and reinstate the stricken matter.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 76.

GENERAL FILE

LEGISLATIVE BILL 882. Mrs. Kiel withdrew her amendment, AM1498, found on page 1740.

Mrs. Kiel offered the following amendment:

AM1534

- 1 1. On page 3, after line 15 insert
- 2 "Claim No. 99-019, against the Department of
- 3 Revenue, pay to Florence Mansur, 122 S. 39th St.
- 4 #204-205,
- 5 Omaha, NE 68131, out of the General Fund 575.11".
- 6 2. On page 4, lines 5 and 6, strike both occurrences of
- 7 "1,045,736.95" and insert "1,046,312.06".

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

Mrs. Kiel requested a record vote on her amendment.

Voting in the affirmative, 16:

Baker	Crosby	Janssen	Peterson, C.	Schimek
Bohlke	Engel	Kiel	Price	Schrock
Bourne	Hilgert	Pederson, D.	Quandahl	Suttle
Brashear				

Voting in the negative, 21:

Bromm	Coordsen	Jensen	Landis	Thompson
Bruning	Cudaback	Jones	Lynch	Tyson
Byars	Dierks	Kremer	Raikes	Vrtiska
Chambers	Hudkins	Kristensen	Redfield	Wehrbein
Connealy				

Present and not voting, 3:

Dickey	Hartnett	Preister
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Excused and not voting, 9:

Beutler	Matzke	Robak	Smith	Wickersham
Brown	Pedersen, Dw.	Schmitt	Stuhr	

The Kiel amendment lost with 16 ayes, 21 nays, 3 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 382. Title read. Considered.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM1377, found on page 1572, was considered.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA147

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 12 of this act shall be known
- 4 and may be cited as the Convention Center Facility Financing
- 5 Assistance Act.
- 6 Sec. 2. The Legislature finds that it is essential to
- 7 the educational progress and economic well-being of the people of
- 8 this state that there be in this state convention and meeting
- 9 center facilities of appropriate size and quality to host regional,
- 10 national, or international events for instruction and education of
- 11 the participants.
- 12 The Legislature finds that convention and meeting center
- 13 facilities can generate new economic activity which will in turn
- 14 generate additional state and local tax collections from persons
- 15 residing outside the state. This new economic activity can reduce
- 16 tax burdens of state residents, while creating new economic
- 17 opportunities for residents.
- 18 For the state to receive the long-term beneficial
- 19 educational, economic, and fiscal impact of such facilities there
- 20 is a need to provide state financial assistance for convention and
- 21 meeting center facilities to political subdivisions endeavoring to
- 22 construct the facilities.
- 23 It is therefor in the interest of both the state and its
- 24 political subdivisions for the state to assist political
- 1 subdivisions in the financing of the construction of convention and
- 2 meeting center facilities which may be used to hold regional,
- 3 national, or international events. The amount of state financial
- 4 assistance provided to the project shall be a designated share of
- 5 the new state tax revenue attributed to such events and facilities.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA133

Amend FA147

P. 1, lines 4, 5; p. 2, line 7; p. 4, line 20; p. 8, lines 2, 3; p. 10, lines 6, 7, strike "Financing Assistance" and insert "Subsidization".

Mr. Dickey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 7:

Bromm	Engel	Matzke	Smith	Tyson
Brown	Landis			

Present and not voting, 36:

Baker	Connealy	Janssen	Peterson, C.	Schimek
Beutler	Coordsen	Jensen	Preister	Schrock
Bohlke	Cudaback	Jones	Price	Suttle
Bourne	Dierks	Kiel	Quandahl	Thompson
Brashear	Hartnett	Kremer	Raikes	Vrtiska
Bruning	Hilgert	Lynch	Redfield	Wehrbein
Byars	Hudkins	Pederson, D.	Robak	Wickersham
Chambers				

Excused and not voting, 6:

Crosby	Kristensen	Pedersen, Dw.	Schmitt	Stuhr
Dickey				

The Chambers amendment lost with 0 ayes, 7 nays, 36 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to reconsider the vote on FA133.

Mmes. Kiel, Bohlke, Messrs. Vrtiska, Hartnett, Bourne, Schrock, Schmitt, and Brashear asked unanimous consent to be excused. No objections. So ordered.

The Chambers motion to reconsider failed with 1 aye, 7 nays, 29 present and not voting, and 12 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Mr. Bromm and Mrs. Robak filed the following amendment to LB 571:
AM1142

- 1 1. On page 5, line 22, strike "face", show as stricken,
- 2 and insert "back".
- 3 2. On page 7, line 16, strike "and the", show as
- 4 stricken, and insert "an" and strike "an unsealed return" and show
- 5 as stricken; in line 17 strike "envelope" and show as stricken; and
- 6 strike beginning with "The" in line 19 through the period in line
- 7 21 and show as stricken.

RESOLUTION

LEGISLATIVE RESOLUTION 80. Introduced by Connealy, 16.

WHEREAS, Lloyd Homes, was honored recently for forty years of service as a volunteer firefighter with the Oakland Volunteer Fire Department; and

WHEREAS, Lloyd Homes is believed to be only the second forty-year firefighter in the one-hundred-seven-year history of the Oakland Volunteer Fire Department; and

WHEREAS, during his tenure with the department, Mr. Homes served ably in all of the elected offices within the department; and

WHEREAS, Mr. Homes has answered approximately one thousand fire and accident calls during his service as a volunteer firefighter; and

WHEREAS, Lloyd Homes' service to his community serves as an example of citizenship and dedication for all Nebraskans.

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

1. That the Legislature recognizes and commends Lloyd Homes for his forty years of service as a volunteer firefighter for the community of Oakland, Nebraska.

2. That a copy of the resolution be sent to Lloyd Homes.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 382. Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA135

Amend FA147

1. P. 1, line 20; p. 2, line 4; p. 4, lines 16, 19; p. 5, line 15; p. 6, lines 13, 17; p. 8, line 29; p. 10, line 7; p. 11, lines 2, 17, 19, 22; p. 12, lines 4, 11, 13, 15, 18, strike "assistance" and insert "subsidization" (using upper and lower case where appropriate).

Messrs. Cudaback, Dierks, and Ms. Schimek asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 17:

Bromm	Coordsen	Landis	Preister	Suttle
Bruning	Janssen	Lynch	Price	Thompson
Byars	Jensen	Matzke	Smith	Wehrbein
Connealy	Kristensen			

Present and not voting, 17:

Baker	Engel	Kremer	Quandahl	Robak
Beutler	Hilgert	Pederson, D.	Raikes	Tyson
Brown	Hudkins	Peterson, C.	Redfield	Wickersham
Chambers	Jones			

Excused and not voting, 15:

Bohlke	Crosby	Dierks	Pedersen, Dw.	Schrock
Bourne	Cudaback	Hartnett	Schimek	Stuhr
Brashear	Dickey	Kiel	Schmitt	Vrtiska

The Chambers amendment lost with 0 ayes, 17 nays, 17 present and not voting, and 15 excused and not voting.

Mr. Coordsen and Mrs. Thompson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on FA135.

Messrs. Engel, Beutler, and D. Pederson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 12:

Brown	Hudkins	Kremer	Landis	Price
Bruning	Jensen	Kristensen	Peterson, C.	Smith
Byars	Jones			

Present and not voting, 16:

Baker	Janssen	Preister	Redfield	Tyson
Bromm	Lynch	Quandahl	Robak	Wehrbein
Connealy	Matzke	Raikes	Suttle	Wickersham
Hilgert				

Excused and not voting, 20:

Beutler	Coordsen	Dierks	Pedersen, Dw.	Schrock
Bohlke	Crosby	Engel	Pederson, D.	Stuhr
Bourne	Cudaback	Hartnett	Schimek	Thompson
Brashear	Dickey	Kiel	Schmitt	Vrtiska

The Chambers motion to reconsider failed with 1 aye, 12 nays, 16 present and not voting, and 20 excused and not voting.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA136

Amend FA147

Strike section 2 (p. 1, lines 6-24; p. 2, lines 1-5).

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 18:

Baker	Connealy	Jones	Lynch	Smith
Brown	Hilgert	Kremer	Peterson, C.	Suttle
Bruning	Hudkins	Kristensen	Price	Wehrbein
Byars	Janssen	Landis		

Present and not voting, 10:

Bromm	Jensen	Quandahl	Redfield	Tyson
Chambers	Matzke	Raikes	Robak	Wickersham

Excused and not voting, 21:

Beutler	Crosby	Engel	Pederson, D.	Schrock
Bohlke	Cudaback	Hartnett	Preister	Stuhr
Bourne	Dickey	Kiel	Schimek	Thompson
Brashear	Dierks	Pedersen, Dw.	Schmitt	Vrtiska
Coordsen				

The Chambers amendment lost with 0 ayes, 18 nays, 10 present and not voting, and 21 excused and not voting.

Mr. Chambers moved to reconsider the vote on FA136.

Messrs. Wickersham, Janssen, and Ms. Redfield asked unanimous consent to be excused. No objections. So ordered.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 630A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 630, Ninety-sixth Legislature, First Session, 1999.

VISITORS

Visitors to the Chamber were 36 fourth grade students and sponsors from St. Thomas More, Omaha.

MOTION - Adjournment

Mr. Lynch moved to adjourn. The motion prevailed with 9 ayes, 2 nays, 14 present and not voting, and 24 excused and not voting, and at 6:28 p.m., the Legislature adjourned until 9:00 a.m., Thursday, April 29, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-THIRD DAY – APRIL 29, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SEVENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 29, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Bourne who was excused; and Mrs. Kiel, Messrs. Landis, Preister, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 29, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Cavanaugh, James P. - Omaha; Jane Burke Law Office (Withdrawn 04/26/1999)

O'Hara & Associates

O'Hara & Associates, Inc. - Lincoln; Maximus, Inc.

Schmit, Loran/Schmit Industries, Inc.

Schmit Industries, Inc. - Lincoln; Metropolitan Omaha Convention, Sports & Entertainment Authority

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 382:

FA137

Amend FA147

1. P. 1, line 7, strike "educational progress and", after "of", insert, "some of"; in line 10, put a period after "events" and strike the remaining language through "participants." in line 11.

FA138

Amend FA147

1. P. 1, line 13, strike "can" and insert "may" and strike "will" and insert "may".

FA142

Amend FA147

P. 1, line 15, strike "This" and insert "Such", and strike "can" and insert "may".

FA132

Amend FA148

1. Page 4, line 6 after "4.", insert, "No general obligation bonds shall be issued."; in line 7, strike "general obligation" and insert, "revenue".
2. Page 9, line 12, put a period after "facilities" and strike beginning with "or" through "applicant." in line 14; in line 17 beginning with "No" strike all language through "issuance." in line 20.

FA143

Amend FA148

1. P. 6, line 22, strike the period and add, "of all the board members."

FA134

Amend FA149

1. P. 8, line 19; p. 10, lines 10, 12, 18, 25; p. 12, line 27, strike "Financing" and insert "subsidization"

Mr. Lynch filed the following amendment to LB 382:

FA153

Amend FA149

page 8, line 3 strike "seventy" and insert "eighty"

Mr. Chambers filed the following amendments to LB 382:

FA144

Amend FA150

1. P. 9, line 18, after "a" insert "two-thirds"; in line 19 after "applicant's", insert "registered".

FA145

Amend FA150

1. P. 9, line 19, after "applicant's", insert, "registered".

FA146

Amend FA150

P. 10, line 3, beginning with "Nothing", strike all language through "time" in line 4.

MESSAGES FROM THE GOVERNOR

April 26, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Excellence in Healthcare Council:

APPOINTEES:

Dale Michels, RR 1 Box 130A, Walton, NE 68461
Cordelia Okoye, 6821 Southfork Cr., Lincoln, NE 68516
David Corbin, 1002 N. 49, Omaha, NE 68132
Jeff Elliott, PO Box 95026, Lincoln, NE 68509
Sandra Massey, 2309 6th Ave., Scottsbluff, NE 69361
John Klosterman, 1197 34th Rd., David City, NE 68632
Joel Gajardo, 2721 S. 66 Pl., Lincoln, NE 68506

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

April 29, 1999

The President, Speaker Kristensen
and Members of the Legislature
c/o Clerk of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Under the authority granted me by the Constitution and Nebraska Law, I hereby notify you, the members of the 96th Legislature, that I am on this day recalling for further review the following appointment that was submitted but not yet confirmed:

Val D. Snyder - Board of Emergency Medical Services

I recognize the need to move quickly and will, therefore, place a high priority on expeditiously returning to you the appointment from above name in which I concur and will submit a new nomination.

Thank you for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

MOTION - Suspend Rules

Mr. Jensen moved to suspend the rules, Rule 3, Section 13, to cancel the public hearing on Mr. Val Snyder set Monday, May 3, 1999.

The Jensen motion to suspend the rules prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

MOTION - Return LB 689 to Select File

Mrs. Robak moved to return LB 689 to Select File for her specific amendment, AM1141, found on page 1568.

The Robak motion to return prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 689. The Robak specific amendment, AM1141, found on page 1568, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 548A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 550. E & R amendment, AM7095, found on page 1324, was adopted.

Messrs. Landis and Bromm withdrew their amendment, AM1121, printed separately and referred to on page 1570.

Mr. Landis renewed his pending amendment, AM1452, printed separately and referred to on page 1681.

The Landis amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

ANNOUNCEMENT

The Chair announced tomorrow is Senator Bruning's birthday.

SELECT FILE

LEGISLATIVE BILL 530. Mr. Matzke renewed his pending amendment, AM1424, found on page 1679.

Mrs. Bohlke, Ms. Redfield, and Mr. Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Matzke withdrew his amendment.

Mr. Chambers moved to bracket LB 530.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CUDABACK PRESIDING

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

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

Mr. Chambers withdrew his motion to bracket.

Mr. Chambers moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Baker	Coordsen	Engel	Jensen	Landis
Beutler	Crosby	Hartnett	Jones	Lynch
Bruning	Cudaback	Hilgert	Kiel	Matzke
Byars	Dickey	Hudkins	Kremer	Peterson, C.
Connealy	Dierks	Janssen	Kristensen	Preister

Price	Schimek	Smith	Thompson	Wehrbein
Redfield	Schmitt	Stuhr	Tyson	Wickersham
Robak	Schrock	Suttle	Vrtiska	

Voting in the negative, 8:

Brashear	Brown	Pedersen, Dw.	Quandahl	Raikes
Bromm	Chambers	Pederson, D.		

Excused and not voting, 2:

Bohlke	Bourne
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Advanced to E & R for engrossment with 39 ayes, 8 nays, and 2 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING **Health and Human Services**

Monday, May 3, 1999 (cancel)
Board of Emergency Medical Services
Val Snyder

1:00 p.m.

(Signed) Jim Jensen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Corbin, David - Excellence in Healthcare Council -- Health and Human Services

Elliott, Jeff - Excellence in Healthcare Council -- Health and Human Services

Gajardo, Joel - Excellence in Healthcare Council -- Health and Human Services

Klosterman, John - Excellence in Healthcare Council -- Health and Human Services

Massey, Sandra - Excellence in Healthcare Council -- Health and Human Services

Michels, Dale - Excellence in Healthcare Council -- Health and Human Services

Okoye, Cordelia - Excellence in Healthcare Council -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 216. E & R amendment, AM7098, found on page 1347, was adopted.

Mr. Vrtiska renewed his pending amendment, AM0836, printed separately and referred to on page 1303.

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

PRESIDENT MAURSTAD PRESIDING

Mr. Landis offered the following amendment:
AM1577

- 1 1. Insert the following new section:
- 2 "Sec. 10. Section 48-159, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-159. (1) As soon as the same may be legally paid
- 5 under the Constitution of Nebraska, each judge of the Nebraska
- 6 Workers' Compensation Court shall receive an annual salary of
- 7 ninety-two and one-half percent of the salary set for the Chief
- 8 Justice and judges of the Supreme Court, payable in the same manner
- 9 as the salaries of other state officers are paid. Changes in
- 10 salaries and term of court shall be effective on the same date as
- 11 changes in salary and term of court for the judges of the district
- 12 courts. Such salary is an increase from the salary of eighty-five
- 13 percent of the salary set for the Chief Justice and judges of the
- 14 Supreme Court which such judges have received on and after January
- 15 6, 1983. The clerk and all other assistants and employees of the
- 16 compensation court shall receive such salaries as the compensation
- 17 court shall determine, but not to exceed the amount of the
- 18 appropriation made by the Legislature for such purpose. Such
- 19 salaries shall be payable in the same manner as the salaries of
- 20 other state employees are paid. Such assistants and employees
- 21 shall not receive any other salary or pay for their services from
- 22 any other source.
- 23 (2) In addition to the salaries, as provided by
- 24 subsection (1) of this section, the judges of the Nebraska Workers'
- 1 Compensation Court, the clerk, and other assistants and employees
- 2 of the compensation court shall be entitled, while traveling on the
- 3 business of the compensation court, to be reimbursed by the state
- 4 for their necessary traveling expenses, consisting of

5 transportation, subsistence, lodging, and such other items of
6 expense as are necessary, to be paid as provided in sections
7 81-1174 to 81-1177."

8 2. Correct the repealer and renumber the remaining
9 sections accordingly.

The Landis 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 404. E & R amendment, AM7111, printed separately and referred to on page 1416, was adopted.

Mr. Dierks withdrew his amendment, AM1289, found on page 1504.

Mr. Dierks renewed his pending amendment, AM1479, found on page 1708.

The Dierks 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 404A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 687. Advanced to E & R for engrossment.

LEGISLATIVE BILL 687A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 623. E & R amendment, AM7121, found on page 1486, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 740. Advanced to E & R for engrossment.

LEGISLATIVE BILL 36. E & R amendment, AM7114, found on page 1414, was adopted.

Mr. Wickersham renewed his pending amendment, AM1222, found on page 1422.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM1272, found on page 1459.

Messrs. Dickey and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 81. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Price, 26; Suttle, 10; Thompson, 14; Tyson, 19.

PURPOSE: To study the appropriate protection of children and vulnerable adults who receive care and supervision by persons in facilities, institutions, or other out-of-home settings. The study shall include, but is not limited to: (1) A review of issues relating to the use of criminal background checks and other appropriate screening mechanisms for those who provide direct care to children and vulnerable adults; and (2) a review of recommendations from a 1998 study of the Nebraska child abuse and neglect central registry and other issues identified with respect to the registry.

With respect to the use of criminal background checks or other screening mechanisms, the study shall consider, among other things: (1) The necessity and feasibility of mandated criminal background checks; (2) upon whom should criminal background checks be conducted and by whom; (3) what other screening mechanisms should be used to protect children and vulnerable adults and what guidelines should be established for the use of such screening mechanisms; (4) the cost of criminal background checks or other screening mechanisms, including fingerprinting, the cost of state and federal checks and those conducted by the private sector and by whom those costs will be paid; (5) how quickly criminal background check information can be provided by the Nebraska State Patrol and the Federal Bureau of Investigation and how that reporting time can be improved; (6) how information reported to the Nebraska State Patrol is currently collected and verified in Nebraska; and (7) whether results of completed criminal background checks should be studied to determine the percentage of reports that contain criminal histories.

The Health and Human Services Committee of the Legislature, in consultation with the Judiciary Committee of the Legislature, shall consider input from the Governor, the Nebraska Health and Human Services System, day care providers and other providers of care for children and vulnerable adults, the Nebraska State Patrol, private providers who perform criminal background checks and other screening of caregivers, members of the Legislature, and interested citizens with respect to the study and may conduct a public hearing in connection with such study. If indicated and appropriate, enabling legislation may be drafted to incorporate comments, suggestions, and recommendations received.

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

1. That the Health and Human Services Committee, in consultation with the Judiciary Committee, of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 683. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1217.02, Revised Statutes Supplement, 1998; to change provisions relating to criminal history record information checks; and to repeal the original section.

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

Voting in the affirmative, 42:

Baker	Cudaback	Kiel	Price	Smith
Bohlke	Dierks	Kremer	Quandahl	Stuhr
Brashear	Engel	Kristensen	Raikes	Suttle
Bromm	Hartnett	Lynch	Redfield	Thompson
Brown	Hilgert	Matzke	Robak	Tyson
Bruning	Hudkins	Pedersen, Dw.	Schimek	Vrtiska
Byars	Janssen	Peterson, C.	Schmitt	Wehrbein
Connealy	Jensen	Preister	Schrock	Wickersham
Crosby	Jones			

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Chambers	Coordsen	Landis	Pederson, D.
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Excused and not voting, 2:

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

LEGISLATIVE BILL 738.

A BILL FOR AN ACT relating to cities and villages; to amend sections

18-2001 and 18-2002, Reissue Revised Statutes of Nebraska; to change provisions relating to street improvements; 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:

Baker	Crosby	Jensen	Peterson, C.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Brashear	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Quandahl	Thompson
Brown	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Redfield	Vrtiska
Byars	Hilgert	Lynch	Robak	Wehrbein
Connealy	Hudkins	Matzke	Schmitt	Wickersham
Coordsen	Janssen	Pedersen, Dw.	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Beutler Chambers Pederson, D. Schimek

Excused and not voting, 1:

Bourne

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

LEGISLATIVE BILL 753.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1229, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Byars	Dierks	Jensen	Lynch
Bohlke	Connealy	Engel	Jones	Matzke
Brashear	Coordsen	Hartnett	Kiel	Pedersen, Dw.
Bromm	Crosby	Hilgert	Kremer	Pederson, D.
Brown	Cudaback	Hudkins	Kristensen	Peterson, C.
Bruning	Dickey	Janssen	Landis	Preister

Price	Robak	Schrock	Suttle	Vrtiska
Quandahl	Schimek	Smith	Thompson	Wehrbein
Raikes	Schmitt	Stuhr	Tyson	Wickersham
Redfield				

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 1:

Bourne

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

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 755.

A BILL FOR AN ACT relating to public buildings; to require compliance with a building code.

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:

Baker	Crosby	Jensen	Pederson, D.	Schmitt
Bohlke	Cudaback	Jones	Peterson, C.	Schrock
Brashear	Dickey	Kiel	Preister	Smith
Bromm	Dierks	Kremer	Price	Stuhr
Brown	Engel	Kristensen	Quandahl	Suttle
Bruning	Hartnett	Landis	Raikes	Thompson
Byars	Hilgert	Lynch	Redfield	Tyson
Connealy	Hudkins	Matzke	Robak	Wehrbein
Coordsen	Janssen	Pedersen, Dw.	Schimek	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Beutler Vrtiska

Excused and not voting, 2:

Bourne Chambers

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

LEGISLATIVE BILL 759. With Emergency.

A BILL FOR AN ACT relating to legal aid services; to amend sections 25-3002 and 25-3004, Revised Statutes Supplement, 1998; to change provisions relating to the distribution of grants; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Cudaback	Jones	Peterson, C.	Schrock
Bohlke	Dickey	Kiel	Preister	Smith
Brashear	Dierks	Kremer	Price	Stuhr
Bromm	Engel	Kristensen	Quandahl	Suttle
Brown	Hartnett	Landis	Raikes	Thompson
Bruning	Hilgert	Lynch	Redfield	Tyson
Byars	Hudkins	Matzke	Robak	Vrtiska
Connealy	Janssen	Pedersen, Dw.	Schimek	Wehrbein
Coordsen	Jensen	Pederson, D.	Schmitt	Wickersham
Crosby				

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Bourne Chambers

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 776.

A BILL FOR AN ACT relating to fences; to amend sections 34-106, 34-107, and 34-115, Reissue Revised Statutes of Nebraska; to change provisions relating to fence viewers and lawful fences; 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:

Baker	Crosby	Jones	Peterson, C.	Schrock
Bohlke	Cudaback	Kiel	Preister	Smith
Brashear	Dickey	Kremer	Price	Stuhr
Bromm	Dierks	Kristensen	Quandahl	Suttle
Brown	Engel	Landis	Raikes	Thompson
Bruning	Hartnett	Lynch	Redfield	Tyson
Byars	Hilgert	Matzke	Robak	Vrtiska
Connealy	Janssen	Pedersen, Dw.	Schimek	Wehrbein
Coordsen	Jensen	Pederson, D.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Beutler Hudkins

Excused and not voting, 2:

Bourne Chambers

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 778 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The following bill was put upon final passage:

LEGISLATIVE BILL 778.

A BILL FOR AN ACT relating to livestock brands; to amend sections 54-157, 54-158, 54-415, 54-1157 to 54-1160, 54-1163, 54-1165, 54-1168, 54-1169, 54-1171 to 54-1174, 54-1176, 54-1182, 54-1183, 54-1185, 54-1186, 54-2001, 54-2012, and 54-2014, Reissue Revised Statutes of Nebraska; to adopt the Livestock Brand Act; to rename the Nebraska Livestock Auction Market Development Act; to transfer certain hog cholera sections; to repeal provisions relating to livestock brands; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original

sections; and to outright repeal sections 54-101 to 54-110, 54-112, 54-114 to 54-119, 54-121, 54-125, 54-126, 54-129 to 54-133.01, 54-133.03, 54-134, 54-135 to 54-137.01, 54-138, 54-140, 54-141, 54-142 to 54-144, 54-145.01 to 54-145.06, 54-147 to 54-148, 54-150, 54-152 to 54-153.03, 54-155, 54-156, and 54-159 to 54-169, 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, 45:

Baker	Coordsen	Janssen	Pedersen, Dw.	Schrock
Beutler	Crosby	Jensen	Pederson, D.	Smith
Bohlke	Cudaback	Jones	Peterson, C.	Stuhr
Brashear	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Quandahl	Thompson
Brown	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Redfield	Vrtiska
Byars	Hilgert	Lynch	Schimek	Wehrbein
Connealy	Hudkins	Matzke	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 3:

Bourne Chambers Robak

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 781.

A BILL FOR AN ACT relating to diseases; to amend sections 71-507 and 71-509, Revised Statutes Supplement, 1998; to redefine a term relating to exposure to infectious diseases and conditions; to change provisions relating to liability for costs of diagnostic testing; 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:

Baker	Bohlke	Brashear	Bromm	Brown
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Bruning	Engel	Kremer	Preister	Smith
Byars	Hartnett	Kristensen	Price	Stuhr
Connealy	Hilgert	Landis	Quandahl	Suttle
Coordsen	Hudkins	Lynch	Raikes	Thompson
Crosby	Janssen	Matzke	Redfield	Tyson
Cudaback	Jensen	Pedersen, Dw.	Schimek	Vrtiska
Dickey	Jones	Pederson, D.	Schmitt	Wehrbein
Dierks	Kiel	Peterson, C.	Schrock	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Bourne Chambers Robak

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

LEGISLATIVE BILL 800.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-183.01, 71-183.02, 71-193.13 to 71-193.18, 71-193.28, 71-193.31, and 71-3507, Reissue Revised Statutes of Nebraska; to change provisions relating to dental hygienists and dental auxiliaries; 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, 46:

Baker	Crosby	Jensen	Pederson, D.	Schrock
Beutler	Cudaback	Jones	Peterson, C.	Smith
Bohlke	Dickey	Kiel	Preister	Stuhr
Brashear	Dierks	Kremer	Price	Suttle
Bromm	Engel	Kristensen	Quandahl	Thompson
Brown	Hartnett	Landis	Raikes	Tyson
Bruning	Hilgert	Lynch	Redfield	Vrtiska
Byars	Hudkins	Matzke	Schimek	Wehrbein
Connealy	Janssen	Pedersen, Dw.	Schmitt	Wickersham
Coordsen				

Voting in the negative, 0.

Excused and not voting, 3:

Bourne Chambers Robak

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

LEGISLATIVE BILL 806.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-753, Reissue Revised Statutes of Nebraska; to change interest rates on payments for special assessments as prescribed; and to repeal the original section.

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

Voting in the affirmative, 44:

Baker	Crosby	Jensen	Pederson, D.	Smith
Bohlke	Cudaback	Jones	Peterson, C.	Stuhr
Brashear	Dickey	Kiel	Preister	Suttle
Bromm	Dierks	Kremer	Price	Thompson
Brown	Engel	Kristensen	Quandahl	Tyson
Bruning	Hartnett	Landis	Raikes	Vrtiska
Byars	Hilgert	Lynch	Redfield	Wehrbein
Connealy	Hudkins	Matzke	Schmitt	Wickersham
Coordsen	Janssen	Pedersen, Dw.	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Beutler Schimek

Excused and not voting, 3:

Bourne Chambers Robak

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

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 150. With Emergency.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109, 75-604, 86-802, and 86-1407, Revised Statutes Supplement, 1998; to adopt the Telephone Consumer Slamming Prevention Act; to change provisions relating to common and contract carriers; to define terms; to

harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Baker	Coordsen	Janssen	Pederson, D.	Smith
Beutler	Crosby	Jensen	Peterson, C.	Stuhr
Bohlke	Cudaback	Jones	Preister	Suttle
Brashear	Dickey	Kiel	Price	Thompson
Bromm	Dierks	Kremer	Raikes	Tyson
Brown	Engel	Kristensen	Redfield	Vrtiska
Bruning	Hartnett	Landis	Schimek	Wehrbein
Byars	Hilgert	Matzke	Schmitt	Wickersham
Connealy	Hudkins	Pedersen, Dw.	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Quandahl

Excused and not voting, 4:

Bourne	Chambers	Lynch	Robak
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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 242.

A BILL FOR AN ACT relating to rural health education; to amend section 71-5661, Reissue Revised Statutes of Nebraska; to change provisions relating to the Rural Health Professional Incentive Fund; to eliminate the Rural Health Opportunities Loan Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 71-5671 to 71-5677 and 71-5679, Reissue Revised Statutes of Nebraska, and section 71-5678, Revised Statutes Supplement, 1998.

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:

Baker	Brashear	Bruning	Coordsen	Dickey
Beutler	Bromm	Byars	Crosby	Dierks
Bohlke	Brown	Connealy	Cudaback	Engel

Hartnett	Kiel	Pederson, D.	Redfield	Suttle
Hilgert	Kremer	Peterson, C.	Schimek	Thompson
Hudkins	Kristensen	Preister	Schmitt	Tyson
Janssen	Landis	Price	Schrock	Vrtiska
Jensen	Matzke	Quandahl	Smith	Wehrbein
Jones	Pedersen, Dw.	Raikes	Stuhr	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 242A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 242, Ninety-sixth Legislature, First Session, 1999; and to state intent relating to certain transfers.

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:

Baker	Coordsen	Janssen	Peterson, C.	Smith
Beutler	Crosby	Jensen	Preister	Stuhr
Bohlke	Cudaback	Jones	Price	Suttle
Brashear	Dickey	Kiel	Quandahl	Thompson
Bromm	Dierks	Kremer	Raikes	Tyson
Brown	Engel	Kristensen	Redfield	Vrtiska
Bruning	Hartnett	Landis	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Hudkins	Pederson, D.	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 4:

Bourne	Chambers	Lynch	Robak
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A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 78.

A BILL FOR AN ACT relating to public utilities; to amend section 14-2115, Reissue Revised Statutes of Nebraska; to change provisions relating to allocation of costs; to restrict certain activities of metropolitan utilities districts and investor-owned natural gas utilities; to provide duties for the Auditor of Public Accounts and the Public Service Commission; to provide a grievance mechanism; and to repeal the original section.

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

Voting in the affirmative, 44:

Baker	Crosby	Jensen	Peterson, C.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Brashear	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Quandahl	Thompson
Brown	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Redfield	Vrtiska
Byars	Hilgert	Matzke	Schimek	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Coordsen	Janssen	Pederson, D.	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

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

LEGISLATIVE BILL 205.

A BILL FOR AN ACT relating to the Nebraska Law Enforcement Training Center; to amend sections 81-1401, 81-1412, 81-1412.01, and 81-1412.02, Revised Statutes Supplement, 1998; to change provisions relating to handgun qualification; to define a term; to provide duties; 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:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Beutler	Crosby	Jensen	Peterson, C.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Brashear	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Quandahl	Thompson
Brown	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Redfield	Vrtiska
Byars	Hilgert	Matzke	Schimek	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 299.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Supplement, 1998; to change penalty provisions relating to amphetamine and methamphetamine; 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, 45:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Beutler	Crosby	Jensen	Peterson, C.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Brashear	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Quandahl	Thompson
Brown	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Redfield	Vrtiska
Byars	Hilgert	Matzke	Schimek	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 496.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-301 to 86-304, Reissue Revised Statutes of Nebraska; to change provisions relating to right-of-way for telecommunications lines and related facilities; to provide eminent domain powers; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 43:

Baker	Crosby	Jensen	Peterson, C.	Smith
Beutler	Cudaback	Jones	Price	Stuhr
Bohlke	Dickey	Kiel	Quandahl	Suttle
Bromm	Dierks	Kremer	Raikes	Thompson
Brown	Engel	Kristensen	Redfield	Tyson
Bruning	Hartnett	Landis	Schimek	Vrtiska
Byars	Hilgert	Matzke	Schmitt	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schrock	Wickersham
Coordsen	Janssen	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 2:

Brashear Preister

Excused and not voting, 4:

Bourne Chambers Lynch Robak

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

LEGISLATIVE BILL 539.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4112, Reissue Revised Statutes of Nebraska, and sections 77-27,187.01, 77-27,188, 77-27,196.01, 77-4101, and 77-4103, Revised Statutes Supplement, 1998; to define terms; to provide for treatment of leased employees for certain tax benefits; 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:

Baker	Coordsen	Jensen	Peterson, C.	Smith
Beutler	Cudaback	Jones	Preister	Stuhr
Bohlke	Dickey	Kiel	Price	Suttle
Brashear	Dierks	Kremer	Quandahl	Thompson
Bromm	Engel	Kristensen	Raikes	Tyson
Brown	Hartnett	Landis	Redfield	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen	Pederson, D.	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Crosby

Excused and not voting, 4:

Bourne Chambers Lynch Robak

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

LEGISLATIVE BILL 559.

A BILL FOR AN ACT relating to public health; to adopt the Nebraska Telehealth Act.

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:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Beutler	Crosby	Jensen	Peterson, C.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Brashear	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Quandahl	Thompson
Brown	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Redfield	Vrtiska
Byars	Hilgert	Matzke	Schimek	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Bourne Chambers Lynch Robak

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 704 with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 704. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302, 60-330, 60-480, 60-484, 60-486, 60-487, 60-490, 60-491, 60-493, 60-494, 60-497.03, 60-499, 60-4,105, 60-4,113, 60-4,114, 60-4,115, 60-4,118, 60-4,119, 60-4,120.01, 60-4,120.02, 60-4,121, 60-4,122, 60-4,123, 60-4,127, 60-4,130, 60-4,130.02, 60-4,141, 60-4,144, 60-4,145, 60-4,146, 60-4,146.01, 60-4,148, 60-4,149, 60-4,149.01, 60-4,153, 60-4,158, 60-4,170, 60-4,171, 60-4,178, 60-4,181, 60-4,184, 60-524, 60-529, 60-534, 60-544, 60-6,288, and 60-2131, Reissue Revised Statutes of Nebraska, section 60-315.01, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 57, Ninety-sixth Legislature, First Session, 1999, and section 75-363, Revised Statutes Supplement, 1998, as amended by section 1, Legislative Bill 161, Ninety-sixth Legislature, First Session, 1999; to change and eliminate provisions relating to proof of financial responsibility, license plates, registration fees, operators' licenses, commercial drivers' licenses, state identification cards, over-dimensional vehicles, and motor carrier regulations; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 60-4,101 and 60-4,116, 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, 44:

Baker	Byars	Engel	Kiel	Preister
Beutler	Connealy	Hartnett	Kremer	Price
Bohlke	Coordsen	Hilgert	Landis	Quandahl
Brashear	Crosby	Hudkins	Matzke	Raikes
Bromm	Cudaback	Janssen	Pedersen, Dw.	Redfield
Brown	Dickey	Jensen	Pederson, D.	Schimek
Bruning	Dierks	Jones	Peterson, C.	Schmitt

Schrock	Stuhr	Thompson	Vrtiska	Wickersham
Smith	Suttle	Tyson	Wehrbein	

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 4:

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

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 704A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 704, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

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

Voting in the affirmative, 43:

Baker	Coordsen	Jones	Preister	Smith
Beutler	Crosby	Kiel	Price	Stuhr
Bohlke	Cudaback	Kremer	Quandahl	Suttle
Brashear	Dickey	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Matzke	Schimek	Vrtiska
Bruning	Hilgert	Pedersen, Dw.	Schmitt	Wehrbein
Byars	Hudkins	Pederson, D.	Schrock	Wickersham
Connealy	Jensen	Peterson, C.		

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 5:

Bourne

Chambers

Dierks

Lynch

Robak

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 722, 738, 753, 755, 759, 776, 778, 781, 800, 806, 150, 242, 242A, 78, 205, 299, 496, 539, 559, 704, and 704A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 82. Introduced by Dw. Pedersen, 39.

PURPOSE: To conduct an interim study to examine and seek to determine the appropriate administrative structure for the oversight and operation of the Nebraska veterans homes with respect to the concerns addressed in LB 430 (1999).

The study shall systematically examine the operations of the veterans homes and the efforts such operations have on satisfactory delivery of services, efficient use of resources, and accountability regarding the quality of care.

This study shall include the following elements:

(1) A review of the issues and policies governing admittance to the Nebraska veterans homes in order to determine the reasons for underutilization of the facilities by eligible veterans and their spouses;

(2) A review of the issues and policies regarding the utilization of bed space for offices and storage;

(3) A review of issues and policies regarding staffing, such review to cover recruitment efforts and personnel retention;

(4) A determination of the proper level of funding the operations of the veterans homes; and

(5) An exploration of the issue of oversight by the Department of Veterans Affairs. NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That in conjunction with the Government, Military and Veterans Affairs Committee, individuals representing the budget division of the Department of Administrative Services, the Department of Health and Human Services, the Department of Veterans Affairs, all interested members of the Legislature, representatives of the veterans organizations, and members of the public shall participate and assist the committee in its findings.

3. That the committee shall conduct public hearings across the state with at least one public hearing being held at each of the four veterans homes

located in Norfolk, Omaha, Grand Island, and Scottsbluff, providing an opportunity for public comment and discussion with all employees and residents regarding their concerns with the current operations at each of the facilities.

4. That the committee shall, upon the conclusion of its study, submit a written report of its findings, including all transcripts of public hearings held across the state in each of the four veterans homes, together with its recommendations, to the Legislature.

5. That the committee shall conduct a review of LB 430 (1999) in order to amend that legislation or prepare legislation for reintroduction in the next legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 83. Introduced by Dw. Pedersen, 39; Thompson, 14; Suttle, 10.

WHEREAS, 1999 marks the centennial celebration of the creation of America's Juvenile Courts and such a milestone provides a unique opportunity for communities throughout the United States to acknowledge the judicial system that allowed individuals to take leadership roles, as people did one hundred years ago, identifying the needs of children and shaping sound public policy regarding justice for children; and

WHEREAS, in 1899 the Juvenile Court of Cook County was established in Chicago through the combined efforts of a number of community leaders and the Chicago Bar Association. Together these individuals crafted and assured passage of Illinois legislation to create a separate court for children and ensure that children were removed from adult jails and poorhouses. This children's court was founded in recognition that children and adolescents are developmentally different from adults and that these differences make youth both less culpable and more amenable to intervention and treatment; and

WHEREAS, the goal of juvenile courts from their inception has been the recovery and rehabilitation of children rather than the punishment and incapacitation of children; and

WHEREAS, the Juvenile Courts of Nebraska are committed to the goals and messages of the founders of juvenile courts, have planned a comprehensive program to share the history of the early juvenile courts, and are committed to improve the current juvenile court system and the lives of our children, to raise public awareness and education, important social and legal issues affecting children and families, and to build new partnerships with other professions and agencies that work with children and families throughout Nebraska; and

WHEREAS, we face a new century with an opportunity to enhance justice for children and to reform how the juvenile courts are viewed, supported, and utilized and how the juvenile courts can strengthen families and support the development of healthy children and effective communities; and

WHEREAS, on July 21, 1999, the Honorable Gerald E. Rouse, a county court judge of the 5th Nebraska County Court District, will take office as President of the National Council of Juvenile and Family Court Judges. The

council was founded in 1937 and is the oldest and one of the largest judicial organizations in the United States. The purposes of the council include training and technical expertise for judges, developing best practices for courts in dealing with neglected and dependent children and their families and dealing with all functions of the family including domestic relations, domestic violence, adoptions, and guardianships. The council has a research division, the National Center for Juvenile Justice located in Pittsburgh, Pennsylvania, which is responsible for keeping national statistics on delinquency and writing publications for the various agencies and for Congress.

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

1. The Legislature recognizes and commends the role of the juvenile courts in Nebraska and throughout the United States.
2. The legislature congratulates Judge Rouse for his election as President of the National Council of Juvenile and Family Court Judges.
3. That a copy of this resolution be sent to Judge Rouse.

Laid over.

VISITORS

Visitors to the Chamber were Josh Knaub from Gering; 35 fourth grade students and teacher from Weeping Water; 48 fourth grade students and teachers from Seymour Elementary School, Ralston; 7 fourth grade students and teacher from Trumbull; 55 fourth grade students and teachers from Alcott Elementary School, Hastings; 26 students, teacher, and sponsors from Axtell Elementary School; 62 fourth grade students and teachers from Engelman School, Grand Island; 20 fourth through sixth grade students and sponsors from Trinity Lutheran School, Madison; 13 students and teacher from Assumption Grade School, Omaha; and Jerry Catlett from Bruning.

ADJOURNMENT

At 1:44 p.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Monday, May 3, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FOURTH DAY – MAY 3, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, May 3, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Charlene Morris-Quarells, Mount Herman Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bourne, Matzke, and Wickersham who were excused; and Mmes. Bohlke, Kiel, C. Peterson, Ms. Price, Messrs. Brashear, Kristensen, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 29, 1999, at 2:15 p.m., were the following bills: LBs 722, 738, 753, 755, 759, 776, 778, 781, 800, 806, 150, 242, 242A, 78, 205, 299, 496, 539, 559, 704, and 704A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 630A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 382. Mr. Chambers renewed his pending motion, found on page 1762, to reconsider the vote on FA136.

Mr. Dickey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 2:

Chambers Hilgert

Voting in the negative, 22:

Baker	Engel	Kremer	Pederson, D.	Smith
Bruning	Hartnett	Landis	Price	Stuhr
Coordsen	Janssen	Lynch	Redfield	Tyson
Crosby	Jensen	Pedersen, Dw.	Schrock	Wehrbein
Dierks	Jones			

Present and not voting, 15:

Beutler	Byars	Hudkins	Robak	Suttle
Bromm	Connealy	Preister	Schimek	Thompson
Brown	Cudaback	Quandahl	Schmitt	Vrtiska

Excused and not voting, 10:

Bohlke	Brashear	Kiel	Matzke	Raikes
Bourne	Dickey	Kristensen	Peterson, C.	Wickersham

The Chambers motion to reconsider failed with 2 ayes, 22 nays, 15 present and not voting, and 10 excused and not voting.

Pending.

UNANIMOUS CONSENT - Member Excused

Mrs. Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 880. Placed on Select File as amended.

E & R amendment to LB 880:

AM7138

- 1 1. In the Standing Committee amendments, AM1258:
- 2 a. On page 16, line 5, strike "high ability learners"

- 3 and insert "learners with high ability";
- 4 b. On page 35, line 15, after "the" insert
- 5 "Legislative";
- 6 c. On page 46, line 27, after "federal" insert
- 7 "medicaid" and strike the first "and";
- 8 d. On page 72, line 3, after "\$10,000" insert a comma;
- 9 e. On page 75, line 12, after "subcommittees" insert a
- 10 comma;
- 11 f. On page 76, lines 6 and 11; and page 85, line 23,
- 12 strike "state";
- 13 g. On page 83, line 24, strike the first "that";
- 14 h. On page 84, line 8, after "Nebraska" insert
- 15 "Industrial"; and
- 16 i. On page 151, line 21, after "Equipment" insert "Trust
- 17 Fund".

LEGISLATIVE BILL 878. Placed on Select File as amended.

E & R amendment to LB 878:

AM7136

- 1 1. In the Chambers amendment, FA129, on page 1, strike
- 2 "Corrections" and insert "Correctional Services", strike "their"
- 3 and insert "its", and strike "Legislature" and insert "Legislative
- 4 Council".
- 5 2. In the Wehrbein amendment, AM1527, renumber section
- 6 52 as section 54.
- 7 3. In the Standing Committee amendments, AM1216:
- 8 a. Renumber sections 44 and 45 as sections 46 and 45,
- 9 respectively;
- 10 b. On page 20, line 14, strike "facilities" and insert
- 11 "facility's";
- 12 c. On page 22, line 22, strike "32" and insert "33";
- 13 d. On page 25, line 23; and page 26, lines 4 and 8,
- 14 strike "38 and 58" and insert "39 and 60";
- 15 e. On page 26, line 8, strike "33" and insert "34";
- 16 f. On page 28, line 3, strike "374,967" and insert
- 17 "374,962"; and
- 18 g. On page 34, line 5, strike "BUILDING" and insert
- 19 "BUILDINGS".
- 20 4. On page 1, line 4, after the first semicolon insert
- 21 "to provide for transfers;".

LEGISLATIVE BILL 879. Placed on Select File as amended.

E & R amendment to LB 879:

AM7135

- 1 1. In the Standing Committee amendments, AM1203:
- 2 a. On page 10, after line 16, insert
- 3 "PROGRAM TOTAL -0- 84,944";
- 4 b. On page 51, line 5, strike "methodic" and insert
- 5 "methodical";

- 6 c. On page 53, line 9, strike "learning" and insert
 7 "education";
 8 d. On page 54, line 2, strike "such"; and in line 4
 9 strike ", which" and insert ". Such committees or subcommittees";
 10 and
 11 e. On page 58, line 23 strike "153."
 12 2. On page 1, strike beginning with "384" in line 1
 13 through the semicolon in line 6 and insert "270A, section 1, Laws
 14 1997, LB 384, sections 9, 10, and 14; Laws 1997, LB 386, sections
 15 30, 32, 34, and 55; Laws 1997, LB 389, sections 42, 102, 113, 124,
 16 198, 210, and 237; Laws 1998, LB 924A, section 3; Laws 1998, LB
 17 1063A, section 3; Laws 1998, LB 1070A, sections 2 and 3; Laws 1998,
 18 LB 1108, sections 57, 78, 79, 86, 96, 100, 103, 105, 106, 110, 116,
 19 118, 127, 129, 133, 139, 147, 149, and 151; Laws 1998, LB 1138,
 20 section 2;"

LEGISLATIVE BILL 873. Placed on Select File as amended.

E & R amendment to LB 873:

AM7130

- 1 1. On page 1, line 1, strike "state funds" and insert
 2 "government"; and in line 2 after the semicolon insert "to change
 3 provisions relating to state funds; to authorize a central
 4 warehouse system as prescribed; to create a fund;"

LEGISLATIVE BILL 876. Placed on Select File.

LEGISLATIVE BILL 877. Placed on Select File.

LEGISLATIVE BILL 489. Placed on Select File as amended.

E & R amendment to LB 489:

AM7132

- 1 1. On page 3, line 21, strike "the" and insert "an".
 2 2. On page 4, line 16, strike "specified", show as
 3 stricken, and insert "provided"; and in lines 16 and 17 strike the
 4 new matter.

LEGISLATIVE BILL 860. Placed on Select File as amended.

E & R amendment to LB 860:

AM7131

- 1 1. On page 1, strike beginning with "state" in line 1
 2 through line 2 and insert "the Nebraska Educational
 3 Telecommunications Commission; to amend sections 79-1319 and
 4 79-1321, Reissue Revised Statutes of Nebraska; to change provisions
 5 relating to leases of excess capacity and fees; to harmonize
 6 provisions; and to repeal the original sections.".

LEGISLATIVE BILL 663. Placed on Select File.

LEGISLATIVE BILL 664. Placed on Select File as amended.

E & R amendment to LB 664:

AM7134

- 1 1. On page 1, line 2, before the period insert "; and to
- 2 state intent".

LEGISLATIVE BILL 805. Placed on Select File as amended.
E & R amendment to LB 805:

AM7133

- 1 1. On page 1, strike beginning with the second "to" in
- 2 line 4 through the semicolon in line 5.

LEGISLATIVE BILL 805A. Placed on Select File.

LEGISLATIVE BILL 882. Placed on Select File.

Correctly Reengrossed

The following bill was correctly reengrossed: LB 689.

Correctly Engrossed

The following bill was correctly engrossed: LB 548A.

Enrollment and Review Change to LB 689

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

ER9070

1. In the Robak amendment, AM1141, on page 1, line 14; and page 2, line 16, the underscored commas have been struck and "and sections" has been inserted before "29-2306".

(Signed) Adrian M. Smith, Chairperson

MR. CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 382. Mr. Chambers renewed his pending amendment, FA137, found on page 1764, to the first Standing Committee amendment, FA147, found on page 1757.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment lost with 0 ayes, 4 nays, 33 present and not voting, and 12 excused and not voting.

Mr. Chambers moved to reconsider the vote on FA137.

Mr. Bruning asked unanimous consent to be excused until he returns. No

objections. So ordered.

MR. DIERKS PRESIDING

Messrs. Cudaback and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to reconsider failed with 1 aye, 7 nays, 28 present and not voting, and 13 excused and not voting.

Mr. Chambers renewed his pending amendment, FA138, found on page 1764, to the first Standing Committee amendment.

Ms. Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Hudkins	Raikes	Schmitt
---------	--------	---------

Voting in the negative, 11:

Baker	Crosby	Landis	Preister	Smith
Bruning	Hilgert	Pedersen, Dw.	Price	Stuhr
Byars				

Present and not voting, 22:

Beutler	Connealy	Jensen	Pederson, D.	Schrock
Bohlke	Coordsen	Jones	Quandahl	Suttle
Bromm	Dierks	Kremer	Robak	Vrtiska
Brown	Engel	Lynch	Schimek	Wehrbein
Chambers	Hartnett			

Excused and not voting, 13:

Bourne	Dickey	Kristensen	Redfield	Tyson
Brashear	Janssen	Matzke	Thompson	Wickersham
Cudaback	Kiel	Peterson, C.		

The Chambers amendment lost with 3 ayes, 11 nays, 22 present and not voting, and 13 excused and not voting.

Mr. Chambers moved to reconsider the vote on FA138.

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers motion to reconsider failed with 6 ayes, 13 nays, 17 present and not voting, and 13 excused and not voting.

Mr. Chambers renewed his pending amendment, FA142, found on page 1764, to the first Standing Committee amendment.

Messrs. Hilgert, Schmitt, Dierks, Baker, Mrs. Bohlke, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 5 ayes, 1 nay, and 43 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Raikes

Voting in the negative, 19:

Bromm	Crosby	Jones	Lynch	Smith
Brown	Engel	Kremer	Pedersen, Dw.	Stuhr
Bruning	Hudkins	Kristensen	Price	Wehrbein
Connealy	Jensen	Landis	Quandahl	

Present and not voting, 12:

Beutler	Hartnett	Redfield	Suttle	Tyson
Chambers	Janssen	Schrock	Thompson	Vrtiska
Coordsen	Preister			

Absent and not voting, 1:

Pederson, D.

Excused and not voting, 16:

Baker	Byars	Dierks	Matzke	Schimek
Bohlke	Cudaback	Hilgert	Peterson, C.	Schmitt
Bourne	Dickey	Kiel	Robak	Wickersham
Brashear				

The Chambers amendment lost with 1 aye, 19 nays, 12 present and not

voting, 1 absent and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendments to LB 870:

AM1544

(Amendments to Standing Committee amendments, AM1312)

1. On page 4, strike the new matter in lines 4 and 9.

AM1535

(Amendments to Standing Committee amendments, AM1312)

1. On page 7, line 14, strike "is or"; and in line 15
- after "state" insert "or the department has determined there is
- likely to be a discharge into waters of the state in which case the
- department shall notify the owner of the livestock operation by
- registered mail of the loss of exempt status and the owner shall
- have fifteen days after receipt of such notice to request an
- inspection under section 54-2406".

AM1545

(Amendments to Standing Committee amendments, AM1312)

1. On page 7, strike beginning with "Permitting" in line
- 16 through line 27.
2. On page 8, strike lines 1 through "(3)" in line 11.

AM1543

(Amendments to Standing Committee amendments, AM1312)

1. On page 5, line 13, strike "2000" and insert "1999".

AM1542

(Amendments to Standing Committee amendments, AM1312)

1. On page 4, line 22, after the comma insert "or"; and
- strike beginning with the comma in line 23 through "required" in
- line 26.

AM1541

(Amendments to Standing Committee amendments, AM1312)

1. On page 11, line 14, after "operation" insert "a
- except exempt livestock operations and livestock operations that
- the department has determined not to require livestock waste
- control facilities".

AM1548

(Amendments to Standing Committee amendments, AM1312)

1. On page 15, line 23, strike "an" and insert "a

- 2 single"; and in line 25 after "permittee" insert "but may be
 3 revoked for a series of two or more negligent discharges".

AM1547

(Amendments to Standing Committee amendments, AM1312)

- 1 1. Strike section 11.
 2 2. On page 21, line 10, strike "54-2412,".

AM1539

(Amendments to Standing Committee amendments, AM1312)

- 1 1. On page 8, line 13, after "well" insert "if the
 2 department determines that the facility has not and will not
 3 adversely affect the ground water quality"; and in line 22 after
 4 "subsection" insert "and may require periodic monitoring of the
 5 domestic well at the expense of the owner of the facility".

AM1549

(Amendments to Standing Committee amendments, AM1312)

- 1 1. On page 20, line 16, after "waste" insert "or
 2 leaching of waste".

VISITORS

Visitors to the Chamber were 40 fourth grade students and teachers from St. Wenceslaus School, Wahoo; 70 fourth grade students and teachers from Rockwell Elementary School, Omaha; 28 fifth grade students and teachers from Oxford and Orleans; and members of Nebraska Federation of Women's Clubs from across the state.

MOTION - Recess

Mr. Hartnett moved to recess until 1:30 p.m.

Mr. Chambers requested a record vote on the motion to recess.

Voting in the affirmative, 26:

Beutler	Crosby	Kremer	Preister	Stuhr
Bromm	Hartnett	Kristensen	Quandahl	Suttle
Brown	Hudkins	Landis	Raikes	Thompson
Bruning	Janssen	Lynch	Redfield	Tyson
Connealy	Jensen	Pedersen, Dw.	Smith	Wehrbein
Coordsen				

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Engel	Pederson, D.	Price	Schrock	Vrtiska
Jones				

Excused and not voting, 16:

Baker	Byars	Dierks	Matzke	Schimek
Bohlke	Cudaback	Hilgert	Peterson, C.	Schmitt
Bourne	Dickey	Kiel	Robak	Wickersham
Brashear				

The motion to recess prevailed with 26 ayes, 1 nay, 6 present and not voting, and 16 excused and not voting, and at 12:08 p.m., the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bourne, Matzke, and Wickersham who were excused; and Messrs. Baker, Beutler, Brashear, Bromm, Byars, Cudaback, Dickey, Engel, Janssen, Dw. Pedersen, Raikes, Mmes. Bohlke, Brown, Kiel, and Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 382. Mr. Chambers moved to reconsider the vote on FA142, found on page 1764 and considered in this day's Journal.

The Chambers motion to reconsider failed with 1 aye, 15 nays, 19 present and not voting, and 14 excused and not voting.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA155

Amend FA147

Page 1, line 6, after "2." insert (a); at beginning of line 12 insert (b); at beginning of line 18 insert (c); at beginning of line 23 insert (d).

The Chambers amendment lost with 0 ayes, 7 nays, 28 present and not voting, and 14 excused and not voting.

Mr. Chambers moved to reconsider the vote on FA155.

Messrs. Dierks and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to reconsider failed with 0 ayes, 5 nays, 33 present and not voting, and 11 excused and not voting.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA156

Amend FA147

Page 1, line 6, strike "is essential" and insert "may be helpful".

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 42:

Baker	Crosby	Jones	Peterson, C.	Schrock
Bohlke	Cudaback	Kiel	Preister	Smith
Bromm	Dickey	Kremer	Price	Stuhr
Brown	Engel	Kristensen	Quandahl	Suttle
Bruning	Hartnett	Landis	Raikes	Thompson
Byars	Hilgert	Lynch	Redfield	Tyson
Chambers	Hudkins	Pedersen, Dw.	Robak	Vrtiska
Connealy	Janssen	Pederson, D.	Schimek	Wehrbein
Coordsen	Jensen			

Voting in the negative, 0.

Present and not voting, 2:

Beutler Dierks

Excused and not voting, 5:

Bourne Brashear Matzke Schmitt Wickersham

The Chambers amendment was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Lynch moved to invoke cloture on LB 382, pursuant to Rule 7, Section 10.

The Lynch motion to invoke cloture prevailed with 41 ayes, 2 nays, 1 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, AM1377, as amended, was adopted

with 42 ayes, 1 nay, 1 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Baker	Coordsen	Janssen	Pedersen, Dw.	Schrock
Beutler	Crosby	Jensen	Pederson, D.	Smith
Bohlke	Cudaback	Jones	Peterson, C.	Stuhr
Bromm	Dierks	Kiel	Preister	Suttle
Brown	Engel	Kremer	Price	Thompson
Bruning	Hartnett	Kristensen	Quandahl	Vrtiska
Byars	Hilgert	Landis	Redfield	Wehrbein
Connealy	Hudkins	Lynch	Robak	

Voting in the negative, 3:

Chambers Raikes Tyson

Present and not voting, 2:

Dickey Schimek

Excused and not voting, 5:

Bourne Brashear Matzke Schmitt Wickersham

Advanced to E & R for review with 39 ayes, 3 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Bruning and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORT **Health and Human Services**

The Health and Human Services Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

State Board of Health
Dr. Glenn York

Health and Human Services System Partnership Council
Maria Ragan

Jim Blue
Lend S. Frison
Alice Maupin

Board of Emergency Medical Services
William Heine

Commission for the Deaf and Hard of Hearing
Brent Welsch

VOTE: Aye: Senators Jensen, Byars, Suttle, Thompson, and Dickey. Nay:
None. Absent: Senators Tyson and Price.

(Signed) Jim Jensen, Chairperson

AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LB 663:
AM1571

- 1 1. On page 2, line 7, strike "General" and insert "State
- 2 Building"; and in line 8 after the comma insert "for Program 955,".
- 3 2. In the Dw. Pedersen and Wickersham amendment, AM1516,
- 4 on page 1, line 4, after the comma insert "for Program 648,".

Mr. Wehrbein filed the following amendment to LB 664:
AM1572

- 1 1. On page 2, line 6, strike "General" and insert "State
- 2 Building"; and in line 7 after the comma insert "for Program 983,".

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 630A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 355. Title read. Considered.

SPEAKER KRISTENSEN PRESIDING

The Standing Committee amendment, AM1291, found on page 1523, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 382:

FA157

Amend FA147

Page 1, line 9, strike "appropriate" and insert "adequate".

FA158

Amend FA147

Page 1, line 10, put a period after "events" and strike "for instruction and education of the participants."

FA159

Amend FA147

Page 1, line 13, strike "will" and after "turn", insert "will".

FA160

Amend FA147

Page 1, line 15, after "residing" insert "within as well as".

FA161

Amend FA147

Page 1, line 15, strike "can" and insert "may".

FA162

Amend FA147

Page 1, beginning in line 15 after "activity" strike "can reduce tax burdens on state residents while creating" and insert "may create"; in line 17 strike the period and insert "of the state."

FA163

Amend FA147

Page 1, line 18, strike "For the state to receive the" and insert "In order that the state may receive any".

FA164

Amend FA147

Page 1, beginning in line 20 after "assistance" strike "for convention and meeting center facilities"; in line 22 strike "the" and insert "such".

FA165

Amend FA147

Page 1, line 23 strike "It is therefor" and insert "Therefor it is deemed to be".

FA166

Amend FA147

Page 1, line 22 after "construct" insert "acquire, substantially reconstruct, expand, operate, improve and/or equip".

FA167

Amend FA147

Page 2, line 1 after "construction" insert "acquisition, substantial reconstruction, expansion, operation and/or equipping".

Mr. Landis filed the following amendment to LB 382:

AM1587

(Amendments to AM1377)

- 1 1. On page 2, line 17, after "Education" insert ". For
- 2 administrative and budget purposes only, the board shall be
- 3 considered part of the Department of Revenue".
- 4 2. On page 3, line 2, strike "completed" and insert
- 5 "constructed"; and in line 3 after the first comma insert "which
- 6 activity is completed".
- 7 3. On page 4, line 7, strike "operated" and insert
- 8 "substantially reconstructed"; in line 8 strike "and operate" and
- 9 insert "or substantially reconstruct" in line 12 strike "improve,
- 10 and equip" and insert "or substantially reconstruct"; and in line
- 11 18 strike "improvement, and equipping" and insert "or substantial
- 12 reconstruction".
- 13 4. On page 6, line 22, strike "majority vote" and insert
- 14 "the affirmative vote of a majority of the board".
- 15 5. On page 7, line 6, after "shall" insert "annually";
- 16 in line 14 after "construction" insert "or substantial
- 17 reconstruction"; and strike beginning with "out-of-state" in line
- 18 15 through line 17 and insert "participants attending a new
- 19 regional, national, or international event for which at least
- 20 one-half of the participants were registered from an out-of-state
- 21 address; and".
- 22 6. On page 8, lines 6 and 13, strike "improving, or
- 23 equipping" and insert "or substantially reconstructing"; in line 11
- 1 strike "improve, or equip" and insert "or substantially
- 2 reconstruct"; and in lines 22 and 23 strike "improving, and
- 3 equipping" and insert "or substantially reconstructing".

GENERAL FILE

LEGISLATIVE BILL 870. Title read. Considered.

The Standing Committee amendment, AM1312, printed separately and referred to on page 1530, was considered.

Mmes. Thompson, Suttle, Messrs. Jensen, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Redfield asked unanimous consent to be excused. No objections. So ordered.

Mr. Schrock renewed his pending amendment, AM1530, found on page 1748, to the Standing Committee amendment.

The Schrock amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

Mr. Preister renewed his pending amendment, AM1551, found on page 1755, to the Standing Committee amendment.

Mr. Preister moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Preister amendment lost with 13 ayes, 22 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 84. Introduced by Coordsen, 32.

PURPOSE: Agricultural land is often sold to buyers whose primary interest in the land is not for farming or ranching, but for recreation, development, speculation, or aesthetics. The prices paid by these buyers are considerably higher than the value of the land for agricultural or horticultural purposes. These sales subsequently drive up the values of the neighboring agricultural land and result in higher property taxes. The purpose of this resolution is to study possible solutions to the valuation problems generated from agricultural land used for nonagricultural purposes. The study shall include, but not be limited to:

(1) Examination of the methods and guidelines used by county assessors and the Property Tax Administrator in comparable sales involving agricultural land used for agricultural purposes and agricultural land used for nonagricultural purposes;

(2) Examination of new categories of agricultural and horticultural land which would include agricultural land used for nonagricultural purposes;

(3) Examine the relationship between actual agricultural land valuations and land value if put solely to agricultural use;

(4) Examine the methods and guidelines used by county assessors and the Property Tax Administrator in valuation of farmstead sites that are part of a farming operation;

(5) Examine current use of greenbelting in Nebraska and new ways to expand its use; and

(6) Examine changes proposed in Legislative Bill 853, Ninety-sixth Legislature, First Session, 1999.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 85. Introduced by Cudaback, 36.

PURPOSE: The purpose of this resolution is to propose a study of the use of nonpolluting motor vehicle fuel such as natural gas and liquefied petroleum gas. The study should include ways to promote the use of nonpolluting motor vehicle fuel, including tax and other incentives that could increase usage and their funding. The study should also include a review of federal requirements relating to the issues studied.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 816:

AM1317

(Amendments to Standing Committee amendments, AM1115)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 85-1101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 85-1101. For purposes of sections 85-1102 to 85-1104 and
- 5 section 4 of this act, unless the context otherwise requires,
- 6 out-of-state institution of higher education shall include any
- 7 college, university, community college, technical institute, junior
- 8 college, or the equivalent that offers college credit courses or
- 9 awards an associate or higher degree and is controlled by a public
- 10 or private body organized outside the boundaries of the State of
- 11 Nebraska.
- 12 Sec. 3. Section 85-1102, Reissue Revised Statutes of
- 13 Nebraska, is amended to read:
- 14 85-1102. No out-of-state institution of higher education
- 15 shall offer a course for college credit or degree program within
- 16 the State of Nebraska unless it is first registered with and been
- 17 authorized to do so by the Coordinating Commission for
- 18 Postsecondary Education. The out-of-state institution of higher

19 education shall be exempt from this section if the offering is in
20 the nature of a short course or seminar and instruction for the
21 segment takes not more than twenty classroom hours or each course
22 or program offered by it in this state is offered on a military
23 installation solely for military personnel or civilians employed on
1 such installation.

2 Sec. 4. (1) Institutions shall make application for
3 authorization to offer college credit courses or degree programs
4 within the State of Nebraska on forms prescribed by the
5 Coordinating Commission for Postsecondary Education. Following
6 receipt of a complete application, the commission shall set a time
7 and place for public hearing and shall cause notice of the hearing
8 to be published in one or more newspapers of general circulation in
9 the affected county or counties not less than thirty days or more
10 than sixty days prior to the date set for the hearing. Such
11 hearing shall be held as provided in the Administrative Procedure
12 Act.

13 (2) Following the public hearing, the commission shall
14 either approve or disapprove the application for authorization to
15 offer college credit courses or degree programs in the state. If
16 approved, the commission shall specify in its approval the level
17 and range of courses or degree programs which the applying
18 institution is authorized to offer in the state.

19 Sec. 5. Section 85-1104, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 85-1104. Any person violating sections 85-1101 to
22 85-1103.01 and section 4 of this act shall be guilty of a Class III
23 misdemeanor.

24 Sec. 6. Section 85-1105, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 85-1105. In order to establish a new two-year, or
27 four-year, graduate, or professional private college, any
1 individual or organization sponsoring such a college shall first
2 petition the Coordinating Commission for Postsecondary Education
3 for approval thereof. Any private college which, on the effective
4 date of this act, has offered one or more four-year undergraduate
5 programs for at least one academic year in compliance with state
6 and federal law shall not be required to petition the commission
7 under this section for approval to offer graduate or professional
8 programs.

9 Sec. 7. Section 85-1108, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 85-1108. (1) In considering the feasibility of the
12 college proposed in a petition under section 85-1105, the
13 Coordinating Commission for Postsecondary Education shall take into
14 account the following factors:

15 (a) The need for and the objectives of the proposed
16 college;

17 (b) The proposed instructional program and the plan for

18 staffing such a program, including staff qualifications;
19 (c) The financial soundness and capability to fulfill its
20 proposed commitments; ~~and~~

21 (d) Affirmation of intent to seek appropriate
22 accreditation of the institution; and

23 (e) Such other pertinent factors as relate to the
24 potential of the proposed college to achieve its objectives or as
25 may be developed at the hearing.

26 (2) The commission may charge a reasonable fee based on
27 its administrative costs for review and authorization and may also
1 adopt and promulgate such rules and regulations as may be necessary
2 to carry out the provisions of sections 85-1105 to 85-1110.

3 Sec. 8. Section 85-1109, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 85-1109. After the hearing, the Coordinating Commission
6 for Postsecondary Education shall either approve or disapprove the
7 petition. If approved, the commission shall specify in its
8 approval the courses and degree programs which the new private
9 college is authorized to offer.

10 Sec. 9. Any person violating sections 85-1105 to 85-1110
11 shall be guilty of a Class III misdemeanor.

12 Sec. 12. Section 85-1409, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 85-1409. (1) The members of the commission shall
15 annually elect a chairperson and vice-chairperson from among their
16 members.

17 (2) The commission shall hold regular meetings at times
18 specified in its rules and regulations determined by the
19 commission. Special or additional meetings may be held on the call
20 of the chairperson or upon the call of at least three members. A
21 majority of the members shall constitute a quorum at all meetings.
22 Commission action on any item shall require a majority of those
23 present at meetings in which there is a quorum, except that
24 adoption of the comprehensive statewide plan, or any changes or
25 alternatives thereto, required by section 85-1413 and approval of a
26 new program or disapproval of an existing program pursuant to
27 section 85-1414 shall require the concurrence of a majority of the
1 members.

2 Sec. 19. Section 85-1420, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 85-1420. There is hereby created the Coordinating
5 Commission for Postsecondary Education Trust Fund. The fund shall
6 serve as a revolving fund to receive grants from foundations, ~~and~~
7 institutions, or individuals for specific studies which are a part
8 of the powers and duties of the commission or for the
9 administration of privately endowed scholarship programs for
10 students attending Nebraska institutions. The grant money shall be
11 used only for purposes specified in the grant. A report of the
12 findings of any studies done pursuant to the grants shall be

13 included as a part of the operating budget request submitted to the
14 Legislature and the Governor. Any money in the fund available for
15 investment shall be invested by the state investment officer
16 pursuant to the Nebraska Capital Expansion Act and the Nebraska
17 State Funds Investment Act."

18 2. On page 2, line 11; page 7, line 27; page 16, line
19 22; and page 24, line 11, strike "9" and insert "18".

20 3. On page 7, strike beginning with "Not" in line 9
21 through "or" in line 10 and insert "Develop only those programs,
22 activities, or functions (a) authorized by Article VII, section 14,
23 of the Constitution of Nebraska or the Coordinating Commission for
24 Postsecondary Education Act or (b) as directed by the Legislature.
25 The commission, at its discretion, may develop programs,
26 activities, or functions requested by the Legislature or the
27 Governor. The commission may not".

1 4. On page 8, line 5, strike "85-121.05 and" and show as
2 stricken.

3 5. On page 9, line 12, after "functions" insert ",
4 including the administration of privately endowed scholarship
5 programs".

6 6. On page 10, line 2, after "(11)" insert "Pursuant to
7 sections 85-1105 to 85-1111, approve or disapprove petitions to
8 establish new private colleges in this state;

9 (12)(a)"; in line 3 after "thereafter" insert "through
10 October 1, 1999"; in line 6 after the semicolon insert "and

11 (b) On or before December 1, 2000, and on or before
12 December 1 every two years thereafter, submit to the Legislature
13 and the Governor a report of its objectives and activities and any
14 new private colleges in Nebraska and the implementation of any
15 recommendations of the commission for the preceding two calendar
16 years"; in line 7 strike "(12)" and show as stricken; in line 10
17 reinstate the stricken matter; and in line 12 strike the new matter
18 and reinstate the stricken matter.

19 7. On page 11, line 11, after "consideration" insert
20 "(i)"; in lines 11 and 12 strike "based upon (i)" and insert "as
21 described in subsection (4) of this section.(ii)"; and in line 13
22 strike "and (ii)" and insert ", and (iii)".

23 8. On page 20, line 12, after the period insert "The
24 governing boards of the public institutions shall be responsible
25 for assuring the quality and effectiveness of programs offered by
26 their institutions"; in line 13 before "criteria" insert
27 "commission's"; strike beginning with "assure" in line 13 through
1 "(b)" in line 15 and show as stricken; in line 15 strike the second
2 comma and show as stricken and strike "(c)", show as stricken, and
3 insert "(b)"; in lines 18, 20, and 25 strike the new matter and
4 reinstate the stricken matter; in line 22 strike the new matter and
5 reinstate the stricken "(iii)"; and in line 25 strike "the
6 program", show as stricken, and insert "proposed new programs".

7 9. On page 27, line 10, after "85-408," insert "85-1101,

8 85-1102, 85-1104, 85-1105, 85-1108, 85-1109," and after "85-1402,"
9 insert "85-1409,"; and in line 11 after "85-1416," insert
10 "85-1420,".

Ms. Schimek filed the following amendment to LB 880:

AM1432

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 35, strike line 10 and insert:
2 "GENERAL FUND 41,452,823 43,930,774"
3 and strike line 13 and insert:
4 "PROGRAM TOTAL 101,323,325 105,019,250".

Mr. Tyson filed the following amendment to LB 480:

AM1597

(Amendments to AM1503)

- 1 1. On page 1, line 2, after the first semicolon insert
2 "in line 8 strike 'shall' and insert 'may';"; in line 12 after the
3 semicolon insert "strike beginning with 'The' in line 18 through
4 line 21 and insert 'The advisory council shall meet as determined
5 by the Department of Health and Human Services in order to provide
6 meaningful input for the Women's Health Initiative of Nebraska.'";
7 in line 13 after "commission" insert "shall" and after "council"
8 insert "may"; in line 21 strike the first "and"; strike beginning
9 with "strike" in line 21 through "and" in line 22; and in line 23
10 before the period insert "; and in line 27 strike 'shall' and
11 insert 'may'".
- 12 2. On page 2, line 1, before the semicolon insert "and
13 after the period insert 'No state or private funds expended or
14 received by or through the initiative shall be paid or granted to
15 organizations or affiliates of organizations which perform,
16 promote, or refer for abortions. The services, policy, advocacy,
17 and education performed by or through the initiative shall be
18 provided, developed, or conducted in a manner consistent with the
19 state's interests in favoring childbirth over abortion.'".

Messrs. Quandahl, Jensen, Dw. Pedersen, Hilgert, Tyson, Preister, Mmes.
Kiel, Brown, and Ms. Redfield filed the following amendment to LB 36:
AM1595

- 1 1. Insert the following new section:
2 "Sec. 37. Beginning in 1999, if the final adjusted value
3 of a political subdivision provided by the county assessor pursuant
4 to section 13-509 for the current year increases over the
5 immediately preceding year for reasons other than new construction,
6 additions of improvements, or additions of omitted property, the
7 tax levy of the political subdivision shall be reduced
8 proportionately to the increase in actual valuation. The purpose
9 of this section is to maintain the revenue derived from property
10 taxes at the same amount as it would have been had no such increase
11 in the actual value occurred. Nothing in this section shall be

12 construed to prohibit an increase in property taxes levied if such
 13 increase is due to a budget increase by a political subdivision or
 14 a voter-approved levy override."

15 2. Renumber the remaining sections accordingly.

Mr. Raikes filed the following amendment to LB 880:

AM1598

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 12, lines 7 and 8, strike each occurrence of
- 2 "2,301,138" and insert "689,500"; and in lines 10 and 12 strike
- 3 "\$2,301,138" and insert "\$689,500".

GENERAL FILE

LEGISLATIVE BILL 870. Mr. Beutler renewed his pending amendment, AM1544, found in this day's Journal, to the Standing Committee amendment.

Pending.

SELECT FILE

LEGISLATIVE BILL 267. Mr. Janssen renewed his pending amendment, AM1073, found on page 1446.

The Janssen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Janssen withdrew his amendment, AM1295, found on page 1503.

Mr. Janssen renewed his pending amendment, AM1342, found on page 1529.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Janssen amendment lost with 13 ayes, 21 nays, 9 present and not voting, and 6 excused and not voting.

Mrs. Thompson and Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Hilgert renewed the Bourne pending amendment, AM1431, found on page 1708.

Ms. Price asked unanimous consent to be excused. No objections. So ordered.

The Bourne amendment lost with 14 ayes, 17 nays, 9 present and not voting, and 9 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LB 879:

AM1599

- 1 1. In the Standing Committee amendments, AM1203:
- 2 a. Strike original sections 53 to 55;
- 3 b. On page 16, line 3, strike "unexpended"; strike
- 4 beginning with "existing" in line 3 through "1999," in line 4;
- 5 strike beginning with "is" in line 4 through "reappropriated" in
- 6 line 5; and in line 5 after "FY1999-00" insert "may be used";
- 7 c. On page 73, strike beginning with the second "Laws"
- 8 in line 23 through the second semicolon in line 24; and
- 9 d. Renumber the remaining sections accordingly.
- 10 2. In the E & R amendments, AM7135, on page 1, strike
- 11 beginning with the second "Laws" in line 16 through the second
- 12 semicolon in line 17.

Mr. Wehrbein filed the following amendment to LB 878:

AM1600

- 1 1. In the Standing Committee amendments, AM1216, on page
- 2 20, lines 3 and 4, strike the second "-0-" and insert "4,687,500";
- 3 and in line 5 strike the second "-0-" and insert "9,375,000".
- 4 2. In the Wehrbein amendment, AM1527, on page 1, lines 4
- 5 and 16, strike "917" and insert "931"; in line 10 after "plan"
- 6 insert "for the juvenile services system"; and in line 23 after
- 7 "Geneva" insert "and the Youth Rehabilitation and Treatment Center
- 8 - Kearney".

Mr. Wehrbein filed the following amendment to LB 880:

AM1601

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 63, after line 2 insert the following:
- 2 "It is the intent of the Legislature that the Game and
- 3 Parks Commission shall not expend appropriated funds for the
- 4 rearing or stocking of pheasants except for youth education
- 5 programs."
- 6 2. On page 102, strike lines 21 through 23 and insert:
- 7 "REVOLVING FUND 16,098,832 16,373,151
- 8 PROGRAM TOTAL 17,768,806 18,069,399
- 9 SALARY LIMIT 905,466 942,296".
- 10 3. On page 131, line 22, strike "5,724,000" and insert
- 11 "3,472,000"; and in line 25 strike "9,458,657" and insert
- 12 "7,206,657".

VISITORS

Visitors to the Chamber were Senator Stuhr's husband, Boyd, brother-in-law and sisters-in-law, Dr. Cliff and Karen Trump, from Charleston, West Virginia, and LaMarr Newton, from Bradshaw; 22 fourth grade students and

teachers from Prairie Lane Elementary School, Omaha; and Terry Hogan from Australia.

The Doctor of the Day was Dr. Veskrna from Lincoln.

ADJOURNMENT

At 6:32 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Tuesday, May 4, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIFTH DAY – MAY 4, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 4, 1999

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Donald Ostrom, Evangelical Covenant Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Brown, Crosby, Kiel, Messrs. Brashear, Byars, Dierks, Engel, Hilgert, Jensen, Landis, Matzke, D. Pederson, Schmitt, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

AMENDMENTS - Print in Journal

Mrs. Suttle and Mr. Jensen filed the following amendment to LB 594:
AM1589

(Amendments to E & R amendments, AM7120)

- 1 1. Insert the following new sections:
- 2 "Sec. 18. Section 71-1,132.09, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 71-1,132.09. The board, at the last scheduled meeting of
- 5 the calendar year, shall ~~meet annually during the month of January~~
- 6 ~~and shall~~ elect from its members a president, vice president, and
- 7 secretary, each of whom shall hold office for one year. ~~It~~ The

8 board shall hold at least three regular meetings each year upon
9 such dates and times as may be determined by the board. A quorum
10 shall be a simple majority of the appointed members of the board.

11 Sec. 19. Section 71-1,132.11, Reissue Revised Statutes
12 of Nebraska, is amended to read:

13 71-1,132.11. The board may adopt, promulgate, and
14 revise, with the approval of the department, such rules and
15 regulations consistent with the Nurse Practice Act as may be
16 necessary to carry the act into effect. All such rules and
17 regulations shall be published and distributed. The board shall:

18 (1) Adopt reasonable and uniform standards for nursing
19 practice and nursing education; ~~which are reviewed at least every~~
20 ~~four years;~~

21 (2) If requested, issue or decline to issue advisory
22 opinions defining acts which in the opinion of the board are or are
23 not permitted in the practice of nursing as defined in section
1 71-1,132.05. Such opinions shall be considered informational only
2 and are nonbinding;

3 (3) Establish rules and regulations for approving and
4 classifying programs preparing practical and professional nurses,
5 taking into consideration administrative and organizational
6 patterns, the curriculum, students, student services, faculty, and
7 instructional resources and facilities, and provide surveys for
8 each educational program ~~at least every four years or more~~
9 ~~frequently as deemed necessary as determined by the board;~~

10 (4) Approve educational programs which meet the
11 requirements of the act;

12 (5) Examine, license, and renew the licenses of duly
13 qualified applicants;

14 (6) Keep a record of all its proceedings and compile an
15 annual report for distribution;

16 (7) Develop standards for continued competency of
17 licensees continuing in or returning to practice;

18 (8) Adopt rules and regulations establishing standards
19 for delegation of nursing activities, including training or
20 experience requirements, competency determination, and nursing
21 supervision;

22 (9) Make recommendations in accordance with section
23 71-168.01 regarding licensure and disciplinary dispositions for
24 individuals who have violated the act and upon the grounds provided
25 in the Uniform Licensing Law;

26 (10) Collect data regarding nursing;

27 (11) Provide consultation; and conduct conferences,
1 forums, studies, and research on nursing practice and education;

2 (12) Join organizations that develop and regulate the
3 national nursing licensure examinations and exclusively promote the
4 improvement of the legal standards of the practice of nursing for
5 the protection of the public health, safety, and welfare;

6 (13) Appoint special purpose groups or ad hoc groups to

7 advise the board; and
8 (14) Administer the provisions of the Advanced Registered
9 Nurse Practitioner Act as it applies to certified registered nurse
10 anesthetists and the Nebraska Certified Nurse Midwifery Practice
11 Act.

12 Sec. 20. Section 71-1,132.13, Revised Statutes
13 Supplement, 1998, is amended to read:

14 71-1,132.13. (1) An applicant for a license to practice
15 as a registered nurse shall file with the department a written
16 application for a license and submit satisfactory proof that the
17 applicant (a) is of good moral character, (b) has completed four
18 years of high school study or its equivalent as determined by the
19 department board, and (c) has completed the basic professional
20 curriculum in and holds a diploma from an accredited program of
21 professional nursing approved by the board. Graduates of foreign
22 nursing programs shall ~~have passed~~ pass the Canadian Nurses
23 Association Testing Service or hold a certificate from the
24 Commission on Graduates of Foreign Nursing Schools. Such
25 application shall be made upon a form prescribed and approved by
26 the department, verified by the applicant's oath, and accompanied
27 by an application fee established by rules and regulations of the
1 department. The application shall include the applicant's social
2 security number.

3 (2) If an applicant for an initial license files an
4 application for licensure within ninety days prior to the biennial
5 renewal date of the license, the applicant may either:

6 (a) Request that the department delay the processing of
7 the application and the issuance of the license until the biennial
8 renewal date and pay only the fee for initial licensure; or

9 (b) Request that a license which will be valid until the
10 next subsequent renewal date be issued immediately and pay the fee
11 for initial licensure and an additional fee of one-fourth of the
12 biennial fee.

13 Sec. 21. Section 71-1,132.20, Reissue Revised Statutes
14 of Nebraska, is amended to read:

15 71-1,132.20. (1) The license of every registered nurse
16 or licensed practical nurse shall be renewed biennially. The
17 biennial expiration date is October 31 of every odd-numbered year
18 for licensed practical nurses and October 31 of every even-numbered
19 year for registered nurses. The biennial license renewals provided
20 for in this section shall be accomplished in such manner as the
21 department, with the approval of the board, shall establish by rule
22 and regulation.

23 (2) On or before August 1 of each renewal year, the
24 department shall mail an application for renewal of license to
25 every person to whom such license was issued or renewed during the
26 current renewal period. The applicant shall complete and return
27 the application to the department with a renewal fee established by
1 the department pursuant to section 71-1,132.49 on or before October

2 31 following the mailing of such notice. Upon receipt of the
3 application and fee, the department shall verify the accuracy of
4 the application and issue to the applicant a certificate of renewal
5 for the renewal period beginning November 1 following the mailing
6 of such notice. The certificate of renewal shall render the holder
7 thereof a legal practitioner of nursing for the period stated on
8 the certificate of renewal.

9 (3) A licensed practical nurse or registered nurse who
10 wishes to have his or her license lapse upon expiration shall give
11 the department written notice to that effect. The department shall
12 notify the licensee in writing of the acceptance or denial of the
13 request to allow the license to lapse. When the lapsed status
14 becomes effective, the right to practice nursing and to represent
15 himself or herself as a licensed practical nurse or registered
16 nurse shall terminate. To restore the license, the individual
17 shall be required to meet the renewal requirements in effect at the
18 time he or she wishes to restore the license and pay the renewal
19 fee and an additional fee of fifty dollars.

20 (4) A licensed practical nurse or registered nurse who
21 wishes to have his or her license placed on inactive status upon
22 expiration shall give the department written notice to that effect
23 and pay the fee provided in section 71-1,132.49. The department
24 shall notify the licensee in writing of the acceptance or denial of
25 the request to allow the license to be placed on inactive status.
26 When the license is placed on inactive status, the licensee shall
27 not engage in the practice of nursing. A license may remain on
1 inactive status for an indefinite period of time. In order to move
2 a license from inactive to active status, an individual shall meet
3 the renewal requirements in effect at the time he or she wishes to
4 regain active status and pay the renewal fee and reinstatement fee
5 due at such time as specified in section 71-1,132.49.

6 (5) Any licensed practical nurse or registered nurse who
7 fails to (a) notify the department that he or she wishes his or her
8 license to lapse or to be placed on inactive status or (b) meet the
9 renewal requirements, on or before the date of expiration of his or
10 her license, shall be given a second notice in the same manner as
11 the first notice advising him or her (i) of the failure to pay,
12 (ii) that the license has expired, (iii) that the department will
13 suspend action for thirty days following the date of expiration,
14 (iv) that upon the receipt of the renewal fee, together with an
15 additional fee of fifty dollars, within that time, the license will
16 be renewed, no order of revocation will be entered, and (v) that
17 upon the failure to receive the amount then due and fifty dollars
18 in addition to the regular renewal fee, the license will be ~~revoked~~
19 in the same manner as provided in section 71-149 placed on lapsed
20 status.

21 (6) ~~Any licensee who fails to renew his or her license~~
22 ~~may have such license reinstated upon the recommendation of the~~
23 ~~board and the payment of the renewal fee and an additional fee of~~

24 fifty dollars if an application for reinstatement is made more than
25 thirty days after expiration and not more than one year from the
26 date of revocation.

27 (7) Any licensee who applies for reinstatement after one
1 year of revocation shall pay an additional fee of seventy-five
2 dollars and petition the board to recommend reinstatement in the
3 same manner as provided in section 71-161.05.

4 (8) (6) A fee to be determined by rules and regulations
5 pursuant to section 71-1,132.49 shall be charged to any registered
6 nurse or licensed practical nurse for the issuance of a
7 certification of credentials to another state and to any
8 educational institution or agency.

9 (9) (7) In order to insure that all nurses have
10 sufficient scientific and practical knowledge to continue to
11 practice nursing, a license to practice nursing shall not be
12 renewed after January 1, 1997, unless the nurse has within the
13 preceding five years engaged in the practice of nursing for a
14 minimum of five hundred hours and completed twenty contact hours
15 within the previous two years of either:

16 (a) Inservice education provided by the employer; or

17 (b) Continuing education courses which meet requirements
18 as specified by the board in rules and regulations.

19 The department, with the concurrence of the board, may
20 waive continuing education or inservice requirements, for any
21 two-year licensing period when a licensee submits documentation
22 that circumstances justify such waiver. Such circumstances shall
23 be defined in rules and regulations.

24 If more than five years have elapsed since the individual
25 has practiced nursing as defined in section 71-1,132.05, the
26 individual must complete a seventy-five-hour approved review course
27 of study before his or her license can be renewed. Such course may
1 be individually designed and must include a practice or clinical
2 component.

3 Sec. 22. Section 71-1,132.21, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 71-1,132.21. Any person practicing nursing prior to
6 receipt of a license or temporary permit or during the time his or
7 her license has expired or lapsed or is suspended, revoked, or on
8 inactive status shall be considered an illegal practitioner and
9 shall be subject to a fine of ten dollars for each day the person
10 practiced without a license or temporary permit or on an expired,
11 lapsed, suspended, revoked, or inactive license up to a maximum of
12 one thousand dollars or other such penalties provided for violation
13 of the Nurse Practice Act.

14 Sec. 23. Section 71-1,132.27, Reissue Revised Statutes
15 of Nebraska, is amended to read:

16 71-1,132.27. ~~At least every four years or as deemed~~
17 ~~necessary by the board, the~~ The board shall, through its executive
18 director or other representative appointed by the board, survey all

19 programs of nursing in the state at time intervals to be determined
 20 by the board through rules and regulations. Written reports of
 21 such surveys shall be submitted to the board. The board shall act
 22 on the report to grant or deny continuing approval of the program.

23 Sec. 24. Section 71-1,132.30, Revised Statutes
 24 Supplement, 1998, is amended to read:

25 71-1,132.30. The Nurse Practice Act confers no authority
 26 to practice medicine or surgery. The act does not prohibit
 27 performance of health maintenance activities by a designated
 1 ~~caregiver~~ care aide for a competent ~~individual adult~~ at the
 2 direction of ~~that individual~~ such adult or at the direction of a
 3 caretaker for a minor child or incompetent adult. Health
 4 maintenance activities are those activities which enable the
 5 ~~individual minor child or adult~~ to live in his or her home and
 6 community. Such activities are those specialized procedures,
 7 beyond activities of daily living, which the ~~individual would minor~~
 8 child or adult is unable to perform for himself or herself if he or
 9 she were physically able and which the attending physician or
 10 registered nurse determines can be safely performed in the home and
 11 community by a designated ~~caregiver care aide~~ as directed by the a
 12 competent ~~individual adult or caretaker.~~ A competent ~~individual~~
 13 adult is someone who has the capability and capacity to make an
 14 informed decision. For purposes of this section, caretaker means a
 15 person who (1) is directly and personally involved in providing
 16 care for a minor child or incompetent adult and (2) is the parent,
 17 foster parent, family member, friend, or legal guardian of such
 18 minor child or incompetent adult.

19 Sec. 25. Section 71-1,132.37, Revised Statutes
 20 Supplement, 1998, is amended to read:

21 71-1,132.37. (1) An applicant for a license to practice
 22 as a licensed practical nurse shall file with the department a
 23 written application for a license which shall include the
 24 applicant's social security number, pay the fee as set by the
 25 department, and submit satisfactory proof that the applicant:

26 (a) Is of good moral character;

27 (b) Has completed four years of high school study or its
 1 equivalent as determined by the board; and

2 (c) Has completed the basic curriculum in and holds a
 3 diploma from an approved program of ~~practical~~ nursing.

4 (2) If an applicant for an initial license files an
 5 application for licensure within ninety days prior to the biennial
 6 renewal date of the license, the applicant may either:

7 (a) Request that the department delay the processing of
 8 the application and the issuance of the license until the biennial
 9 renewal date and pay only the fee for initial licensure; or

10 (b) Request that a license which will be valid until the
 11 next subsequent renewal date be issued immediately and pay the fee
 12 for initial licensure and an additional fee of one-fourth of the
 13 biennial fee.

14 Sec. 32. Section 71-1774, Revised Statutes Supplement,
15 1998, is amended to read:

16 71-1774. For purposes of the Licensed Practical
17 Nurse-Certified Act:

18 (1) Administration includes observing, initiating,
19 monitoring, discontinuing, maintaining, regulating, adjusting,
20 documenting, assessing, planning, intervening, and evaluating;

21 (2) Approved certification course means a course for the
22 education and training of a licensed practical nurse-certified
23 which the board has approved;

24 (3) Board means the Board of Nursing;

25 (4) Delegation means the decision by a registered nurse
26 to give the responsibility for the performance of an act or
27 procedure to a licensed practical nurse-certified;

1 (5) Department means the Department of Health and Human
2 Services Regulation and Licensure;

3 (6) Direct supervision means that the licensed
4 practitioner or registered nurse is in the clinical area and
5 retains accountability for patient care;

6 (7) Initial venipuncture means the initiation of
7 intravenous therapy based on a new order from a licensed
8 practitioner for an individual for whom a previous order for
9 intravenous therapy was not in effect;

10 (8) Intravenous therapy means the therapeutic infusion or
11 injection of substances through the venous system;

12 (9) Licensed practical nurse-certified means a licensed
13 practical nurse ~~providing services in a long-term care facility or~~
14 ~~in a hospital~~ who meets the standards established pursuant to
15 section 71-1777 and who holds a valid certificate issued by the
16 department pursuant to the act;

17 (10) Licensed practitioner means any person authorized by
18 state law to prescribe intravenous therapy and nasogastric tube
19 insertion;

20 (11) Nasogastric tube insertion means the placing of a
21 tube via the nares or mouth into the stomach; and

22 (12) Pediatric patient means a patient who is younger
23 than eighteen years old and who weighs thirty-five kilograms or
24 less."

25 2. Correct the operative date section and repealer so
26 that the sections added by this amendment become operative on their
27 effective date with the emergency clause.

1 3. Renumber the remaining sections accordingly.

Mr. Jensen filed the following amendment to LB 594:

(Amendment, AM1603, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers filed the following amendments to LB 382:

FA168

Amend AM1377

Strike section 13

FA169

Amend AM1377

Strike section 14

FA170

Amend AM1377

Strike section 15

FA171

Amend AM1377

Strike section 16

FA172

Amend AM1377

Strike section 17

FA173

Amend AM1377

Strike section 18

FA174

Amend AM1377

Strike section 19

FA175

Amend AM1377

Strike section 20

FA176

Amend Am1377

Strike section 21

FA177

Amend AM1377

Strike section 22

GENERAL FILE

LEGISLATIVE BILL 870. Mr. Beutler renewed his pending amendment, AM1544, found on page 1798 and considered on page 1812, to the Standing Committee amendment.

MR. WICKERSHAM PRESIDING

SPEAKER KRISTENSEN PRESIDING

Mr. Beutler withdrew his amendment.

The Standing Committee amendment, AM1312, printed separately and referred to on page 1530 and considered on page 1805, was renewed.

Mr. Beutler requested a division of the question on the Standing Committee amendment.

Pending.

LEGISLATIVE BILL 770. Title read. Considered.

MR. CUDABACK PRESIDING

The Standing Committee amendment, AM1376, found on page 1578, was considered.

Mr. Bromm renewed his pending amendment, AM1528, found on page 1748, to the Standing Committee amendment.

Mr. Bromm withdrew his amendment.

Mr. Hartnett offered the following amendment to the Standing Committee amendment:

AM1612

(Amendments to Standing Committee amendments, AM1376)

1. On page 1, line 3, strike "2000" and insert "2001".

Mrs. Crosby and Mr. Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion failed with 20 ayes, 5 nays, and 24 not voting.

PRESIDENT MAURSTAD PRESIDING

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hartnett amendment was adopted with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA179

Amend AM1376

1. In line 3, strike the period and add, "unless a decedent prior to death, executes and delivers to a person described in lines 3-4 of LB 770, a statement declaring, 'My expiration shall not be official until January 2, 2001'."

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Chambers	Dierks	Kiel	Preister	Robak
Crosby	Hilgert			

Voting in the negative, 37:

Baker	Cudaback	Kristensen	Price	Smith
Bourne	Dickey	Landis	Quandahl	Stuhr
Bromm	Engel	Lynch	Raikes	Thompson
Brown	Hudkins	Matzke	Redfield	Tyson
Bruning	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Byars	Jensen	Pederson, D.	Schmitt	Wehrbein
Connealy	Jones	Peterson, C.	Schrock	Wickersham
Coordsen	Kremer			

Present and not voting, 4:

Beutler	Bohlke	Hartnett	Suttle
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Excused and not voting, 1:

Brashear

The Chambers amendment lost with 7 ayes, 37 nays, 4 present and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 86. Introduced by Tyson, 19.

PURPOSE: To study whether Nebraska should adopt in statute an insurance compliance self-evaluation privilege.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the

purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 87. Introduced by Tyson, 19.

PURPOSE: Requirements of federal and state law with regard to the manner and location of detaining juveniles have resulted in difficulties for individual counties in providing juvenile detention facilities. LB 850 was introduced for the purpose of considering a statewide infrastructure for juvenile detention through the creation of juvenile detention regions. The purpose of this study is to consider whether creation of juvenile detention regions will result in improved care and rehabilitation of juvenile offenders, encourage cooperation among county and state agencies in the area of juvenile justice, and ensure better compliance with state and federal laws and regulations regarding juvenile detention. Additionally, the study will determine whether creation of juvenile detention regions will result in lower overall cost to taxpayers within the respective regions for construction and operation costs of juvenile detention facilities and will allow counties improved ability to budget for such costs.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING
General Affairs

Thursday, May 13, 1999

1:15 p.m.

State Electrical Board

James Dietz

Nebraska Liquor Control Commission

Robert Logsdon

(Signed) Ray Janssen, Chairperson

STANDING COMMITTEE REPORT
Business and Labor

The Business and Labor Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be

confirmed by the Legislature and suggests a record vote.

Boiler Safety Code Advisory Board

Robert Hill

Thomas Hix

Bill Yates

VOTE: Aye: Senators Redfield, Preister, Schimek, Hilgert, Vrtiska, and Dierks. Nay: None. Absent: Senator Chambers.

(Signed) Floyd P. Vrtiska, Chairperson

GENERAL FILE

LEGISLATIVE BILL 770. The Standing Committee amendment, AM1376, found on page 1578 and considered in this day's Journal, was renewed.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 5 nays, 9 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to bracket LB 770.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

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

The Chambers motion to bracket prevailed with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Vrtiska and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Ombudsman Appointment

Mr. Coordsen moved the reappointment, found on page 796, of Marshall Lux as Public Counsel (Ombudsman), and asks that the Legislature vote its approval as required by Section 81-8,241. A two-thirds vote is required.

The motion prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 88. Introduced by Suttle, 10.

PURPOSE: The purpose of this study is to investigate the inequities caused by the lack of health insurance coverage for prescription contraceptives and nonexperimental infertility procedures for the diagnosis and treatment of infertility, including assisted reproductive technologies, artificial insemination, and pharmaceuticals.

This study shall include an examination and review of:

(1) The social, economic, and health consequences on persons who are denied coverage of contraceptives which require a prescription;

(2) Health conditions which contraindicate pregnancy and the lack of coverage of adequate, appropriate contraceptives for such conditions;

(3) Health insurance plans which include coverage of Viagra, but not prescription contraceptives or nonexperimental infertility procedures for the diagnosis and treatment of infertility, including assisted reproductive technologies, artificial insemination, and medicine;

(4) The health alternatives available to women whose health conditions contraindicate pregnancy, but who become pregnant because of inadequate contraceptives; and

(5) Health insurance coverage available to women whose health conditions contraindicate pregnancy, but who are at risk of becoming pregnant because of inadequate contraceptives.

The committee of the Legislature conducting this study shall attempt to determine the number of unplanned pregnancies which occur because of the lack of insurance coverage for prescriptive contraceptives and how many of those pregnancies result in abortions or other undesirable consequences.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Marlin and Pearl Hillrichs from Mitchell; Craig Breunig from Wahoo; 3 exchange students from Germany, Armenia, and Kyrgystan and sponsors; 40 fourth grade students and teachers from Montclair Montessori School, Omaha; members of the Senior Citizen Legislative Forum from District 24; and 75 fourth grade students and teachers from Trinity Christian School, Omaha.

RECESS

At 11:51 a.m., on a motion by Mr. Smith, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, C. Peterson, Robak, Messrs. Brashear, Cudaback, Dickey, Dierks, Hilgert, Janssen, Landis, Schrock, and Wickersham who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

May 4, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Motor Vehicle Industry Licensing Board:

APPOINTEE:

Paula Wolfson-Kessler, 12806 Jackson St., Omaha, NE 68132

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

May 5, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Child Abuse Prevention Fund Board:

APPOINTEES:

Dale Baker, 4710 Tara Court, Grand Island, NE 68801

JoAnn LeBaron, 6202 S. 28, Lincoln, NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

SELECT FILE

LEGISLATIVE BILL 880. E & R amendment, AM7138, found on page 1792, was adopted.

Ms. Schimek renewed her pending amendment, AM1432, found on page 1811.

Ms. Schimek moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Schimek amendment lost with 20 ayes, 15 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Raikes asked unanimous consent to replace his pending amendment, AM1598, found on page 1812, with a substitute amendment. No objections. So ordered.

Mr. Raikes withdrew his amendment, AM1598, found on page 1812.

Messrs. Wickersham and Raikes offered the following substitute amendment: AM1609

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 12, lines 7 and 8, strike each occurrence of
- 2 "2,301,138" and insert "689,500"; in lines 10 and 12 strike
- 3 "\$2,301,138" and insert "\$689,500"; and in line 27 strike each
- 4 occurrence of "7,493,808" and insert "9,105,446".
- 5 2. On page 13, line 1, strike each occurrence of
- 6 "7,493,808" and insert "9,105,446"; and in lines 3 and 5 strike
- 7 "\$7,493,808" and insert "\$9,105,446"

The Wickersham-Raikes amendment lost with 10 ayes, 28 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Wehrbein renewed his pending amendment, AM1601, found on page 1813.

The Wehrbein amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Wehrbein offered the following amendment:
AM1613

1. Strike the Dwite Pedersen amendment, FA124.

SPEAKER KRISTENSEN PRESIDING

Mr. Wehrbein moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wehrbein requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 21:

Baker	Crosby	Kremer	Price	Stuhr
Beutler	Dierks	Matzke	Raikes	Vrtiska
Brown	Engel	Pederson, D.	Schmitt	Wehrbein
Byars	Jones	Peterson, C.	Schrock	Wickersham
Chambers				

Voting in the negative, 24:

Bohlke	Coordsen	Jensen	Pedersen, Dw.	Smith
Bourne	Cudaback	Kiel	Preister	Suttle
Bromm	Hilgert	Kristensen	Quandahl	Thompson
Bruning	Hudkins	Landis	Redfield	Tyson
Connealy	Janssen	Lynch	Robak	

Present and not voting, 3:

Dickey	Hartnett	Schimek
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Excused and not voting, 1:

Brashear

The Wehrbein amendment lost with 21 ayes, 24 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Kremer and Dickey asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dw. Pedersen offered the following amendment:

AM1565

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 68, line 24, strike "83,069,910 90,426,301"
- 2 and insert "82,569,910 89,926,301".
- 3 2. On page 69, line 1, strike "91,420,284 102,025,585"
- 4 and insert "90,920,284 101,525,585"; and strike line 11.

Mrs. Bohlke moved to reconsider the vote on the Wehrbein amendment, AM1613, found in this day's Journal.

The Bohlke motion to reconsider prevailed with 26 ayes, 8 nays, 13 present and not voting, and 2 excused and not voting.

Pending

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Baker, Dale - Child Abuse Prevention Fund Board -- Health and Human Services

LeBaron, JoAnn - Child Abuse Prevention Fund Board -- Health and Human Services

Wolfson-Kessler, Paula - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENT - Print in Journal

Mrs. Bohlke filed the following amendment to LB 813:

FA186

Strike the enacting clause.

RESOLUTIONS

LEGISLATIVE RESOLUTION 89. Introduced by Dw. Pedersen, 39.

PURPOSE: The purpose of this resolution is to study the following issues:

(1) Detailed analysis of jamming and parole statistics for each classification in the Department of Correctional Services, including which classifications of inmates are more likely to be paroled and more likely to be jammed.

(2) What are the recidivism rates for inmates who are paroled and what are the recidivism rates for inmates who jam.

(3) What are the factors that lead the department to recommend inmates to

be paroled? What are the factors that lead the department to recommend inmates jam their sentences?

(4) What can be done within the department to increase the number of eligible parolees?

(5) Is the current classification system within the department a hindrance to lower classification and subsequent parole?

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 90. Introduced by Dw. Pedersen, 39.

PURPOSE: The purpose of this resolution is to study the following issues:

(1) Is there currently a safety hazard in regards to oversize vehicles and loads traveling on Nebraska highways or on the Interstate?

(2) Do other states require escort vehicles for oversize vehicles and loads? At what size do these states require escort vehicles for oversized vehicles and loads?

(3) Information on Nebraska traffic accidents in which oversize vehicles and loads were involved for the last five years; and

(4) Does Nebraska have an adequate supply of escort vehicle services for an increase in escort vehicle needs for oversize vehicles and loads?

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

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 91. Introduced by Landis, 46; Beutler, 28.

WHEREAS, Quinn Chapel was officially organized as an African Methodist Episcopal Church in 1871, with a membership of eleven persons, the first documented African American church in Lincoln, Nebraska, just four years after Lincoln was founded as the state capital; and

WHEREAS, in 1873, the small congregation received two lots from the Nebraska State Legislature for the erection of a house of worship; and

WHEREAS, Quinn Chapel, now located at 1225 South 9th Street, has served as a training field for city council representatives, lawyers, doctors, educators, and entrepreneurs, and has provided a safe place for people of like

identities and experiences to come to for worship and fellowship. Quinn Chapel and its parsonage are listed on the National Register of Historic places as contributing properties within the South Bottoms Historic District (NRHP, 1986) but the church's contribution to the development of Lincoln has not been fully recognized; and

WHEREAS, we face a new century with the opportunity to tell more fully the story of the contributions of African Americans to the settlement of Lincoln, Nebraska.

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

1. That the Legislature acknowledges the valuable roles that historic landmarks play as locales where a community's history can be brought to life and the value of living in a diverse environment fostered.

2. That the Legislature commends Quinn Chapel African Methodist Episcopal Church in Lincoln, Nebraska, to the United States Department of the Interior, National Park Service, for placement on the National Register of Historic Places.

3. That a copy of this resolution be sent to the congregation of Quinn Chapel, in care of Pastor Andrew Rollins.

Laid over.

LEGISLATIVE RESOLUTION 92. Introduced by Janssen, 15.

PURPOSE: The Legislature has recently considered a number of policy choices concerning changes in the method of allocating state lottery revenue. In the 1999 Legislature, LB 187 would have changed the allocation of state lottery revenue by reducing the percentage of funds provided to the Nebraska Environmental Trust Fund and providing funds to the Building Renewal Allocation Fund. LB 187 was held by the committee. This study shall include, but not be limited to, examination of the following:

1. Whether it is appropriate to change the current policy concerning the allocation of state lottery revenue;

2. If it is appropriate to change the allocation of state lottery revenue, the appropriate recipients of such revenue;

3. The interests and desires of the public on this issue, including the history of enactment of the State Lottery Act;

4. Allocation of state lottery revenue in other states; and

5. Any other matters necessary or appropriate for a complete examination of this issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 93. Introduced by Janssen, 15.

PURPOSE: Current Nebraska law permits an individual to import of up to nine liters per month of alcoholic liquor into the state for personal use without obtaining a shipping license. Two bills were introduced in the 1999 Legislature which would have changed this personal use exemption. LB 281 would have eliminated the personal use exemption and required all liquor brought into the state to go through the three-tier system of licensed wholesalers and licensed retailers before reaching the consumer. LB 790 would have retained the nine-liter personal use exemption for individual residents of the state but would require a permit for all business entities which send alcoholic liquor directly to consumers in the state. Both bills were held by the committee.

There is evidence that these types of shipments are increasing as a result of the proliferation of small wineries and breweries in this county. In addition, use of the Internet and other direct marketing strategies have made it easier for consumers to obtain this type of product directly from sellers in other states. The following are a number of issues which should be addressed in the course of this study:

1. The amount of alcoholic liquor which is shipped directly to consumers in this state;
2. Whether minors are using the Internet or other means to obtain alcoholic liquor through direct shipments to consumers into the state;
3. Methods of licensing or regulating direct shipments of alcohol into the state, including methods used by other states;
4. Methods of obtaining revenue from direct sales of alcoholic liquor to consumers in this state;
5. The impact of regulating shipments of alcoholic liquor to consumers in this state on producers in this state who ship directly to consumers in other states; and
6. Any other matters which are necessary and proper for a full and complete examination of this issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 94. Introduced by Janssen, 15.

PURPOSE: This study is intended to review the membership of the Nebraska Liquor Control Commission. In the 1999 Legislature, LB 431 and LB 529 were introduced with the intent of changing the membership of the commission. LB 431 would have provided for three voting members of the commission appointed in the same manner as at present and four nonvoting

advisory members, one representing municipalities, one representing retailers, one representing wholesalers, and one representing the Alcohol and Drug Abuse Advisory Committee. LB 529 would have required that one voting member of the commission have at least five years experience in the liquor industry. Both bills were held by the committee. The study shall include, but not be limited to, the following:

1. The role and function of members of the commission;
2. Whether it is necessary or appropriate to require that the commission include representation from particular groups interested in the process of regulating alcoholic liquor in the State of Nebraska including, but not limited to, any or all of the following:
 - a. Licensed retailers;
 - b. Licensed wholesalers;
 - c. Manufacturers;
 - d. Farm wineries or craft breweries;
 - e. Alcohol abuse prevention groups;
 - f. Cities or counties;
 - g. Law enforcement; or
 - h. Any other parties interested in the regulation of alcoholic liquor;
3. If it is appropriate to change the membership of the commission, whether the members of the commission should be voting members, or whether advisory membership is appropriate;
4. The membership of similar regulatory bodies in other states and whether they require representation from particular interest groups or whether they have advisory bodies; and
5. Any other matters necessary or proper for a complete examination of this issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 95. Introduced by Janssen, 15.

PURPOSE: In 1999 the Legislature considered methods of increasing lottery sales, including increasing the amount of prize payout, providing increased compensation or bonuses to retailers, and use of lottery ticket vending machines. This study shall include, but not be limited to, examination of the following:

1. Whether increasing the percentage of payout to purchasers of lottery tickets would increase sales;
2. Whether increased compensation, bonuses, or other methods of compensation would provide incentives for retailers to increase sales;
3. Whether use of lottery ticket vending machines would increase sales

and, if so, methods of ensuring that lottery tickets are not sold to minors;

4. Whether there are other sales opportunities that are not currently being met under the current system; and

5. Any other matters appropriate for a complete examination of the issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 382. Placed on Select File as amended.

E & R amendment to LB 382:

AM7139

- 1 1. On page 1, strike lines 2 and 3 and insert "Center
- 2 Facility Financing Assistance Act and the Local Civic, Cultural,
- 3 and Convention Center Financing Act."

LEGISLATIVE BILL 355. Placed on Select File as amended.

E & R amendment to LB 355:

AM7140

- 1 1. In the Standing Committee amendments, AM1291:
- 2 a. On page 4, line 14, strike "subdivision" and insert
- 3 "subsection"; and
- 4 b. On page 5, line 7, strike "that" and insert "through".
- 5 2. On page 1, lines 1 and 2, strike "require" through
- 6 "conditions" and insert "provide requirements for health insurance
- 7 plans relating to coverage of mental health conditions and serious
- 8 mental illness".

Correctly Engrossed

The following bills were correctly engrossed: LBs 216, 404, 404A, 530, 623, 687, 687A, and 740.

Enrollment and Review Change to LB 216

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

ER9071

1. In the Vrtiska amendment, AM0836:
 - a. On page 5, line 17, an underscored comma has been inserted after "city";

b. On page 6, line 1, the last comma has been struck; and in line 4 an underscored comma has been inserted after "village"; and

c. On page 15, line 10, "4, 7, 8, 14, 15, and 17" has been struck and "7, 10, 11, 19, 20, and 22" inserted.

2. In the Landis amendment, AM1577, and the Vrtiska amendments, AM0836 and AM0721, the sections have been renumbered to incorporate all adopted amendments.

3. In the E & R amendment, AM7098, amendment 2 has been struck.

4. On page 1, lines 2 through 7 have been struck and "48-115, 48-119, 48-120, 48-120.02, 48-121, 48-125, 48-126.01, 48-134.01, 48-145, 48-146, 48-147, 48-151, 48-156, 48-159, 48-162.01, 48-163, 48-166, and 48-1,114, Reissue Revised Statutes of Nebraska; to change provisions relating to volunteer firefighters and ambulance personnel, compensation, dispute resolution, an annual report, quorum requirements, court term, medical and rehabilitation services, self-insurers, and rule adoption; to define and redefine terms; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 404

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

ER9075

1. In the E & R amendment, AM7111:

a. On page 2, line 7, "domesticated" has been inserted before "cervine";

b. On page 4, lines 11 and 17; and page 11, line 18, "Domestic" has been struck and "Domesticated" inserted; and

c. On page 11, line 8, "cervice" has been struck and "cervine" inserted; and in line 17 "domestic" has been struck and "domesticated" inserted.

Enrollment and Review Change to LB 687

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

ER9074

1. On page 2, line 21; and page 6, line 2, "subdivisions" has been struck and "subdivision" inserted.

(Signed) Adrian M. Smith, Chairperson

SELECT FILE

LEGISLATIVE BILL 880. The Wehrbein reconsidered amendment, AM1613, found in this day's Journal, was renewed.

The Wehrbein amendment was adopted with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Dw. Pedersen withdrew his amendment, AM1565, found in this day's Journal.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bruning offered the following amendment:
AM1638

(Amendments to Standing Committee amendments, AM1258)

- 1 1. On page 14, strike line 4 and insert:
- 2 "GENERAL FUND 744,187,902 746,462,415"
- 3 strike line 8 and insert
- 4 "PROGRAM TOTAL 900,637,288 903,141,401"
- 5 and after line 9 insert:
- 6 "The State Board of Education shall allocate funds to
- 7 established youth mentoring programs in Nebraska. The programs
- 8 supported shall be ones designed to provide effective mentoring
- 9 services to young people in the state who are at risk for alcohol
- 10 and other drug use, teen pregnancy, school failure or dropping out
- 11 of school, and juvenile delinquency. The board shall adopt and
- 12 promulgate rules and regulations to carry out this section."

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vrtiska moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bruning moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bruning requested a roll call vote on his amendment.

Mrs. Hudkins requested the roll call vote be taken in reverse order.

Voting in the affirmative, 12:

Bourne	Hilgert	Pedersen, Dw.	Schrock	Suttle
Bruning	Jensen	Robak	Smith	Thompson
Cudaback	Lynch			

Voting in the negative, 30:

Baker	Connealy	Kiel	Peterson, C.	Schmitt
Beutler	Coordsen	Kremer	Price	Stuhr
Bohlke	Engel	Kristensen	Quandahl	Tyson
Bromm	Hudkins	Landis	Raikes	Vrtiska
Byars	Janssen	Matzke	Redfield	Wehrbein
Chambers	Jones	Pederson, D.	Schimek	Wickersham

Present and not voting, 3:

Brown Hartnett Preister

Excused and not voting, 4:

Brashear Crosby Dickey Dierks

The Bruning amendment lost with 12 ayes, 30 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

ANNOUNCEMENT

The Chair announced today is Senator Robak's birthday.

SELECT FILE

LEGISLATIVE BILL 878. E & R amendment, AM7136, found on page 1793, was adopted.

Mr. Wehrbein renewed his pending amendment, AM1600, found on page 1813.

The Wehrbein amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Dw. Pedersen offered the following amendment:
AM1634

(Amendments to Standing Committee amendments, AM1216)

- 1 1. On page 16, lines 5 and 6, strike "23,316,291" and
- 2 insert "22,366,291"; in line 11 strike "\$73,943,763" and insert
- 3 "\$72,993,763"; and in line 19 strike "\$23,316,291" and insert
- 4 "\$22,366,291".

PRESIDENT MAURSTAD PRESIDING

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dw. Pedersen moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Wehrbein requested a roll call vote on the Dw. Pedersen amendment.

Voting in the affirmative, 32:

Bohlke	Cudaback	Jones	Pedersen, Dw.	Robak
Bourne	Dierks	Kiel	Pederson, D.	Schmitt
Bromm	Hartnett	Kremer	Peterson, C.	Smith
Byars	Hilgert	Kristensen	Price	Stuhr
Chambers	Hudkins	Landis	Quandahl	Suttle
Connealy	Janssen	Lynch	Redfield	Wickersham
Coordsen	Jensen			

Voting in the negative, 11:

Brown	Matzke	Schimek	Thompson	Vrtiska
Crosby	Raikes	Schrock	Tyson	Wehrbein
Engel				

Present and not voting, 3:

Baker	Beutler	Preister
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Excused and not voting, 3:

Brashear	Bruning	Dickey
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The Dw. Pedersen amendment was adopted with 32 ayes, 11 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 879. E & R amendment, AM7135, found on page 1793, was adopted.

Mr. Wehrbein renewed his pending amendment, AM1599, found on page 1813.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Wehrbein offered the following amendment:

AM1615

(Amendments to Standing Committee amendments, AM1203)

1	1. Insert the following new section:	
2	"Sec. 59. Laws 1998, LB 1108, section 85, is amended to	
3	read:	
4	Sec. 85. AGENCY NO. 12 -- STATE TREASURER	
5	Program No. 12 - Salary - State Treasurer	
6	FY1997-98	FY1998-99
7	GENERAL FUND	59,905 60,067
8	PROGRAM TOTAL	59,905 60,067

9	<u>GENERAL FUND</u>	<u>59,905</u>	<u>60,370</u>
10	<u>PROGRAM TOTAL</u>	<u>59,905</u>	<u>60,370</u>
11	SALARY LIMIT	49,500	49,500".
12	2. On page 73, line 25, after the fourth comma insert		
13	"85,".		
14	3. Renumber the remaining sections accordingly.		

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 873. E & R amendment, AM7130, found on page 1794, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 876. Advanced to E & R for engrossment.

LEGISLATIVE BILL 877. Mr. Wehrbein offered the following amendment:

AM1614

(Amendments to Standing Committee amendments, AM1158)

- 1 1. On page 4, lines 24 and 25, strike "61,700" and
- 2 insert "62,306" and strike "62,421" and insert "63,027".

The Wehrbein amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 489. E & R amendment, AM7132, found on page 1794, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 860. E & R amendment, AM7131, found on page 1794, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 663. Mr. Wehrbein renewed his pending amendment, AM1571, found on page 1803.

The Wehrbein 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 664. E & R amendment, AM7134, found on page 1794, was adopted.

Mr. Wehrbein renewed his pending amendment, AM1572, found on page 1803.

The Wehrbein 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 805. E & R amendment, AM7133, found on page 1795, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 805A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 882. Advanced to E & R for engrossment.

LEGISLATIVE BILL 36. Mr. Wickersham renewed his pending amendment, AM1272, found on page 1459 and considered on page 1770.

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

Mr. Quandahl withdrew the Quandahl et al. amendment, AM1595, found on page 1811.

Mr. Quandahl and Mrs. Kiel offered the following amendment:
AM1639

- 1 1. Insert the following new section:
- 2 "Sec. 37. Beginning in 1999, if the final adjusted value
- 3 of a political subdivision located in a county with a population of
- 4 three hundred thousand inhabitants or more provided by the county
- 5 assessor pursuant to section 13-509 for the current year increases
- 6 over the immediately preceding year for reasons other than new
- 7 construction, additions of improvements, or additions of omitted
- 8 property, the tax levy of the political subdivision shall be
- 9 reduced proportionately to the increase in actual valuation. The
- 10 purpose of this section is to maintain the revenue derived from
- 11 property taxes at the same amount as it would have been had no such
- 12 increase in the actual value occurred. Nothing in this section
- 13 shall be construed to prohibit an increase in property taxes levied
- 14 if such increase is due to a budget increase by a political
- 15 subdivision or a voter-approved levy override."
- 16 2. Renumber the remaining sections accordingly.

Messrs. Lynch and Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Quandahl and Mrs. Kiel withdrew their amendment.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Messrs. Hilgert and Quandahl filed the following amendment to LB 179:
AM1553

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 77-3504, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-3504. Household income means the total federal
- 5 adjusted gross income, as defined in the Internal Revenue Code,
- 6 plus (1) any Nebraska adjustments increasing the total federal
- 7 adjusted gross income, (2) any interest or dividends received by
- 8 the owner regarding obligations of the State of Nebraska or any
- 9 political subdivision, authority, commission, or instrumentality
- 10 thereof to the extent excluded in the computation of gross income
- 11 for federal income tax purposes, and (3) any social security or
- 12 railroad retirement benefit to the extent excluded in the
- 13 computation of gross income for federal income tax purposes, of the
- 14 claimant and spouse, and any additional owners who are natural
- 15 persons and who occupy the homestead, for the taxable year of the
- 16 claimant immediately prior to the year for which the claim for
- 17 exemption is made, less all medical expenses actually incurred and
- 18 paid by the claimant, his or her spouse, or any owner-occupant
- 19 which are in excess of four percent of household income calculated
- 20 prior to the deduction for medical expenses. For purposes of this
- 21 section, medical expenses means the costs of health insurance
- 22 premiums and the costs of goods and services purchased from a
- 23 person licensed under Chapter 71, article 1 or 47, or a facility
- 1 licensed pursuant to Chapter 71, article 20, for purposes of
- 2 restoring or maintaining health, including insulin and prescription
- 3 medicine but not including nonprescription medicine. For purposes
- 4 of this section, the amount of social security benefits received by
- 5 a claimant as described in subdivision (1)(b) or (c) of section
- 6 77-3508 shall be reduced by the amount of social security benefits
- 7 which the claimant received solely because of his or her disability
- 8 in the last full year the claimant received social security
- 9 disability benefits."
- 10 2. On page 1, line 1, after "amend" insert "section
- 11 77-3504, Reissue Revised Statutes of Nebraska, and".
- 12 3. Renumber the remaining sections accordingly.

Mmes. Bohlke, Stuhr, Suttle, Ms. Price, Messrs. Wickersham, Raikes, and Coordsen filed the following amendment to LB 144:
AM1626

(Amendments to AM0880)

- 1 1. Strike amendments 1 and 2 and insert the following
- 2 new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new section:
- 5 'Section 1. The following section is outright repealed:
- 6 Section 79-760, Revised Statutes Supplement, 1998.'".

Messrs. Wickersham and Wehrbein filed the following amendment to
LB 87A:
AM1643

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 "Section 1. Section 77-4104, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-4104. (1) In order to utilize the incentives set
- 6 forth in the Employment and Investment Growth Act, the taxpayer
- 7 shall file an application for an agreement with the Tax
- 8 Commissioner.
- 9 (2) The application shall contain:
- 10 (a) A written statement describing the plan of employment
- 11 and investment for a qualified business in this state;
- 12 (b) Sufficient documents, plans, and specifications as
- 13 required by the Tax Commissioner to support the plan and to define
- 14 a project;
- 15 (c) If more than one location within this state is
- 16 involved, sufficient documentation to show that the employment and
- 17 investment at different locations are interdependent parts of the
- 18 plan. A headquarters shall be presumed to be interdependent with
- 19 any other location directly controlled by such headquarters. A
- 20 showing that the parts of the plan would be considered parts of a
- 21 unitary business for corporate income tax purposes shall not be
- 22 sufficient to show interdependence for the purposes of this
- 23 subdivision;
- 24 (d) A nonrefundable application fee of five hundred
- 1 dollars. The fee shall be deposited into the Employment and
- 2 Investment Growth Fund, which fund is hereby created. Any money in
- 3 the fund available for investment shall be invested by the state
- 4 investment officer pursuant to the Nebraska Capital Expansion Act
- 5 and the Nebraska State Funds Investment Act; and
- 6 (e) A timetable showing the expected sales tax refunds
- 7 and what year they are expected to be claimed. The timetable shall
- 8 include both direct refunds due to investment and credits taken as
- 9 sales tax refunds as accurately as possible.
- 10 The application and all supporting information shall be
- 11 confidential except for the name of the taxpayer, the location of

12 the project, the amounts of increased employment and investment,
13 and the information required to be reported by sections 77-4110 and
14 77-4113.

15 (3) Once satisfied that the plan in the application
16 defines a project consistent with the purposes stated in section
17 77-4102 in one or more qualified business activities within this
18 state, that the plans will result in either (a) the investment in
19 qualified property of at least three million dollars and the hiring
20 of at least thirty new employees or (b) the investment in qualified
21 property resulting in a net gain in the total value of tangible
22 property in this state of a type subject to depreciation,
23 amortization, or other recovery under the Internal Revenue Code of
24 1986 of at least twenty million dollars, and that the required
25 levels of employment and investment for the project will be met
26 prior to the end of the sixth year after the year in which the
27 application was submitted, the Tax Commissioner shall approve the
1 application. In determining the net gain in value for purposes of
2 this subsection, all tangible personal property shall be valued in
3 a manner consistent with the value determined for qualified
4 property, and the total value on the last day of each year shall be
5 compared with the total value on the last day of the base year.

6 (4) After approval, the taxpayer and the Tax Commissioner
7 shall enter into a written agreement. The taxpayer shall agree to
8 complete the project, and the Tax Commissioner, on behalf of the
9 State of Nebraska, shall designate the approved plans of the
10 taxpayer as a project and, in consideration of the taxpayer's
11 agreement, agree to allow the taxpayer to use the incentives
12 contained in the Employment and Investment Growth Act. The
13 application, and all supporting documentation, to the extent
14 approved, shall be considered a part of the agreement. The
15 agreement shall state:

16 (a) The levels of employment and investment required by
17 the act for the project;

18 (b) The time period under the act in which the required
19 levels must be met;

20 (c) The documentation the taxpayer will need to supply
21 when claiming an incentive under the act;

22 (d) The date the application was filed; and

23 (e) A requirement that the company update the Department
24 of Revenue annually on any changes in plans or circumstances which
25 affect the timetable of sales tax refunds as set out in the
26 application. If the company fails to comply with this requirement,
27 the Tax Commissioner may defer any pending sales tax refunds until
1 the company does comply.

2 (5) The incentives contained in section 77-4105 shall be
3 in lieu of the tax credits allowed by section 77-27,188 for any
4 project. In computing credits under section 77-27,188, any
5 investment or employment which is eligible for benefits under the
6 Employment and Investment Growth Act shall be subtracted from the

7 increases computed for determining the credits under section
8 77-27,188.

9 (6) A taxpayer and the Tax Commissioner may enter into
10 agreements for more than one project and may include more than one
11 project in a single agreement. The projects may be either
12 sequential or concurrent. A project may involve the same location
13 as another project. No new employment or new investment shall be
14 included in more than one project for either the meeting of the
15 employment or investment requirements or the creation of credits.
16 When projects overlap and the plans do not clearly specify, then
17 the taxpayer shall specify in which project the employment and
18 investment belongs.

19 Sec. 2. Original section 77-4104, Reissue Revised
20 Statutes of Nebraska, is repealed."

Mr. Beutler filed the following amendment to LB 870:
AM1596

(Amendments to Standing Committee amendments, AM1312)

1 1. Insert the following new sections:

2 "Sec. 3. Section 54-2401, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 54-2401. Sections 54-2401 to 54-2414 and section 11 of
5 this act shall be known and may be cited as the Livestock Waste
6 Management Act.

7 Sec. 11. (1) Each livestock waste control facility
8 required to obtain a permit under section 54-2404 shall pay an
9 annual operating fee. The annual operating fee for a livestock
10 waste control facility shall be: (a) Thirty dollars for a class I
11 facility; (b) fifty dollars for a class II facility; (c) five
12 hundred dollars for a class III facility; and (d) two thousand
13 dollars for a class IV facility.

14 (2) Ninety percent of the fees collected under this
15 section shall be remitted to the State Treasurer for credit to the
16 Livestock Waste Management Cash Fund to be used to fund the
17 inspection program under the Livestock Waste Management Act. Ten
18 percent of the fees collected under this section shall be remitted
19 to the State Treasurer for credit to the Livestock Waste Facility
20 Emergency Cash Fund, which fund is hereby created. The Livestock
21 Waste Facility Emergency Cash Fund shall be used to finance
22 responses to pollution control emergencies related to livestock
23 waste control facilities and pollution cleanup problems involving
1 orphan sites which are sites with no responsible owner. If on
2 January 1 of any year the balance of the Livestock Waste Facility
3 Emergency Cash Fund is one million dollars or more, the annual
4 operating fees for such year prescribed in this section shall be
5 reduced by ten percent. If on such date the balance of the fund is
6 less than one million dollars, the annual operating fees shall be
7 as prescribed in subsection (1) of this section with no reduction.
8 Any money in the fund available for investment shall be invested by

9 the state investment officer pursuant to the Nebraska Capital
10 Expansion Act and the Nebraska State Funds Investment Act."

11 2. On page 21, line 8, after "54-725," insert
12 "54-2401,".

13 3. Renumber the remaining sections accordingly.

Messrs. Beutler and Schrock filed the following amendment to LB 870:
AM1645

(Amendments to Standing Committee amendments, AM1312)

1 1. On page 4, strike the new matter in lines 4 and 9.

2 2. On page 7, line 14, strike "is or"; and in line 15
3 after "state" insert "or the department has determined that because
4 of conditions at the livestock operation there is a high potential
5 for a discharge into waters of the state in which case the
6 department shall notify the owner of the livestock operation by
7 certified mail that the owner is subject to the requirements of the
8 Livestock Waste Management Act".

9 3. On page 11, line 14, after "operation" insert ",
10 except exempt livestock operations and livestock operations that
11 the department has determined not to require livestock waste
12 control facilities".

13 4. On page 15, strike lines 23 through 25.

14 5. On page 18, line 25, strike "a" and insert "an
15 existing".

RESOLUTION

LEGISLATIVE RESOLUTION 96. Introduced by Suttle, 10.

PURPOSE: The purpose of this study is to determine:

1. What kinds of health care services are lacking in this state because of the shortage of nurses available for employment;

2. What areas of the state lack an adequate array of health care services because of the shortage of nurses available for employment;

3. Whether the degree of shortage of nurses available for employment varies depending on the credentials or training of nurses;

4. How the level of training impacts the employment opportunities and wages for nurses in this state;

5. The kinds of incentives which could be enacted to successfully recruit nurses where needed in the state or other measures which could be taken to rectify the problems caused by the shortage of nurses for employment;

6. The availability and capacity of educational institutions in Nebraska offering nurse training programs and the types of programs offered;

7. Whether nurses who are trained in Nebraska or elsewhere are attracted to other states with employment incentives not available here; and

8. The impact the shortage of nurses available for employment has on the health, safety, welfare, and quality of life of citizens in this state.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 267. Mr. Landis renewed his pending amendment, AM1466, found on page 1720.

MR. COORDSEN PRESIDING

PRESIDENT MAURSTAD PRESIDING

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis withdrew his amendment.

Pending.

EASE

The Legislature was at ease from 8:04 p.m. until 8:10 p.m.

ANNOUNCEMENT

Mr. Wickersham announced the Revenue Committee will hold an executive session Wednesday, May 5, 1999, at 10:00 a.m., in Room 2022.

VISITORS

Visitors to the Chamber were 20 fourth grade students and teacher from Chapman; 5 members of the Bangladesh Parliament and escorts; and 50 fourth grade students and teachers from Arbor Park Elementary School, Blair.

ADJOURNMENT

At 8:10 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, May 5, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SIXTH DAY – MAY 5, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 5, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Jack Magness, Christ Community Church, Beatrice, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, C. Peterson, Robak, Messrs. Landis, Matzke, Dw. Pedersen, and Ms. Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1806, line 18, strike "ascetics" and insert "aesthetics".
The Journal for the seventy-fourth day was approved as corrected.
The Journal for the seventy-fifth day was approved.

AMENDMENT - Print in Journal

Mr. Quandahl and Mrs. Kiel filed the following amendment to LB 36:
AM1619

- 1 1. Insert the following new sections:
- 2 "Sec. 33. Section 77-5017, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-5017. In resolving a contested case, the commission
- 5 may make such orders as are appropriate for resolving the dispute
- 6 but in no case shall the relief be excessive compared to the
- 7 problems addressed. The commission may make prospective orders
- 8 requiring changes in assessment practices which will improve
- 9 assessment practices or affect the general level of assessment or
- 10 the measures of central tendency in a positive way. If no other
- 11 relief is adequate to resolve disputes, the commission may order a

12 reappraisal of property within a county, an area within a county,
13 or classes or subclasses of property within a county. If
14 reappraisal of a class or subclass of property is to be ordered,
15 the commission shall first make a finding that the other classes or
16 subclasses of property are within the acceptable range specified in
17 section 77-5023.

18 Sec. 34. Section 77-5023, Revised Statutes Supplement,
19 1998, is amended to read:

20 77-5023. Pursuant to section 77-5022, the commission
21 shall have the power to increase or decrease the value of a class
22 or subclass of real property of any county or tax district or real
23 property valued by the state so that all classes or subclasses of
24 real property in all counties fall within the acceptable range. If
1 an increase in value of a class or subclass is to be ordered, the
2 commission shall first make a finding that the other classes or
3 subclasses of property are within the acceptable range specified in
4 this section. For agricultural land, the acceptable range shall be
5 from seventy-four percent to eighty percent of actual value of
6 agricultural land; and for nonagricultural real property, the
7 acceptable range shall be from ninety-two percent to one hundred
8 percent of actual value of nonagricultural real property. Such
9 increase or decrease shall be made by a percentage and shall result
10 in an average level of assessment for the class or subclass
11 adjusted at seventy-seven percent of actual value for agricultural
12 land and ninety-six percent of actual value for nonagricultural
13 real property."

14 2. On page 38, line 8, before "81-101" insert
15 "77-5017,"; and in line 11 strike "and 77-5012" and insert
16 "77-5012, and 77-5023".

17 3. Renumber the remaining sections accordingly.

APPRECIATION

Received note of appreciation from the family of Stan Schellpeper for expressions of condolences.

UNANIMOUS CONSENT - Member Excused

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTIONS - Approve Appointments

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1802: Dr. Glenn York - State Board of Health; Maria Ragan, Jim Blue, Lend S. Frison, and Alice Maupin - Health and Human Services System Partnership Council; William Heine - Board of Emergency Medical Services; and Brent Welsch - Commission for the Deaf and Hard of Hearing.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1802: Maria Ragan, Lend S. Frison, and Alice Maupin - Health and Human Services System Partnership Council; and Brent Welsch - Commission for the Deaf and Hard of Hearing.

Voting in the affirmative, 28:

Baker	Cudaback	Janssen	Quandahl	Smith
Byars	Dickey	Jensen	Raikes	Stuhr
Chambers	Dierks	Jones	Schimek	Suttle
Connealy	Engel	Kristensen	Schmitt	Tyson
Coordsen	Hilgert	Lynch	Schrock	Vrtiska
Crosby	Hudkins	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Bromm	Kremer	Redfield	Wehrbein
Bourne	Brown	Preister	Thompson	Wickersham
Brashear	Hartnett			

Excused and not voting, 9:

Bohlke	Kiel	Matzke	Peterson, C.	Robak
Bruning	Landis	Pedersen, Dw.	Price	

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

The second division is as follows:

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1802: Dr. Glenn York - State Board of Health; Jim Blue - Health and Human Services System Partnership Council; and William Heine - Board of Emergency Medical Services.

Voting in the affirmative, 30:

Baker	Coordsen	Engel	Kristensen	Price
Bourne	Crosby	Hudkins	Lynch	Quandahl
Brown	Cudaback	Janssen	Matzke	Raikes
Byars	Dickey	Jensen	Pederson, D.	Schmitt
Connealy	Dierks	Jones	Preister	Schrock

Smith Stuhr Suttle Tyson Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 11:

Beutler	Hartnett	Kremer	Schimek	Vrtiska
Brashear	Hilgert	Redfield	Thompson	Wickersham
Bromm				

Excused and not voting, 7:

Bohlke	Kiel	Pedersen, Dw.	Peterson, C.	Robak
Bruning	Landis			

The appointments were confirmed with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 630A. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 870. The Beutler pending request, found on page 1822, for a division of the question on the Standing Committee amendment, was renewed.

The Chair sustained the division of the question.

Mr. Beutler withdrew his request for a division of the question.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM1535, found on page 1798, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM1535, found on page 1798.

Messrs. Beutler and Schrock renewed their substitute pending amendment, AM1645, found on page 1847, to the Standing Committee amendment.

Messrs. Cudaback, Vrtiska, Mrs. Suttle, and Ms. Price asked unanimous

consent to be excused until they return. No objections. So ordered.

The Beutler-Schrock amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Beutler withdrew his amendments, AM1529, AM1545, AM1543, AM1542, AM1541, AM1548, AM1547, AM1539, AM1549, and AM1596, found on pages 1746, 1798, 1799, and 1846.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM1623

(Amendments to Standing Committee amendments, AM1312)

1. Insert the following new sections:

"Sec. 3. Section 54-2401, Reissue Revised Statutes of Nebraska, is amended to read:

54-2401. Sections 54-2401 to 54-2414 and section 11 of this act shall be known and may be cited as the Livestock Waste Management Act.

Sec. 11. (1) Each livestock waste control facility required to obtain a permit under section 54-2404 shall pay an annual operating fee. The annual operating fee for a livestock waste control facility shall be: (a) Twenty dollars for a class I facility; (b) forty dollars for a class II facility; (c) four hundred dollars for a class III facility; and (d) two thousand dollars for a class IV facility.

(2) Ninety percent of the fees collected under this section shall be remitted to the State Treasurer for credit to the Livestock Waste Management Cash Fund to be used to fund the inspection program under the Livestock Waste Management Act. Ten percent of the fees collected under this section shall be remitted to the State Treasurer for credit to the Livestock Waste Facility Emergency Cash Fund, which fund is hereby created. The Livestock Waste Facility Emergency Cash Fund shall be used to finance responses to pollution control emergencies related to livestock waste control facilities and pollution cleanup problems involving orphan sites which are sites with no responsible owner. If on January 1 of any year the balance of the Livestock Waste Facility Emergency Cash Fund is one million dollars or more, the annual operating fees for such year prescribed in this section shall be reduced by ten percent. If on such date the balance of the fund is less than one million dollars, the annual operating fees shall be as prescribed in subsection (1) of this section with no reduction. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act."

2. On page 21, line 8, after "54-725," insert "54-2401,".

3. Renumber the remaining sections accordingly.

PRESIDENT MAURSTAD PRESIDING

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler withdrew his amendment.

The Standing Committee amendment, AM1312, printed separately and referred to on page 1530 and considered on pages 1805 and 1823, as amended, was renewed.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS**Agriculture**

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

Climate Assessment Response Committee
Roger Patterson

VOTE: Aye: Senators Dickey, Dierks, Hilgert, Janssen, and Schrock. Nay: None. Absent: Senators Chambers, Cudaback, and Vritiska.

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

Dry Bean Commission
Nolan Berry
Jon Holzfaster

VOTE: Aye: Senators Dickey, Dierks, Hilgert, Janssen, and Schrock. Nay: None. Absent: Senators Chambers, Cudaback, and Vritiska.

(Signed) Merton L. Dierks, Chairperson

NOTICE OF COMMITTEE HEARING**Judiciary**

Tuesday, May 18, 1999
Crime Victims Reparation Committee
Scot Ford

1:15 p.m.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 267:

AM1646

1 1. Insert the following new sections:

2 "Sec. 13. Section 53-177, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-177. (1) No license shall be issued for the sale at
5 retail of any alcoholic liquor within one hundred and fifty feet of
6 any church, school, hospital, or home for aged or indigent persons
7 or for veterans, their wives or children. This prohibition does ;
8 ~~PROVIDED, that this prohibition shall~~ not apply ~~(1)~~ (a) to any
9 location within such distance of one hundred and fifty feet for
10 which a license to sell alcoholic ~~liquors~~ liquor at retail has been
11 granted by the Nebraska Liquor Control Commission for two years
12 continuously prior to making of application for license; ~~and (2)~~
13 and (b) to hotels offering restaurant service, to regularly
14 organized clubs, or to restaurants, food shops, or other places
15 where sale of alcoholic ~~liquors~~ liquor is not the principal
16 business carried on, if such place of business so exempted ~~shall~~
17 have been was established for such purposes prior to May 24, 1935.

18 (2) No alcoholic liquor, other than beer, shall be sold
19 for consumption on the premises within three hundred feet from the
20 campus of any college or university in the state, except that this
21 section does not prohibit a nonpublic college or university from
22 contracting with an individual or corporation holding a license to
23 sell alcoholic liquor at retail for the purpose of selling
24 alcoholic liquor at retail on the campus of such college or
1 university at events sanctioned by such college or university but
2 does prohibit the sale of alcoholic liquor at retail on the campus
3 of such nonpublic colleges or universities at student activities or
4 events.

5 Sec. 14. Section 53-180.06, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 53-180.06. (1) To establish proof of age for the purpose
8 of purchasing or consuming alcoholic liquor, a person shall present
9 or display only a valid driver's or operator's license, Nebraska
10 state identification card, military identification card, alien
11 registration card, or passport.

12 (2) Every holder of a retail license ~~shall~~ may maintain,
13 in a separate book, a record of each person who has furnished
14 documentary proof of age for the purpose of making any purchase of
15 alcoholic liquor. The record shall show the name and address of
16 the purchaser, the date of the purchase, and a description of the
17 identification used and shall be signed by the purchaser.

18 Sec. 15. Section 53-1,104, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 53-1,104. (1) Any licensee which sells or permits the
21 sale of any alcoholic liquor not authorized under the terms of such

22 license on the licensed premises or in connection with such
23 licensee's business or otherwise shall be subject to suspension,
24 cancellation, or revocation of such license by the commission.

25 (2) When ~~any~~ an order suspending a retail license to sell
26 alcoholic liquor becomes final, the licensee may elect to pay a
27 cash penalty to the commission in lieu of suspending sales of
1 alcoholic liquor for the designated period if such election is not
2 prohibited by order of the commission. For the first such
3 suspension for any licensee, the penalty shall be fifty dollars per
4 day. For a second or any subsequent suspension, the penalty shall
5 be one hundred dollars per day, except that:

6 (a) For a second or subsequent suspension for violation
7 of section 53-180 or 53-180.02 occurring within four years after
8 the date of the first suspension, the commission, in its
9 discretion, may order that the licensee be required to suspend
10 sales of alcoholic liquor for a period of time not to exceed
11 forty-eight hours and that the licensee may not elect to pay a cash
12 penalty. The commission may use the required suspension of sales
13 on alcoholic liquor penalty either alone or in conjunction with
14 suspension periods for which the licensee may elect to pay a cash
15 penalty. For purposes of this subsection, second or subsequent
16 suspension for violation of section 53-180 shall include suspension
17 for a violation of section 53-180.02 following suspension for a
18 violation of section 53-180 and second or subsequent suspension for
19 violation of section 53-180.02 shall include suspension for a
20 violation of section 53-180 following suspension for a violation of
21 section 53-180.02; and

22 (b) For a third or subsequent suspension for violation of
23 section 53-180 or 53-180.02 occurring within four years after the
24 date of the first suspension, the commission, in its discretion,
25 may order that the licensee be required to suspend sales of
26 alcoholic liquor for a period of time not to exceed fifteen days
27 and that the licensee may not elect to pay a cash penalty. The
1 commission may use the required suspension of sales on alcoholic
2 liquor penalty either alone or in conjunction with suspension
3 periods for which the licensee may elect to pay a cash penalty.
4 For purposes of this subsection, third or subsequent suspension for
5 violation of section 53-180 shall include suspension for a
6 violation of section 53-180.02 following suspension for a violation
7 of section 53-180 and third or subsequent suspension for violation
8 of section 53-180.02 shall include suspension for a violation of
9 section 53-180 following suspension for a violation of section
10 53-180.02.

11 For ; except that for any licensee which has no violation
12 for a period of four years consecutively, the third or subsequent
13 suspension shall be treated as a first suspension.

14 Such election The election provided for in this
15 subsection shall be filed with the commission in writing one week
16 before ~~such~~ the suspension is ordered to commence and shall be

17 accompanied by payment in full of the sum required by this section.
18 If such election has not been received by the commission by the
19 close of business one week before the day such suspension is
20 ordered to commence, it shall be conclusively presumed that the
21 licensee has elected to close for the period of the suspension and
22 any election received later shall be absolutely void and the
23 payment made shall be returned to the licensee. The election shall
24 be made on a form prescribed by the commission. All funds received
25 under this section shall be remitted to the State Treasurer for
26 credit to the temporary school fund."

27 2. Amend the repealer and renumber the remaining
1 sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 97. Introduced by Chambers, 11.

PURPOSE: To conduct a study of the elements necessary to allow the creation of a new school district within a city of the metropolitan class that encompasses a unique community within the city based on the concentration of minority citizens. The study shall include, but is not limited to:

- (1) The process by which the community decides to create a new district;
- (2) The methodology for determining the configuration or geographical boundaries of the new district;
- (3) The student population;
- (4) The funding, including local, state, federal, and private;
- (5) The establishment of the school board and of the schools, including:
 - (a) Hiring;
 - (b) Curriculum;
 - (c) Transfer policy for staff; and
 - (d) Transfer policy for students;
- (6) The ownership and use of existing school facilities located within the new district;
- (7) Acquisition of buildings and other facilities;
- (8) Transportation;
- (9) Athletic participation;
- (10) Constitutional concerns; and
- (11) Timelines.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 98. Introduced by Thompson, 14.

PURPOSE: The Legislature finds that Nebraska will soon be facing a shortage of teachers and administrators in Nebraska's public and private schools. In order to appropriately address this critical need, it is important to examine:

- (1) Recent studies of teacher and administrator shortages in Nebraska;
- (2) Teacher and administrator retention in Nebraska;
- (3) Nebraska's competitiveness with other states regarding compensation of educators;
- (4) The ability of Nebraska teacher education institutions to recruit and retain students, including specific efforts aimed at recruiting and retaining minority students, and their ability to place students in the state;
- (5) Expanding current law in order to provide greater flexibility for individuals with experience and expertise in a specific field to teach pursuant to a modified certification; and
- (6) Possible legislative responses to these issues.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 99. Introduced by Chambers, 11; Bromm, 23.

WHEREAS, the Nebraska Lifeline Service Program (Lifeline) exists to provide a monthly credit to the phone service of qualifying low-income households; and

WHEREAS, the number of households receiving Lifeline assistance is far below the number of households which currently are eligible for Lifeline assistance; and

WHEREAS, the Nebraska Lifeline Service Program is funded through a Nebraska Telecommunications Universal Service Fund surcharge authorized by the Legislature; and

WHEREAS, LB 514 (1999), which was passed by the Legislature and signed by the Governor, provides that all recipients of Lifeline assistance shall be exempt from any surcharges imposed for purposes of the Nebraska Telecommunications Universal Service Fund; and

WHEREAS, some technical and administrative problems remain in implementing the provisions of LB 514 which pertain to the exemption for the Nebraska Telecommunications Universal Service Fund surcharge.

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

1. That the Transportation Committee of the Legislature be designated to conduct an interim study to determine (1) methods which may be employed to increase awareness and participation in the Nebraska Lifeline Service

Program among eligible households and (2) the proper and most efficient method of implementing the Nebraska Telecommunications Universal Service Fund surcharge exemption. This study shall include, but is not limited to:

(a) Identifying methods and procedures to promote the Nebraska Lifeline Service Program among eligible households;

(b) Investigating ways that eligible households can be simultaneously enlisted in the Nebraska Lifeline Service Program when initiating an application for services which are the basis for Lifeline assistance eligibility;

(c) Examining the implementation of the Nebraska Telecommunications Universal Service Fund surcharge exemption to Lifeline households as provided in LB 514 (1999), identifying problems and concerns, and evaluating possible solutions;

(d) Identifying the resources and policies needed to maintain and update the data base of eligible Lifeline recipients; and

(e) Making recommendations to the Legislature that incorporate the findings of the interim study and drafting any appropriate rule, regulation, policy, or law that will further the goals of maximizing participation in the Nebraska Lifeline Service Program and efficiently implementing the surcharge exemption.

2. That the interim study solicit comments, suggestions, and recommendations from representatives of the Public Service Commission, the Department of Health and Human Services, the state's telecommunication industry, consumers, and interested parties. The study may include a public hearing to solicit public input. The committee shall, upon the conclusion of the study, make a report of its findings and recommendations to the Legislative Council by December 1, 1999.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 176. Title read. Considered.

The Standing Committee amendment, AM0756, found on page 1030, was considered.

Messrs. Wehrbein, Engel, Brashear, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Mrs. Bohlke asked unanimous consent to replace her pending amendment, AM1275, found on page 1461, with a substitute amendment. No objections. So ordered.

Mrs. Bohlke withdrew her amendment, AM1275, found on page 1461.

Mrs. Bohlke renewed her substitute pending amendment, AM1320, found on page 1532.

Pending.

**NOTICE OF COMMITTEE HEARING
Health and Human Services**

Wednesday, May 12, 1999

1:00 p.m.

Excellence in Healthcare Council

David Corbin

Jeff Elliott

Joel Gajardo

John Klosterman

Sandra Massey

Dr. Dale Michels

Cordelia Okoye

Child Abuse Prevention Fund

JoAnn LeBaron

Dale Baker

Emergency Medical Services

Robert Dunn

Rick Sheehy

State Board of Health

Dr. James Schiefen

Deaf and Hard of Hearing

Eleanor Propp

Marian Reyburn

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Mrs. Brown filed the following amendment to LB 105:

AM1654

(Amendments to Standing Committee amendments, AM1282)

- 1 1. Strike sections 20, 71 through 75, and 77 and insert
- 2 the following new sections:
- 3 "Sec. 20. (1) The real and personal property of a local
- 4 housing agency and any controlled affiliate thereof, and their use
- 5 of any property, shall be exempt from all taxes and special
- 6 assessments of any city, county, the state, or any public agency
- 7 thereof, including without limitation any special taxing district
- 8 or similar political subdivision. Property owned jointly by a
- 9 housing agency or its controlled affiliates with other
- 10 nongovernmental persons or entities shall be exempt from such taxes
- 11 and assessments to the extent of the ownership interest which the
- 12 housing agency and its controlled affiliates hold in the property.
- 13 Nothing in this section shall be deemed to preclude the enactment

14 of legislation extending an exemption from such taxation or
15 assessment of property owned by nongovernmental persons and
16 entities as an inducement to form, operate, or otherwise
17 participate as affiliates pursuant to subdivision (10) of section
18 43 of this act.

19 (2) A housing agency and its controlled affiliates may
20 agree to make payments in lieu of all taxes or special assessments
21 to the city or county, as the case may be, within whose territorial
22 jurisdiction any development of such housing agency or its
23 controlled affiliates is located, for improvements, services, and
1 facilities furnished by the city, county, or other public agencies,
2 for the benefit of such development. Nothing contained in this
3 section shall be deemed to require such agreement by a local
4 housing agency and in no event shall the amounts payable by the
5 housing agency and its controlled affiliates exceed the amounts
6 which, except for the exemption provided in this section, would
7 otherwise be payable under regular taxes and special assessments
8 for similar properties referred to in subsection (1) of this
9 section. All payments made by any such housing agency for any
10 development to such city or county, as the case may be, and whether
11 such payments are contractually stipulated or gratuitous voluntary
12 payments, shall be distributed by the city or county, as the case
13 may be, to all public agencies furnishing improvements, services,
14 and facilities for the development in such proportion that the
15 state and each public agency shall receive from the total payment
16 the same proportion as its property tax rate bears to the total
17 property tax which would be levied by the state and each public
18 agency against property of the housing agency, if the same were not
19 exempt from taxation.

20 Sec. 72. (1) Before any local housing agency shall
21 construct any new housing development for dwelling purposes, it
22 shall submit to the governing body of the city, village, or county
23 creating such agency, as the case may be, or to the governing body
24 of the political subdivision which has zoning jurisdiction for the
25 site or sites of such new development, in the case of joint local
26 housing agencies, a plan indicating the general location or
27 locations and boundaries of the proposed site or sites for any of
1 such development, which plans shall be subject to the approval of
2 such governing body, and such governing body may, in its
3 discretion, submit such plan to the planning department, if any, of
4 the city, village, or county, as the case may be, for that
5 department's comments and recommendations.

6 (2) Each local housing agency shall file with the
7 governing body of the city, village, or county creating such agency
8 a copy of the five-year plan and annual plan required by section
9 511 of the Federal Quality Housing and Work Responsibility Act of
10 1998. The plans shall be filed with the governing body within
11 thirty days after the date the plan is filed with the federal
12 Department of Housing and Urban Development."

- 13 2. On page 21, line 8, strike "(27)" and insert "(28)".
- 14 3. On page 42, line 4, strike "(39)" and insert "(40)".
- 15 4. On page 43, line 5, strike "(38)" and insert "(39)";
- 16 and in line 27 strike "loans".
- 17 5. On page 45, line 24, after "(iii)" insert "To make
- 18 loans for the purpose of assisting such persons to become
- 19 homeowners or economically self-sufficient when such persons are
- 20 not otherwise qualified, or need such assistance to become
- 21 qualified, to borrow from private financial institutions;
- 22 (iv)"; and in line 26 strike "(iv)" and insert "(v)".
- 23 6. On page 46, line 2, strike "To make guarantees for
- 24 the benefit of" and insert "To make loans, including acquisition,
- 25 development, construction, and rehabilitation loans, long-term
- 26 mortgage loans, and guarantees, to or for the benefit of (i)
- 27 affiliates of the housing agency or (ii)"; in line 4 after
- 1 "for-profit," insert "in conjunction with loans provided by private
- 2 financial institutions,"; in line 17 after the second "such" insert
- 3 "repayment terms and other"; in line 18 after "concerning" insert
- 4 "loans, mortgages,"; in line 20 strike "and"; in line 21 after
- 5 "not" insert "lend its credit or"; in line 25 after the semicolon
- 6 insert "and
- 7 (g) To not make loans directly, or indirectly through a
- 8 controlled affiliate, except as provided in subdivision (25) of
- 9 this section;"; in line 26 after "(26)" insert "To forgive,
- 10 compromise, or forbear from collecting or enforcing, wholly,
- 11 partially, temporarily, or permanently, any debt or obligation owed
- 12 to the local housing agency;
- 13 (27)".
- 14 7. On page 47, line 2, strike "(27)" and insert "(28)";
- 15 and in line 18 strike "(28)" and insert "(29)".
- 16 8. On page 48, line 7, strike "(29)" and insert "(30)";
- 17 in line 9 strike "(30)" and insert "(31)"; and in line 23 strike
- 18 "(31)" and insert "(32)".
- 19 9. On page 50, line 3, strike "(32)" and insert "(33)";
- 20 and in line 20 strike "(33)" and insert "(34)".
- 21 10. On page 51, line 11, strike "(34)" and insert
- 22 "(35)"; and in line 21 strike "(35)" and insert "(36)".
- 23 11. On page 52, line 12, strike "(36)" and insert
- 24 "(37)"; and in line 19 strike "(37)" and insert "(38)".
- 25 12. On page 53, line 8, strike "(38)" and insert "(39)";
- 26 and in line 14 strike "(39)" and insert "(40)".
- 27 13. On page 54, line 1, strike "(40)" and insert "(41)";
- 1 in line 4 strike "(41)" and insert "(42)"; in line 8 strike "(42)"
- 2 and insert "(43)"; in line 19 strike "(43)" and insert "(44)"; and
- 3 in line 22 strike "(44)" and insert "(45)".
- 4 14. On page 60, line 13, strike "or" and insert a comma,
- 5 and after "revenue" insert ", or loan repayments".
- 6 15. On page 69, line 15, after "shall" insert "lend its
- 7 credit to or"; and in line 27 after "Any" insert "loan of credit,"

- 8 and after "guarantee" insert a comma.
9 16. On page 70, lines 6, 10, and 13, strike each
10 occurrence of "guarantee or suretyship" and insert "loan of credit,
11 guarantee, or suretyship".
12 17. On page 99, line 4, strike "donations or grants" and
13 insert "donations, grants, or loans".
14 18. On page 100, line 14, strike "money" and insert
15 "credit".
16 19. On page 104, line 19, strike "or covenants" and
17 after "agency" insert "or to claims, actions, or proceedings on
18 notes, guarantees, or other evidences of indebtedness".
19 20. Renumber the remaining sections and correct internal
20 references accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 99020

DATE: May 4, 1999

SUBJECT: Constitutionality Of LB 729; Whether Having The Secretary Of State Make Determinations As To The Constitutionality And Legality Of Initiative And Referendum Measures At The Beginning Of The Petition Process Violates The Nebraska Constitution.

REQUESTED BY: Senator Mark Quandahl
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

Art. III, §§ 2, 3 and 4 of the Nebraska Constitution establish the Initiative and Referendum in Nebraska, whereby the people can circulate petitions to initiate statutes or constitutional amendments and to refer certain acts of the Legislature to the voters. The Legislature has enacted a body of statutes, found at Neb. Rev. Stat. §§ 32-1401 through 32-1417 (1998), which deal generally with the form of initiative and referendum petitions and the procedures by which those matters are submitted to the people. LB 729 would amend §§ 32-1405, 32-1408 and 32-1412 in several respects to give additional duties and responsibilities to the Nebraska Secretary of State (the "Secretary") relative to the initiative and referendum process, and to allow earlier litigation of matters related to that process. You have articulated several "concerns" regarding the constitutionality of LB 729, and you have requested our opinion on the constitutionality of the bill. As discussed below, we share your concerns in several respects.

PROVISIONS OF LB 729

Section 32-1405 currently provides that, prior to obtaining any signatures on an initiative or referendum petition, a statement of the object of that petition and the text of the measure shall be filed with the Secretary together with a sworn statement containing the names and street addresses of every person, corporation or association sponsoring the petition. The Secretary then submits the initiative and referendum petition to the Revisor of Statutes who reviews the measure and suggests changes as to form and draftsmanship. Those changes are maintained as public information by the Secretary, and may be accepted or rejected by the measure's sponsor. The Secretary then prepares five camera-ready copies of the initiative or referendum petition as finalized by its sponsor, and those copies are used to print petitions for circulation among the voters of the state.

LB 729¹ would add the following language to § 32-1405:

The Secretary of State shall not accept for filing any initiative or referendum petition which (a) interferes with the legislative prerogative contained in the Constitution of Nebraska that the necessary revenue of the state and its governmental subdivisions shall be raised by taxation in the manner as the Legislature may direct, (b) does not comply with sections 32-1401 to 32-1416, (c) would violate the Constitution of the United States, (d) would violate the laws of the United States, or (e) fails to substantially comply with the procedural limitations imposed by the Constitution of Nebraska.

LB 729 would also amend § 32-1405 to add language which would allow residents of Nebraska to sue the Secretary to either require acceptance of an initiative or referendum for filing if such a measure was refused for filing under the preceding language, or to keep the Secretary from continuing the initiative or referendum process in the event that an initiative or referendum was accepted in light of the preceding language.

Section 32-1408 currently provides that the Secretary shall not accept any initiative or referendum petition for filing after it has been circulated for signatures if it "interferes with the legislative prerogative contained in the Constitution of Nebraska that the necessary revenue of the state and its governmental subdivisions shall be raised by taxation in the manner as the Legislature may direct." LB 729 would supply the following additional reasons for the Secretary to refuse to file such a circulated initiative or referendum petition for filing:

[the petition] (2) does not comply with sections 32-1401 to 32-1406, (3) would violate the Constitution of the United States, (4) would violate the

¹After discussing this matter with members of your staff, our opinion is directed to LB 729 as amended by the committee amendments which were adopted on General File. That form of the bill is reflected in AM 7124 which is on Select File, and which also incorporates the E&R Amendments.

laws of the United States, or (5) fails to substantially comply with the procedural limitations imposed by the Constitution of Nebraska.

Finally, after the Secretary has verified petition signatures and made a decision to either place an initiative or referendum on the ballot or to refuse to do so, the current version of § 32-1412 allows residents to sue the Secretary to reverse that decision. LB 729 would amend § 32-1412 to allow a suit seeking to enjoin the Secretary from placing an initiative or referendum petition on the ballot based upon the legal sufficiency of the petition to be brought after circulated initiative and referendum petitions were filed with the Secretary but before a final decision by the Secretary with respect to placing the measure on the ballot. In such a lawsuit, LB 729 would broaden the definition of "legal sufficiency" to include a consideration by the court as to whether the petition (a) interferes with the legislative prerogative contained in the Constitution of Nebraska that the necessary revenue of the state and its governmental subdivisions shall be raised by taxation in the manner as the Legislature may direct, (b) does not comply with sections 32-1401 to 32-1416, (c) would violate the Constitution of the United States, (d) would violate the laws of the United States, or (e) fails to substantially comply with the procedural limitations imposed by the Constitution of Nebraska. In instances where a resident sues to require the Secretary to place an initiative or referendum measure on the ballot, LB 729 would amend § 32-1412 to require the petition signature verification process to continue if all petition signatures had not been verified.

SEPARATION OF POWERS

As noted above, your opinion request lists several "concerns" with the constitutionality of LB 729. The first of those concerns involves art. II, § 1 of the Nebraska Constitution dealing with the distribution or separation of governmental powers. You describe this concern as follows: "[t]he bill violates the separation of powers set forth in Article II of the constitution, (by granting discretionary powers to the Secretary of State that should be reserved to the Judiciary)."

Art. II, § 1 of the Nebraska Constitution provides:

The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

The language of this section prohibits one branch of government from encroaching on the duties and prerogatives of the others, or from improperly delegating its own duties and prerogatives. *State of Nebraska ex rel. Stenberg v. Murphy*, 247 Neb. 358, 527 N.W.2d 185 (1995); *State of Nebraska ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991).

If passed, LB 729 would require the Secretary of State to make a determination in several instances as to whether a particular initiative or referendum is in violation of the Constitution of the United States or the laws of the United States in deciding whether or not to accept that initiative or referendum for filing. We assume that your concern with such a procedure under art. II, § 1 is that it appears to allow the Secretary, who is clearly an officer of the Executive Branch of government, to determine the constitutionality and legality of a particular initiative or referendum. That type of determination is normally performed by the Judicial Branch of government.²

An administrative agency can have duties of a quasi-judicial nature in addition to its rule-making duties. *Slack Nursing Home, Inc. v. Department of Social Services*, 247 Neb. 452, 528 N.W.2d 285 (1995). The conferring of executive or administrative functions requiring the exercise of quasi-judicial powers upon state agencies or officers does not conflict with the constitutional provisions regarding officers and bodies upon whom judicial power may be conferred. *Slack Nursing Home, Inc. v. Department of Social Services*, 247 Neb. 452, 528 N.W.2d 285 (1995); *Anderson v. Tiemann*, 182 Neb. 393, 155 N.W.2d 322 (1967). This is particularly true where such powers and duties relate to matters which are affected with a public interest and where, as in the present case, provision is made for appeal from decisions of such officers or agencies to the courts. *Id.*

On the other hand, administrative agencies, as a general rule, have no general judicial powers, notwithstanding the fact that they may perform some quasi-judicial duties. *State ex rel. Stenberg v. Murphy*, 247 Neb. 358, 527 N.W.2d 185 (1995); *Transport Workers of America, Local 223, AFL-CIO v. Transit Authority of the City of Omaha*, 205 Neb. 26, 286 N.W.2d 102 (1979). And, unless permitted by the Constitution, the Legislature may not authorize administrative officers or bodies to exercise powers which are essentially judicial in their nature, or to interfere with the exercise of such powers by the courts. *Id.* An example of the latter rule occurred in the *Transport Workers* case where the Nebraska Supreme Court held that entering a declaratory judgment and ordering an accounting were judicial functions which were not within the powers of the Commission of Industrial Relations. Therefore, it appears to us that the constitutionality of LB 729 under art. II, § 1 turns, at least to some extent, upon whether a determination of constitutionality by the Secretary of State in the context of accepting an initiative or referendum petition for filing is a quasi-judicial or a judicial function. After reviewing relevant authorities, we believe that a significant argument may be made in this case that a determination by the Secretary of

²We understand that you have proposed an amendment to LB 729 which would require the Secretary to transmit an initiative or referendum to this office for a determination as to whether it should be accepted for filing under the standards set out in the bill. Obviously, this would not cure a potential separation of powers problem since this office is also an Executive agency.

State regarding the constitutionality and legality of a particular initiative or referendum prior to filing it involves a judicial rather than quasi-judicial decision.

In *State ex rel. Labeledz v. Beermann*, 229 Neb. 657, 428 N.W.2d 608 (1988), the Supreme Court discussed the nature of the Secretary's duties involving a determination of the sufficiency of initiative petition signatures:

... It is clear that the secretary's determination of the sufficiency of the number of signatures collected on an initiative petition is administrative in nature, a ministerial act, and not judicial ...

An adjudicative proceeding is one in the course of which a deliberative entity hears evidence based upon which it will determine the rights of the individuals before it. By contrast, the secretary's duties and responsibilities, and those of the county election officials, are ministerial in nature, insofar as these persons do not hear evidence in the course of validating petition signatures but, rather, rely upon their own records in reaching their determination of the sufficiency of the number of signatures collected on an initiative petition.

229 Neb. 664, 665, 428 N.W.2d at 614. In addition, the Supreme Court also described a quasi-judicial proceeding as follows:

When the law commits to an officer the duty of looking into facts and action upon them, not in a way which it specifically directs, but after a discretion in its nature judicial, the function is quasi judicial.

Nebraska Mid-State Reclamation District v. Hall County, 152 Neb. 410, 429, 430, 41 N.W.2d 397, 410 (1950). Those two cases, read together, seem to indicate that a quasi-judicial proceeding occurs when an administrative agency hears evidence from or looks into facts involving parties before it, and then makes a discretionary decision based upon those facts. Such a definition would comport with the general notion of a quasi-judicial proceeding before an administrative agency such as a license revocation hearing, where the licensing agency would hear evidence regarding the activities of the license holder, and then decide whether or not to revoke the license.

Under LB 729, the Secretary would not conduct a hearing, consider his own records or other factual evidence, or make a factual determination in deciding whether or not a particular initiative or referendum should be accepted for filing prior to circulation of petitions for signature. Instead, the Secretary would simply decide whether the initiative or referendum violated the Constitution of the United States or the laws of the United States. It appears to us that such a decision would involve the Secretary in the determination of a question of law. In general, the determination of questions of law is a judicial function which cannot be exercised by executive officers. *Summerville v. Scotts Bluff County*, 182 Neb. 311, 154 N.W.2d 517 (1967); *State ex rel. Public Utility Dist. No. 1 of Okanogan County v. Dept. of*

Public Service, 21 Wash.2d 201, 150 P.2d 709 (1944); *Little v. Carter County Bd. Of Education*, 24 Tenn. App. 465, 146 S.W.2d 144 (1940); *Chester C. Fosgate Co. v. Kirkland*, 19 F. Supp. 152 (S. D. Florida 1937); 16 C.J.S. *Constitutional Law* § 219. For that reason, we believe that there is a potential problem with LB 729 under the Separation of Powers provision of the Nebraska Constitution to the extent that it authorizes the Secretary to determine questions of law in the context of deciding whether or not to accept a particular initiative or referendum for filing. That task is a judicial function which cannot be delegated to the Secretary of State.

JUSTICIABLE ISSUE/CASE OR CONTROVERSY

Your next concern with LB 729 involves the need for a justiciable issue and case or controversy in an adjudicative proceeding. You are concerned that "... the bill would require the Secretary of State to render an advisory opinion on non-justiciable issues." We presume this concern arises because LB 729 would require the Secretary to determine the constitutionality and legality of a particular initiative or referendum measure far in advance of the time that a decision was made as to whether or not the measure's supporters had gathered enough signatures to place the measure on the ballot, and far in advance of a decision by the voters to adopt the measure. As a result, the Secretary's decision could be for naught and advisory only, should sufficient petition signatures not be gathered or the measure be rejected by the voters. You are also concerned that "[t]he practical effect of the bill would be for the Secretary of State to reject all petitions in an attempt to force the court to give an advisory opinion."

While not a constitutional prerequisite for the jurisdiction of the courts, existence of an actual case or controversy is necessary for the exercise of judicial power in Nebraska. *State v. Nissen*, 252 Neb. 51, 560 N.W.2d 157 (1997). A court decides real controversies and determines rights actually controverted, and does not address or dispose of abstract questions or issues that might arise in a hypothetical setting. *Welch v. Welch*, 246 Neb. 435, 519 N.W.2d 262 (1994). Without an actual case or controversy, a court has no opportunity to exercise judicial power and in the absence of an actual dispute, a court has nothing over which to take jurisdiction. *Id.* In the context of the case or controversy doctrine, a justiciable issue requires a present, substantial controversy between the parties having adverse legal interests susceptible to immediate resolution and capable of present judicial enforcement. *Koenig v. Southeast Community College*, 231 Neb. 923, 438 N.W.2d 791 (1989).

The case or controversy doctrine is a judicial doctrine which is applicable to the exercise of judicial power. As a result, we do not believe that it applies generally to decisions which the Secretary makes as an Executive officer, and for that reason, the Legislature could impose executive duties upon the Secretary which do not require the presence of a case or controversy. On the other hand, to the extent that LB 729 requires the Secretary to engage in judicial functions by deciding questions of law as discussed above, we believe that there would have to be an actual case or controversy before the

Secretary to give him jurisdiction to make that determination. Otherwise, he could not engage in the exercise of judicial power (assuming, for a moment, that he could even constitutionally exercise that power in the first place). The Nebraska Supreme Court has indicated that a justiciable issue and an actual case or controversy cannot arise with respect to the constitutionality of an initiative or referendum measure unless and until the measure is adopted by the voters. *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996). For that reason, we do not believe that the Secretary may make a decision on the constitutionality and legality of initiative and referendum measures in the manner contemplated by LB 729 prior to the time that those measures are adopted by the people.

You are also concerned that the practical effect of the bill would be for the Secretary to reject all initiative or referendum measures in an attempt to require the courts to render an advisory opinion. In that regard, we cannot say whether the Secretary would or would not engage in such a practice. However, we do believe that it would be possible to argue that courts should not hear a case involving the constitutionality of an initiative or referendum prior to its adoption by the people, notwithstanding the procedures created by LB 729, based upon the notion that a judicial determination as to the constitutionality of the initiative or referendum under those circumstances would still involve the courts in offering an advisory opinion.

Finally, we would also note that the concluding portion of LB 729 purports to require courts to consider the constitutionality of initiative and referendum measures in certain circumstances after those measures have been filed with the Secretary for signature verification but before they have been adopted by the voters. The bill would accomplish this by broadening the definition of the court's determination of the "legal sufficiency" of an initiative or referendum measure to include a determination regarding the constitutionality of the measure along with a determination regarding the validity of petition signatures and so forth. In light of the holding in the *Duggan* case cited above, we find it likely that courts would reject this attempt to have them decide issues involving the constitutionality of initiative or referendum measures prior to adoption of those measures by the voters in the context of a challenge to the "legal sufficiency" of the petitions themselves.

FACILITATING THE OPERATION OF THE INITIATIVE AND REFERENDUM

Your final concern goes to the duty of the Legislature to facilitate the operation of the Initiative and Referendum in Nebraska in the context of legislation enacted to regulate the process. You are concerned that: "LB 729 interferes with the peoples (sic) right to petition guaranteed by Article III of the Constitution." We believe that this concern presents the most significant objection to the constitutionality of LB 729.

In Nebraska, the right of initiative is precious to the people, and a right which the courts are zealous to preserve to the fullest spirit as well as letter.

State ex rel. Brant v. Beermann, 217 Neb. 632, 350 N.W.2d 18 (1984). As a result, provisions concerning the initiative should receive a liberal construction to effectuate the policy proposed and adopted by the initiative as a part of the democratic process. *Id.* The right of initiative should not be circumscribed by restrictive legislation or narrow and strict interpretation of the statutes pertaining to its exercise. *State ex rel. Morris v. Marsh*, 183 Neb. 502, 162 N.W.2d 262 (1968). Constitutional provisions with respect to the right of initiative and referendum reserved by the people should be construed to make effective the powers reserved. *Klosterman v. Marsh*, 180 Neb. 506, 143 N.W.2d 744 (1966).

Art. III, § 4 of the Nebraska Constitution provides, in pertinent part :

The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation.

A number of Nebraska cases have dealt with statutes intended to "facilitate" the initiative and referendum process in the context of liberal construction intended to protect and preserve those rights.

First of all, laws to facilitate the operation of the initiative and referendum provisions must be reasonable, so as not to unnecessarily obstruct or impede the operation of the law. *State ex rel. Stenberg v. Beermann*, 240 Neb. 754, 485 N.W.2d 151 (1992); *State ex rel. Ayres v. Amsberry*, 104 Neb. 273, 177 N.W.2d 179 (1920). In that regard, legislation to facilitate the initiative and referendum must be such as frees the operation of the constitutional provisions from obstruction or hindrance. *State ex rel. Ayres v. Amsberry*, 104 Neb. 273, 177 N.W.2d 179 (1920). As a result, any legislation which would hamper or render ineffective the initiative or referendum power reserved to the people would be unconstitutional. *Id.* With those rules in mind, the Nebraska Supreme Court has adopted a definition and context for legislative "facilitation" of the initiative and referendum process:

We think the constitutional provision authorizing the legislature to enact laws to facilitate the operation of the initiative power means that it may enact reasonable legislation to prevent fraud or to render intelligible the purpose of the proposed law or constitutional amendment. Any legislative act which tends to insure a fair, intelligent, and impartial result on the part of the electorate may be said to facilitate the exercise of the initiative power.

State ex rel. Stenberg v. Beermann, 240 Neb. 754, 756, 756, 485 N.W.2d 151, 152 (1992) quoting *State ex rel. Winter v. Swanson*, 138 Neb. 597, 294 N.W. 200 (1940) (citations omitted). Under that definition, we do not believe that the provisions of LB 729 would "facilitate" the initiative and referendum process in at least two respects, and for that reason, the bill is of suspect constitutionality under art. III, § 4.

First of all, we do not see how having the Secretary of State determine the

constitutionality or legality of a particular initiative or referendum under the Constitution and laws of the United States prior to its circulation among the people would prevent fraud or render the initiative or referendum more intelligible. Such a determination of constitutionality would in no way go to the mechanics of the initiative or referendum process. Nor would it serve to make the initiative or referendum more understandable to Nebraska citizens.

Second, and perhaps most important, LB 729 would allow the initiative and referendum process in Nebraska to be bound up in litigation for years before the supporters of a particular initiative or referendum even had an opportunity to begin circulation of their petitions to place their measure on the ballot. Under the terms of the bill, the Secretary must make a determination regarding the constitutionality and legality of a particular initiative or referendum measure at the beginning of the initiative or referendum process, before petitions are even circulated. If he determines that a particular measure is constitutional, then opponents of that measure may sue to test his conclusion and to enjoin him from allowing the process to go forward. Conversely, if he determines that a particular measure is not constitutional, then supporters of that measure may sue to require him to accept the measure for filing. In both cases, decisions by the district court are appealable. Therefore, litigation of the questions in either case could take at least a year, and probably longer.

The Nebraska Supreme Court has noted, "[t]o preserve the full spirit of the initiative the submission of issues to the voters should not become bogged down by lengthy litigation in the courts." *State ex rel. Brant v. Beermann*, 217 Neb. 632, 636, 350 N.W.2d 18, 21 (1984). Based upon our experience over the years where we have found that placing initiative and referendum measures on the ballot frequently leads to litigation under the present system, we believe that LB 729 will in all likelihood result in litigation involving most initiative and referendum measures before proponents of the measures are even able to collect a single signature. As a result, LB 729 will cause initiative and referendum measures to become bogged down at the outset by lawsuits involving constitutional issues in the courts. For that reason, we do not believe that the bill will "facilitate" the initiative and referendum process. Under the authorities cited above, it is, therefore, probable that our courts would hold the bill to be unconstitutional.

Sincerely yours,

DON STENBERG

Attorney General

(Signed) Dale A. Comer

Assistant Attorney General

cc. Patrick O'Donnell
Clerk of the Legislature
05-70-10.14

VISITORS

Visitors to the Chamber were Sue Magness from Beatrice; 46 seniors and teacher from Syracuse High School; 52 fourth grade students and teachers from St. Gerald Elementary School, Ralston; Kathrin Baumgart from Berlin, Germany; members of the German Compound Feed Manufacturers Association from Germany; 54 fifth and sixth grade students, teachers, and principal from Grant Elementary School, Fremont; 21 high school students and teacher from Sumner-Eddyville-Miller Schools; 5 third through sixth grade students, teacher, and sponsors from District 28 Buffalo County; and Betsy Bobbenhouse from Lincoln.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mr. Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bruning, Coordsen, Jones, Lynch, D. Pederson, Vrtiska, Wehrbein, Mmes. Kiel, and Robak who are excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 100. Introduced by Suttle, 10.

PURPOSE: The purpose of this study is to determine whether the registration taxes and fees are excessive for light-duty pickups which are used for personal use compared to pickups used for commercial or business-related uses.

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

1. That a Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 101. Introduced by Suttle, 10.

PURPOSE: Under state law, the Game and Parks Commission has a broad mandate to provide a variety of services to the public and to collect fees to

cover the costs of providing those services. These services include the maintenance of a vast state park system which offers numerous kinds of services and entertainment to the public, including camping facilities, cabins, lodging, restaurants and food services, conference facilities, and an assortment of other amusements.

The purpose of this study is to examine the cash fund expenditures, appropriations, and authority given to the Game and Parks Commission and the fiscal policies developed by the commission to carry out its duties.

The committee conducting the study shall review whether the fiscal expenditures, appropriations, authority, and policies of the commission adequately and appropriately serve the public.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 176:

AM1335

- 1 1. On page 3, line 27, after the period insert "The
- 2 commission may charge a fee of no more than ten dollars for a
- 3 boating safety course required by this section.".

Messrs. Beutler and Schrock filed the following amendment to LB 176:

AM1649

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 13-2042, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 13-2042. (1) A disposal fee of one dollar and
- 5 twenty-five cents is imposed for each six cubic yards of
- 6 uncompacted solid waste, one dollar and twenty-five cents for each
- 7 three cubic yards of compacted solid waste, or one dollar and
- 8 twenty-five cents per ton of solid waste disposed of at landfills
- 9 regulated by the department. Each operator of a landfill disposal
- 10 facility shall make the fee payment quarterly. The fee shall be
- 11 paid quarterly to the department on or before the forty-fifth day
- 12 following the end of each quarter. For purposes of this section,
- 13 landfill has the same definition as municipal solid waste landfill
- 14 unit in 40 C.F.R. part 258, subpart A, section 258.2.
- 15 (2) ~~The department shall exempt a landfill operator from~~
- 16 ~~the disposal fee imposed by this section for solid waste that is~~
- 17 ~~disposed pursuant to a contract shown to have been in effect on or~~
- 18 ~~before December 15, 1991, if such contract requires the landfill~~

19 operator to dispose of solid waste without a mechanism for a price
20 increase for a period of not less than one year. Such exemption
21 shall terminate at the earlier of the following dates: (a) The date
22 such contract allows for a price increase; (b) the expiration of
23 such contract; or (c) July 1, 1994.

24 (3) Each fee payment shall be accompanied by a form
1 prepared and furnished by the department and completed by the
2 permitholder. The form shall state the total volume of solid waste
3 disposed of at that facility during the payment period and shall
4 provide any other information deemed necessary by the department.
5 The form shall be signed by the permitholder.

6 (4) (3) If a permitholder fails to make a timely payment
7 of the fee, he or she shall pay interest on the unpaid amount at
8 the rate specified in section 45-104.02, as such rate may from time
9 to time be adjusted.

10 (5) (4) This section shall not apply to a site used
11 solely for the reclamation of land through the introduction of
12 landscaping rubble or inert material.

13 (6) (5) Fifty percent of the total of such fees collected
14 in each quarter shall be remitted to the State Treasurer for credit
15 to the Integrated Solid Waste Management Cash Fund and shall be
16 used by the department to cover the direct and indirect costs of
17 regulating and monitoring facilities during and after operation of
18 facilities or performance of regulated activities under the
19 Integrated Solid Waste Management Act. Of the amount credited to
20 the Integrated Solid Waste Management Cash Fund, the department may
21 disburse amounts to political subdivisions for costs incurred in
22 response to and remediation of any solid waste disposed of or
23 abandoned at dump sites or discrete locations along public roadways
24 or ditches and on any contiguous area affected by such disposal or
25 abandonment. Such reimbursement shall be by application to the
26 department on forms prescribed by the department. The department
27 shall prepare and make available a schedule of eligible costs and
1 application procedures which may include a requirement of a
2 demonstration of preventive measures to be taken to discourage
3 future dumping. The department may not disburse to political
4 subdivisions an amount which in the aggregate exceeds five percent
5 of total revenue from the disposal fees collected pursuant to this
6 section in the preceding fiscal year. These disbursements shall be
7 made on a fiscal-year basis, and applications received after funds
8 for this purpose have been exhausted may be eligible during the
9 next fiscal year but are not an obligation of the state. Any
10 eligible costs incurred by a political subdivision which are not
11 funded due to a lack of funds shall not be considered an obligation
12 of the state. In disbursing funds under this section, the director
13 shall make efforts to ensure equal geographic distribution
14 throughout the state and may deny reimbursements in order to
15 accomplish this goal.

16 (7) (6) The remaining fifty percent of the total of such

17 fees collected per quarter shall be remitted to the State Treasurer
18 for credit to the Waste Reduction and Recycling Incentive Fund.
19 For purposes of determining the total fees collected, any amount of
20 fees rebated pursuant to section 13-2042.01 shall be included as if
21 the fees had not been rebated, and the amount of the fees rebated
22 pursuant to such section shall be deducted from the amount to be
23 credited to the Waste Reduction and Recycling Incentive Fund.

24 ~~(8)~~ (7) The council shall adopt and promulgate rules and
25 regulations for the distribution of grants under subsection ~~(7)~~ (6)
26 of this section from the proceeds of the fees imposed by this
27 section to counties, municipalities, and agencies for the purposes
1 of planning and implementing facilities and systems to further the
2 goals of the Integrated Solid Waste Management Act. The fees
3 collected pursuant to this section shall not be used as grant
4 proceeds to fund landfill closure site assessments, closure,
5 monitoring, or investigative or corrective action costs for
6 existing landfills or landfills already closed prior to July 15,
7 1992. The rules and regulations shall base the awarding of grants
8 on a project's reflection of the integrated solid waste management
9 policy and hierarchy established in section 13-2018, the proposed
10 amount of local matching funds, and community need.

11 Sec. 26. Section 81-1558, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-1558. There is hereby created within the state
14 treasury a fund to be known as the Nebraska Litter Reduction and
15 Recycling Fund. The proceeds of the fee imposed by sections
16 81-1559 to 81-1560.02, money received by the department as gifts,
17 donations, or contributions toward the goals stated in section
18 81-1535, and money received by the department for nonprofit
19 activities concerning litter reduction and recycling, including,
20 but not limited to, honoraria, literature furnished by the
21 department, and funds realized as reimbursement for expenses in
22 conducting educational forums, shall be remitted to the State
23 Treasurer for credit to such fund to be used for the administration
24 and enforcement of the Nebraska Litter Reduction and Recycling Act.
25 Any money in the fund available for investment shall be invested by
26 the state investment officer pursuant to the Nebraska Capital
27 Expansion Act and the Nebraska State Funds Investment Act. ~~On or~~
1 before December 1, 1994, and each year thereafter, the director
2 shall direct the State Treasurer to transfer all amounts remitted
3 to the department pursuant to section 81-1561, raised in the
4 previous fiscal year from the Nebraska Litter Reduction and
5 Recycling Act, which are in excess of eight hundred thousand
6 dollars to the Waste Reduction and Recycling Incentive Fund. If
7 such transfer occurs, the Waste Reduction and Recycling Incentive
8 Fund shall consist of such transfers in addition to amounts
9 credited pursuant to section 81-15,160.

10 Sec. 27. Section 81-15,160, Revised Statutes Supplement,
11 1998, is amended to read:

12 81-15,160. (1) The Waste Reduction and Recycling
13 Incentive Fund is created. The department shall deduct from the
14 fund amounts sufficient to reimburse itself for its costs of
15 administration of the fund. The fund shall be administered by the
16 Department of Environmental Quality. The fund shall consist of
17 proceeds from the fees imposed pursuant to sections 81-15,159 to
18 81-15,165 the Waste Reduction and Recycling Incentive Act.

19 (2) The fund may be used for purposes which include, but
20 are not limited to:

21 (a) Technical and financial assistance to political
22 subdivisions for creation of recycling systems and for modification
23 of present recycling systems;

24 (b) Recycling and waste reduction projects, including
25 public education, planning, and technical assistance;

26 (c) Market development for recyclable materials separated
27 by generators, including public education, planning, and technical
1 assistance;

2 (d) Capital assistance for establishing private and
3 public intermediate processing facilities for recyclable materials
4 and facilities using recyclable materials in new products;

5 (e) Programs which develop and implement composting of
6 yard waste and composting with sewage sludge;

7 (f) Technical assistance for waste reduction and waste
8 exchange for waste generators;

9 (g) Programs to assist communities and counties to
10 develop and implement household hazardous waste management
11 programs;

12 (h) Incentive grants to political subdivisions to assist
13 and encourage the closure of landfills operating without a permit,
14 the regional consolidation of solid waste disposal facilities
15 operating with a permit, and the use of transfer stations. Grants
16 awarded for programs involving land disposal shall include
17 provisions for waste reduction and recycling; and

18 (i) Capital assistance for establishing private and
19 public facilities to manufacture combustible waste products and to
20 incinerate waste to generate and recover energy resources.

21 (3) No grant shall be made under section 81-15,161 to a
22 political subdivision which operates a landfill operating without a
23 permit unless the grant will be used to meet permit standards and
24 the landfill is issued a permit within two years after the award of
25 the grant.

26 ~~(4) Priority for grants made under section 81-15,161~~
27 ~~shall be given to grant proposals that will be used for the~~
1 ~~recycling of tires or tire waste reduction~~

2 (4) Priority for grants made under section 81-15,161
3 shall be given to grant proposals that will be used for the
4 recycling of tires or tire waste reduction, except that on or
5 before June 1, 2001, up to one million dollars will be available
6 for scrap tire projects only, if acceptable scrap tire project

7 applications are received. Eligible categories of disbursement may
8 include:

9 (a) Studies to determine economic and technical
10 feasibility of uses of scrap tires or tire-derived product, with
11 disbursements of up to one hundred percent of the cost of the
12 study;

13 (b) Reimbursement for the purchase of crumb rubber
14 generated and used in Nebraska, with disbursements not to exceed
15 fifty percent of the cost of the crumb rubber;

16 (c) Reimbursement for the purchase of tire-derived
17 product which utilizes a minimum of twenty-five percent recycled
18 tire content, with disbursements not to exceed twenty-five percent
19 of the product's retail cost;

20 (d) Participation in the capital costs of building,
21 equipment, and other capital improvement needs or startup costs for
22 scrap tire processing or manufacturing of tire-derived product,
23 with disbursements not to exceed fifty percent of such costs or
24 five hundred thousand dollars, whichever is less;

25 (e) Participation in the capital costs of building,
26 equipment, or other startup costs needed to establish collection
27 sites or to collect and transport scrap tires, with disbursements
1 not to exceed fifty percent of such costs;

2 (f) Cost-sharing for the manufacturing of tire-derived
3 product, with disbursements not to exceed twenty dollars per ton or
4 two hundred fifty thousand dollars, whichever is less, to any
5 person annually;

6 (g) Cost-sharing for the processing of scrap tires, with
7 disbursements not to exceed twenty dollars per ton or two hundred
8 fifty thousand dollars, whichever is less, to any person annually;
9 and

10 (h) Cost-sharing for the use of scrap tires for civil
11 engineering applications for specified projects, with disbursements
12 not to exceed twenty dollars per ton or two hundred fifty thousand
13 dollars, whichever is less, to any person annually.

14 The director shall give preference to projects which
15 utilize scrap tires generated and used in Nebraska.

16 (5) The department may disburse (a) to any person up to
17 one hundred percent of the costs incurred in cleaning up scrap tire
18 collection sites existing on June 11, 1997, if application for such
19 cleanup is submitted prior to June 1, 1999, and the cleanup is
20 completed by September 1, 2000, or (b) to a political subdivision
21 up to one hundred percent of costs incurred in cleaning up
22 collection sites if application for such cleanup is submitted prior
23 to June 1, 1999, and the cleanup is completed by September 1, 2000.

24 (6) Priority for grants made under section 81-15.161
25 shall be given to grant proposals demonstrating a formal
26 public/private partnership except for grants awarded from funds
27 collected under subsection (6) of section 13-2042.

1 (7) Grants awarded from fees collected under subsection

2 (6) of section 13-2042 may be renewed for up to a five-year grant
3 period. Such applications shall include an updated solid waste
4 management plan pursuant to section 13-2032. Annual disbursements
5 are subject to available funds and the grantee meeting established
6 grant conditions. Priority for such grants shall be given to grant
7 proposals showing regional participation and programs which address
8 the first waste management hierarchy as stated in section 13-2018
9 which shall include toxicity reduction. Disbursements for any one
10 year shall not exceed fifty percent of the total funds collected
11 after rebates under subsection (6) of section 13-2042 during that
12 year. ; except that on or before June 30, 1999, grant proposals
13 that will be used for the recycling of tires or tire waste
14 reduction shall be submitted and considered under section
15 81-15,162.02 and shall not be funded from the Waste Reduction and
16 Recycling Incentive Fund.

17 (5) (8) The Department of Environmental Quality may
18 receive gifts, bequests, and any other contributions for deposit in
19 the fund. Any money in the fund available for investment shall be
20 invested by the state investment officer pursuant to the Nebraska
21 Capital Expansion Act and the Nebraska State Funds Investment Act.

22 Sec. 28. Section 81-15,162, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-15,162. (1) Commencing October 1, 1990, there is
25 hereby imposed a fee of one dollar on each tire of every new motor
26 vehicle, trailer, or semitrailer sold at retail in this state.
27 Such fee shall be collected by the county treasurer at the time of
1 registration of the motor vehicle, trailer, or semitrailer and
2 remitted to the Department of Revenue.

3 (2) Commencing October 1, 1990, there is hereby imposed a
4 fee of one dollar on every tire sold at retail in this state,
5 including every farm tractor tire, which tires are not on a motor
6 vehicle, trailer, or semitrailer pursuant to subsection (1) of this
7 section. Such fee shall be collected from the purchaser by the
8 tire retailer at the time of purchase and shall be remitted to the
9 Department of Revenue.

10 (3) For purposes of this section, tire shall have the
11 definition found in section 81-15,159.02 and shall include a
12 pneumatic and solid tire but shall not include a recapped or
13 regrooved tire.

14 (4) Subject to section 81-15,165:

15 (a) On or before June 30, 1999, the fees remitted to the
16 Department of Revenue under this section shall be remitted to the
17 State Treasurer for credit to the Scrap Tire Reduction and
18 Recycling Incentive Fund; and

19 (b) After June 30, 1999, the fees remitted to the
20 Department of Revenue under this section along with any unobligated
21 balance in the Scrap Tire Reduction and Recycling Incentive Fund
22 shall be remitted to the State Treasurer for credit to the Waste
23 Reduction and Recycling Incentive Fund. Fees collected in excess

24 of one million dollars shall be available for grants to political
 25 subdivisions under rules and regulations adopted pursuant to
 26 subsection (7) of section 13-2042.

27 Sec. 30. Original sections 13-2042, 81-1558, and
 1 81-15,162, Reissue Revised Statutes of Nebraska, and section
 2 81-15,160, Revised Statutes Supplement, 1998, are repealed.

3 Sec. 31. Since an emergency exists, this act takes
 4 effect when passed and approved according to law."

5 2. Correct the operative date section so that the
 6 sections added by this amendment become operative on their
 7 effective date with the emergency clause.

8 3. Renumber the remaining sections and correct internal
 9 references accordingly.

Mr. Smith filed the following amendment to LB 105:
 AM1648

(Amendments to Standing Committee amendments, AM1282)

1 1. On page 11, line 26, strike "other" through "income"
 2 and insert "whose income does not exceed one hundred percent of the
 3 median income in counties having a population in excess of thirty
 4 thousand inhabitants or one hundred twenty-five percent of the
 5 median income in other counties of the state".

6 2. On page 12, line 22, after "exceed" insert "eighty
 7 percent of".

8 3. On page 66, line 17, strike "who" through "income"
 9 and insert "whose income does not exceed one hundred percent of the
 10 median income in counties having a population in excess of thirty
 11 thousand inhabitants or one hundred twenty-five percent of the
 12 median income in other counties of the state".

SELECT FILE

LEGISLATIVE BILL 594. E & R amendment, AM7120, printed separately and referred to on page 1486, was adopted.

Mrs. Bohlke renewed her pending amendment, AM1277, found on page 1612.

The Bohlke amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Dierks withdrew his amendment, AM1366, printed separately and referred to on page 1679.

Mr. Jensen withdrew his amendment, AM1475, found on page 1709.

Mr. Jensen asked unanimous consent to replace his pending amendment, AM1490, printed separately and referred to on page 1720, with a substitute amendment. No objections. So ordered.

Mr. Jensen withdrew his amendment, AM1490, printed separately and referred to on page 1720.

Mr. Jensen renewed his substitute pending amendment, AM1603, printed separately and referred to on page 1821.

The Jensen amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Mrs. Suttle and Mr. Jensen withdrew their amendment, AM1506, printed separately and referred to on page 1720.

Mrs. Suttle and Mr. Jensen renewed their pending amendment, AM1589, found on page 1815.

The Suttle-Jensen amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Landis offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1640.)

The Landis amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 594A. Mr. Lynch renewed his pending amendment, AM1270, found on page 1633.

The Lynch amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Jensen and Mrs. Bohlke offered the following amendment:
AM1486

- 1 1. Insert the following new sections:
- 2 "Sec. 3. The General Fund appropriation to the
- 3 Department of Health and Human Services Finance and Support, for
- 4 Program 348, is hereby reduced by \$211,785 for FY1999-00 and by
- 5 \$214,298 for FY2000-01. The Federal Funds appropriation to the
- 6 Department of Health and Human Services Finance and Support, for
- 7 Program 348, is hereby reduced by \$164,576 for FY1999-00 and by
- 8 \$165,827 for FY2000-01.
- 9 Sec. 4. Since an emergency exists, this act takes effect
- 10 when passed and approved according to law."

The Jensen-Bohlke amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LR 5CA:
AM0500

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. At the general election in November 2000 the
4 following proposed amendment to the Constitution of Nebraska shall
5 be submitted to the electors of the State of Nebraska for approval
6 or rejection:

7 To amend Article III, section 7:
8 III-7 'At the general election to be held in November
9 1964, one-half the members of the Legislature, or as nearly thereto
10 as may be practicable, shall be elected for a term of four years
11 and the remainder for a term of two years, and thereafter all
12 members shall be elected for a term of four years, with the manner
13 of such election to be determined by the Legislature. When the
14 Legislature is redistricted, the members elected prior to the
15 redistricting shall continue in office, and the law providing for
16 such redistricting shall ~~where~~ when necessary specify the newly
17 established district which they shall represent for the balance of
18 their term. Each member shall be nominated and elected in a
19 nonpartisan manner and without any indication on the ballot that he
20 or she is affiliated with or endorsed by any political party or
21 organization. Each member of the Legislature shall receive a
22 salary of ~~not to exceed one thousand dollars per month during the~~
23 ~~term of his or her office~~ one thousand dollars per month increased
24 to reflect cost-of-living increases from 1988 through 2000 and
1 beginning in 2001 and each year thereafter, if there is a
2 cost-of-living increase for the year, the annual salary shall be
3 increased by the percentage of the cost-of-living increase. The
4 salary shall be paid monthly. In addition to his or her salary,
5 each member shall receive an amount equal to his or her actual
6 expenses in traveling by the most usual route once to and returning
7 from each regular or special session of the Legislature. Members
8 of the Legislature shall receive no pay nor perquisites other than
9 ~~his or her salary~~ their salaries and expenses, and employees of the
10 Legislature shall receive no compensation other than their ~~salary~~
11 salaries or per diem diems.'.

12 Sec. 2. The proposed amendment shall be submitted to the
13 electors in the manner prescribed by the Constitution of Nebraska,
14 Article XVI, section 1, with the following ballot language:

15 'A constitutional amendment to change the salary limit
16 for members of the Legislature.
17 For
18 Against'.

RESOLUTIONS

LEGISLATIVE RESOLUTION 102. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24.

PURPOSE: LB 488 and LB 785 introduced in 1999 were presented before the Natural Resources Committee. The purpose of LB 488 is to give natural resources districts the authority to establish flood plain management corridors. The purpose of LB 785 is to give natural resources districts the authority to deny water well applications if the well would be used to irrigate lands that are highly erodable unless the applicant would agree to implement and maintain a soil conservation plan to prevent such erosion. Both of these bills deal with the natural resources districts and propose additional authority restricting land use.

The Natural Resources Committee believes it is in the best interest of the State of Nebraska that it conducts a study addressing both of these issues.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 103. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should consider revising the Property and Casualty Insurance Rate and Form Act to provide for alternative regulatory requirements for insurers.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 104. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study issues regarding the Comprehensive Health Insurance Pool (CHIP). The study should include an examination of alternative funding sources, the method for establishing the

annual premium rate, benefit provisions, provider reimbursement methodology, and cost containment strategies.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 105. Introduced by Stuhr, 24.

WHEREAS, Kimberly Daake of Utica, Nebraska, received the Girl Scouts of America Gold Award; and

WHEREAS, this award exemplifies the ideals of Girl Scouting, community service, ingenuity, dedication, and hard work; and

WHEREAS, Kimberly Daake planned and implemented a Girl Scout Gold Award Project that required at least fifty hours of work and resulted in a public library for Utica, Nebraska; and

WHEREAS, Kimberly Daake completed the five requirements of this award, all of which demand efficient organizational, time management, and leadership skills.

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

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

Laid over.

LEGISLATIVE RESOLUTION 106. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24; and Beutler, 28.

PURPOSE: During the 1999 legislative session, the Natural Resources Committee heard testimony on LB 747. The committee decided that it would be most appropriate to conduct an interim study on the issue raised by LB 747. LB 747 would require the Legislature to designate certain streams or rivers or segments thereof as state protected rivers and also established criteria for qualification of any such stream, river, or segments.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 107. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24; and Wickersham, 49; C. Peterson, 35.

PURPOSE: During the 1999 legislative session, LB 338, LB 671, and LB 672 were all discussed by the Natural Resources Committee. Each of these bills either deals with a water banking or water leasing concept. The Legislature finds that it is beneficial to study these issues in depth, recognizing the importance of water and water allocation to the entire state.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 44. Mr. Chambers withdrew his amendment, AM1313, found on page 1522.

Mr. Chambers offered the following amendment:

AM1657

1. Insert the following new section:

2. "Sec. 2. Any law enforcement agency that receives money, property, or proceeds of property that has been forfeited to the United States and transferred to the law enforcement agency under federal law shall prepare a report at the end of its fiscal year of the money, property, and proceeds received from the United States under federal forfeiture law. The report shall be given to the Clerk of the Legislature within sixty days after the end of the agency's fiscal year. Any money, property, or proceeds of property seized by a law enforcement agency which is forfeited to the United States and returned to the law enforcement agency under federal law shall be subject to Article VII, section 5, of the Constitution of Nebraska and sections 28-1439.02 to 28-1439.05."

2. Renumber the remaining section accordingly.

PRESIDENT MAURSTAD PRESIDING

Mrs. Crosby and Mr. Dickey asked unanimous consent to be excused until

they return. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Bromm requested a division of the question on the Chambers amendment.

The Chair sustained the division of the question.

The first Chambers amendment is as follows:

FA190

Any money, property, or proceeds of property

- 10 seized by a law enforcement agency which is forfeited to the United
11 States and returned to the law enforcement agency under federal law
12 shall be subject to Article VII, section 5, of the Constitution of
13 Nebraska and sections 28-1439.02 to 28-1439.05."

- 14 2. Renumber the remaining section accordingly.

Mr. Bromm offered the following amendment to the first Chambers amendment:

FA192

Amend FA190

Strike the original amendment and insert:

"No state law enforcement agency shall utilize the procedures for forfeiture instituted by the Federal Government."

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

MS. SCHIMEK PRESIDING

Mr. D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Natural Resources Commission

Roger Korell

Wayne Madsen

Jim VanMarter

VOTE: Aye: Senators Bromm, Hudkins, Jones, Preister, Schrock, and Stuhr.
Nay: None. Absent: Senators Bohlke and Bruning.

(Signed) Ed Schrock, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 108. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24; and Thompson, 14.

PURPOSE: During the 1999 legislative session, LB 639 was presented before the Natural Resources Committee. The committee believes that it would be in the best interest of the State of Nebraska to study the issue presented by LB 639. Under LB 639, a single Department of Natural Resources, headed by a single appointed individual and guided by a council, would be created. The newly created department would be the result of a merger of the Department of Environmental Quality, the Department of Agriculture, the Department of Water Resources, and the Nebraska Natural Resources Commission.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING Government, Military and Veterans Affairs

Tuesday, May 18, 1999

12:45 p.m.

Nebraska State Emergency Response Commission

Fred Hlava

Richard Klauz

Keith Mueller

Florian Paskevic

John Steinauer

Nebraska Accountability and Disclosure Commission

John Bergmeyer

Nancy Reckewey

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENTS - Print in Journal

Mrs. Stuhr filed the following amendment to LB 605:
AM1586

(Amendments to AM1380)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. This act becomes operative on October 1, 1999.
- 3 Sec. 6. The following sections are outright repealed:
- 4 Sections 66-1343 and 66-1347, Reissue Revised Statutes of
- 5 Nebraska."
- 6 2. On page 2, line 18, strike "During" and insert
- 7 "Beginning June 1, 2000, during"; in line 19 strike "also"; and in
- 8 line 26 before "first" insert "by at least two million gallons".
- 9 3. On page 3, line 5, strike "paid" and insert
- 10 "allowed"; strike beginning with the last comma in line 18 through
- 11 "period" in line 19; strike beginning with "subsections" in line 21
- 12 through "Revenue" in line 23 and insert "subsection (1) of this
- 13 section"; in line 24 strike "six" and insert "two"; in line 25
- 14 after "capacity" insert "as certified by the facility's design
- 15 engineer to the Department of Revenue,"; in line 26 after "gallon"
- 16 insert "of ethanol produced"; and strike line 27 and insert
- 17 "produces at least one hundred".
- 18 4. On page 4, line 1, strike "for" and insert "during";
- 19 strike beginning with the first comma in line 11 through line 12
- 20 and insert ", 2001. For this subsection, maximized benefits means
- 21 receipt of a total of twenty-five million dollars or more in
- 22 credits for which the facility was otherwise eligible under
- 23 subsection (1) of this section on or before December 31, 2000"; in
- 1 line 25 strike "credits" and insert "credit"; strike beginning with
- 2 "subsections" in line 25 through "(4)" in line 26 and insert
- 3 "subsection (3)"; and in line 26 strike ", and the" and insert "
- 4 Not more than ten million gallons of ethanol produced during the
- 5 entire period specified shall be eligible for the credit described
- 6 in subsection (4) of this section. The".
- 7 5. On page 5, line 5, after "An" insert "ethanol
- 8 facility which receives credits for ethanol produced under
- 9 subsection (1) or (2) of this section shall not receive credits
- 10 under subsection (3) or (4) of this section until its eligibility
- 11 to receive credits under subsection (1) or (2) has been completed.
- 12 Upon completion of its eligibility, an"; in line 12 after the first
- 13 "the" insert "aggregate"; and in lines 12 and 13 strike "each
- 14 applicant" and insert "all applicants".
- 15 6. On page 7, lines 11 and 12; and page 8, line 14,
- 16 strike "quarter", show as stricken, and insert "month".
- 17 7. On page 7, line 26; and page 8, lines 7 and 8, strike
- 18 ", 1999, and 2000", show as stricken, and insert "through 2004".
- 19 8. On page 7, line 27, strike "December 31," and show as
- 20 stricken.
- 21 9. On page 8, line 1, strike "2003" and all amendments

22 thereto and insert "June 30, 2004"; and in line 16 after "(4)"
 23 insert "The board shall monitor all receipts to and reimbursements
 24 from the Ethanol Production Incentive Cash Fund and notify the
 25 Department of Revenue prior to the beginning of the fiscal year in
 26 which the board projects that there will be insufficient funds
 27 available within the fund to satisfy all valid ethanol production
 1 credit claims submitted pursuant to section 66-1344.
 2 (5)".

Mr. Bromm filed the following amendment to LB 44:

FA191

Amend FA189

Line 7, after law by inserting the words "and the utilization of such money, property and proceeds".

Messrs. Landis, D. Pederson, Byars, Kristensen, Smith, Schrock, Dierks, Cudaback, and Mrs. C. Peterson filed the following amendment to LB 271:
 AM1492

(Amendments to E & R amendments, AM7122)

- 1 1. On page 4, line 20, after "property" insert ", or
 2 property leased at fair market value.".
- 3 2. On page 11, line 6, after "property" insert "(a)";
 4 and in line 7 after "77-202" insert "or (b) upon which a payment in
 5 lieu of taxes has been paid".
- 6 3. On page 12, line 5, after "Nebraska" insert "and
 7 subdivision (1)(b) of section 77-202".

GENERAL FILE

LEGISLATIVE BILL 683. Title read. Considered.

Mrs. Thompson offered the following amendment:

AM1651

- 1 1. Insert the following new sections:
- 2 "Section 1. The Department of Health and Human Services
 3 shall plan, develop, and construct a new secure juvenile
 4 correctional facility in the metropolitan Omaha area for chronic
 5 and serious juvenile offenders and juvenile offenders who are at
 6 risk of flight.
- 7 Sec. 2. The Juvenile Correctional Facilities Improvement
 8 Fund is created. The fund shall contain such revenue as deposited
 9 under section 77-2602. The Department of Health and Human Services
 10 shall use the fund to develop the secure juvenile correctional
 11 facility and improve existing juvenile correctional facilities.
 12 Any money in the fund available for investment shall be invested by
 13 the state investment officer pursuant to the Nebraska Capital
 14 Expansion Act and the Nebraska State Funds Investment Act."
- 15 2. On page 2, strike beginning with "thirty-four" in
 16 line 9 through "package" in line 10, show as stricken, and insert

17 "thirty-seven cents per package commencing July 1, 1999, until July
 18 1, 2002, and thirty-four cents per package on and after July 1,
 19 2002"; and in line 23 strike "thirty-four", show as stricken, and
 20 insert "thirty-seven until July 1, 2002, and by thirty-four on and
 21 after July 1, 2002".

22 3. On page 4, line 25, strike "and" and show as
 23 stricken.

24 4. On page 5, line 4, before the period insert "; and
 1 (g) Seventh, beginning July 1, 1999, and continuing until
 2 July 1, 2002, the State Treasurer shall place the equivalent of
 3 three cents of such tax in the Juvenile Correctional Facilities
 4 Improvement Fund to be used for the development of the secure
 5 juvenile correctional facility and for the improvement of existing
 6 juvenile correctional facilities"; in line 7 strike "and" and show
 7 as stricken; in line 8 after "Fund" insert ", and the Juvenile
 8 Correctional Facilities Improvement Fund"; in line 27 strike "and"
 9 and show as stricken; and in line 28 after "Fund" insert ", and (g)
 10 the Juvenile Correctional Facilities Improvement Fund".

11 5. On page 6, line 2, strike "(f)", show as stricken,
 12 and insert "(g)".

13 6. Renumber the remaining sections accordingly.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hilgert offered the following amendment to the Thompson amendment: AM1664

(Amendments to AM1651)

1 1. Strike amendment 2 and insert the following new
 2 amendments:

3 "2. On page 2, line 16, strike "2009", show as stricken,
 4 and insert '1999'; and in line 18 after the period insert
 5 'Commencing July 1, 1999, and continuing until July 1, 2002, the
 6 State Treasurer shall place the equivalent of eighteen cents of
 7 such tax less three million dollars each fiscal year of proceeds of
 8 such tax in the General Fund. Commencing July 1, 2002, and
 9 continuing until July 1, 2009, the State Treasurer shall place the
 10 equivalent of twenty-one cents of such tax less three million
 11 dollars each fiscal year of proceeds of such tax in the General
 12 Fund.'

13 3. On page 3, lines 5 and 15; and page 4, lines 1 and
 14 19, strike 'twenty-one-cent'."

15 2. Renumber the remaining amendments accordingly.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Thompson moved the previous question. The question is, "Shall the debate now close?" The motion failed with 8 ayes, 5 nays, and 36 not voting.

Mr. Hilgert withdrew his amendment.

Mrs. Thompson withdrew her amendment.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

MESSAGE FROM THE GOVERNOR

May 5, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 722, 738, 753, 755, 759, 776, 778, 781, 800, 806, 150, 242, 242A, 78, 205, 299, 496, 539, 559, 704, and 704A were received in my office on April 29, 1999.

These bills were signed by me on May 5, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

AMENDMENTS - Print in Journal

Mr. Tyson filed the following amendment to LB 105:
AM1661

(Amendments to Standing Committee amendments, AM1282)

- 1 1. On page 2, line 24, strike "acting" through "and" and
- 2 insert "and local housing agencies acting"; and in line 25 after
- 3 "enterprises" insert "and failing that, then local housing agencies
- 4 may act alone".
- 5 2. On page 4, line 25, before the first "to" insert "to
- 6 the private sector of the economy,"; and after the first "agencies"
- 7 insert an underscored comma; and in line 27 after the first "to"
- 8 insert "jointly or separately".
- 9 3. On page 5, line 9, after "agencies" insert "and
- 10 private entities".
- 11 4. On page 8, line 5, after "section" insert "when local
- 12 housing agencies have identified through their planning process
- 13 that the private sector has not fulfilled the housing demand for
- 14 low and moderate income sectors of the market".
- 15 5. On page 38, line 25, after "designees" insert "if the
- 16 witness or holder of records has consented in writing or as part of

17 a contract agreement with the local housing agency to allow the
18 same".

19 6. On page 82, line 7, after the period insert "Such
20 plan shall describe each new housing development and specific
21 projects by unique name and by the number of units to be created,
22 unit size, and units to be specifically designed for the elderly or
23 handicapped, proposed sources of funds, and those projects which
1 are to have mixed incomes and those which are to have mixed uses.
2 Also if any supportive services and programs are to provided to
3 persons of eligible income and qualified tenants, such services and
4 programs are to be identified with each associated project. All
5 mixed-income and mixed-use projects shall include a market study of
6 the residential housing of the appropriate area of operation in
7 sufficient detail to justify any such new development or housing
8 project contained in the current-year plan as well as any
9 requirement of the Nebraska Investment Finance Authority or the
10 Department of Economic Development in providing assistance to such
11 project."

12 7. On page 83, line 26, after "person" insert "and no
13 right to restitution for any actions taken in furtherance of a new
14 development or project without having first complied with sections
15 77 and 93 of this act".

16 8. On page 101, after line 16, insert the following new
17 subsection:

18 "(3) In connection with the limitations to the
19 commencement of a new mixed-income housing project or mixed-use
20 developments pursuant to sections 77 and 93 of this act or to
21 promote cooperation as required by section 93 of this act, a
22 private person or entity may bring an action to enforce such
23 sections in the courts of this state and if it is found that the
24 requirements of such sections have not been met, such private
25 person or entity may be entitled to relief which may include,
26 without limitation, the award of monetary damages, specific
27 performance, and mandamus and other injunctive relief."

1 9. On page 104, line 17, after the period insert "If a
2 claim is denied in whole or in part after a hearing as set forth in
3 this subsection, the claimant may appeal to the district court of
4 the appropriate area of operation. The court may award costs to
5 include attorney's fees to the prevailing party in any such
6 appeal."

Mr. Bromm filed the following amendment to LB 271:
AM1656

(Amendments to E & R amendments, AM7122)

1 1. On page 4, line 17, after the period insert "Property
2 owned by the state or its governmental subdivisions that is not
3 within the boundaries of, or the area served by, the state or
4 governmental subdivision owning the property shall not be
5 considered property used for a public purpose and shall be subject
6 to taxation."

Mr. Wickersham filed the following amendment to LB 142:
AM1525

(Amendments to E & R amendments, AM7091)

- 1 1. On page 1, line 21, after the comma insert "local
- 2 school system".
- 3 2. On page 2, line 1, after "the" insert "local school
- 4 system or"; and in line 7 after the period insert "The amount
- 5 allocated to a local school system shall be distributed to school
- 6 districts in the same manner as property taxes".

MESSAGE FROM THE GOVERNOR

May 4, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Commission of Industrial Relations:

APPOINTEE:

Jeffrey L. Orr, 1708 W. 35th, Kearney, NE 68847

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

GENERAL FILE

LEGISLATIVE BILL 816. Title read. Considered.

The Standing Committee amendment, AM1115, printed separately and referred to on page 1347, was considered.

Mrs. Bohlke renewed her pending amendment, AM1317, found on page 1807, to the Standing Committee amendment.

The Bohlke amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Bohlke offered the following amendment to the Standing Committee amendment:
AM1655

(Amendments to AM1317)

- 1 1. On page 2, line 2, strike "Institutions" and insert
- 2 "Out-of-state institutions of higher education".

The Bohlke amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

MR. COORDSEN PRESIDING

Advanced to E & R for review with 27 ayes, 3 nays, 14 present and not voting, and 5 excused and not voting.

Mrs. Kiel asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 127. Title read. Considered.

Advanced to E & R for review with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 538. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 240. Title read. Considered.

The Standing Committee amendment, AM0487, found on page 942, was considered.

Mr. Jensen offered the following amendment to the Standing Committee amendment:
AM1662

(Amendments to Standing Committee amendments, AM0487)

- 1 1. On page 1, line 9, after "court" insert "in a form as
- 2 developed by the state board in consultation with representatives
- 3 of entities required to make such reports"; and in line 20 strike
- 4 "as necessary".
- 5 2. On page 2, strike lines 4 through 9 and insert:
- 6 "(e) Agency or other entity having custody of the child;
- 7 (f) Case worker; and
- 8 (g) Permanency Plan Objective.".

MR. WICKERSHAM PRESIDING

The Jensen amendment was adopted with 25 ayes, 0 nays, 20 present and not

voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Engel withdrew the Engel et al. amendment, AM0487, found on page 761.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 18CA. Read. Considered.

Messrs. Dierks and Schmitt asked unanimous consent to be excused. No objections. So ordered.

MR. COORDSEN PRESIDING

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Schrock moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Ms. Redfield requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 29:

Beutler	Chambers	Hilgert	Peterson, C.	Schrock
Bohlke	Connealy	Janssen	Preister	Suttle
Bourne	Coordsen	Kremer	Price	Thompson
Brashear	Cudaback	Kristensen	Raikes	Wehrbein
Brown	Engel	Landis	Robak	Wickersham
Byars	Hartnett	Matzke	Schimek	

Voting in the negative, 12:

Baker	Hudkins	Pederson, D.	Redfield	Stuhr
Bromm	Jensen	Quandahl	Smith	Tyson
Crosby	Jones			

Present and not voting, 1:

Dickey

Excused and not voting, 7:

Bruning	Kiel	Pedersen, Dw.	Schmitt	Vrtiska
Dierks	Lynch			

Advanced to E & R for review with 29 ayes, 12 nays, 1 present and not voting, and 7 excused and not voting.

VISITORS

Visitors to the Chamber were 40 fourth grade students from Arbor Park, Blair; Amanda and Linda Crandall from California; members of the Scottsbluff-Gering Chamber of Commerce; and 10 kindergarten through eighth grade students and teachers from Antioch.

ADJOURNMENT

At 7:44 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, May 6, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SEVENTH DAY – MAY 6, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 6, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Ray Avidona, Congregational United Church of Christ, Neligh and Park Congregational United Church of Christ.

ROLL CALL

The roll was called and all members were present except Messrs. Preister and Vrtiska who were excused; and Messrs. Engel, Landis, Lynch, Mmes. Kiel, and C. Peterson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 6, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Downey, Robert A. (Withdrawn 05/03/1999) - Lincoln; Capital Humane Society (Withdrawn 05/03/1999)
Pappas, James E. - Lincoln; UNO Faculty

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)

State Revolving Fund Revenue Bonds, Series 1996, Quarterly Report

State Revolving Fund Revenue Bonds, Series 1998, Quarterly Report

Revenue, Department ofReport of Examination of State of Nebraska Auditor of Public Accounts
for year ended June 30, 1998**Roads, Department of**

State Highway Commission Quarterly Report

MOTION - Approve Appointments

Mr. Hilgert moved the adoption of the report of the Business and Labor Committee for the following appointments found on page 1825: Robert Hill, Thomas Hix, and Bill Yates - Boiler Safety Code Advisory Board.

Voting in the affirmative, 30:

Baker	Connealy	Hudkins	Pedersen, Dw.	Schmitt
Beutler	Crosby	Janssen	Pederson, D.	Schrock
Bourne	Cudaback	Jensen	Price	Stuhr
Bromm	Dickey	Jones	Redfield	Thompson
Brown	Dierks	Kremer	Robak	Tyson
Bruning	Hilgert	Matzke	Schimek	Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 11:

Bohlke	Coordsen	Kristensen	Raikes	Suttle
Brashear	Hartnett	Quandahl	Smith	Wickersham
Byars				

Excused and not voting, 7:

Engel	Landis	Peterson, C.	Preister	Vrtiska
Kiel	Lynch			

The appointments were confirmed with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

MOTION - Return LB 813 to Select File

Mrs. Bohlke moved to return LB 813 to Select File for her specific amendment, FA186, found on page 1831.

Mrs. Bohlke withdrew her motion to return.

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 813 with 37 ayes, 2 nays, 4 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 813. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 43-2505, 48-304, 79-318, 79-492, 79-556, 79-557, 79-558, 79-602, 79-803, 79-1063, 79-1145, 79-1188, 79-1601, and 79-1602, Reissue Revised Statutes of Nebraska, and sections 13-509, 72-801, 79-101, 79-472, 79-479, 79-4108, 79-528, 79-540, 79-758, 79-1003, 79-1007.02, 79-1009, 79-1016, 79-1022, 79-1024, 79-1026, 79-1027, 79-1027.01, 79-1029, 79-1072.01, 79-1083.02, 79-1083.03, 79-1090, 79-10110, 79-10124, 79-1110, 79-1113, 79-1118.01, 79-1128, 79-1135, 79-1138, 79-1140, 79-1142, 79-1144, 79-1148, 79-1155, 79-1156, 79-1157, 79-1167, 79-1185, 79-11109, 79-11110, 81-1108.22, and 85-607, Revised Statutes Supplement, 1998; to change and eliminate provisions relating to certification of property valuation, student employment certificates, boundary changes, annual and special meetings, pupil transportation vehicle inspection stickers, quality education incentives eligibility, net option funding, state aid payments, budget restrictions and reductions, temporary mitigation funds, environmental hazard abatement or accessibility barrier elimination levies, Class I district building funds, and election statements filed by certain nonpublic schools as prescribed; to define and redefine terms and eliminate definitions; to provide, change, and eliminate powers and duties of the State Board of Education, the State Department of Education, the Commissioner of Education, unified systems, school boards, and high school districts; to rename the Nebraska School for the Visually Handicapped; to provide for the Nebraska Center for the Education of Children who are Blind or Visually Impaired; to eliminate expired provisions and provisions relating to program expansion, budgets, reimbursement, identification, and placement changes in the Special Education Act and provisions relating to the Nebraska School for the Deaf; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 79-1141, 79-1186, 79-11112, 79-11116, 79-11117, 79-11118, 79-11120, and 90-118, Reissue Revised Statutes of Nebraska, and sections 79-1134, 79-1198, 79-11111, 79-11113, 79-11114, 79-11115, and 79-11119, Revised Statutes Supplement, 1998; 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, 44:

Baker	Chambers	Hilgert	Pederson, D.	Schrock
Beutler	Connealy	Hudkins	Peterson, C.	Smith
Bohlke	Coordsen	Janssen	Price	Stuhr
Bourne	Crosby	Jensen	Quandahl	Suttle
Brashear	Cudaback	Jones	Raikes	Thompson
Bromm	Dickey	Kremer	Redfield	Tyson
Brown	Dierks	Kristensen	Robak	Wehrbein
Bruning	Engel	Matzke	Schimek	Wickersham
Byars	Hartnett	Pedersen, Dw.	Schmitt	

Voting in the negative, 0.

Excused and not voting, 5:

Kiel	Landis	Lynch	Preister	Vrtiska
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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 548.

A BILL FOR AN ACT relating to medicaid; to provide for funding for medicaid administrative activities; to state intent; to provide powers and duties; to provide a duty for the Revisor of Statutes; and to provide operative dates.

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:

Baker	Chambers	Hilgert	Pedersen, Dw.	Schmitt
Beutler	Connealy	Hudkins	Pederson, D.	Schrock
Bohlke	Coordsen	Janssen	Peterson, C.	Smith
Bourne	Crosby	Jensen	Price	Stuhr
Brashear	Cudaback	Jones	Quandahl	Suttle
Bromm	Dickey	Kremer	Raikes	Thompson
Brown	Dierks	Kristensen	Redfield	Tyson
Bruning	Engel	Landis	Robak	Wehrbein
Byars	Hartnett	Matzke	Schimek	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Kiel Lynch Preister Vrtiska

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

LEGISLATIVE BILL 548A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 548, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Chambers	Hilgert	Pederson, D.	Schrock
Beutler	Connealy	Hudkins	Peterson, C.	Smith
Bohlke	Coordsen	Janssen	Price	Stuhr
Bourne	Crosby	Jensen	Quandahl	Suttle
Brashear	Cudaback	Jones	Raikes	Thompson
Bromm	Dickey	Kremer	Redfield	Tyson
Brown	Dierks	Landis	Robak	Wehrbein
Bruning	Engel	Matzke	Schimek	Wickersham
Byars	Hartnett	Pedersen, Dw.	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 4:

Kiel Lynch Preister Vrtiska

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

MOTION - Return LB 530 to Select File

Mr. Chambers moved to return LB 530 to Select File for the following specific amendment:

FA194

Strike the enacting clause.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 530. With Emergency.

A BILL FOR AN ACT relating to the Central Interstate Low-Level Radioactive Waste Compact; to withdraw from the compact; to outright repeal section 71-3521, 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, 32:

Beutler	Dickey	Jones	Price	Smith
Bourne	Dierks	Kremer	Redfield	Stuhr
Bruning	Engel	Kristensen	Robak	Suttle
Byars	Hartnett	Landis	Schimek	Tyson
Connealy	Hilgert	Pedersen, Dw.	Schmitt	Wehrbein
Coorsen	Hudkins	Peterson, C.	Schrock	Wickersham
Cudaback	Janssen			

Voting in the negative, 12:

Baker	Brown	Jensen	Pederson, D.	Raikes
Brashear	Chambers	Matzke	Quandahl	Thompson
Bromm	Crosby			

Excused and not voting, 5:

Bohlke	Kiel	Lynch	Preister	Vrtiska
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Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 33:

Beutler	Dickey	Jensen	Price	Smith
Bourne	Dierks	Jones	Redfield	Stuhr
Bruning	Engel	Kremer	Robak	Suttle
Byars	Hartnett	Kristensen	Schimek	Tyson
Connealy	Hilgert	Landis	Schmitt	Wehrbein
Coorsen	Hudkins	Pedersen, Dw.	Schrock	Wickersham
Cudaback	Janssen	Peterson, C.		

Voting in the negative, 11:

Baker	Brown	Crosby	Pederson, D.	Raikes
Brashear	Chambers	Matzke	Quandahl	Thompson
Bromm				

Excused and not voting, 5:

Bohlke	Kiel	Lynch	Preister	Vrtiska
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 687. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend section 23-2310, Reissue Revised Statutes of Nebraska, and sections 23-2331, 84-1311, and 84-1331, Revised Statutes Supplement, 1998; to change provisions relating to employer account investment options; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Baker	Connealy	Hudkins	Pedersen, Dw.	Schmitt
Beutler	Coordsen	Janssen	Pederson, D.	Schrock
Bourne	Crosby	Jensen	Peterson, C.	Smith
Brashear	Cudaback	Jones	Price	Stuhr
Bromm	Dickey	Kiel	Quandahl	Suttle
Brown	Dierks	Kremer	Raikes	Thompson
Bruning	Engel	Kristensen	Redfield	Tyson
Byars	Hartnett	Landis	Robak	Wehrbein
Chambers	Hilgert	Matzke	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 4:

Bohlke	Lynch	Preister	Vrtiska
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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 687A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 687, Ninety-sixth Legislature, First Session, 1999; 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:

Baker	Connealy	Hudkins	Pedersen, Dw.	Schmitt
Beutler	Coordsen	Janssen	Pederson, D.	Schrock
Bourne	Crosby	Jensen	Peterson, C.	Smith
Brashear	Cudaback	Jones	Price	Stuhr
Bromm	Dickey	Kiel	Quandahl	Suttle
Brown	Dierks	Kremer	Raikes	Thompson
Bruning	Engel	Kristensen	Redfield	Tyson
Byars	Hartnett	Landis	Robak	Wehrbein
Chambers	Hilgert	Matzke	Schimek	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

Messrs. Jones, Bromm, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 623.

A BILL FOR AN ACT relating to the criminal procedure; to authorize the use of audiovisual court appearances and written arraignments by a detainee or prisoner.

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:

Baker	Brown	Connealy	Dickey	Hilgert
Beutler	Bruning	Coordsen	Dierks	Hudkins
Bourne	Byars	Crosby	Engel	Janssen
Brashear	Chambers	Cudaback	Hartnett	Jensen

Kiel	Pedersen, Dw.	Redfield	Schrock	Thompson
Kremer	Pederson, D.	Robak	Smith	Tyson
Kristensen	Price	Schimek	Stuhr	Wehrbein
Landis	Quandahl	Schmitt	Suttle	Wickersham
Matzke	Raikes			

Voting in the negative, 0.

Excused and not voting, 7:

Bohlke	Jones	Peterson, C.	Preister	Vrtiska
Bromm	Lynch			

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

LEGISLATIVE BILL 740.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska; to change provisions relating to trustees; 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, 37:

Baker	Coordsen	Janssen	Pedersen, Dw.	Schrock
Beutler	Crosby	Jensen	Pederson, D.	Smith
Bourne	Dickey	Kiel	Price	Stuhr
Brashear	Dierks	Kremer	Quandahl	Suttle
Bruning	Engel	Kristensen	Redfield	Thompson
Byars	Hartnett	Landis	Robak	Tyson
Chambers	Hilgert	Matzke	Schmitt	Wickersham
Connealy	Hudkins			

Voting in the negative, 1:

Schimek

Present and not voting, 4:

Brown	Cudaback	Raikes	Wehrbein
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Excused and not voting, 7:

Bohlke	Jones	Peterson, C.	Preister	Vrtiska
Bromm	Lynch			

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

MOTION - Return LB 331 to Select File

Mr. Landis moved to return LB 331 to Select File for his specific amendment, AM1540, found on page 1755.

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

SELECT FILE

LEGISLATIVE BILL 331. The Landis specific amendment, AM1540, found on page 1755, was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 404 to Select File

Mr. Beutler moved to return LB 404 to Select File for the following specific amendment:

FA193

1. On page 3 strike the sentences beginning on line 25 through the end of the page and
2. Strike subsection (3) of Section 22

Mr. Beutler withdrew his motion to return.

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 404 with 35 ayes, 1 nay, 5 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 404. With Emergency.

A BILL FOR AN ACT relating to cervine animals; to amend sections 37-411, 37-465, and 54-701.03, Reissue Revised Statutes of Nebraska; to

adopt the Domesticated Cervine Animal Act; to eliminate the Domesticated Cervine Animal Registry; to provide penalties; to harmonize provisions; to repeal the original sections; to outright repeal section 54-2301, 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, 41:

Baker	Coorsden	Hudkins	Pedersen, Dw.	Schrock
Beutler	Crosby	Janssen	Pederson, D.	Smith
Bourne	Cudaback	Jensen	Price	Stuhr
Brashear	Dickey	Kiel	Quandahl	Suttle
Brown	Dierks	Kremer	Raikes	Thompson
Bruning	Engel	Kristensen	Redfield	Tyson
Byars	Hartnett	Landis	Schimek	Wehrbein
Chambers	Hilgert	Matzke	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Excused and not voting, 8:

Bohlke	Jones	Peterson, C.	Robak	Vrtiska
Bromm	Lynch	Preister		

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 bill was read and put upon final passage:

LEGISLATIVE BILL 404A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 404, Ninety-sixth Legislature, First Session, 1999; 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, 40:

Beutler	Bruning	Coorsden	Dierks	Hudkins
Bourne	Byars	Crosby	Engel	Janssen
Brashear	Chambers	Cudaback	Hartnett	Jensen
Brown	Connealy	Dickey	Hilgert	Kiel

Kremer	Pedersen, Dw.	Raikes	Schrock	Thompson
Kristensen	Pederson, D.	Redfield	Smith	Tyson
Landis	Price	Schimek	Stuhr	Wehrbein
Matzke	Quandahl	Schmitt	Suttle	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Baker

Excused and not voting, 8:

Bohlke	Jones	Peterson, C.	Robak	Vrtiska
Bromm	Lynch	Preister		

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 LB 805A to Select File

Mr. Kristensen moved to return LB 805A to Select File for the following Kristensen-Wehrbein-Hartnett specific amendment:

FA195

On page 2, line 11, strike "July" and insert "September"

The Kristensen motion to return prevailed with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 805A. The Kristensen et al. specific amendment, FA195, found in this day's Journal, was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Bruning filed the following amendments to LB 76:
AM1443

(Amendments to E & R amendments, AM7128)

1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 "Section 1. Section 29-3001, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 29-3001. A prisoner in custody under sentence and
6 claiming a right to be released on the ground that there was such a
7 denial or infringement of the rights of the prisoner as to render
8 the judgment void or voidable under the Constitution of this state
9 or the Constitution of the United States, may file a verified
10 motion at any time within five years after the sentencing date in
11 the court which imposed such sentence, stating the grounds relied
12 upon, and asking the court to vacate or set aside the sentence. A
13 prisoner may file only three petitions pursuant to this section
14 within the five-year period which alleges any and all grounds upon
15 which relief may be granted. A fourth or subsequent petition for
16 postconviction relief may not be filed or heard by the court
17 regardless of whether it is based on the same or different grounds
18 from the first petition, unless the petition involves the potential
19 innocence of the prisoner.

20 Unless the motion and the files and records of the case
21 show to the satisfaction of the court that the prisoner is entitled
22 to no relief, the court shall cause notice thereof to be served on
23 the county attorney, grant a prompt hearing thereon, determine the
1 issues and make findings of fact and conclusions of law with
2 respect thereto. If the court finds that there was such a denial
3 or infringement of the rights of the prisoner as to render the
4 judgment void or voidable under the Constitution of this state or
5 the Constitution of the United States, the court shall vacate and
6 set aside the judgment and shall discharge the prisoner or
7 resentence him or grant a new trial as may appear appropriate.
8 Proceedings under the provisions of sections 29-3001 to 29-3004
9 shall be civil in nature. Costs shall be taxed as in habeas corpus
10 cases.

11 A court may entertain and determine such motion without
12 requiring the production of the prisoner, whether or not a hearing
13 is held. Testimony of the prisoner or other witnesses may be
14 offered by deposition. ~~The court need not entertain a second~~
15 ~~motion or successive motions for similar relief on behalf of the~~
16 ~~same prisoner.~~

17 Sec. 2. Original section 29-3001, Reissue Revised
18 Statutes of Nebraska is repealed."

AM1442

(Amendments to E & R amendments, AM7128)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 29-2532, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-2532. (1)(a) Until January 1, 2001, the ~~The~~ mode of
6 inflicting the punishment of death, in all cases, shall be by
7 causing to pass through the body of the convicted person a current

8 of electricity of sufficient intensity to cause death; and the
9 application of such current shall be continued until such convicted
10 person is dead.

11 (b) On and after January 1, 2001, the mode of inflicting
12 the punishment of death shall be by a continuous, intravenous
13 administration of a lethal quantity of an ultra-short-acting
14 barbiturate in connection with a chemical paralytic agent and an
15 agent to cause cardiac arrest into the body of the convicted person
16 until death occurs. The person administering the injection need
17 not be a physician, registered nurse, or licensed practical nurse,
18 licensed or registered under the laws of this state or any other
19 state. The infliction of the punishment of death by lethal
20 injection shall not be construed to be the practice of medicine,
21 and any pharmacist or pharmaceutical supplier may supply the
22 necessary drugs as needed and without prescription to the warden.
23 The warden of the Nebraska Penal and Correctional Complex, and in
1 case of his or her death, sickness, absence or inability to act,
2 then the deputy warden, shall be the executioner. ~~The ; PROVIDED;~~
3 the warden may in writing specially designate and appoint a
4 suitable and competent person to act for him or her, and under his
5 or her direction, as executioner in any particular case. A crime
6 punishable by death must be punished according to the provisions
7 herein made and not otherwise.

8 Sec. 2. Section 29-2533, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 29-2533. When any person shall be sentenced to ~~be~~
11 ~~electrocuted death~~, such punishment shall be inflicted within the
12 walls of the Department of Correctional Services adult correctional
13 facility, or within the yard or enclosure adjacent thereto, under
14 the supervision of the warden and in such a manner as to exclude
15 the view of all persons save those permitted to be present as
16 provided in sections 29-2534 and 29-2535.

17 Sec. 3. Section 29-2542, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 29-2542. If any person who has been convicted of a crime
20 punishable by death, and sentenced to ~~be electrocuted death~~, shall
21 escape, and shall not be retaken before the time fixed for his or
22 her execution, it shall be lawful for the warden, or any sheriff or
23 other officer or person to rearrest such person and return him or
24 her to the custody of the warden of the Nebraska Penal and
25 Correctional Complex, who shall thereupon make return thereof to
26 the Governor of the state, and the Governor shall thereupon issue a
27 warrant, fixing and appointing a day for the execution, which shall
1 be carried into effect by the warden in the same manner as herein
2 provided for the execution of an original sentence of death.

3 Sec. 4. Section 29-2543, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-2543. Whenever any person has been tried and
6 convicted before any district court in this state of a crime

7 punishable by death and under the conviction has been sentenced by
8 the court to suffer death, it shall be the duty of the clerk of the
9 court before which the conviction was had to issue a warrant, under
10 the seal of the court, reciting therein the conviction and sentence
11 directed to the warden of the Nebraska Penal and Correctional
12 Complex, commanding him or her to proceed at the time named in the
13 sentence to carry the same into execution by causing the person so
14 convicted and sentenced to be ~~electrocuted~~ put to death by the
15 passage of an electric current through the body until dead means
16 set forth in section 29-2532. The clerk shall deliver the warrant
17 to the sheriff of the county in which conviction was had and such
18 sheriff shall thereupon forthwith remove such convicted person to a
19 Department of Correctional Services adult correctional facility of
20 the state and there deliver him or her, together with the warrant,
21 into the custody of the warden who shall receive and safely keep
22 such convict within a Department of Correctional Services adult
23 correctional facility until the time of execution or until
24 otherwise ordered by competent authority.
25 Sec. 5. Original sections 29-2532, 29-2533, 29-2542, and
26 29-2543, Reissue Revised Statutes of Nebraska, are repealed."

Mr. Wickersham filed the following amendment to LB 605:
AM1628

(Amendments to AM1380)

- 1 1. Insert the following new section:
2 "Sec. 4. Section 66-1345.02, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 66-1345.02. (1) The first purchaser, at the time of sale
5 or delivery, shall retain the excise tax as provided in section
6 66-1345.01 and shall maintain the necessary records of the excise
7 tax for each sale or delivery of corn or grain sorghum. Records
8 maintained by the first purchaser shall provide (a) the name and
9 address of the seller or deliverer, (b) the date of the sale or
10 delivery, (c) the number of bushels of corn or hundredweight of
11 grain sorghum sold or delivered, and (d) the amount of excise tax
12 retained on each sale or delivery. The records shall be open for
13 inspection and audit by authorized representatives of the
14 Department of Agriculture during normal business hours observed by
15 the first purchaser.
16 (2) The first purchaser shall render and have on file
17 with the department by the last day of each January, April, July,
18 and October on forms prescribed by the department a statement of
19 the number of bushels of corn and hundredweight of grain sorghum
20 sold or delivered in Nebraska. At the time the statement is filed,
21 the first purchaser shall pay and remit to the department the
22 excise tax.
23 (3) The department shall remit the excise tax collected
1 to the State Treasurer for credit to the Ethanol Production
2 Incentive Cash Fund within thirty days after the end of each
3 quarter.

- 4 (4) For each fiscal year beginning with fiscal year
 5 1995-96 through fiscal year ~~2000-01~~ 1999-00, the department shall
 6 calculate its costs in collecting and enforcing the excise tax
 7 imposed by section 66-1345.01 and shall report such costs to the
 8 Department of Administrative Services within thirty days after the
 9 end of the fiscal year. Sufficient funds to cover such costs shall
 10 be transferred from the Ethanol Production Incentive Cash Fund to
 11 the Management Services Expense Revolving Fund at the end of each
 12 calendar quarter. Funds shall be transferred upon the receipt of a
 13 report of costs incurred by the Department of Agriculture for the
 14 previous calendar quarter by the Department of Administrative
 15 Services."
 16 2. On page 9, strike beginning with "For" in line 5
 17 through the period in line 8.
 18 3. On page 10, line 18, strike "66-1345.01" and insert
 19 "66-1345.02".
 20 4. Renumber the remaining section accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Orr, Jeffrey L. - Commission of Industrial Relations -- Business and Labor

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB 530.

(Signed) Adrian M. Smith, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 813, 548, 548A, 530, 687, 687A, 623, 740, 404, and 404A.

GENERAL FILE

LEGISLATIVE RESOLUTION 4CA. Read. Considered.

MR. CUDABACK PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Baker asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmitt moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Dickey asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 5CA. Read. Considered.

The Standing Committee amendment, AM0908, found on page 1194, was considered.

Messrs. Dickey, Tyson, Quandahl, and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen renewed his pending amendment, AM0500, found on page 1881.

Mr. Kristensen withdrew his amendment.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Messrs. Smith and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 489, 630A, 663, 664, 805, 805A, 860, 873, 876, 877, 878, 879, 880, and 882.

Enrollment and Review Change to LB 489

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

ER9078

1. On page 1, line 5, ", authorization to operate, accreditation, and agent's permits; to create a fund" has been inserted after "fees".

Enrollment and Review Change to LB 878

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

ER9077

1. In the Wehrbein amendment, AM1527, section 52 has been renumbered as section 56.
2. In the Standing Committee amendments, AM1216:
 - a. On page 17, line 25; and page 18, line 7, a comma has been after "Program";
 - b. On page 27, line 20, "(3250)" has been inserted after "Fund";
 - c. On page 32, line 14, "problems" has been inserted after "safety"; and
 - d. On page 35, line 1, "FY2014-2015" has been struck and "FY2014-15" inserted.

Enrollment and Review Change to LB 879

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

ER9076

1. In the Wehrbein amendment, AM1615, section 59 has been renumbered as section 56.
2. In the E & R amendments, AM7135, on page 1, line 13, the second comma has been struck and a semicolon inserted; and in line 18, "85," has been inserted after the fourth comma.
3. In the Standing Committee amendments, AM1203, on page 73, line 20, the last comma has been struck and a semicolon inserted.

(Signed) Adrian M. Smith, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 6, 1999, at 11:25 a.m., were the following bills: LBs 813, 548, 548A, 687, 687A, 623, 740, 404, 404A, and 530.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARING
Transportation

Thursday, May 13, 1999
Nebraska Motor Vehicle Industry Licensing Board
Paula Wolfson-Kessler

8:45 a.m.

(Signed) Curt Bromm, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 76A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 76, Ninety-sixth Legislature, First Session, 1999.

GENERAL FILE

LEGISLATIVE BILL 176. Mrs. Bohlke asked unanimous consent to replace her pending amendment, AM1320, found on page 1532 and considered on page 1860, with a substitute amendment. No objections. So ordered.

Mrs. Bohlke withdrew her amendment, AM1320, found on page 1532.

Mr. Hilgert offered the following Smith substitute amendment:
AM1682

- 1 1. On page 2, line 7, strike "inboard vessel" and insert
- 2 "motorboat"; and in line 10 strike "vessel" and insert
- 3 "watercraft".
- 4 2. On page 3, strike beginning with "a" in line 22
- 5 through "person" in line 25 and insert "he or she".
- 6 3. On page 4, strike beginning with the period in line 3
- 7 through "if" in line 6 and insert "unless".

The Smith amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Messrs. Chambers, Brashear, and Jensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Schrock withdrew his amendment, AM1145, printed separately and referred to on page 1464.

Mr. Tyson withdrew his amendment, AM1293, found on page 1532.

Mr. Bromm withdrew his amendment, AM1335, found on page 1873.

Messrs. Beutler and Schrock withdrew their amendment, AM1649, found on page 1873.

Mr. Hilgert offered the following amendment:

AM1686

- 1 1. On page 2, line 7, strike "inboard vessel" and insert
- 2 "motorboat"; and in line 10 strike "vessel" and insert
- 3 "watercraft".
- 4 2. On page 3, lines 1, 7, 13, and 21, strike "personal
- 5 watercraft" and insert "motorboat"; in line 14 strike "watercraft"
- 6 and insert "motorboat"; strike beginning with "a" in line 22
- 7 through "if" in line 25; in line 25 after "has" insert
- 8 "successfully"; and strike beginning with "and" in line 26 through
- 9 "certificate" in line 27.
- 10 3. On page 4, line 2, strike "personal watercraft" and
- 11 insert "motorboat"; strike beginning with the period in line 3
- 12 through "if" in line 6 and insert "unless"; and strike line 7 and
- 13 insert "has successfully completed a boating safety course approved
- 14 by the commission as required under section 8 of this act."

Mr. Hilgert moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Hilgert amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Beutler moved to suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM1688 to LB 176.

The Beutler motion to suspend the rules prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Messrs. Beutler, Schrock, and Connealy offered the following amendment:
AM1688

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 13-2042, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 13-2042. (1) A disposal fee of one dollar and
- 5 twenty-five cents is imposed for each six cubic yards of
- 6 uncompacted solid waste, one dollar and twenty-five cents for each
- 7 three cubic yards of compacted solid waste, or one dollar and
- 8 twenty-five cents per ton of solid waste disposed of at landfills
- 9 regulated by the department. Each operator of a landfill disposal
- 10 facility shall make the fee payment quarterly. The fee shall be
- 11 paid quarterly to the department on or before the forty-fifth day

12 following the end of each quarter. For purposes of this section,
13 landfill has the same definition as municipal solid waste landfill
14 unit in 40 C.F.R. part 258, subpart A, section 258.2.

15 (2) The department shall exempt a landfill operator from
16 the disposal fee imposed by this section for solid waste that is
17 disposed pursuant to a contract shown to have been in effect on or
18 before December 15, 1991, if such contract requires the landfill
19 operator to dispose of solid waste without a mechanism for a price
20 increase for a period of not less than one year. Such exemption
21 shall terminate at the earlier of the following dates: (a) The date
22 such contract allows for a price increase; (b) the expiration of
23 such contract; or (c) July 1, 1994.

24 (3) Each fee payment shall be accompanied by a form
1 prepared and furnished by the department and completed by the
2 permitholder. The form shall state the total volume of solid waste
3 disposed of at that facility during the payment period and shall
4 provide any other information deemed necessary by the department.
5 The form shall be signed by the permitholder.

6 (4) (3) If a permitholder fails to make a timely payment
7 of the fee, he or she shall pay interest on the unpaid amount at
8 the rate specified in section 45-104.02, as such rate may from time
9 to time be adjusted.

10 (5) (4) This section shall not apply to a site used
11 solely for the reclamation of land through the introduction of
12 landscaping rubble or inert material.

13 (6) (5) Fifty percent of the total of such fees collected
14 in each quarter shall be remitted to the State Treasurer for credit
15 to the Integrated Solid Waste Management Cash Fund and shall be
16 used by the department to cover the direct and indirect costs of
17 regulating and monitoring facilities during and after operation of
18 facilities or performance of regulated activities under the
19 Integrated Solid Waste Management Act. Of the amount credited to
20 the Integrated Solid Waste Management Cash Fund, the department may
21 disburse amounts to political subdivisions for costs incurred in
22 response to and remediation of any solid waste disposed of or
23 abandoned at dump sites or discrete locations along public roadways
24 or ditches and on any contiguous area affected by such disposal or
25 abandonment. Such reimbursement shall be by application to the
26 department on forms prescribed by the department. The department
27 shall prepare and make available a schedule of eligible costs and
1 application procedures which may include a requirement of a
2 demonstration of preventive measures to be taken to discourage
3 future dumping. The department may not disburse to political
4 subdivisions an amount which in the aggregate exceeds five percent
5 of total revenue from the disposal fees collected pursuant to this
6 section in the preceding fiscal year. These disbursements shall be
7 made on a fiscal-year basis, and applications received after funds
8 for this purpose have been exhausted may be eligible during the
9 next fiscal year but are not an obligation of the state. Any

10 eligible costs incurred by a political subdivision which are not
11 funded due to a lack of funds shall not be considered an obligation
12 of the state. In disbursing funds under this section, the director
13 shall make efforts to ensure equal geographic distribution
14 throughout the state and may deny reimbursements in order to
15 accomplish this goal.

16 (7) (6) The remaining fifty percent of the total of such
17 fees collected per quarter shall be remitted to the State Treasurer
18 for credit to the Waste Reduction and Recycling Incentive Fund.
19 For purposes of determining the total fees collected, any amount of
20 fees rebated pursuant to section 13-2042.01 shall be included as if
21 the fees had not been rebated, and the amount of the fees rebated
22 pursuant to such section shall be deducted from the amount to be
23 credited to the Waste Reduction and Recycling Incentive Fund.

24 (8) (7) The council shall adopt and promulgate rules and
25 regulations for the distribution of grants under subsection (7) (6)
26 of this section from the proceeds of the fees imposed by this
27 section to counties, municipalities, and agencies for the purposes
1 of planning and implementing facilities and systems to further the
2 goals of the Integrated Solid Waste Management Act. The fees
3 collected pursuant to this section shall not be used as grant
4 proceeds to fund landfill closure site assessments, closure,
5 monitoring, or investigative or corrective action costs for
6 existing landfills or landfills already closed prior to July 15,
7 1992. The rules and regulations shall base the awarding of grants
8 on a project's reflection of the integrated solid waste management
9 policy and hierarchy established in section 13-2018, the proposed
10 amount of local matching funds, and community need.

11 Sec. 26. Section 81-1558, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-1558. There is hereby created within the state
14 treasury a fund to be known as the Nebraska Litter Reduction and
15 Recycling Fund. The proceeds of the fee imposed by sections
16 81-1559 to 81-1560.02, money received by the department as gifts,
17 donations, or contributions toward the goals stated in section
18 81-1535, and money received by the department for nonprofit
19 activities concerning litter reduction and recycling, including,
20 but not limited to, honoraria, literature furnished by the
21 department, and funds realized as reimbursement for expenses in
22 conducting educational forums, shall be remitted to the State
23 Treasurer for credit to such fund to be used for the administration
24 and enforcement of the Nebraska Litter Reduction and Recycling Act.
25 Any money in the fund available for investment shall be invested by
26 the state investment officer pursuant to the Nebraska Capital
27 Expansion Act and the Nebraska State Funds Investment Act. ~~On or~~
1 before December 1, 1994, and each year thereafter, the director
2 shall direct the State Treasurer to transfer all amounts remitted
3 to the department pursuant to section 81-1561, raised in the
4 previous fiscal year from the Nebraska Litter Reduction and

5 Recycling Act, which are in excess of eight hundred thousand
6 dollars to the Waste Reduction and Recycling Incentive Fund. If
7 such transfer occurs, the Waste Reduction and Recycling Incentive
8 Fund shall consist of such transfers in addition to amounts
9 credited pursuant to section 81-15,160.

10 Sec. 27. Section 81-15,160, Revised Statutes Supplement,
11 1998, is amended to read:

12 81-15,160. (1) The Waste Reduction and Recycling
13 Incentive Fund is created. The department shall deduct from the
14 fund amounts sufficient to reimburse itself for its costs of
15 administration of the fund. The fund shall be administered by the
16 Department of Environmental Quality. The fund shall consist of
17 proceeds from the fees imposed pursuant to sections 81-15,159 to
18 81-15,165 the Waste Reduction and Recycling Incentive Act.

19 (2) The fund may be used for purposes which include, but
20 are not limited to:

21 (a) Technical and financial assistance to political
22 subdivisions for creation of recycling systems and for modification
23 of present recycling systems;

24 (b) Recycling and waste reduction projects, including
25 public education, planning, and technical assistance;

26 (c) Market development for recyclable materials separated
27 by generators, including public education, planning, and technical
1 assistance;

2 (d) Capital assistance for establishing private and
3 public intermediate processing facilities for recyclable materials
4 and facilities using recyclable materials in new products;

5 (e) Programs which develop and implement composting of
6 yard waste and composting with sewage sludge;

7 (f) Technical assistance for waste reduction and waste
8 exchange for waste generators;

9 (g) Programs to assist communities and counties to
10 develop and implement household hazardous waste management
11 programs;

12 (h) Incentive grants to political subdivisions to assist
13 and encourage the closure of landfills operating without a permit,
14 the regional consolidation of solid waste disposal facilities
15 operating with a permit, and the use of transfer stations. Grants
16 awarded for programs involving land disposal shall include
17 provisions for waste reduction and recycling; and

18 (i) Capital assistance for establishing private and
19 public facilities to manufacture combustible waste products and to
20 incinerate waste to generate and recover energy resources.

21 (3) No grant shall be made under section 81-15,161 to a
22 political subdivision which operates a landfill operating without a
23 permit unless the grant will be used to meet permit standards and
24 the landfill is issued a permit within two years after the award of
25 the grant.

26 (4) Priority for grants made under section 81-15,161

27 shall be given to grant proposals that will be used for the
1 recycling of tires or tire waste reduction

2 (4) Priority for grants made under section 81-15,161
3 shall be given to grant proposals that will be used for the
4 recycling of tires or tire waste reduction, except that on or
5 before June 1, 2002, up to one million dollars will be available
6 for scrap tire projects only, if acceptable scrap tire project
7 applications are received. Eligible categories of disbursement may
8 include:

9 (a) Studies to determine economic and technical
10 feasibility of uses of scrap tires or tire-derived product, with
11 disbursements of up to one hundred percent of the cost of the
12 study;

13 (b) Reimbursement for the purchase of crumb rubber
14 generated and used in Nebraska, with disbursements not to exceed
15 fifty percent of the cost of the crumb rubber;

16 (c) Reimbursement for the purchase of tire-derived
17 product which utilizes a minimum of twenty-five percent recycled
18 tire content, with disbursements not to exceed twenty-five percent
19 of the product's retail cost;

20 (d) Participation in the capital costs of building,
21 equipment, and other capital improvement needs or startup costs for
22 scrap tire processing or manufacturing of tire-derived product,
23 with disbursements not to exceed fifty percent of such costs or
24 five hundred thousand dollars, whichever is less;

25 (e) Participation in the capital costs of building,
26 equipment, or other startup costs needed to establish collection
27 sites or to collect and transport scrap tires, with disbursements
1 not to exceed fifty percent of such costs;

2 (f) Cost-sharing for the manufacturing of tire-derived
3 product, with disbursements not to exceed twenty dollars per ton or
4 two hundred fifty thousand dollars, whichever is less, to any
5 person annually;

6 (g) Cost-sharing for the processing of scrap tires, with
7 disbursements not to exceed twenty dollars per ton or two hundred
8 fifty thousand dollars, whichever is less, to any person annually;
9 and

10 (h) Cost-sharing for the use of scrap tires for civil
11 engineering applications for specified projects, with disbursements
12 not to exceed twenty dollars per ton or two hundred fifty thousand
13 dollars, whichever is less, to any person annually.

14 The director shall give preference to projects which
15 utilize scrap tires generated and used in Nebraska.

16 (5) The department may disburse (a) to any person up to
17 one hundred percent of the costs incurred in cleaning up scrap tire
18 collection sites existing on June 11, 1997, if application for such
19 cleanup is submitted prior to June 1, 1999, and the cleanup is
20 completed by September 1, 2000, or (b) to a political subdivision
21 up to one hundred percent of costs incurred in cleaning up

22 collection sites if application for such cleanup is submitted prior
23 to June 1, 1999, and the cleanup is completed by September 1, 2000.

24 (6) Priority for grants made under section 81-15.161
25 shall be given to grant proposals demonstrating a formal
26 public/private partnership except for grants awarded from funds
27 collected under subsection (6) of section 13-2042.

1 (7) Grants awarded from fees collected under subsection
2 (6) of section 13-2042 may be renewed for up to a five-year grant
3 period. Such applications shall include an updated solid waste
4 management plan pursuant to section 13-2032. Annual disbursements
5 are subject to available funds and the grantee meeting established
6 grant conditions. Priority for such grants shall be given to grant
7 proposals showing regional participation and programs which address
8 the first waste management hierarchy as stated in section 13-2018
9 which shall include toxicity reduction. Disbursements for any one
10 year shall not exceed fifty percent of the total funds collected
11 after rebates under subsection (6) of section 13-2042 during that
12 year. ; except that on or before June 30, 1999, grant proposals
13 that will be used for the recycling of tires or tire waste
14 reduction shall be submitted and considered under section
15 81-15,162.02 and shall not be funded from the Waste Reduction and
16 Recycling Incentive Fund.

17 ~~(5)~~ (8) The Department of Environmental Quality may
18 receive gifts, bequests, and any other contributions for deposit in
19 the fund. Any money in the fund available for investment shall be
20 invested by the state investment officer pursuant to the Nebraska
21 Capital Expansion Act and the Nebraska State Funds Investment Act.

22 Sec. 28. Section 81-15,162, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-15,162. (1) Commencing October 1, 1990, there is
25 hereby imposed a fee of one dollar on each tire of every new motor
26 vehicle, trailer, or semitrailer sold at retail in this state.
27 Such fee shall be collected by the county treasurer at the time of
1 registration of the motor vehicle, trailer, or semitrailer and
2 remitted to the Department of Revenue.

3 (2) Commencing October 1, 1990, there is hereby imposed a
4 fee of one dollar on every tire sold at retail in this state,
5 including every farm tractor tire, which tires are not on a motor
6 vehicle, trailer, or semitrailer pursuant to subsection (1) of this
7 section. Such fee shall be collected from the purchaser by the
8 tire retailer at the time of purchase and shall be remitted to the
9 Department of Revenue.

10 (3) For purposes of this section, tire shall have the
11 definition found in section 81-15,159.02 and shall include a
12 pneumatic and solid tire but shall not include a recapped or
13 regrooved tire.

14 (4) Subject to section 81-15,165:

15 (a) On or before June 30, 1999, the fees remitted to the
16 Department of Revenue under this section shall be remitted to the

17 State Treasurer for credit to the Scrap Tire Reduction and
 18 Recycling Incentive Fund; and
 19 (b) After June 30, 1999, the fees remitted to the
 20 Department of Revenue under this section along with any unobligated
 21 balance in the Scrap Tire Reduction and Recycling Incentive Fund
 22 shall be remitted to the State Treasurer for credit to the Waste
 23 Reduction and Recycling Incentive Fund. Fees collected in excess
 24 of one million dollars shall be available for grants to political
 25 subdivisions under rules and regulations adopted pursuant to
 26 subsection (7) of section 13-2042.

27 Sec. 30. Original sections 13-2042, 81-1558, and
 1 81-15,162, Reissue Revised Statutes of Nebraska, and section
 2 81-15,160, Revised Statutes Supplement, 1998, are repealed.

3 Sec. 31. Since an emergency exists, this act takes
 4 effect when passed and approved according to law."

5 2. Correct the operative date section so that the
 6 sections added by this amendment become operative on their
 7 effective date with the emergency clause.

8 3. Renumber the remaining sections and correct internal
 9 references accordingly.

The Beutler et al. amendment was adopted with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

Mrs. C. Peterson moved to reconsider the vote on AM1686.

The C. Peterson motion to reconsider prevailed with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

Mr. Hilgert withdrew his reconsidered amendment, AM1686, found in this day's Journal.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 176A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 109. Introduced by Schimek, 27; Janssen, 15; Schrock, 38.

PURPOSE: During the Ninety-sixth Legislature, First Session, debate on LB 59 raised the issue of the various waste reduction and recycling funds that have been created over the years. These funds include the Integrated Solid Waste Management Cash Fund, the Nebraska Litter Reduction and Recycling Fund, the Waste Reduction and Recycling Incentive Fund, the Scrap Tire

Reduction and Recycling Incentive Fund, and the Nebraska Environmental Trust Fund. The funds were established for a variety of reasons in order to address litter problems or waste issues. The Legislature finds that it is beneficial to periodically review the continuation of such separate funds. The review shall:

- (1) Analyze the purpose and structure of each fund and how it interacts with other similar funds;
- (2) Review the administration of each fund and the possibility of combining the funds into one super fund;
- (3) Analyze the purpose of each fund as it was originally created in statute and whether such purpose has been achieved; and
- (4) Analyze the need for continuing any or all of such funds.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 110. Introduced by Schimek, 27; C. Peterson, 35.

PURPOSE: In 1997, the Legislature implemented a study resolution which called for a legislative Select Committee on Gender and Minority Equity. This committee focused on the hiring and the retention of women and minorities at the University of Nebraska, appointment of women and minorities to judgeships, and appointment of women and minorities to state agency leadership positions. In December 1998, the committee issued a report and recommended that the Legislature reauthorize the Select Committee on Gender and Minority Equity.

The committee's purpose would be to:

1. Continue to monitor the University's progress in the hiring and the retention of women and minorities in order to meet benchmarks set by the Legislature;
2. Actively work with the judicial branch and the Nebraska State Bar Association to recruit and encourage women and minorities to apply for judgeships; and
3. Monitor the gubernatorial appointments of women and minorities to state agency positions.

The committee may also consider equal pay issues and other appropriate and related issues when conducting its study.

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

1. That the Executive Board of the Legislative Council shall appoint members of the Legislature to a special committee of the Legislature to

continue to carry out the purposes of this resolution.

2. That the committee shall be established for years 1999 through 2000.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by December 1, 2000.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were State Senator Frank Kloucek and State Representative Rolland Chicoine from South Dakota; 15 fourth and fifth grade students and teacher from Holstein Public School; 55 fourth grade students and teacher from Wasmer Elementary School, Grand Island; 65 sixth grade students and teachers from Prescott Elementary School, Lincoln; 24 fourth and fifth grade students and teacher from Bellwood Elementary School; Senator Dickey's daughter, June Dickey, and Amanda Kula; 87 fourth grade students and teachers from Newell Elementary School, Grand Island; and Ed and Paula Spletzer from Arlington Heights, Illinois.

ADJOURNMENT

At 1:03 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, May 11, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY – MAY 11, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 11, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Dick Skelley, Seminary Foundation, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Crosby, Hudkins, Kiel, Ms. Price, Messrs. Dierks, Jensen, Landis, Matzke, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

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

The following bill was correctly reengrossed: LB 331.

Correctly Engrossed

The following bill was correctly engrossed: LB 36.

Enrollment and Review Change to LB 36

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

ER9079

1. In the E & R amendments, AM7114:

- a. On page 2, line 25, "20" has been struck and "22" inserted; and
- b. On page 4, line 5, "22" has been struck and "24" inserted.

2. On page 1, line 4, "13-518," has been inserted after "sections"; in line 7 "to provide for the return of certain excess tax collections as prescribed;" has been inserted after the semicolon; in line 12 "and" has been struck; and in line 16 "; and to declare an emergency" has been inserted after "1998".

- 3. On page 29, line 18, "19 to 26" has been struck and "21 to 28" inserted.

4. Because of the passage of Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999:

- a. Original section 27 and all amendments thereto have been struck;
- b. In the E & R amendments, AM7114, section 28 has been struck;
- c. The following new sections have been inserted:

"Sec. 29. Section 77-1327, Reissue Revised Statutes of Nebraska, as amended by section 21, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999, is amended to read:

77-1327. (1) It is the intent of the Legislature that accurate and comprehensive information be made accessible to the taxpayer in order to ensure the quality and uniformity of assessment practices on both intercounty and intracounty valuations.

(2) The Property Tax Administrator annually shall make and issue comprehensive assessment ratio studies of the average level of assessment, the degree of assessment uniformity, and overall compliance with assessment requirements for each major class of real property subject to the property tax in each county in the state. In order to determine the degree of assessment uniformity and compliance in the assessment of major classes of property within each county, the Property Tax Administrator shall compute measures of central tendency and dispersion and shall employ such standard statistical analysis as deemed appropriate by him or her.

(3) The Property Tax Administrator may require assessors and other local officers to report to him or her data on taxable valuations and other features of the property tax for such periods and in such form and content as the Property Tax Administrator shall require. The Property Tax Administrator shall so construct and maintain his or her system for the collection and analysis of property tax facts as to enable him or her to make intracounty comparisons, including school districts, as well as intercounty comparisons, including school districts, based on property tax and assessment ratio data. The Property Tax Administrator shall include analysis of real estate sales pursuant to land contracts and similar transfers at the time of execution of the contract or similar transfer. ~~The property tax division of the Department of Revenue~~ Department of Property Assessment and Taxation shall assist those county officials who require supplemental information to perform the duties necessary to carry out this section. The information requested may include, but shall not be limited to, sample appraisals, statistical analyses, arm's-length sales transactions, or any other information necessary to complete such analysis.

(4) The Property Tax Administrator shall verify the accuracy of information, including the selection of form 521 comparable sales, if any, that are not arm's-length transactions.

(5) The Property Tax Administrator shall annually publish a summary of the findings of the assessment ratio studies together with digests of property tax data.

(6) The county assessor shall annually, within five days after certifying the assessment rolls pursuant to section 77-1315, post in his or her office and, as designated by the county board, mail to a newspaper of general circulation and to licensed broadcast media in the county the assessment ratios as found in his or her county as determined by the Property Tax Administrator and any other statistical measures, including, but not limited to, the assessment-to-sales ratio, the coefficient of dispersion, and the price-related differential.

Sec. 30. Section 77-1330, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999, is amended to read:

77-1330. (1) The Property Tax Administrator shall prepare, issue, and annually revise guides for county assessors in the form of property tax laws, rules, regulations, manuals, and directives. The Property Tax Administrator may issue such directives without the necessity of compliance with the terms of the Administrative Procedure Act relating to the promulgation of rules and regulations. The assessment and appraisal function performed by counties shall comply with the standards promulgated by the Property Tax Administrator, and county assessors shall continually use the materials prepared by the Property Tax Administrator in the performance of their duties. The standards promulgated by the Property Tax Administrator shall not require the implementation of a specific computer software or hardware system if the existing software or system produces data and reports in compliance with the standards.

(2) The Property Tax Administrator, or his or her agent or representative, may examine or cause to have examined any books, papers, records, or memoranda of any county relating to the assessment of property to determine compliance with the laws, rules, regulations, manuals, and directives described in subsection (1) of this section. Such production of records shall not include the photocopying of records between January 1 and April 1. Failure to provide such records to the Property Tax Administrator may constitute grounds for the suspension of the assessor's certificate of any county assessor who willfully fails to make requested records available to the Property Tax Administrator.

(3) After an examination the Property Tax Administrator shall provide a written report of the results to the county assessor and county board. If the examination indicates a failure to meet the standards contained in the laws, rules, regulations, manuals, and directives, the Property Tax Administrator shall, in the report, set forth the facts and cause of such failures as well as corrective measures the county or county assessor may implement to correct those failures.

(4) After the issuance of the report of the results of the examination, the Property Tax Administrator may seek to order a county or county assessor to take corrective measures to remedy any failure to comply with the materials described in subsection (1) of this section. Such corrective orders may only be issued after written notice and a hearing before the Property

Tax Administrator conducted at least ten days after the issuance of the written notice of hearing. The performance of such corrective measures shall be implemented by the county to which the order is issued. If the county fails to implement such corrective measures, the Property Tax Administrator may seek to suspend the assessment function of the county under the terms of subsection (5) of this section and shall implement the corrective measures pursuant to subsection (6) of this section. The performance of such corrective measures shall be a charge on the county, and upon completion, the Property Tax Administrator shall notify the county board of the cost and make demand for such cost. If payment is not received within one hundred twenty days after the start of the next fiscal year, the Property Tax Administrator shall report such fact to the State Treasurer. The State Treasurer shall immediately make payment to the Department of Property Assessment and Taxation ~~property tax division of the Department of Revenue~~ for the costs incurred by the division for such corrective measures. The payment shall be made out of any money to which such county may be entitled under Chapter 77, articles 27 and 35, and Chapter 66, articles 4 and 6.

(5) If, within one year from the service of the order, the measures in the corrective order have not been taken, the Property Tax Administrator (a) may, at any time during the continuance of such failure, issue an order requiring the county assessor and county board to show cause why the authority of the county with respect to assessments or any matter related thereto should not be suspended, (b) shall set a time and place at which the Property Tax Administrator or his or her representative shall hear the county assessor and county board on the question of compliance by the county assessor or county with the laws, rules, regulations, manuals, directives, or corrective orders described in this section, and (c) after such hearing shall determine whether and to what extent the assessment function of the county shall be so suspended. Such hearing shall be held at least ten days after the issuance of such notice in the county.

(6) During the continuance of a suspension pursuant to subsection (5) of this section, the Property Tax Administrator shall succeed to the authority and duties from which the county has been suspended and shall exercise and perform the same. Such exercise and performance shall be a charge on the suspended county. The suspension shall continue until the Property Tax Administrator finds that the conditions responsible for the failure to meet the minimum standards contained in the laws, rules, regulations, manuals, and directives have been corrected.

(7) The Property Tax Administrator, subject to rules and regulations to be published and furnished to every county assessor and county board, shall have the power to invalidate the certificate of any assessor or deputy assessor who willfully fails or refuses to diligently perform his or her duties in accordance with the laws, rules, regulations, manuals, and orders issued by the Property Tax Administrator governing the assessment of property and the duties of each assessor and deputy assessor. No certificate shall be revoked or suspended except after notice and a hearing before the Property Tax Administrator or his or her designee. Such hearing shall be held at least ten days after the issuance of such notice in

the county. Prior to revocation, a one-year probationary period, subject to oversight by the Property Tax Administrator, shall be imposed. At the end of the one-year probationary period, a second hearing shall be held. If assessment practices have improved, the probationary period shall end and no revocation shall be made. If assessment practices have not improved, the assessor certificate shall be revoked. If during the probationary period, the assessor continues to willfully fail or refuse to diligently perform his or her duties, the Property Tax Administrator may immediately hold the second hearing. If the county assessor certificate of a person serving as assessor or deputy assessor is revoked, such person shall be removed from office by the Property Tax Administrator, the office shall be declared vacant, and such person shall not be eligible to hold that office for a period of five years after the date of removal.

(8) All hearings described in this section shall be governed by the Administrative Procedure Act. Any county aggrieved by a determination of the Property Tax Administrator after a hearing pursuant to subsections (4) and (5) of this section or alleging that its suspension is no longer justified may have review of such determination or continued suspension in accordance with the Tax Equalization and Review Commission Act. Any assessor or deputy assessor whose county assessor certificate has been revoked may appeal the decision of the Property Tax Administrator, and the appeal shall be in accordance with the Tax Equalization and Review Commission Act.";

d. On page 1, line 3; and page 38, line 8, "77-1327, 77-1330," has been struck;

e. On page 1, line 4, "and" has been struck;

f. On page 1, line 7; and page 38, line 12, ", and sections 77-1327 and 77-1330, Reissue Revised Statutes of Nebraska, as amended by sections 21 and 22, respectively, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999" has been inserted after "1998";

g. On page 1, line 13; and page 38, line 14, ", 77-371, and 77-1336" has been struck and "and 77-371" inserted; and

h. On page 38, line 9, the second "and" has been struck.

(Signed) Adrian M. Smith, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 99022

DATE: May 6, 1999

SUBJECT: Powers of the Director of the Department of Roads with respect to speed limits, pursuant to Neb. Rev. Stat. § 60-6,190 (Cum. Supp. 1996).

REQUESTED BY: Senator Curt Bromm
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Robert G. Avey, Assistant Attorney General

You have requested an opinion of this office regarding the powers of the Director of the Department of Roads with respect to setting speed limits, pursuant to Neb. Rev. Stat. § 60-6,190 (Cum. Supp. 1996), and the precise limits of this power. You also request that the opinion address two particular points:

- (a) What is the extent of the Director's power over speed limits on Nebraska's interstate system; and
- (b) What, if any, actions or occurrences shall trigger an investigation by the Director, and a subsequent alteration of the speed limit by the Director.

From your reference to legislative debate on this issue, we assume you believe that there is confusion on these two particular questions, and that legislation may be required.

DIRECTOR'S POWER TO ESTABLISH SPEED LIMITS ON THE NEBRASKA INTERSTATE SYSTEM

Neb. Rev. Stat. § 60-6,190 (Cum. Supp. 1996) provides, in part:

(1) Whenever the Department of Roads determines, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway, except that the maximum rural and freeway limits shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs.

(Emphasis added.)

Neb. Rev. Stat. § 60-621 (1993) provides:

Freeway shall mean a divided arterial highway designed primarily for through traffic with full control of access and with grade separations at all intersection road crossings, including all interchanges and approach and exit roads thereto.

The Nebraska interstate system is a freeway by definition and therefore, the

Director of the Department of Roads has the power to determine and set reasonable and safe maximum interstate speed limits inside or outside the corporate limits of cities and villages. By the clear terms of Neb. Rev. Stat. § 60-6,190 (Cum. Supp. 1996), the Department of Roads, through its Director, may determine the reasonable and safe speed limits on all parts of the interstate system.

**ACTIONS OR OCCURRENCES WHICH CAUSE
AN ENGINEERING AND TRAFFIC INVESTIGATION
AND ALTERATION OF THE SPEED LIMIT.**

Neb. Rev. Stat. § 60-6,190 (Cum. Supp. 1996) has no provision regarding what must occur to require the Department of Roads to make an engineering and traffic investigation.

We have been informed by the Traffic Engineering Division of the Department of Roads that the Nebraska Department of Roads has no set policy or rule and regulation which determines when an engineering and traffic investigation is made. However, if a county, city or village, or an individual citizen notifies the Department of a potential speed limit problem, then the Department of Roads may make such engineering and traffic investigation. The Department of Roads, on its own initiative, makes engineering and traffic investigations, if a potential problem is noticed. Further an investigation and study is accomplished in contemplation of a highway project to determine a safe and reasonable speed limit.

Although no statutory provision requires the Director of the Department of Roads to make an investigation, it would appear that the legislature, in enacting Neb. Rev. Stat. § 39-1301 (1993), wanted to give the Director and Department discretion in their decisions since this section provides in part:

In designating the highway system of this state, as provided by sections 39-1301 to 39-1362, the Legislature places a high degree of trust in the hands of those officials whose duty it shall be, within the limits of available funds, to plan, develop, construct, operate, maintain, and protect the highway facilities of this state, for present as well as for future uses.

...

To this end, it is the intent of the Legislature, subject to the limitations of the Constitution and such mandates as the Legislature may impose by the provisions of such sections, to designate the Director-State Engineer and the department, acting under the direction of the Director-State Engineer, as direct custodian of the state highway system, with full authority in all departmental administrative details, in all matters of engineering design, and in all matters having to do with the construction, maintenance, operation, and protection of the state highway system.

**THE DIRECTOR'S AUTHORITY TO SET SPEED
LIMITS ON STATE HIGHWAYS WHICH ARE PART OF
THE STATE HIGHWAY SYSTEM, OTHER THAN FREEWAYS.**

Neb. Rev. Stat. § 60-6,196 (Cum. Supp. 1996) provides in paragraph (4):

On all highways within their corporate limits, except on state-maintained freeways which are part of the state highway system, incorporated cities and villages shall have the same power and duty to alter the maximum speed limits as the department if the change is based on engineering and traffic investigation, except that no imposition of speed limits on highways which are part of the state highway system in cities and villages under forty thousand inhabitants shall be effective without the approval of the department.

This provision of the statute grants the Department of Roads the authority to control speed limits on the State highway system within cities and villages with less than 40,000 inhabitants, since the power of these cities and villages to alter speed limits on the State highway system must be approved by the Department of Roads. Again, as on the interstate system, the statute does not set out specific occurrences that must trigger a traffic investigation and study.

Sincerely,
DON STENBERG
Attorney General

(Signed) Robert G. Avey
Assistant Attorney General

COMMUNICATION

May 11, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 68A, 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:r

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 80 and LR 83 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 80 and 83.

GENERAL FILE

LEGISLATIVE BILL 105. Title read. Considered.

The Standing Committee amendment, AM1282, printed separately and referred to on page 1545, was considered.

Mrs. Brown asked unanimous consent to replace her pending amendment, AM1654, found on page 1860, with a substitute amendment. No objections. So ordered.

Mrs. Brown withdrew her amendment, AM1654, found on page 1860.

Mrs. Brown offered the following substitute amendment to the Standing Committee amendment:
AM1709

(Amendments to Standing Committee amendments, AM1282)

- 1 1. Strike sections 20, 71 through 75, and 77 and insert
- 2 the following new sections:
- 3 "Sec. 20. (1) The real and personal property of a
- 4 housing agency and any wholly owned controlled affiliate thereof
- 5 shall be exempt from all taxes and special assessments of any city,
- 6 any county, the state, or any public agency thereof, including
- 7 without limitation any special taxing district or similar political
- 8 subdivision except to the extent provided in subsection (2) of this
- 9 section.
- 10 (2) Property of a housing agency or any wholly owned
- 11 controlled affiliates thereof shall not be exempt from taxes and
- 12 assessments under subsection (1) of this section if such property
- 13 is leased to an individual or entity to engage in commercial
- 14 activities on a for-profit basis. Property owned jointly by a
- 15 housing agency or its wholly owned controlled affiliates with other
- 16 nongovernmental persons or entities shall be exempt from such taxes
- 17 and assessments to the extent of the ownership interest which the
- 18 housing agency and its wholly owned controlled affiliates hold in
- 19 the property.
- 20 (3) With respect to property which is exempt under
- 21 subsection (1) of this section, a housing agency and its wholly
- 22 owned controlled affiliates may agree to make payments in lieu of
- 23 all taxes or special assessments with the city or county, as the

1 case may be, within whose territorial jurisdiction any development
2 of such housing agency or its controlled affiliates is located, for
3 improvements, services, and facilities furnished by the city,
4 county, or other public agencies, for the benefit of such
5 development. Nothing contained in this section shall be deemed to
6 require such agreement by a housing agency and its controlled
7 affiliates and in no event shall the amounts payable by the housing
8 agency and its controlled affiliates exceed the amounts which,
9 except for the exemption provided in this section, would otherwise
10 be payable under regular taxes and special assessments for similar
11 properties referred to in subsection (1) of this section. All
12 payments in lieu of taxes made by any such housing agency and its
13 controlled affiliates shall be paid to the county and distributed
14 by the county to all public agencies in such proportion that each
15 public agency shall receive from the total payment the same
16 proportion as its property tax rate bears to the total property tax
17 which would be levied by each public agency against property of the
18 housing agency and its controlled affiliates, if the same were not
19 exempt from taxation.

20 Sec. 72. (1) Before any local housing agency shall
21 construct any new housing development for dwelling purposes, it
22 shall submit to the governing body of the city, village, or county
23 creating such agency, as the case may be, or to the governing body
24 of the political subdivision which has zoning jurisdiction for the
25 site or sites of such new development, in the case of regional
26 housing agencies, a plan indicating the general location or
27 locations and boundaries of the proposed site or sites for any of
1 such development, which plans shall be subject to the approval of
2 such governing body, and such governing body may, in its
3 discretion, submit such plan to the planning department, if any, of
4 the city, village, or county, as the case may be, for that
5 department's comments and recommendations.

6 (2) Each local housing agency shall file with the
7 governing body of the city, village, or county creating such agency
8 a copy of the five-year plan and annual plan required by section
9 511 of the Federal Quality Housing and Work Responsibility Act of
10 1998. The plans shall be filed with the governing body within
11 thirty days after the date the plan is filed with the federal
12 Department of Housing and Urban Development."

13 2. On page 21, line 8, strike "(27)" and insert "(28)".

14 3. On page 42, line 4, strike "(39)" and insert "(40)".

15 4. On page 43, line 5, strike "(38)" and insert "(39)";

16 and in line 27 strike "loans."

17 5. On page 45, line 24, after "(iii)" insert "To make
18 loans for the purpose of assisting such persons to become
19 homeowners or economically self-sufficient when such persons are
20 not otherwise qualified, or need such assistance to become
21 qualified, to borrow from private financial institutions;

22 (iv)"; and in line 26 strike "(iv)" and insert "(v)".

- 23 6. On page 46, line 2, strike "To make guarantees for
 24 the benefit of" and insert "To make loans, including acquisition,
 25 development, construction, and rehabilitation loans, long-term
 26 mortgage loans, and guarantees, to or for the benefit of (i)
 27 affiliates of the housing agency or (ii)"; in line 4 after
 1 "for-profit," insert "in conjunction with loans provided by private
 2 financial institutions,"; in line 17 after the second "such" insert
 3 "repayment terms and other"; in line 18 after "concerning" insert
 4 "loans, mortgages,"; in line 20 strike "and"; in line 21 after
 5 "not" insert "lend its credit or"; in line 25 after the semicolon
 6 insert "; and
 7 (g) To not make loans directly, or indirectly through a
 8 controlled affiliate, except as provided in subdivision (25) of
 9 this section;"; in line 26 after "(26)" insert "To forgive,
 10 compromise, or forebear from collecting or enforcing, wholly,
 11 partially, temporarily, or permanently, any debt or obligation owed
 12 to the local housing agency;
 13 (27)".
- 14 7. On page 47, line 2, strike "(27)" and insert "(28)";
 15 and in line 18 strike "(28)" and insert "(29)".
- 16 8. On page 48, line 7, strike "(29)" and insert "(30)";
 17 in line 9 strike "(30)" and insert "(31)"; and in line 23 strike
 18 "(31)" and insert "(32)".
- 19 9. On page 50, line 3, strike "(32)" and insert "(33)";
 20 and in line 20 strike "(33)" and insert "(34)".
- 21 10. On page 51, line 11, strike "(34)" and insert
 22 "(35)"; and in line 21 strike "(35)" and insert "(36)".
- 23 11. On page 52, line 12, strike "(36)" and insert
 24 "(37)"; and in line 19 strike "(37)" and insert "(38)".
- 25 12. On page 53, line 8, strike "(38)" and insert "(39)";
 26 and in line 14 strike "(39)" and insert "(40)".
- 27 13. On page 54, line 1, strike "(40)" and insert "(41)";
 1 in line 4 strike "(41)" and insert "(42)"; in line 8 strike "(42)"
 2 and insert "(43)"; in line 19 strike "(43)" and insert "(44)"; and
 3 in line 22 strike "(44)" and insert "(45)".
- 4 14. On page 60, line 13, strike "or" and insert a comma,
 5 and after "revenue" insert ", or loan repayments".
- 6 15. On page 69, line 15, after "shall" insert "lend its
 7 credit to or"; and in line 27 after "Any" insert "loan of credit,
 8 and after "guarantee" insert a comma.
- 9 16. On page 70, lines 6, 10, and 13, strike each
 10 occurrence of "guarantee or suretyship" and insert "loan of credit,
 11 guarantee, or suretyship".
- 12 17. On page 99, line 4, strike "donations or grants" and
 13 insert "donations, grants, or loans".
- 14 18. On page 100, line 14, strike "money" and insert
 15 "credit".
- 16 19. On page 104, line 19, strike "or covenants" and
 17 after "agency" insert "or to claims, actions, or proceedings on

18 notes, guarantees, or other evidences of indebtedness".

19 20. Renumber the remaining sections and correct internal

20 references accordingly.

Mr. Hartnett requested a division of the question on the Brown amendment.

The Chair sustained the division of the question.

The first Brown amendment, to the Standing Committee amendment, is as follows:

FA202

(Amendments to Standing Committee amendments, AM1282)

1 Strike sections 71 through 75

13 2. On page 21, line 8, strike "(27)" and insert "(28)".

14 3. On page 42, line 4, strike "(39)" and insert "(40)".

15 4. On page 43, line 5, strike "(38)" and insert "(39)";
16 and in line 27 strike "loans".

17 5. On page 45, line 24, after "(iii)" insert "To make
18 loans for the purpose of assisting such persons to become
19 homeowners or economically self-sufficient when such persons are
20 not otherwise qualified, or need such assistance to become
21 qualified, to borrow from private financial institutions;

22 (iv)"; and in line 26 strike "(iv)" and insert "(v)".

23 6. On page 46, line 2, strike "To make guarantees for
24 the benefit of" and insert "To make loans, including acquisition,
25 development, construction, and rehabilitation loans, long-term
26 mortgage loans, and guarantees, to or for the benefit of (i)
27 affiliates of the housing agency or (ii)"; in line 4 after
1 "for-profit," insert "in conjunction with loans provided by private
2 financial institutions,"; in line 17 after the second "such" insert
3 "repayment terms and other"; in line 18 after "concerning" insert
4 "loans, mortgages,"; in line 20 strike "and"; in line 21 after
5 "not" insert "lend its credit or"; in line 25 after the semicolon
6 insert "; and

7 (g) To not make loans directly, or indirectly through a
8 controlled affiliate, except as provided in subdivision (25) of
9 this section"; in line 26 after "(26)" insert "To forgive,
10 compromise, or forebear from collecting or enforcing, wholly,
11 partially, temporarily, or permanently, any debt or obligation owed
12 to the local housing agency;

13 (27)".

14 7. On page 47, line 2, strike "(27)" and insert "(28)";
15 and in line 18 strike "(28)" and insert "(29)".

16 8. On page 48, line 7, strike "(29)" and insert "(30)";
17 in line 9 strike "(30)" and insert "(31)"; and in line 23 strike
18 "(31)" and insert "(32)".

19 9. On page 50, line 3, strike "(32)" and insert "(33)";
20 and in line 20 strike "(33)" and insert "(34)".

21 10. On page 51, line 11, strike "(34)" and insert
22 "(35)"; and in line 21 strike "(35)" and insert "(36)".

- 23 11. On page 52, line 12, strike "(36)" and insert
 24 "(37)"; and in line 19 strike "(37)" and insert "(38)".
 25 12. On page 53, line 8, strike "(38)" and insert "(39)";
 26 and in line 14 strike "(39)" and insert "(40)".
 27 13. On page 54, line 1, strike "(40)" and insert "(41)";
 1 in line 4 strike "(41)" and insert "(42)"; in line 8 strike "(42)"
 2 and insert "(43)"; in line 19 strike "(43)" and insert "(44)"; and
 3 in line 22 strike "(44)" and insert "(45)".
 4 14. On page 60, line 13, strike "or" and insert a comma,
 5 and after "revenue" insert ", or loan repayments".
 6 15. On page 69, line 15, after "shall" insert "lend its
 7 credit to or"; and in line 27 after "Any" insert "loan of credit."
 8 and after "guarantee" insert a comma.
 9 16. On page 70, lines 6, 10, and 13, strike each
 10 occurrence of "guarantee or suretyship" and insert "loan of credit,
 11 guarantee, or suretyship".
 12 17. On page 99, line 4, strike "donations or grants" and
 13 insert "donations, grants, or loans".
 14 18. On page 100, line 14, strike "money" and insert
 15 "credit".
 16 19. On page 104, line 19, strike "or covenants" and
 17 after "agency" insert "or to claims, actions, or proceedings on
 18 notes, guarantees, or other evidences of indebtedness".
 19 20. Renumber the remaining sections and correct internal
 20 references accordingly.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 870. Placed on Select File as amended.

(E & R amendment, AM7143, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 683. Placed on Select File.

LEGISLATIVE BILL 816. Placed on Select File as amended.

(E & R amendment, AM7141, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 127. Placed on Select File.

LEGISLATIVE BILL 538. Placed on Select File as amended.

E & R amendment to LB 538:

AM7142

- 1 1. On page 1, line 5, after the second semicolon insert

2 "to eliminate an obsolete reference;".

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 527. Placed on General File.

LEGISLATIVE BILL 661. Placed on General File as amended.

Standing Committee amendment to LB 661:

AM1681

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. For purposes of this act:

4 (1) Complying financial institution defendant means a
5 federally insured financial institution that has substantially
6 complied with or received a satisfactory rating with regard to
7 examinations, guidelines, rules, or regulations of applicable
8 federal regulatory agencies to protect against a computer date
9 failure;

10 (2) Complying public defendant means the state or a
11 political subdivision of the state that has made reasonable efforts
12 to protect its computer systems, programs, or software from a
13 computer date failure; and

14 (3) Computer date failure means the present or future
15 inability of a computer system, program, or software to accurately
16 store, process, provide, or receive data from, into, and between
17 the years 1999 and 2000 and beyond, including leap-year
18 calculations, if all other technology used in combination with the
19 system, program, or software properly exchanges data with the
20 system, program, or software.

21 Sec. 2. Damages recoverable in a civil action against a
22 complying public defendant shall be those general damages which
23 result from a computer date failure and shall (1) only be based on
24 a contract to which the plaintiff is a party and (2) not include
1 consequential or special damages.

2 Sec. 3. No action shall be brought under section 25-319
3 against a complying public defendant for damages resulting from a
4 computer date failure.

5 Sec. 4. No action shall be brought under section 25-319
6 against a complying financial institution defendant for damages
7 resulting from a computer date failure within one hundred eighty
8 days after the cause of action accrues.

9 Sec. 5. This act does not apply to any cause of action
10 for personal injuries.

11 Sec. 6. Since an emergency exists, this act takes effect
12 when passed and approved according to law.

LEGISLATIVE BILL 865. Placed on General File as amended.

Standing Committee amendment to LB 865:

AM1566

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. The Governor shall appoint a substance abuse
4 treatment task force to study substance abuse treatment services in
5 the adult and juvenile criminal justice systems, recommend
6 improvements, and evaluate the implementation of improvements. The
7 task force shall include the chairperson of the Parole Board, the
8 executive director of the Nebraska Commission on Law Enforcement
9 and Criminal Justice, the administrator of the Nebraska
10 Correctional Treatment Center, the administrators of the Department
11 of Health and Human Services Protection and Safety Division, the
12 Director of the Division of Alcoholism, Drug Abuse, and Addiction
13 Services of the Department of Health and Human Services, the
14 probation administrator, the administrator of the Office of
15 Community Justice, the Director of Policy Research, the Parole
16 Administrator, or the designees of such persons, and two members of
17 the Legislature appointed by the Executive Board of the Legislative
18 Council. The Governor shall also appoint ten additional persons
19 from the private and public sectors representing law enforcement,
20 prosecution, courts, public defenders, diversion, drug courts,
21 county corrections, consumers, and substance abuse treatment
22 services to serve on the task force. The appointments to the task
23 force shall be made no later than June 15, 1999. The Governor
24 shall appoint the chairperson of the task force from the
1 membership.

2 Sec. 2. The substance abuse treatment task force shall
3 study substance abuse treatment on the state level to determine
4 future legislative and executive actions necessary to coordinate a
5 statewide strategy to address gaps in the organization and delivery
6 of substance abuse treatment to those within the adult and juvenile
7 criminal justice systems. As a result of the recognition of a
8 correlation between substance abuse and the criminal justice client
9 and the subsequent risk to public safety, the study shall:

10 (1) Identify any gaps in the criminal justice system that
11 apply to chemical dependency;

12 (2) Identify any need for formal initiatives or
13 agreements between the substance abuse system and the criminal
14 justice system;

15 (3) Eliminate fragmentation in services through the
16 development of a criminal justice continuum of care;

17 (4) Identify treatment modalities to target populations
18 for the most effective outcome;

19 (5) Identify criminogenic needs (predictors of
20 recidivism) interfaced with chemical dependency treatment;

21 (6) Develop a model for future development of substance
22 abuse services serving the criminal justice system and monitor and

23 evaluate the implementation of the model;

24 (7) Examine the extent of substance abuse within the
25 criminal justice system, including, but not limited to, the inmates
26 of the Department of Correctional Services, the inmates of county
27 corrections, the juveniles committed to the Office of Juvenile
1 Services, and persons under the supervision of the state probation
2 and parole systems;

3 (8) Examine funding allocations for substance abuse
4 treatment; and

5 (9) Examine the need for the creation of a management
6 information services system to track substance-using offenders.

7 Sec. 3. The substance abuse treatment task force may
8 gather information through public hearings and other appropriate
9 means to assure ample opportunity for outside input to be received
10 for consideration. The task force shall by a majority vote of all
11 members adopt and issue a report outlining its findings and
12 recommendations under section 2 of this act to the Governor and the
13 Legislature no later than December 1, 1999.

14 Sec. 4. The substance abuse treatment task force shall
15 develop and recommend standardized substance abuse evaluation and
16 assessment instruments by January 1, 2000. The task force may hire
17 a consultant for purposes of developing such instruments and shall
18 by a majority vote of all members adopt a final recommended version
19 of the instruments. The task force shall transmit its
20 recommendations to the Governor and the Legislature.

21 Sec. 5. The Nebraska Commission on Law Enforcement and
22 Criminal Justice shall provide administrative support to the task
23 force, including the production and distribution of reports and
24 other documents prepared by the task force. Members shall be
25 reimbursed for their actual and necessary expenses incurred while
26 serving as a member of the task force as provided in sections
27 81-1174 to 81-1177. It is the intent of the Legislature that money
1 appropriated by the Legislature for sections 1 to 5 of this act be
2 appropriated to the Nebraska Commission on Law Enforcement and
3 Criminal Justice.

4 Sec. 6. Section 83-1,107, Revised Statutes Supplement,
5 1998, is amended to read:

6 83-1,107. (1)(a) Within sixty days after initial
7 classification and assignment of any offender committed to the
8 department, all available information regarding such committed
9 offender shall be reviewed and a committed offender
10 department-approved personalized program plan document shall be
11 drawn up. The document shall specifically describe the
12 department-approved personalized program plan and the specific
13 goals the department expects the committed offender to achieve.
14 The document shall also contain a realistic schedule for completion
15 of the department-approved personalized program plan. The
16 department-approved personalized program plan shall be fully
17 explained to the committed offender. During incarceration, the

18 committed offender shall comply with the department-approved
19 personalized program plan and the department shall provide programs
20 to allow compliance by the committed offender with the
21 department-approved personalized program plan.

22 Programming may include, but is not limited to:

23 (i) Academic and vocational education, including teaching
24 such classes by qualified offenders;

25 (ii) Substance abuse treatment;

26 (iii) Mental health and psychiatric treatment, including
27 criminal personality programming;

1 (iv) Constructive, meaningful work programs; and

2 (v) Any other program deemed necessary and appropriate by
3 the department.

4 (b) A modification in the department-approved
5 personalized program plan may be made to account for the increased
6 or decreased abilities of the committed offender or the
7 availability of any program. Any modification shall be made only
8 after notice is given to the committed offender. Intentional
9 failure to comply with the department-approved personalized program
10 plan by any committed offender as scheduled for any year, or pro
11 rata part thereof, shall cause disciplinary action to be taken by
12 the department resulting in the forfeiture of up to a maximum of
13 three months good time for the scheduled year.

14 (2) The chief executive officer of a facility shall
15 reduce the term of a committed offender by six months for each year
16 of the offender's term and pro rata for any part thereof which is
17 less than a year.

18 The total reductions shall be credited from the date of
19 sentence, which shall include any term of confinement prior to
20 sentence and commitment as provided pursuant to section 83-1,106,
21 and shall be deducted from the maximum term, to determine the date
22 when discharge from the custody of the state becomes mandatory.

23 (3) While the offender is in the custody of the
24 department, reductions of terms granted pursuant to subsection (2)
25 of this section may be forfeited, withheld, and restored by the
26 chief executive officer of the facility with the approval of the
27 director after the offender has been consulted regarding the
1 charges of misconduct, except that no reduction of term previously
2 granted may be forfeited or withheld solely on the basis that the
3 offender had brought an action or appeal in a court of this state
4 that was dismissed on the grounds that it was frivolous or
5 malicious or that it failed to state a claim upon which relief may
6 be granted.

7 (4) While the offender is in the custody of the board,
8 reductions of terms granted pursuant to subsection (2) of this
9 section may be forfeited, withheld, and restored by the
10 administrator with the approval of the director after the offender
11 has been consulted regarding the charges of misconduct or breach of
12 the conditions of parole. In addition, the board may recommend

13 such forfeitures of good time to the director.
14 (5) Good time or other reductions of sentence granted
15 under the provisions of any law prior to July 1, 1996, may be
16 forfeited, withheld, or restored in accordance with the terms of
17 the Nebraska Treatment and Corrections Act.
18 Sec. 7. Original section 83-1,107, Revised Statutes
19 Supplement, 1998, is repealed.
20 Sec. 8. Since an emergency exists, this act takes effect
21 when passed and approved according to law."

(Signed) Kermit A. Brashear, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 111. Introduced by Dw. Pedersen, 39.

PURPOSE: The purpose of this resolution is to determine the feasibility of the transferability of credits of approved law enforcement training courses from the community colleges, the state colleges, or the University of Nebraska to the Nebraska Law Enforcement Training Center.

It is imperative that Nebraska maintain sufficient numbers of highly trained and certified law enforcement officers and that this training and certification be provided at the most reasonable cost. Currently, the Nebraska Law Enforcement Training Center is the only authorized training center in Nebraska that may train and certify law enforcement officers in the state. All individuals interested in becoming law enforcement officers must attend all academic and physical training classes at the center.

No credit is given for academic courses successfully completed at any public postsecondary educational institution in the state. This presents a hardship for many individuals and the local communities that are paying for the training because the student is forced to retake many academic courses at the training center that had been completed in the process of obtaining an associate or bachelor's degree. If applicable academic courses were allowed to transfer to the training center, significant time and monetary savings could be realized by the individuals, the communities, and the center.

In addition, questions have been asked as to whether or not other courses, including driving, firearms training, and other necessary law enforcement physical training could be offered at community colleges, state colleges, or the University of Nebraska with certification only being provided by the training center.

Because the Legislature is committed to supporting collaborative and cooperative activities that will benefit Nebraska taxpayers and communities and the state, and because the Legislature is dedicated to eliminating as much needless duplication as possible, it is important that a study be conducted to determine the feasibility of the transfer of credits from any of Nebraska's public postsecondary educational institutions to the Nebraska Law Enforcement Training Center.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 112. Introduced by Thompson, 14.

PURPOSE: To conduct a review of the laws relating to identity fraud and the effectiveness of the prosecution and prescribed punishment relating to prosecution for identity fraud in Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 113. Introduced by Price, 26.

WHEREAS, Lincoln Public Schools has been named the 1999 National School Library Media Program of the year; and

WHEREAS, Lincoln Public Schools has shown a strong mission and vision for students, information literacy instruction, and library media specialists working with teachers; and

WHEREAS, there has been overwhelming support from the Lincoln Board of Education and administrators for solid community involvement, children's learning facilities, book collections, and a positive atmosphere and attitude; and

WHEREAS, Lincoln Public Schools will be presented the award at the American Library Association conference held in June.

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

1. That the Legislature congratulates Library Media Services of Lincoln Public Schools on receiving the National School Library Media Program of the Year award and does hereby wish to thank all Lincoln Public Schools library media services staff people for their dedication to children, literacy instruction, and the teachers of Lincoln Public Schools.
2. That a copy of this resolution be sent to Lincoln Public Schools and the Lincoln Board of Education.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 105. The first Brown amendment, FA202, found in this day's Journal, to the Standing Committee amendment, was renewed.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CUDABACK PRESIDING

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Mrs. Brown moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mrs. Crosby requested a roll call vote on the first Brown amendment.

Voting in the affirmative, 25:

Brashear	Connealy	Kiel	Pederson, D.	Smith
Brown	Cudaback	Landis	Raikes	Stuhr
Bruning	Hartnett	Lynch	Robak	Suttle
Byars	Hilgert	Matzke	Schimek	Thompson
Chambers	Jones	Pedersen, Dw.	Schrock	Wehrbein

Voting in the negative, 6:

Crosby	Kristensen	Price	Quandahl	Redfield
Jensen				

Present and not voting, 14:

Baker	Bromm	Dierks	Peterson, C.	Vrtiska
Beutler	Coordsen	Engel	Preister	Wickersham
Bourne	Dickey	Kremer	Schmitt	

Excused and not voting, 4:

Bohlke	Hudkins	Janssen	Tyson
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The first Brown amendment was adopted with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 114.** Introduced by Preister, 5; Hilgert, 7.

PURPOSE: The purpose of this study is to examine the high cost of automobile insurance in the State of Nebraska and to find alternatives to territorial rating. The study shall include a review of options to reduce insurance costs, including, but not limited to, the potential of no-fault insurance. The study shall also include an accurate, objective assessment of Nebraska automobile insurance liability rates and other insurance rates as they compare to other states.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 115. Introduced by Preister, 5; Hilgert, 7.

PURPOSE: The purpose of the study is to review the use of credit reports, credit history, credit scoring, and other credit data in underwriting and rating in property and casualty insurance.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 116. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study Nebraska's laws regulating the deposit and investment of and the furnishing of security for public funds of the state and governmental subdivisions. The study should include consideration of possible legislative proposals including LB 503, LB 553, and LB 554 introduced in 1999 and pending in the Banking, Commerce and Insurance Committee.

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

1. That the Banking, Commerce and Insurance Committee of the

Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 117. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study the conversion to a central filing system with the Secretary of State for statutory liens and Uniform Commercial Code security interests, effective July 1, 1999, as a result of enactment of LB 1321 in 1998, and also to study the adoption of a new Uniform Commercial Code article 9 - Secured Transactions, effective July 1, 2001, as provided in LB 550, of 1999, in order to consider additional legislative proposals in the subject area.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 118. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should adopt the Uniform Principal and Income Act (1997) in place of Nebraska's version of the 1962 uniform act on this subject. The study should include a review of the provisions of LB 63 introduced in the 1999 session and pending on General File.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 119. Introduced by Stuhr, 24.

PURPOSE: The Legislature has the responsibility for developing sound and

adequate public retirement systems for certain Nebraska public employees. The purpose of this resolution is to study the long-term funding of the five state-administered retirement systems. The study shall (1) evaluate the current funding sources, including member contributions, employer contributions, court fees, and state contributions, (2) analyze investment policies, practices, and results, and (3) review future funding requirements. The results of this study shall determine the need for a comprehensive study to be conducted next year.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 120. Introduced by Stuhr, 24.

PURPOSE: The purpose of this interim study resolution is to evaluate the disability provisions for each individual state-administered retirement system. The study shall include, but not be limited to: (1) A comparison among the five state-administered retirement systems; (2) a review of the determination of "disability" for retirement purposes; and (3) an analysis and comparison with federal disability statutes.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

BILL ON FIRST READING

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

LEGISLATIVE BILL 870A. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 870, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 105. The second Brown amendment, to the Standing Committee amendment, is as follows:

FA201

(Amendments to Standing Committee amendments, AM1282)

1. Strike sections 77 and insert

the following new sections:

Sec. 72. (1) Before any local housing agency shall construct any new housing development for dwelling purposes, it shall submit to the governing body of the city, village, or county creating such agency, as the case may be, or to the governing body of the political subdivision which has zoning jurisdiction for the site or sites of such new development, in the case of regional housing agencies, a plan indicating the general location or locations and boundaries of the proposed site or sites for any of such development, which plans shall be subject to the approval of such governing body, and such governing body may, in its discretion, submit such plan to the planning department, if any, of the city, village, or county, as the case may be, for that department's comments and recommendations.

(2) Each local housing agency shall file with the governing body of the city, village, or county creating such agency a copy of the five-year plan and annual plan required by section 511 of the Federal Quality Housing and Work Responsibility Act of 1998. The plans shall be filed with the governing body within thirty days after the date the plan is filed with the federal Department of Housing and Urban Development."

MR. CUDABACK PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Brown moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The second Brown amendment was adopted with 26 ayes, 7 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The third Brown amendment, to the Standing Committee amendment, is as follows:

FA200

(Amendments to Standing Committee amendments, AM1282)

1. Strike sections 20 and insert

the following new sections:

"Sec. 20. (1) The real and personal property of a

4 housing agency and any wholly owned controlled affiliate thereof
5 shall be exempt from all taxes and special assessments of any city,
6 any county, the state, or any public agency thereof, including
7 without limitation any special taxing district or similar political
8 subdivision except to the extent provided in subsection (2) of this
9 section.

10 (2) Property of a housing agency or any wholly owned
11 controlled affiliates thereof shall not be exempt from taxes and
12 assessments under subsection (1) of this section if such property
13 is leased to an individual or entity to engage in commercial
14 activities on a for-profit basis. Property owned jointly by a
15 housing agency or its wholly owned controlled affiliates with other
16 nongovernmental persons or entities shall be exempt from such taxes
17 and assessments to the extent of the ownership interest which the
18 housing agency and its wholly owned controlled affiliates hold in
19 the property.

20 (3) With respect to property which is exempt under
21 subsection (1) of this section, a housing agency and its wholly
22 owned controlled affiliates may agree to make payments in lieu of
23 all taxes or special assessments with the city or county, as the
1 case may be, within whose territorial jurisdiction any development
2 of such housing agency or its controlled affiliates is located, for
3 improvements, services, and facilities furnished by the city,
4 county, or other public agencies, for the benefit of such
5 development. Nothing contained in this section shall be deemed to
6 require such agreement by a housing agency and its controlled
7 affiliates and in no event shall the amounts payable by the housing
8 agency and its controlled affiliates exceed the amounts which,
9 except for the exemption provided in this section, would otherwise
10 be payable under regular taxes and special assessments for similar
11 properties referred to in subsection (1) of this section. All
12 payments in lieu of taxes made by any such housing agency and its
13 controlled affiliates shall be paid to the county and distributed
14 by the county to all public agencies in such proportion that each
15 public agency shall receive from the total payment the same
16 proportion as its property tax rate bears to the total property tax
17 which would be levied by each public agency against property of the
18 housing agency and its controlled affiliates, if the same were not
19 exempt from taxation.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

The third Brown amendment lost with 0 ayes, 21 nays, 24 present and not voting, and 4 excused and not voting.

Pending.

UNANIMOUS CONSENT - Member Excused

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LB 594A:
AM1694

- 1 1. Insert the following new section:
- 2 "Sec. 6. The State Treasurer shall transfer \$250,000
- 3 from the Charitable Gaming Operations Fund to the Compulsive
- 4 Gamblers Assistance Fund on July 1, 1999. The State Treasurer
- 5 shall transfer \$250,000 from the Charitable Gaming Operations Fund
- 6 to the Compulsive Gamblers Assistance Fund on July 1, 2000."
- 7 2. On page 1, line 3, after the semicolon insert "to
- 8 provide for transfers;"
- 9 3. Renumber the remaining sections accordingly.

Mrs. Crosby filed the following amendment to LB 119A:
AM1701

(Amendments to Final Reading copy)

- 1 1. On page 2, line 24, strike "349" and insert "348".

Mr. Dierks filed the following amendment to LB 835A:
AM1674

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. There is hereby appropriated (1) \$90,000 from
- 3 the General Fund for FY1999-00 and (2) \$93,000 from the General
- 4 Fund for FY2000-01 to the Attorney General, for Program 507, to aid
- 5 in carrying out the provisions of Legislative Bill 835,
- 6 Ninety-sixth Legislature, First Session, 1999.
- 7 Total expenditures for permanent and temporary salaries
- 8 and per diems from funds appropriated in this section shall not
- 9 exceed \$60,000 for FY1999-00 or \$62,400 for FY2000-01.
- 10 Sec. 3. Since an emergency exists, this act takes effect
- 11 when passed and approved according to law."
- 12 2. On page 1, line 3, after "1999" insert "; and to
- 13 declare an emergency".
- 14 3. On page 2, line 1, after "(1)" insert "\$55,015 from
- 15 the General Fund and"; and after line 9 insert:
- 16 "It is the intent of the Legislature that the Department
- 17 of Agriculture shall direct the State Treasurer to transfer \$55,015
- 18 from the Competitive Livestock Markets Cash Fund to the General
- 19 Fund no later than June 15, 2001."

RESOLUTIONS

LEGISLATIVE RESOLUTION 121. Introduced by Janssen, 15; Hartnett, 45; Dickey, 18.

PURPOSE: Consumer spending on charitable gaming in Nebraska has declined more than thirty-two percent in the past five years. This has resulted in reductions in funds available for the charities and for cities and counties which are the beneficiaries of charitable gaming. There are a number of reasons cited for this decline, including the proximity of casinos in neighboring states and reports of competition from video gaming devices of questionable legality in this state. Several bills were introduced in the 1999 legislative session for the purpose of responding to this issue. LB 184 would reduce state taxes on charitable gaming. LB 560 would eliminate certain restrictions on the game of keno. LB 659 would authorize the use of devices which electronically simulate the playing of pickle cards. This study shall include, but not be limited to, the following:

1. Whether reductions in state taxes on charitable gaming are appropriate, and, if so, the likely impact of reduced revenue on agencies which receive funds through taxes on charitable gaming, including regulation by the Charitable Gaming Division of the Department of Revenue and programs funded through the Compulsive Gamblers Assistance Fund;

2. Whether it is appropriate to eliminate certain restrictions on the game of keno, including, but not limited to, elimination of the five-minute rule and elimination of the requirement for paper tickets;

3. Whether it is appropriate to utilize new technologies which simulate gaming activities currently authorized in Nebraska law, including, but not limited to, the use of electronic devices which simulate the playing of pickle cards;

4. Whether statutory change is appropriate to address issues concerning the use of video or other gaming devices of questionable legality;

5. Whether changes in regulation would assist in addressing the issues currently facing charitable gaming in this state; and

6. Any other matters necessary or appropriate for a complete examination of this issue.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 122. Introduced by Janssen, 15; Hartnett, 45; Dickey, 18.

PURPOSE: It is illegal for persons under the age of twenty-one years to possess alcoholic liquor. However, documented evidence indicates that a high

percentage of young people in this state possess and consume alcoholic liquor, including documentation of binge drinking, drinking and driving, and the possible tragic consequences of such high-risk activities. LB 126 was introduced in the 1999 legislative session with the intent of reducing the incidence of underage drinking. LB 126 included mandatory penalties for minors in possession, including suspension of driver's licenses. LB 126 was advanced to General File but was not discussed further following the death of Senator Schellpeper. This study shall include, but not be limited to, the following:

1. Whether it is appropriate to increase the penalties for minor in possession, including whether mandatory penalties are appropriate;
2. Whether suspension of a minor's driver's license as a penalty for minor in possession is effective in deterring underage drinking;
3. Whether it is necessary or appropriate to further define terms related to minor in possession;
4. Whether it is necessary or appropriate for law enforcement personnel to conduct compliance checks to determine whether retailers sell alcoholic liquor to minors;
5. Whether it is appropriate to establish standard criteria for compliance checks and whether the Nebraska State Patrol or the Nebraska Liquor Control Commission should have oversight over such compliance checks;
6. The manner in which other states address underage drinking and issues related to compliance checks; and
7. Any other matters appropriate for a complete examination of this issue.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 105. Mr. Smith asked unanimous consent to replace his pending amendment, AM1648, found on page 1879, with a substitute amendment. No objections. So ordered.

Mr. Smith withdrew his amendment, AM1648, found on page 1879.

Mr. Smith offered the following substitute amendment to the Standing Committee amendment:
AM1687

(Amendments to Standing Committee amendments, AM1282)

1. On page 11, line 26, strike "other" through "income"
2. and insert "whose income, at initial occupancy, does not exceed one

- 3 hundred percent of the median income in counties having a
4 population in excess of thirty thousand inhabitants or one hundred
5 twenty-five percent of the median income in other counties of the
6 state".
7 2. On page 12, line 22, after "exceed" insert "eighty
8 percent of".
9 3. On page 66, line 17, strike "who" through "income"
10 and insert "whose income, at initial occupancy, does not exceed one
11 hundred percent of the median income in counties having a
12 population in excess of thirty thousand inhabitants or one hundred
13 twenty-five percent of the median income in other counties of the
14 state".

Messrs. Dw. Pedersen and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown requested a division of the question on the Smith amendment.

The Chair sustained the division of the question.

The first Smith amendment, to the Standing Committee amendment, is as follows:

FA203

(Amendments to Standing Committee amendments, AM1282)

- 7 2. On page 12, line 22, after "exceed" insert "eighty
8 percent of".

The first Smith amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Mr. Hilgert filed the following amendment to LB 865:

AM1692

(Amendments to Standing Committee amendments, AM1566)

- 1 1. Insert the following new sections:
2 "Section 1. Sections 1 to 4 of this act shall be known
3 and may be cited as the Attorney-Client Conference Act.
4 Sec. 2. For purposes of the Attorney-Client Conference
5 Act:
6 (1) Attorney means any attorney named in writing by the
7 client as his or her attorney and admitted to practice law in the
8 State of Nebraska;
9 (2) Client means any person convicted or accused of a
10 crime under any ordinance or state or federal law;
11 (3) Access means the attorney's face-to-face conference
12 with his or her client in an area that has no physical obstruction
13 or wall between the attorney and the client and affords

14 confidential communication between the attorney and the client;

15 (4) Contraband means any controlled substance described
16 in section 28-405, any firearm or knife, or any explosive materials
17 described in section 28-1213, and any other item prohibited by rule
18 or regulation under section 4 of this act;

19 (5) Correctional facility means any local, county, or
20 state facility or building confining, housing, or holding a client;

21 (6) Entrance means the access of an attorney to his or
22 her client being confined, held, or housed in such facility;

23 (7) Probable cause shall be given the meaning generally
1 applied to it by the Nebraska Supreme Court in criminal cases
2 before the court; and

3 (8) Search means any physical touching of the attorney's
4 clothing or body; any opening, examination, or inspection of the
5 contents of the attorney's belongings; any required removal of any
6 piece of clothing or clothing accessory worn by the attorney; or
7 any scan or examination of the attorney's body, clothing, clothing
8 accessories, or belongings by any hand-held electronic or magnetic
9 device.

10 Sec. 3. (1) Absent probable cause that an attorney is in
11 possession of contraband, such attorney shall not be searched prior
12 to, during, or after entrance into a correctional facility.

13 (2) Any search shall be executed pursuant to sections
14 29-812 to 29-821.

15 (3) Any person who allows, orders, or conducts a search
16 in violation of the Attorney-Client Conference Act is guilty of
17 assault in the third degree and is also subject to civil liability
18 and civil sanctions under the common law and statutory law of
19 Nebraska.

20 Sec. 4. The Nebraska Supreme Court may adopt and
21 promulgate rules and regulations to facilitate implementation of
22 the Attorney-Client Conference Act.

23 Sec. 11. Sections 1 to 4 of this act become operative
24 three calendar months after adjournment of this legislative
25 session. The other sections of this act become operative on their
26 effective date."

27 2. Renumber the remaining sections and correct internal
1 references accordingly.

MESSAGE FROM THE GOVERNOR

May 10, 1999

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

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been reappointed to the Motor Carrier Advisory Council effective July 1, 1999:

APPOINTEE:

David Lee Hale, 6338 Pershing Dr., Omaha, NE 68119

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

VISITORS

Visitors to the Chamber were Marion Skelley from Papillion; Senator Suttle's sister, Karolyn Hood, from Ohio; 21 alternative high school students and teacher from southeast Nebraska; 29 fourth grade students and teacher from Shoemaker Elementary School, Grand Island; and 42 seniors and teacher from Gibbon.

RECESS

At 12:02 p.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Kristensen, Landis, Dw. Pedersen, D. Pederson, Raikes, Schrock, Tyson, Wehrbein, Mmes. Bohlke, Hudkins, Kiel, Robak, Stuhr, Mses. Price, and Schimek who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Messrs. Cudaback and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 123. Introduced by Kristensen, 37.

PURPOSE: To study, in conjunction with LR 92, Ninety-sixth Legislature, First Session, 1999, the uses and purposes of Nebraska Environmental Trust Fund distributions. This study shall include, but not be limited to,

examination of the following:

- (1) The criteria for selecting recipients of trust fund distributions;
- (2) The priorities of the trust fund established under section 81-15,176;
- (3) The importance of the programs being awarded funds from the trust fund;
- (4) The procedure, if any, for dealing with conflicts of interest between trust fund board members and programs; and
- (5) Any other matters necessary or appropriate for a complete examination of the trust fund.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 105. The second Smith amendment, to the Standing Committee amendment, is as follows:

FA204

(Amendments to Standing Committee amendments, AM1282)

- 1 1. On page 11, line 26, strike "other" through "income"
- 2 and insert "whose income, at initial occupancy, does not exceed one
- 3 hundred percent of the median income in counties having a
- 4 population in excess of thirty thousand inhabitants or one hundred
- 5 twenty-five percent of the median income in other counties of the
- 6 state".
- 9 3. On page 66, line 17, strike "who" through "income"
- 10 and insert "whose income, at initial occupancy, does not exceed one
- 11 hundred percent of the median income in counties having a
- 12 population in excess of thirty thousand inhabitants or one hundred
- 13 twenty-five percent of the median income in other counties of the
- 14 state".

The second Smith amendment lost with 0 ayes, 14 nays, 19 present and not voting, and 16 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Hartnett and Wickersham offered the following amendment to the Standing Committee amendment:

AM1722

(Amendments to Standing Committee amendments, AM1282)

- 1 1. On page 24, line 2, after "solely" insert "(a) for

2 the administrative offices of the housing agency or wholly owned
 3 controlled affiliate thereof, (b)"; in line 3 after "tenants"
 4 insert ", and (c) for appurtenances related to such housing"; and
 5 in line 6 after the period insert "All other real and personal
 6 property of the housing agency or wholly owned controlled affiliate
 7 thereof shall be deemed to not be used for a public purpose for
 8 purposes of section 77-202 and shall be taxable as provided in
 9 section 77-201 and section 8, Legislative Bill 271, Ninety-sixth
 10 Legislature, First Session, 1999."

The Hartnett-Wickersham amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Smith offered the following amendment to the Standing Committee amendment:

AM1727

(Amendments to Standing Committee amendments, AM1282)

- 1 1. On page 11, line 26, strike "other" through the
 2 second "income" and insert "whose income, at initial occupancy,
 3 does not exceed one hundred percent of the median income in the
 4 county in which the development is located".
- 5 2. On page 66, line 17, strike "who" through "income"
 6 and insert "whose income, at initial occupancy, does not exceed one
 7 hundred percent of the median income in the county in which the
 8 development is located".

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

Mrs. Brown requested a roll call vote on the Smith amendment.

Voting in the affirmative, 26:

Baker	Chambers	Hudkins	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Peterson, C.	Smith
Brashear	Crosby	Kiel	Quandahl	Tyson
Bromm	Dickey	Kremer	Redfield	Vrtiska
Bruning	Engel	Kristensen	Schmitt	Wickersham
Byars				

Voting in the negative, 12:

Bourne	Hartnett	Lynch	Price	Suttle
Brown	Hilgert	Matzke	Schimek	Thompson
Connealy	Jones			

Present and not voting, 9:

Cudaback	Dierks	Janssen	Pedersen, Dw.	Preister
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Raikes Robak Stuhr Wehrbein

Excused and not voting, 2:

Bohlke Landis

The Smith amendment was adopted with 26 ayes, 12 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Messrs. Dw. Pedersen and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

AMENDMENTS - Print in Journal

Mrs. Thompson filed the following amendment to LB 652:
AM1690

(Amendments to Standing Committee amendments, AM0717)

- 1 1. Strike amendments 1 through 3 and insert the
- 2 following new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 'Section 1. Section 43-284, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 43-284. When any juvenile is adjudged to be under
- 8 subdivision (3) or (4) of section 43-247, the court may permit such
- 9 juvenile to remain in his or her own home subject to supervision or
- 10 may make an order committing the juvenile to (1) ~~the care of some~~
- 11 ~~suitable institution; (2) inpatient or outpatient treatment at a~~
- 12 ~~mental health facility or mental health program; (3) the care of~~
- 13 ~~some reputable citizen of good moral character; (4) the care of~~
- 14 ~~some association willing to receive the juvenile embracing in its~~
- 15 ~~objects the purpose of caring for or obtaining homes for such~~
- 16 ~~juveniles; which association shall have been accredited as provided~~
- 17 ~~in section 43-296; (5) (2) the care of a suitable family, or (6)~~
- 18 ~~(3) the care and custody of the Department of Health and Human~~
- 19 ~~Services.~~
- 20 Under subdivision (1); (2); (3); (4); or (5) of this
- 21 section, upon a determination by the court that there are no
- 22 parental, private, or other public funds available for the care;
- 23 custody, education, and maintenance of a juvenile, the court may
- 1 order a reasonable sum for the care, custody, education, and

2 maintenance of the juvenile to be paid out of a fund which shall be
3 appropriated annually by the county where the petition is filed
4 until suitable provisions may be made for the juvenile without such
5 payment.

6 The amount to be paid by a county for education pursuant
7 to this section shall not exceed the average cost for education of
8 a public school student in the county in which the juvenile is
9 placed and shall be paid only for education in kindergarten through
10 grade twelve.

11 The court may enter a dispositional order removing a
12 juvenile from his or her home upon a written determination that
13 continuation in the home would be contrary to the health, safety,
14 or welfare of such juvenile and that reasonable efforts to preserve
15 and reunify the family have been made if required under section
16 43-283.01.

17 Sec. 2. Section 43-286, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-286. (1) When any juvenile is adjudicated to be a
20 juvenile described in subdivision (1), (2), or (4) of section
21 43-247:

22 (a) The court may continue the dispositional portion of
23 the hearing, from time to time upon such terms and conditions as
24 the court may prescribe, including an order of restitution of any
25 property stolen or damaged or an order requiring the juvenile to
26 participate in community service programs, if such order is in the
27 interest of the juvenile's reformation or rehabilitation, and,
1 subject to the further order of the court, may:

2 (i) Place the juvenile on probation subject to the
3 supervision of a probation officer; or

4 (ii) Permit the juvenile to remain in his or her own
5 home, subject to the supervision of the probation officer; or

6 (iii) Cause the juvenile to be placed in a suitable
7 family home or institution, subject to the supervision of the
8 probation officer. If the court has committed the juvenile to the
9 care and custody of the Department of Health and Human Services,
10 the department shall pay the costs of the suitable family home or
11 institution which are not otherwise paid by the juvenile's parents.

12 Under subdivision (1)(a) of this section, upon a
13 determination by the court that there are no parental, private, or
14 other public funds available for the care, custody, and maintenance
15 of a juvenile, the court may order a reasonable sum for the care,
16 custody, and maintenance of the juvenile to be paid out of a fund
17 which shall be appropriated annually by the county where the
18 petition is filed until a suitable provision may be made for the
19 juvenile without such payment; or

20 (b) The court may commit such juvenile to the Office of
21 Juvenile Services, but a juvenile under the age of twelve years
22 shall not be placed at the Youth Rehabilitation and Treatment
23 Center-Geneva or the Youth Rehabilitation and Treatment

24 Center-Kearney unless he or she has violated the terms of probation
25 or has committed an additional offense and the court finds that the
26 interests of the juvenile and the welfare of the community demand
27 his or her commitment. This minimum age provision shall not apply
1 if the act in question is murder or manslaughter.

2 (2) When any juvenile is found by the court to be a
3 juvenile described in subdivision (3)(b) of section 43-247, the
4 court may enter such order as it is empowered to enter under
5 subdivision (1)(a) of this section or enter an order committing or
6 placing the juvenile to the care and custody of the Department of
7 Health and Human Services.

8 (3) Beginning July 15, 1998, when any juvenile is
9 adjudicated to be a juvenile described in subdivision (1), (2),
10 (3)(b), or (4) of section 43-247 because of a nonviolent act or
11 acts and the juvenile has not previously been adjudicated to be
12 such a juvenile because of a violent act or acts, the court may,
13 with the agreement of the victim, order the juvenile to attend
14 juvenile offender and victim mediation with a mediator or at an
15 approved center selected from the roster made available pursuant to
16 section 25-2908.

17 (4)(a) When a juvenile is placed on probation or under
18 the supervision of the court and it is alleged that the juvenile is
19 again a juvenile described in subdivision (1), (2), (3)(b), or (4)
20 of section 43-247, a petition may be filed and the same procedure
21 followed and rights given at a hearing on the original petition.
22 If an adjudication is made that the allegations of the petition are
23 true, the court may make any disposition authorized by this section
24 for such adjudications.

25 (b) When a juvenile is placed on probation or under the
26 supervision of the court for conduct under subdivision (1), (2),
27 (3)(b), or (4) of section 43-247 and it is alleged that the
1 juvenile has violated a term of probation or supervision or that
2 the juvenile has violated an order of the court, a motion to revoke
3 probation or supervision or to change the disposition may be filed
4 and proceedings held as follows:

5 (i) The motion shall set forth specific factual
6 allegations of the alleged violations and a copy of such motion
7 shall be served on all persons required to be served by sections
8 43-262 to 43-267;

9 (ii) The juvenile shall be entitled to a hearing before
10 the court to determine the validity of the allegations. At such
11 hearing the juvenile shall be entitled to those rights relating to
12 counsel provided by section 43-272 and those rights relating to
13 detention provided by sections 43-254 to 43-256. The juvenile
14 shall also be entitled to speak and present documents, witnesses,
15 or other evidence on his or her own behalf. He or she may confront
16 persons who have given adverse information concerning the alleged
17 violations, may cross-examine such persons, and may show that he or
18 she did not violate the conditions of his or her probation or, if

19 he or she did, that mitigating circumstances suggest that the
20 violation does not warrant revocation. The revocation hearing
21 shall be held within a reasonable time after the juvenile is taken
22 into custody;

23 (iii) The hearing shall be conducted in an informal
24 manner and shall be flexible enough to consider evidence, including
25 letters, affidavits, and other material, that would not be
26 admissible in an adversarial criminal trial;

27 (iv) The juvenile shall be given a preliminary hearing in
1 all cases when the juvenile is confined, detained, or otherwise
2 significantly deprived of his or her liberty as a result of his or
3 her alleged violation of probation. Such preliminary hearing shall
4 be held before an impartial person other than his or her probation
5 officer or any person directly involved with the case. If as a
6 result of such preliminary hearing probable cause is found to
7 exist, the juvenile shall be entitled to a hearing before the court
8 in accordance with this subsection;

9 (v) If the juvenile is found by the court to have
10 violated the terms of his or her probation, the court may modify
11 the terms and conditions of the probation order, extend the period
12 of probation, or enter any order of disposition that could have
13 been made at the time the original order of probation was entered;
14 and

15 (vi) In cases when the court revokes probation, it shall
16 enter a written statement as to the evidence relied on and the
17 reasons for revocation.

18 Sec. 3. Section 43-290, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-290. It is the purpose of this section to promote
21 parental responsibility and to provide for the most equitable use
22 and availability of public money.

23 Pursuant to the petition filed by the county attorney or
24 any reputable person in accordance with section 43-274, whenever
25 the care or custody of a juvenile is given by the court to someone
26 other than his or her parent, which shall include placement with a
27 state agency, or when a juvenile is given medical, psychological,
1 or psychiatric study or treatment under order of the court, the
2 court shall make a determination of support to be paid by a parent
3 for the juvenile at the same proceeding at which placement, study,
4 or treatment is determined or at a separate proceeding. Such
5 proceeding, which may occur prior to, at the same time as, or
6 subsequent to adjudication, shall be in the nature of a disposition
7 hearing.

8 At such proceeding, after summons to the parent of the
9 time and place of hearing served as provided in sections 43-262 to
10 43-267, the court may order and decree that the parent shall pay,
11 in such manner as the court may direct, a reasonable sum that will
12 cover in whole or part the support, study, and treatment of the
13 juvenile, which amount ordered paid shall be the extent of the

14 liability of the parent. The court in making such order shall give
15 due regard to the cost of study, treatment, and maintenance of the
16 juvenile, the ability of the parent to pay, and the availability of
17 money for the support of the juvenile from previous judicial
18 decrees, social security benefits, veterans benefits, or other
19 sources. Support thus received by the court shall be transmitted
20 to the person, agency, or institution having financial
21 responsibility for such study, treatment, or maintenance and, if a
22 state agency or institution, remitted by such state agency or
23 institution quarterly to the Director of Administrative Services
24 for credit to the proper fund.

25 Whenever medical, psychological, or psychiatric study or
26 treatment is ordered by the court, whether or not the juvenile is
27 placed with someone other than his or her parent, or if such study
1 or treatment is otherwise provided as determined necessary by the
2 custodian of the juvenile, the court shall inquire as to the
3 availability of insured or uninsured health care coverage or
4 service plans which include the juvenile. The court may order the
5 parent to pay over any plan benefit sums received on coverage for
6 the juvenile. The payment of any deductible under the health care
7 benefit plan covering the juvenile shall be the responsibility of
8 the parent. If the parent willfully fails or refuses to pay the
9 sum ordered or to pay over any health care plan benefit sums
10 received, the court may proceed against him or her as for contempt,
11 either on the court's own motion or on the motion of the county
12 attorney or authorized attorney as provided in section 43-512, or
13 execution shall issue at the request of any person, agency, or
14 institution treating or maintaining such juvenile. The court may
15 afterwards, because of a change in the circumstances of the
16 parties, revise or alter the order of payment for support, study,
17 or treatment.

18 If the juvenile has been committed to the care and
19 custody of the Department of Health and Human Services, the
20 department shall pay the costs for the support, study, or treatment
21 of the juvenile which are not otherwise paid by the juvenile's
22 parent.

23 ~~If no provision is otherwise made by law for the support~~
24 ~~or payment for the study or treatment of the juvenile, compensation~~
25 ~~for the study or treatment shall be paid, when approved by an order~~
26 ~~of the court, out of a fund which shall be appropriated by the~~
27 ~~county in which the petition is filed.~~

1 The juvenile court shall retain jurisdiction over a
2 parent ordered to pay support for the purpose of enforcing such
3 support order for so long as such support remains unpaid but not to
4 exceed ten years from the nineteenth birthday of the youngest child
5 for whom support was ordered.

6 Sec. 4. This act becomes operative on July 1, 2001.

7 Sec. 5. Original sections 43-284, 43-286, and 43-290,
8 Reissue Revised Statutes of Nebraska, are repealed.'".

Mr. Hilgert filed the following amendment to LB 179A:
AM1700

(Amendments to Final Reading copy)

- 1 1. On page 2, line 1, strike "\$5,200,000" and insert
- 2 "\$6,510,000".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Hale, David Lee - Motor Carrier Advisory Council -- Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 863. Placed on General File as amended.
(Standing Committee amendment, AM1724, may be found in the Bill Books.
The amendment has been printed separately and is on file in the Bill Room -
Room 1102.)

(Signed) Ed Schrock, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 124. Introduced by Thompson, 14.

PURPOSE: The Legislature finds that there has been a renewed interest in sentencing reform, with an increasing number of states currently adopting, revising, or proposing new structured sentencing systems. States that have adopted structured sentencing systems have attempted to achieve goals such as: Reducing or removing disparity in sentencing; enhancing consistency; expanding community-based services for nonviolent offenders; and managing correctional resources. Therefore, it is recommended that Nebraska review the possible establishment of sentencing commissions and examine the potential for the use of such a system.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125. Introduced by Kristensen, 37.

PURPOSE: The purpose of this study is to determine if there is an appropriate level of service which should be maintained on the Interstate Highway System and whether there should be any changes in state law which impact such level of service.

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

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

GENERAL FILE**LEGISLATIVE BILL 147.** Title read. Considered.

Mr. Schrock and Ms. Redfield asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM0423, found on page 753, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 147A. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 730. Title read. Considered.**MR. CUDABACK PRESIDING**

Mr. Baker asked unanimous consent to be excused. No objections. So ordered.

Mr. Dickey asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0753, found on page 1047, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Wehrbein renewed his pending amendment, AM1515, found on page 1747.

The Wehrbein amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 730A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 126. Introduced by Stuhr, 24.

PURPOSE: The purpose of this study is to examine state policies relating to recycling in Nebraska. This shall include, but not be limited to, the following issues:

(1) Considering the implications of a tax incentive or tax credit to solid waste collectors for providing curbside recycling collection; and

(2) Considering the implications of a statewide requirement to recycle.

This study shall also examine current and future recycling efforts in state government, how current distribution systems may become more efficient and effective, and how state policies may be restructured to provide further market incentives for the reduction, reuse, and recycling of solid waste and litter.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 127. Introduced by Schimek, 27.

WHEREAS, Pfizer, Inc., is celebrating its one hundred fiftieth anniversary; and

WHEREAS, Pfizer Animal Health Lincoln Operations was founded in 1919 and is thus celebrating its eightieth anniversary; and

WHEREAS, Pfizer Animal Health Lincoln Operations is one of the world's leading health companies for manufacturing animal health biological and pharmaceutical products; and

WHEREAS, Pfizer Animal Health Lincoln Operations employs over seven

hundred individuals operating in three work shifts; and

WHEREAS, Pfizer, Inc., a leader in the pharmaceutical industry, has displayed a remarkable commitment to the search of new cures and treatments of disease, and through its innovative programs has helped to insure that patients in need have access to advanced medicines that provide quality, cost-effective health care.

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

1. That the Legislature recognizes and commends Pfizer, Inc., and Pfizer Animal Health Lincoln Operations for the leadership role that it has taken in the pharmaceutical industry.

Laid over.

LEGISLATIVE RESOLUTION 128. Introduced by Crosby, 29; Byars, 30; Schimek, 27; Beutler, 28; Price, 26; Raikes, 25; Hudkins, 21; Landis, 46.

WHEREAS, Melba Cope of Lincoln was recently selected by the Washington State Apple Commission as the greatest granny; and

WHEREAS, Melba, or "Grandma Toast" as she is known to her grandchildren, was selected from thousands of nominations in the commission's "Search for Granny Smith"; and

WHEREAS, Melba was selected because she fits the description of a granny on the go; and

WHEREAS, Melba said about her selection, that every grandmother is the world's greatest granny to someone.

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

1. That the Legislature congratulates Melba Cope on her selection by the Washington State Apple Commission as their "Granny Smith".

2. That a copy of this resolution be sent to Melba Cope.

Laid over.

UNANIMOUS CONSENT - Members Excused

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 828. Title read. Considered.

The Standing Committee amendment, AM0673, printed separately and referred to on page 875, was considered.

Mr. Jensen renewed the Jensen et al. pending amendment, AM0851, found on page 1132, to the Standing Committee amendment.

The Jensen et al. amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 571. Title read. Considered.

The Standing Committee amendment, AM0555, found on page 765, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Robak renewed her pending amendment, AM1537, found on page 1748.

Pending.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 531. Indefinitely postponed.

LEGISLATIVE BILL 711. Indefinitely postponed.

LEGISLATIVE BILL 832. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

SELECT FILE

LEGISLATIVE BILL 44. Mr. Bromm withdrew his amendment, FA192, found on page 1885.

PRESIDENT MAURSTAD PRESIDING

Mr. Chambers renewed his first pending amendment, FA190, found on page 1885.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Chambers amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Mr. Bromm withdrew his amendment, FA191, found on page 1888.

The second Chambers amendment is as follows:

FA189

- 1 1. Insert the following new section:
- 2 "Sec. 2. Any law enforcement agency that receives money,
- 3 property, or proceeds of property that has been forfeited to the
- 4 United States and transferred to the law enforcement agency under
- 5 federal law shall prepare a report at the end of its fiscal year of
- 6 the money, property, and proceeds received from the United States
- 7 under federal forfeiture law. The report shall be given to the
- 8 Clerk of the Legislature within sixty days after the end of the
- 9 agency's fiscal year.

The second Chambers amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

Mrs. Suttle asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 87A. Mr. Wickersham withdrew the Wickersham-Wehrbein amendment, AM1511, found on page 1732.

Mr. Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1643 to LB 87A.

Mr. Wickersham moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Wickersham motion to suspend the rules prevailed with 30 ayes, 1 nay, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Wickersham renewed the Wickersham-Wehrbein pending amendment, AM1643, found on page 1844.

The Wickersham-Wehrbein amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 571. The Robak pending amendment, AM1537, found on page 1748 and considered in this day's Journal, was renewed.

Mrs. Robak withdrew her amendment.

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bromm and Mrs. Robak renewed their pending amendment, AM1142, found on page 1759.

Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

The Bromm-Robak amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Mrs. Stuhr offered the following amendment:
AM1521

- 1 1. Insert the following new sections:
- 2 "Sec. 3. Section 32-810, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-810. (1) The election commissioner or county clerk
- 5 shall place the names of all partisan candidates certified to him
- 6 or her by the Secretary of State and of those partisan candidates
- 7 filing in his or her office on a primary election ballot headed
- 8 with the political party designation. The names of each
- 9 nonpartisan candidate certified by the Secretary of State and of
- 10 each nonpartisan candidate filing in the office of the election
- 11 commissioner or county clerk shall be placed on the primary
- 12 election ballot headed by the words Nonpartisan Ticket.
- 13 (2) If any office is not subject to the upcoming
- 14 election, the office shall be omitted from the ballot and the
- 15 remaining offices shall move up so that the same relative order is
- 16 preserved. The order of any offices may be altered to allow for
- 17 the best utilization of ballot space in order to avoid printing a
- 18 second ballot when one ballot would be sufficient if a punch card
- 19 or optical-scan ballot is used. All proposals on the ballot
- 20 submitted by a political subdivision shall follow all offices on
- 21 the ballot for such political subdivision.
- 22 (3) The election commissioner or county clerk shall
- 23 follow the order of precincts or wards as set out in the official
- 24 abstract book on file in his or her office in preparing the
- 1 official ballots. At the primary election, on the first set of
- 2 ballots for the first precinct or ward shall be the names of
- 3 candidates filing by date and hour as certified by the Secretary of
- 4 State and for local candidates the names of candidates shall be
- 5 listed in the order of filing by date and hour with the election
- 6 commissioner or county clerk. When there are more candidates than
- 7 vacancies for the same office, the names of all partisan and
- 8 nonpartisan candidates at a primary election shall be rotated
- 9 precinct by precinct in each office division in the order in which

10 the precincts are set out in the official abstract book. In making
11 the changes of position, the printer shall take the line of type at
12 the head of each office division and place it at the bottom of that
13 division, shoving up the column so that the name that was second
14 shall be first after the change.

15 Sec. 4. Section 32-813, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 32-813. (1) The names of all candidates and all
18 proposals to be voted upon at the general election shall be
19 arranged upon the ballot in parts separated from each other by bold
20 lines in the order the offices and proposals are set forth in this
21 section. If any office is not subject to the upcoming election,
22 the office shall be omitted from the ballot and the remaining
23 offices shall move up so that the same relative order is preserved.
24 The order of any offices may be altered to allow for the best
25 utilization of ballot space in order to avoid printing a second
26 ballot when one ballot would be sufficient if a punch card or
27 optical-scan ballot is used. All proposals on the ballot shall
1 remain separate from the offices, and the proposals shall follow
2 all offices on the ballot.

3 (2) All proposals submitted by initiative or referendum
4 and proposals for constitutional amendments shall be placed on a
5 separate ballot when a paper ballot is used which requires that the
6 ballot after being voted be folded before being deposited in a
7 ballot box. When a punch card or optical-scan ballot is used which
8 requires a ballot envelope, jacket, or sleeve in which the ballot
9 after being voted is placed before being deposited in a ballot box,
10 initiative or referendum proposals and constitutional amendments
11 may be placed on either side of the ballot and shall be separated
12 from other offices or issues by a bold line. Initiative or
13 referendum proposals and constitutional amendments so arranged
14 shall constitute a separate ballot. Proposals for constitutional
15 amendments proposed by the Legislature shall be placed on the
16 ballot as provided in sections 49-201 to 49-211.

17 (3) If the election is in a year in which a President of
18 the United States is to be elected, the names and spaces for voting
19 for candidates for President and Vice President shall be entitled
20 Presidential Ticket in boldface type. The names of candidates for
21 President and Vice President for each political party shall be
22 grouped together, and each group shall be enclosed with brackets
23 with the political party name to the right and one square or oval
24 to the left in which the voter indicates his or her choice. The
25 names of candidates for President and Vice President who have
26 successfully petitioned on the ballot for the general election
27 shall be grouped together with the candidates appearing on the same
1 petition being grouped together, and each group shall be enclosed
2 with brackets with the words "By Petition" to the right and one
3 square or oval to the left in which the voter indicates his or her
4 choice.

5 (4) (3) The names and spaces for voting for candidates
6 for United States Senator if any are to be elected shall be
7 entitled United States Senatorial Ticket in boldface type.

8 (5) (4) The names and spaces for voting for candidates
9 for Representatives in Congress shall be entitled Congressional
10 Ticket in boldface type. Above the candidates' names, the office
11 shall be designated For Representative in Congress District.

12 (6) (5) The names and spaces for voting for candidates
13 for the various state officers shall be entitled State Ticket in
14 boldface type. Each set of candidates shall be separated by lines
15 across the column, and above each set of candidates shall be
16 designated the office for which they are candidates, arranged in
17 the order prescribed by the Secretary of State. The candidates for
18 Governor and Lieutenant Governor of each political party receiving
19 the highest number of votes in the primary election shall be
20 grouped together. Each group shall be enclosed with brackets with
21 the political party name to the right and one square or oval to the
22 left in which the voter indicates his or her choice for Governor
23 and Lieutenant Governor jointly. The candidates for Governor and
24 Lieutenant Governor who have successfully petitioned on the general
25 election ballot shall be grouped together with the candidates
26 appearing on the same petition being grouped together. Each group
27 shall be enclosed with brackets with the words "By Petition" to the
1 right and one square or oval to the left in which the voter
2 indicates his or her choice for Governor and Lieutenant Governor
3 jointly. Beneath the names of the candidates for Governor and
4 Lieutenant Governor nominated at a primary election by political
5 party and beneath the names of all candidates for Governor and
6 Lieutenant Governor placed on the general election ballot by
7 petition, two write-in lines shall be provided in which the
8 registered voter may write the names of the candidates of his or
9 her choice. The lines shall be enclosed with the brackets with one
10 square or oval to the left in which the registered voter shall mark
11 his or her choice. The name appearing on the top line shall be
12 considered to be the candidate for Governor, and the name appearing
13 on the second line shall be considered to be the candidate for
14 Lieutenant Governor.

15 (7) (6) The names and spaces for voting for nonpartisan
16 candidates shall be entitled Nonpartisan Ticket in boldface type.
17 The names of all nonpartisan candidates shall appear in the order
18 listed in this subsection, except that when using a punch card or
19 optical-scan ballot, the order of offices may be altered to allow
20 for the best utilization of ballot space to avoid printing a second
21 ballot when one ballot would be sufficient:

- 22 (a) Legislature;
- 23 (b) State Board of Education;
- 24 (c) Board of Regents of the University of Nebraska;
- 25 (d) Chief Justice of the Supreme Court;
- 26 (e) Judge of the Supreme Court;

- 27 (f) Judge of the Court of Appeals;
 1 (g) Judge of the Nebraska Workers' Compensation Court;
 2 (h) Judge of the District Court;
 3 (i) Judge of the Separate Juvenile Court;
 4 (j) Judge of the County Court; and
 5 (k) County officers in the order prescribed by the
 6 election commissioner or county clerk.
- 7 ~~(8)~~ (7) The names and spaces for voting for the various
 8 county offices and for measures submitted to the county vote only
 9 or in only a part of the county shall be entitled County Ticket in
 10 boldface type. If the election commissioner or county clerk deems
 11 it advisable, the measures may be submitted on a separate ballot if
 12 using a paper ballot or on either side of a punch card or
 13 optical-scan ballot if the ballot is placed in a ballot envelope,
 14 jacket, or sleeve before being deposited in a ballot box.
- 15 ~~(9)~~ (8) The candidates for office in the precinct only or
 16 in the city or village only shall be printed on the ballot, except
 17 that if the election commissioner or county clerk deems it
 18 advisable, candidates for these offices may be submitted on a
 19 separate ballot if using a paper ballot or on either side of a
 20 punch card or optical-scan ballot if the ballot is placed in a
 21 ballot envelope, jacket, or sleeve before being deposited in a
 22 ballot box.
- 23 (9) All proposals submitted by initiative or referendum
 24 and proposals for constitutional amendments shall be placed on a
 25 separate ballot when a paper ballot is used which requires that the
 26 ballot after being voted be folded before being deposited in a
 27 ballot box. When an optical-scan ballot is used which requires a
 1 ballot envelope, jacket, or sleeve in which the ballot after being
 2 voted is placed before being deposited in a ballot box, initiative
 3 or referendum proposals and proposals for constitutional amendments
 4 may be placed on either side of the ballot, shall be separated by a
 5 bold line, and shall follow all other offices placed on the same
 6 side of the ballot. Initiative or referendum proposals and
 7 constitutional amendments so arranged shall constitute a separate
 8 ballot. Proposals for constitutional amendments proposed by the
 9 Legislature shall be placed on the ballot as provided in sections
 10 49-201 to 49-211."
- 11 2. Renumber the remaining sections and correct the
 12 repealer accordingly.

The Stuhr amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

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

The following bill was correctly engrossed: LB 550.

Enrollment and Review Change to LB 550

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

ER9072

1. Original section 208 and all amendments thereto have been struck and the following new sections inserted:

"Sec. 44. Section 77-2391, Revised Statutes Supplement, 1998, is amended to read:

77-2391. (1) Securities pledged or securities in which a security interest has been granted shall be delivered to and held by a federal reserve bank or by a branch of a federal reserve bank or another responsible bank, capital stock financial institution, or trust company, other than the pledgor or the bank or capital stock financial institution granting the security interest, as designated by the governing authority, with appropriate joint custody and the pledge agreement or security interest as described in subsection (2) of this section, in a form approved by the governing authority.

(2) The delivery by the bank or capital stock financial institution designated as a depository to the custodial official of a written receipt or acknowledgment from a federal reserve bank or branch of a federal reserve bank or another bank, capital stock financial institution, or trust company, other than the bank or capital stock financial institution granting the security interest, that includes the title of such custodial official, describes the securities identified on the books or records of the depository, and provides that the securities or the proceeds of the securities will be delivered only upon the surrender of the written receipt or the acknowledgment duly executed by the custodial official designated on the written receipt or the acknowledgment and by the authorized representative of the depository shall, together with the custodial official's actual and continued possession of the written receipt or acknowledgment, constitute a valid and perfected security interest in favor of the custodial official in and to the identified securities. ~~Articles 8 and 9, Uniform Commercial Code~~ Articles 8 and 9, Uniform Commercial Code, shall not apply to any security interest arising under this section.

Sec. 217. The following sections are outright repealed: Sections 1-111, 9-101 to 9-110, 9-112 to 9-116, 9-201 to 9-208, 9-301 to 9-312, 9-314 to 9-318, 9-401, 9-407 to 9-411, 9-413, 9-415, 9-420, and 9-501 to 9-507, Uniform Commercial Code, sections 9-313, 9-402, 9-404 to 9-406, and 9-412, Uniform Commercial Code, as amended by sections 3, 4, 6 to 8, and 9, respectively, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999, section 9-414, Uniform Commercial Code, as amended

by section 73, Legislative Bill 550, Ninety-sixth Legislature, First Session, 1999, and section 9-403, Uniform Commercial Code, as amended by section 5, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999, and section 72, Legislative Bill 550, Ninety-sixth Legislature, First Session, 1999."

2. In the Landis amendment, AM1452:

a. Sections 71, 213, and 214 have been struck and the following new sections inserted:

"Sec. 72. Section 9-403, Uniform Commercial Code, as amended by section 5, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999, is amended to read:

9-403. What constitutes filing; duration of filing; effect of lapsed filing; duties of filing officer; uniform fees; fee distribution.

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in subsection (6) of this section, a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of sixty days or until expiration of the five-year period, whichever occurs later. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in subsection (2) of this section. Any such continuation statement must identify the original statement by file number and state that the original statement is still effective. Such continuation statement shall be signed by the secured party, and if such continuation statement is filed electronically it shall be signed electronically pursuant to subsection (3) of section 9-406. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) of this section unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. The provisions of this subsection shall be applied retroactively to any continuation statement filed before July 1, 1999.

(4)(a) Until July 1, 1999, except as provided in subsection (7) of this section, a filing officer shall mark each statement or other document with a consecutive file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and

the address of the debtor given in the statement.

(b) Beginning July 1, 1999, except as provided in subsection (7) of this section, a filing officer shall mark or identify each statement or other document with a consecutive file number and with the date and hour of filing and shall make available the statement or a microfilm or other photographic or electronically reproduced copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5)(a) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement, an amendment, a separate statement of assignment, a continuation statement, a partial release, or a full release shall be six dollars, except as provided in subdivision (5)(c) of this section. There shall be no fee for the filing of a termination statement. The uniform fee for each name more than one required to be indexed shall be four dollars. The secured party may at his or her option show a trade name for any person and an extra uniform indexing fee of four dollars shall be paid with respect thereto.

(b) The uniform fee for filing and indexing and for stamping a copy furnished by a lienholder to show the date and place of filing of a lien or an amendment, a lien-notification statement, a separate statement of assignment, a certificate of discharge or subordination, a notice, a certificate of release or nonattachment, partial release, or full release of a lien filed pursuant to Chapter 52, article 2, 5, 7, 9, ~~10~~, 11, 12, or 14, or Chapter 54, article 2, or the Uniform State Tax Lien Registration and Enforcement Act shall be six dollars, except as provided in subdivision (5)(d) of this section. The uniform fee for each name more than one required to be indexed shall be four dollars.

(c) The uniform fee for filing and indexing a copy filed by the secured party by electronic means for an original financing statement, an amendment, a separate statement of assignment, a continuation statement, a partial release, or a full release shall be five dollars. The uniform fee for each name more than one required to be indexed shall be four dollars. The secured party may at his or her option show a trade name for any person and an extra uniform indexing fee of four dollars shall be paid with respect thereto.

(d) The uniform fee for filing and indexing a copy filed by a lienholder by electronic means for a lien or an amendment, a lien-notification statement, a separate statement of assignment, a certificate of discharge or subordination, a notice, a certificate of release or nonattachment, partial release, or full release of a lien filed pursuant to Chapter 52, article 2, 5, 7, 9, ~~10~~, 11, 12, or 14, or Chapter 54, article 2, or the Uniform State Tax Lien Registration and Enforcement Act shall be five dollars. The uniform fee for each name more than one required to be indexed shall be four dollars.

(6) If the debtor is a transmitting utility (subsection (5) of section 9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (5) of section 9-402 remains effective as a fixture

filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, or is filed as a fixture filing, it shall be filed for record and the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he or she were the mortgagee thereunder, or where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described.

(8) The provisions of subsections (2) and (3) of this section shall not apply to mortgages or deeds of trust and instruments supplementary or amendatory thereto covering real estate as well as personal property where such property constitutes a portion of the property used in carrying on the business of a public utility or a gas or oil pipeline system and which are executed to secure the payment of money. The lien of such mortgages or deeds of trust and amendments and supplements thereto shall continue in force and effect as to the personal property described therein, together with any interest of the mortgagor in real estate therein described even if the same has been on file five years or more. The instruments filed shall disclose that the mortgagor or grantor therein is then carrying on the business of a public utility or an oil or gas pipeline system or such fact shall be disclosed by an affidavit of the mortgagor or grantor to that effect filed for record with the county clerk.

(9) Until July 1, 1999, any county clerk receiving a fee under subsection (5) of this section for filing any document from which information is required to be transmitted to the Secretary of State shall on a monthly basis forward two dollars of each four-dollar fee and three dollars of each six-dollar fee received pursuant to subsection (5) of this section to the Secretary of State for deposit in the Uniform Commercial Code Cash Fund.

(10)(a) Until July 1, 1999, the Secretary of State shall deposit two dollars of each four-dollar fee and three dollars of each six-dollar fee received pursuant to subsection (5) of this section in the Uniform Commercial Code Cash Fund.

(b) Beginning July 1, 1999, the Secretary of State shall deposit each fee received pursuant to subsection (5) of this section in the Uniform Commercial Code Cash Fund.

Sec. 214. Sections 1 to 20, 25 to 33, 35 to 44, 48 to 71, 74 to 213, 215, and 217 of this act become operative on July 1, 2001. Sections 21 to 24, 34, 45 to 47, 72, 73, and 216 of this act become operative on July 1, 1999. The other sections of this act become operative on their effective date.

Sec. 215. Original sections 23-1517, 23-1527, 25-205, 25-21, 188.01, 35-105, 36-709, 37-1282, 37-1290, 45-184, 48-657, 52-203, 52-204, 52-303, 52-501, 52-504, 52-701, 52-702, 52-902, 52-903, 52-905, 52-1101, 52-1102, 52-1103, 52-1104, 52-1202, 52-1203, 52-1205, 52-1407, 52-1409, 52-1801, 54-201, 54-208, 54-209, 57-812, 60-110,

60-1419, 76-1102, 76-1902, and 87-707, Reissue Revised Statutes of Nebraska, sections 77-2391, 84-1205, and 84-1205.02, Revised Statutes Supplement, 1998, and sections 1-105, 1-201, 1-206, 2-103, 2-210, 2-326, 2-502, 2-716, 2A-103, 2A-303, 2A-307, 2A-309, 4-210, 7-503, 8-103, 8-106, 8-110, 8-301, 8-302, and 8-510, Uniform Commercial Code, are repealed.";

b. On page 2, line 14, "presented to" has been struck, shown as stricken, and "filed in the office of" inserted;

c. On page 3, line 25, the stricken comma has been reinstated;

d. On page 4, line 4, the comma has been stricken;

e. On page 9, line 25; and page 10, line 4, "section 77-3903" has been struck and "this section" inserted;

f. On page 19, line 1, a comma has been inserted after "9-414"; and in line 20 the stricken "or" has been reinstated;

g. On page 20, lines 13 and 27, an underscored comma has been inserted after "Act";

h. On page 21, lines 19 and 20, "subdivision (a)(1) of section 9-501" has been struck and "section 9-501(a)(1)" inserted; and

i. On page 24, line 10, the second comma has been struck; and in line 22 "and sections 9-403 and" has been struck and "section" inserted and "and section 9-403, Uniform Commercial Code, as amended by section 5, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999," has been inserted after the last comma.

3. In the E & R amendments, AM7095:

a. Amendments 1 and 2 have been struck; and

b. On page 2, line 18, "act" has been struck and "section" inserted.

4. The matter beginning with "the" on page 1, line 1, through page 2, line 4, has been struck and "commercial transactions; to amend sections 23-1517, 23-1527, 25-205, 25-21, 188.01, 35-105, 36-709, 37-1282, 37-1290, 45-184, 48-657, 52-203, 52-204, 52-303, 52-501, 52-504, 52-701, 52-702, 52-902, 52-903, 52-905, 52-1001, 52-1003, 52-1004, 52-1008, 52-1101, 52-1102, 52-1103, 52-1104, 52-1202, 52-1203, 52-1205, 52-1407, 52-1409, 52-1601, 52-1801, 54-201, 54-208, 54-209, 57-812, 60-110, 60-1419, 76-1102, 76-1902, and 87-707, Reissue Revised Statutes of Nebraska, sections 77-2391, 84-1205, and 84-1205.02, Revised Statutes Supplement, 1998, section 77-3904, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 165, Ninety-sixth Legislature, First Session, 1999, sections 77-3902 and 77-3903, Revised Statutes Supplement, 1998, as amended by sections 3 and 4 respectively, Legislative Bill 165, Ninety-sixth Legislature, First Session, 1999, sections 1-105, 1-201, 1-206, 2-103, 2-210, 2-326, 2-502, 2-716, 2A-103, 2A-303, 2A-307, 2A-309, 4-210, 7-503, 8-103, 8-106, 8-110, 8-301, 8-302, 8-510, and 9-414, Uniform Commercial Code, and section 9-403, Uniform Commercial Code, as amended by section 5, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999; to adopt uniform provisions relating to secured transactions; to eliminate provisions governing secured transactions; to change provisions relating to liens and the Uniform Commercial Code; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original

sections; to outright repeal sections 1-111, 9-101 to 9-110, 9-112 to 9-116, 9-201 to 9-208, 9-301 to 9-312, 9-314 to 9-318, 9-401, 9-407 to 9-411, 9-413, 9-415, 9-420, and 9-501 to 9-507, Uniform Commercial Code, sections 9-313, 9-402, 9-404 to 9-406, and 9-412, Uniform Commercial Code, as amended by sections 3, 4, 6 to 8, and 9, respectively, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999, section 9-414, Uniform Commercial Code, as amended by section 73, Legislative Bill 550, Ninety-sixth Legislature, First Session, 1999, and section 9-403, Uniform Commercial Code, as amended by section 5, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999, and section 72, Legislative Bill 550, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency." inserted.

5. On page 85, lines 11 and 12, "the Article on Secured Transactions (Article 9)" has been struck, shown as stricken, and "Article 9--Secured Transactions" inserted.

6. On page 106, line 26, "subsection (j) of section 3-104" has been struck and "section 3-104(j)" inserted.

7. On page 146, line 27; and page 203, line 19, "regulation," has been inserted after "statute".

8. On page 216, line 27, "Chapter 77, article 39" has been struck and "the Uniform State Tax Lien Registration and Enforcement Act" inserted.

9. On page 251, lines 2, 10, 13, 18, 22, and 28; and page 252, line 3, paragraphing has been inserted.

10. On page 279, line 2, an underscored comma has been inserted after "filing".

11. The remaining sections have been renumbered accordingly.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 144:
AM1739

(Amendments to AM1626)

- 1 1. On page 1, line 4, strike "section" and insert
- 2 "sections"; and in line 5 after the first period insert "(1) The
- 3 State Board of Education shall implement a statewide assessment
- 4 program for students in a selected grade in each of the grade
- 5 ranges four through six, seven through nine, and ten through twelve
- 6 each fall semester beginning with the fall semester of 2002. The
- 7 assessment program shall consist of one assessment purchased from
- 8 an assessment service for each selected grade which tests students
- 9 in the areas of mathematics, reading, science, and social studies,
- 10 plus one writing assessment, either developed within the state by
- 11 educators with expertise in writing assessment or purchased as a
- 12 part of the assessment for the other specified subjects.
- 13 (2) The purposes of the assessment program are to:
- 14 (a) Evaluate whether or not students in a school system
- 15 have acquired skills and knowledge which allow them to meet or

- 16 exceed academic standards established by the state board;
17 (b) Measure progress of students in a school system
18 toward meeting academic standards established by the state board;
19 (c) Provide information for analysis of adopted standards
20 and consideration of new standards;
21 (d) Allow comparisons to be made between the academic
22 achievement of students in a local system and students in another
23 Nebraska local system; and
1 (e) Allow comparisons to be made between the academic
2 achievement of Nebraska students with the academic achievement of
3 students in other states.
4 (3) All public school districts shall participate in the
5 assessment, and all students enrolled in the designated grade
6 levels in such districts shall be assessed except as provided in
7 this subsection. The state board shall establish criteria that
8 schools may use to exempt special education students from
9 assessment in any or all subject areas. The state board may also
10 adopt alternative assessments or means of scoring for special
11 education students and students with limited English proficiency.
12 (4) The individual assessment scores shall be
13 confidential, shall be reported to the school district for
14 educational purposes, and shall not be reported to the State
15 Department of Education. Aggregate results for each school
16 district shall be reported to the department by the assessment
17 service and writing assessment scorers. School districts may also
18 make aggregate data available based on attendance centers.
19 (5) The department shall be responsible for the cost of
20 the assessment materials and scoring.
21 Sec. 2."

Messrs. Raikes and Beutler filed the following amendment to LB 605:
AM1630

(Amendments to AM1380)

- 1 1. On page 3, strike lines 20 through 27.
2 2. On page 4, strike lines 1 through 12; in line 13
3 strike "(5)", show as stricken, and insert "(4)"; and in lines 25
4 and 26 and 27 strike "subsections (3) and (4)" and insert
5 "subsection (3)".
6 3. On page 5, strike beginning with "An" in line 5
7 through the period in line 7; in line 17 strike "(6)", show as
8 stricken, and insert "(5)"; and in line 21 strike "(7)", show as
9 stricken, and insert "(6)".

Mr. Landis filed the following amendment to LB 267:
(Amendment on file in the Clerk's Office - Room 2018 - AM1684.)

MOTION - Print in Journal

Mr. Hartnett filed the following motion to LB 267:
Indefinitely postpone.

AMENDMENTS - Print in Journal

Mr. Hilgert filed the following amendment to LB 267:
AM1719

1 1. insert the following new sections:

2 "Section 1. Section 53-101, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-101. Sections 53-101 to 53-1,121 and section 14 of
5 this act shall be known and may be cited as the Nebraska Liquor
6 Control Act.

7 Sec. 14. In order to further the public policy of
8 detering minors from obtaining or consuming alcoholic liquor,
9 persons under twenty-one years of age may be authorized to assist
10 duly authorized law enforcement officers to determine compliance
11 with sections 53-180 and 53-180.02. Such compliance checks shall
12 be conducted by, in conjunction with, or under the direction of the
13 Nebraska State Patrol and shall be conducted pursuant to guidelines
14 adopted and promulgated by the Nebraska State Patrol with input
15 from the commission. Such guidelines shall include, but need not
16 be limited to, requirements that the person provide truthful
17 identification and truthful responses to inquiries and present an
18 appearance which is consistent with the person's chronological age.
19 The Nebraska State Patrol shall maintain records of such compliance
20 checks and shall make a report to the commission on or before
21 December 1 of each year, indicating the outcome of such compliance
22 checks. Compliance checks not conducted pursuant to this section
23 shall not be considered by the commission for purposes of
24 suspension, cancellation, or revocation of a license pursuant to
1 section 53-1,104.

2 Sec. 15. Section 53-180.02, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-180.02. Except as provided in section 53-168.06, no
5 minor may sell, consume, or dispense or knowingly have in his or
6 her possession or ~~physical control~~ any alcoholic liquor in any
7 tavern or in any other place, including public streets, alleys,
8 roads, highways, upon property owned by the State of Nebraska or
9 any subdivision thereof, or inside any vehicle while in or on any
10 other place, including, but not limited to, the public streets,
11 alleys, roads, highways, or upon property owned by the State of
12 Nebraska or any subdivision thereof, except that a minor may
13 possess or have physical control of alcoholic liquor in his or her
14 permanent place of residence.

15 The governing bodies of counties, cities, and villages
16 shall have the power to, and may by applicable resolution or

ordinance, regulate, suppress, and control the ~~transporting,~~
~~knowingly possessing, or having under his or her control, transport~~
~~or knowing possession of~~ beer or other alcoholic liquor in or
transported by any motor vehicle, by persons under twenty-one years
of age, and may provide penalties for violations of such resolution
or ordinance.

For purposes of this section:

(1) Consume means to drink or otherwise ingest alcoholic
liquor. Consumption may be proved by evidence of the physical
appearance or condition of the person, including, but not limited
to, evidence of physical impairment or intoxication, aroma of
alcoholic liquor on the person's breath, or by evidence of visual
observation of the person consuming alcoholic liquor. There shall
be a rebuttable presumption that any person who has a concentration
of one hundredth of one gram or more by weight of alcohol per one
hundred milliliters of his or her blood has consumed alcoholic
liquor. A person charged with consumption of alcoholic liquor
under this section shall have the right to a chemical test of the
blood, breath, or urine pursuant to section 60-6,199 to establish
whether or not he or she has consumed alcoholic liquor; and

(2) Possession or possessing means being in physical
contact with or having actual physical control over alcoholic
liquor. There shall be a rebuttable presumption that any person
who has a container containing alcoholic liquor, either opened or
unopened, within the physical reach of his or her arms has actual
physical control over such alcoholic liquor.

Sec. 16. Section 53-180.04, Reissue Revised Statutes of
Nebraska, is amended to read:

53-180.04. Every licensee of a place where alcoholic
liquor is sold at retail shall display at all times in a prominent
place a printed card with a minimum height of twenty inches and a
width of fourteen inches, with each letter to be a minimum of
one-fourth inch in height, which shall read as follows:

WARNING TO PERSONS UNDER 21
YOU ARE SUBJECT TO A PENALTY OF
\$250 FINE
OPERATOR'S LICENSE SUSPENSION
AND
NOTIFICATION OF PARENTS OR GUARDIAN
FOR A FIRST OFFENSE
AND
YOU ARE SUBJECT TO A PENALTY UP TO
\$500 FINE
\$750 FINE
3
6
MONTHS IN JAIL
OR BOTH
OPERATOR'S LICENSE SUSPENSION

12 AND
13 NOTIFICATION OF PARENTS OR GUARDIAN
14 FOR SUBSEQUENT OFFENSES
15 IF YOU ARE UNDER 21 AND YOU PURCHASE
16 OR ATTEMPT TO PURCHASE
17 OR HAVE IN YOUR POSSESSION
18 ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT
19 AND
20 WARNING TO ADULTS
21 YOU ARE SUBJECT TO A PENALTY UP TO
22 \$1000 FINE
23 1 YEAR IN JAIL
24 OR BOTH
25 IF YOU ARE 21 OR OVER AND YOU PURCHASE
26 ALCOHOLIC LIQUOR
27 FOR A PERSON UNDER 21
1 AND
2 WARNING TO PURCHASERS OF BEER KEGS
3 PROPER IDENTIFICATION AND PURCHASER'S SIGNATURE
4 ARE REQUIRED

5 LAWS OF THE STATE OF NEBRASKA
6 Sec. 17. Section 53-180.05, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 53-180.05. (1) Any person violating section 53-180 shall
9 be guilty of a Class I misdemeanor. Any person violating any of
10 the provisions of sections section 53-180.01 to 53-180.03 or
11 53-180.02 shall be guilty of a Class III misdemeanor. Any person
12 violating section 53-180.02, in lieu of the other penalties set out
13 in this subsection, may be sentenced to work on public streets, in
14 parks, or on other public property for a period not exceeding ten
15 working days and shall be fined two hundred fifty dollars for the
16 first such offense. For a second violation such person shall be
17 finned five hundred dollars. For a third and any subsequent
18 violation such person shall be guilty of a Class II misdemeanor and
19 shall be fined seven hundred fifty dollars. If the court places
20 such person on probation or suspends the sentence for any reason,
21 the court shall, as one of the conditions of probation or sentence
22 suspension, order such person not to drive any motor vehicle for
23 any purpose for a period of (a) ninety days for a first violation
24 of section 53-180.01 or 53-180.02 or (b) six months for a second or
25 subsequent violation of such sections, from the date of the order.
26 Such work shall be under the supervision of the county sheriff.
27 Upon the written certification by the county sheriff of the
1 performance of such work, the sentence shall be satisfied.

2 (2) Any person violating section 53-180.03 shall be
3 guilty of a Class III misdemeanor.

4 (2) (3) Any person who knowingly manufactures, creates,
5 or alters any form of identification for the purpose of sale or

6 delivery of such form of identification to a person under the age
7 of twenty-one years shall be guilty of a Class I misdemeanor. For
8 purposes of this subsection, form of identification ~~shall mean~~
9 means any card, paper, or legal document that may be used to
10 establish the age of the person named thereon for the purpose of
11 purchasing alcoholic liquor.

12 (4) Any person who violates section 53-180.01 or
13 53-180.02, in addition to the penalties described in subsection (1)
14 of this section, shall be subject to the suspension of his or her
15 motor vehicle operator's license for the following time periods:

16 (a) For the first violation, suspension for a period of
17 six months;

18 (b) For a second violation, suspension for a period of
19 twelve months; and

20 (c) For a third and any subsequent violation, suspension
21 for a period of two years or until the violator reaches twenty-one
22 years of age, whichever occurs last. If the person does not have
23 an operator's license when convicted or adjudicated as a juvenile,
24 he or she shall be ineligible to apply for an operator's license
25 for the time periods specified in this subsection. If the person
26 is under sixteen years of age when convicted or adjudicated as a
27 juvenile, the person shall have his or her operator's license
1 suspended on the first day of issuance for the time periods
2 specified in this subsection. An abstract of the court record of
3 every person convicted of violating section 53-180.02 and whose
4 license has been suspended pursuant to this subsection shall be
5 transmitted to the Department of Motor Vehicles. The violation
6 shall become part of the person's permanent record maintained by
7 the department. The violation shall not be expunged from the
8 person's record.

9 (5) Upon the expiration of any license suspension ordered
10 pursuant to subsection (4) of this section, the person may have his
11 or her license reinstated upon payment of a fee of ninety-five
12 dollars. The fees paid pursuant to this section shall be remitted
13 to the State Treasurer. The State Treasurer shall credit fifty
14 dollars each fee to the General Fund and forty-five dollars of each
15 fee to the Department of Motor Vehicles Cash Fund.

16 (6) Any minor arrested for a violation of sections 53-180
17 to 53-180.02 or subsection (3) of this section shall have his or
18 her parents or guardian notified of the arrest by the law
19 enforcement agency of the arresting peace officer."

20 2. On page 46, line 22, after "sections" insert
21 "53-101,;" and in line 24 after the first comma insert "53-180.02,
22 53-180.04, 53-180.05,".

23 3. Renumber the remaining sections accordingly.

Mr. Landis filed the following amendment to LB 267:
AM1738

1 1. Insert the following new sections:

2 "Sec. 13. Section 53-177, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-177. (1) No license shall be issued for the sale at
5 retail of any alcoholic liquor within one hundred and fifty feet of
6 any church, school, hospital, or home for aged or indigent persons
7 or for veterans, their wives or children. This prohibition does ;
8 ~~PROVIDED, that this prohibition shall not apply~~ (1) (a) to any
9 location within such distance of one hundred and fifty feet for
10 which a license to sell alcoholic ~~liquors~~ liquor at retail has been
11 granted by the Nebraska Liquor Control Commission for two years
12 continuously prior to making of application for license; ~~and~~ (2)
13 ~~and~~ (b) to hotels offering restaurant service, to regularly
14 organized clubs, or to restaurants, food shops, or other places
15 where sale of alcoholic ~~liquors~~ liquor is not the principal
16 business carried on, if such place of business so exempted ~~shall~~
17 ~~have been was~~ established for such purposes prior to May 24, 1935.

18 (2) No alcoholic liquor, other than beer, shall be sold
19 for consumption on the premises within three hundred feet from the
20 campus of any college or university in the state, except that this
21 section does not prohibit a nonpublic college or university from
22 contracting with an individual or corporation holding a license to
23 sell alcoholic liquor at retail for the purpose of selling
24 alcoholic liquor at retail on the campus of such college or
1 university at events sanctioned by such college or university but
2 does prohibit the sale of alcoholic liquor at retail by such
3 licensee on the campus of such nonpublic college or university at
4 student activities or events.

5 Sec. 14. Section 53-180.06, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 53-180.06. (1) To establish proof of age for the purpose
8 of purchasing or consuming alcoholic liquor, a person shall present
9 or display only a valid driver's or operator's license, Nebraska
10 state identification card, military identification card, alien
11 registration card, or passport.

12 (2) Every holder of a retail license ~~shall~~ may maintain,
13 in a separate book, a record of each person who has furnished
14 documentary proof of age for the purpose of making any purchase of
15 alcoholic liquor. The record shall show the name and address of
16 the purchaser, the date of the purchase, and a description of the
17 identification used and shall be signed by the purchaser.

18 Sec. 15. Section 53-1,104, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 53-1,104. (1) Any licensee which sells or permits the
21 sale of any alcoholic liquor not authorized under the terms of such
22 license on the licensed premises or in connection with such
23 licensee's business or otherwise shall be subject to suspension,
24 cancellation, or revocation of such license by the commission.

25 (2) When ~~any~~ an order suspending a retail license to sell
26 alcoholic liquor becomes final, the licensee may elect to pay a

27 cash penalty to the commission in lieu of suspending sales of
1 alcoholic liquor for the designated period if such election is not
2 prohibited by order of the commission. For the first such
3 suspension for any licensee, the penalty shall be fifty dollars per
4 day. For a second or any subsequent suspension, the penalty shall
5 be one hundred dollars per day, except that:

6 (a) For a second suspension for violation of section
7 53-180 or 53-180.02 occurring within four years after the date of
8 the first suspension, the commission, in its discretion, may order
9 that the licensee be required to suspend sales of alcoholic liquor
10 for a period of time not to exceed forty-eight hours and that the
11 licensee may not elect to pay a cash penalty. The commission may
12 use the required suspension of sales of alcoholic liquor penalty
13 either alone or in conjunction with suspension periods for which
14 the licensee may elect to pay a cash penalty. For purposes of this
15 subsection, second suspension for violation of section 53-180 shall
16 include suspension for a violation of section 53-180.02 following
17 suspension for a violation of section 53-180 and second suspension
18 for violation of section 53-180.02 shall include suspension for a
19 violation of section 53-180 following suspension for a violation of
20 section 53-180.02; and

21 (b) For a third or subsequent suspension for violation of
22 section 53-180 or 53-180.02 occurring within four years after the
23 date of the first suspension, the commission, in its discretion,
24 may order that the licensee be required to suspend sales of
25 alcoholic liquor for a period of time not to exceed fifteen days
26 and that the licensee may not elect to pay a cash penalty. The
27 commission may use the required suspension of sales of alcoholic
1 liquor penalty either alone or in conjunction with suspension
2 periods for which the licensee may elect to pay a cash penalty.
3 For purposes of this subsection, third or subsequent suspension for
4 violation of section 53-180 shall include suspension for a
5 violation of section 53-180.02 following suspension for a violation
6 of section 53-180 and third or subsequent suspension for violation
7 of section 53-180.02 shall include suspension for a violation of
8 section 53-180 following suspension for a violation of section
9 53-180.02.

10 For ; except that for any licensee which has no violation
11 for a period of four years consecutively, the any suspension shall
12 be treated as a new first suspension.

13 Such election The election provided for in this
14 subsection shall be filed with the commission in writing one week
15 before such the suspension is ordered to commence and shall be
16 accompanied by payment in full of the sum required by this section.
17 If such election has not been received by the commission by the
18 close of business one week before the day such suspension is
19 ordered to commence, it shall be conclusively presumed that the
20 licensee has elected to close for the period of the suspension and
21 any election received later shall be absolutely void and the

22 payment made shall be returned to the licensee. The election shall
23 be made on a form prescribed by the commission. All funds received
24 under this section shall be remitted to the State Treasurer for
25 credit to the temporary school fund."

26 2. Amend the repealer and renumber the remaining
27 sections accordingly.

Mrs. Kiel filed the following amendment to LB 556:

AM1718

1 1. Strike original section 2 and insert the following
2 new sections:

3 "Sec. 2. Section 60-320, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-320. (1)(a) Each licensed motor vehicle dealer or
6 trailer dealer as defined in section 60-1401.02 doing business in
7 this state, in lieu of the registering of each motor vehicle or
8 trailer which such dealer owns of a type otherwise required to be
9 registered, or any full-time or part-time employee or agent of such
10 dealer may, if the motor vehicle or trailer displays dealer number
11 plates:

12 (i) Operate or move the same upon the streets and
13 highways of this state solely for purposes of transporting,
14 testing, demonstrating, or use in the ordinary course and conduct
15 of his or her business as a motor vehicle or trailer dealer. Such
16 use may include personal or private use by the dealer and personal
17 or private use by any bona fide employee licensed pursuant to
18 Chapter 60, article 14, if the employee can be verified by payroll
19 records maintained at the dealership as ordinarily working more
20 than thirty hours per week or fifteen hundred hours per year at the
21 dealership;

22 (ii) Operate or move the same upon the streets and
23 highways of this state for transporting industrial equipment held
24 by the licensee for purposes of demonstration, sale, rental, or
1 delivery; or

2 (iii) Sell the same.

3 The dealer number plates provided for in subsection (3)
4 of this section shall be displayed in the manner provided in
5 section 60-323.

6 (b) Each licensed manufacturer as defined in section
7 60-1401.02 which actually manufactures or assembles motor vehicles,
8 motorcycles, or trailers within this state, in lieu of the
9 registering of each motor vehicle or trailer which such
10 manufacturer owns of a type otherwise required to be registered, or
11 any employee of such manufacturer may operate or move the same upon
12 the streets and highways of this state solely for purposes of
13 transporting, testing, demonstrating to prospective customers, or
14 use in the ordinary course and conduct of business as a motor
15 vehicle, motorcycle, or trailer manufacturer, upon the condition
16 that any such vehicle display thereon, in the manner prescribed in

17 section 60-323, dealer number plates as provided for in subsection
18 (3) of this section.

19 (c) In no event shall such plates be used on motor
20 vehicles or trailers hauling other than automotive or trailer
21 equipment, complete motor vehicles, semitrailers, or trailers which
22 are inventory of such licensed dealer or manufacturer unless there
23 is issued by the Department of Motor Vehicles a special permit
24 specifying the hauling of other products. This section shall not
25 be construed to allow a dealer to operate a motor vehicle or
26 trailer with dealer number plates for the delivery of parts
27 inventory. A dealer may use such motor vehicle or trailer to pick
1 up parts to be used for the motor vehicle or trailer inventory of
2 the dealer.

3 (2) Motor vehicles or trailers owned by such dealer and
4 bearing such dealer number plates may be driven upon the streets
5 and highways for demonstration purposes by any prospective buyer
6 thereof for a period of forty-eight hours. Motor vehicles or
7 trailers owned and held for sale by such dealer and bearing such
8 dealer number plates may be driven upon the streets and highways
9 for a period of forty-eight hours as service loaner vehicles by
10 customers having their vehicles repaired by the dealer. Upon
11 delivery of such motor vehicle or trailer to such prospective buyer
12 for demonstration purposes or to a service customer, the dealer
13 shall deliver to the prospective buyer or service customer a card
14 or certificate giving the name and address of the dealer, the name
15 and address of the prospective buyer or service customer, and the
16 date and hour of such delivery and the products to be hauled, if
17 any, under a special permit. The special permit and card or
18 certificate shall be in such form as shall be prescribed by the
19 department and shall be carried by such prospective buyer or
20 service customer while driving such motor vehicle or pulling such
21 trailer. The department shall make a charge of ten dollars for
22 each special permit issued under this section. A finance company
23 as defined in section 60-1401.02 which is licensed to do business
24 in this state may, in lieu of registering each motor vehicle or
25 trailer repossessed, upon the payment of a fee of ten dollars, make
26 an application to the department for a repossession certificate and
27 one repossession plate. Additional certificates and repossession
1 plates may be procured for a fee of ten dollars each. Such
2 repossession plates may be used only for moving motor vehicles or
3 trailers on the streets and highways for the purpose of
4 repossession, demonstration, maintenance, storage, and disposal of
5 such motor vehicles or trailers repossessed. Such repossession
6 Repossession plates shall be of the same size and material as the
7 normal motor vehicle license plates and shall be prefixed with a
8 large letter R and be serially numbered from 1 to distinguish them
9 from each other. Such Repossession plates shall be displayed only
10 on the rear of a repossessed motor vehicle or trailer. The
11 certificate shall be displayed on demand for any motor vehicle or

12 trailer being operated on a repossession plate. A finance company
13 shall be entitled to a dealer number plate only in the event such
14 company has qualified as a motor vehicle dealer under Chapter 60,
15 article 14.

16 (3)(a) Any licensed dealer or manufacturer described in
17 subsection (1) of this section may, upon payment of a fee of thirty
18 dollars, make an application, on a form approved by the Nebraska
19 Motor Vehicle Industry Licensing Board, to the county treasurer or
20 designated county official as provided in section 60-302 of the
21 county in which his or her place of business is located for a
22 certificate and one dealer number plate for the type of vehicle the
23 dealer has been authorized by the Nebraska Motor Vehicle Industry
24 Licensing Board to sell and demonstrate. One additional dealer
25 number plate may be procured for the type of vehicle the dealer has
26 sold during the last previous period of October 1 through September
27 30 for each twenty vehicles sold at retail during such period or
1 one additional dealer number plate for each thirty vehicles sold at
2 wholesale during such period, but not to exceed a total of five
3 additional dealer number plates in the case of vehicles sold at
4 wholesale, or, in the case of a manufacturer, for each ten vehicles
5 actually manufactured or assembled within the state within the last
6 previous period of October 1 through September 30 for a fee of
7 fifteen dollars each.

8 (b) Any licensed dealer or manufacturer described in
9 subsection (1) of this section may, upon payment of an annual fee
10 of two hundred fifty dollars, make an application, on a form
11 approved by the Nebraska Motor Vehicle Industry Licensing Board, to
12 the county treasurer of the county in which his or her place of
13 business is located for a certificate and one personal-use dealer
14 number plate for the type of vehicle the dealer has been authorized
15 by the Nebraska Motor Vehicle Industry Licensing Board to sell and
16 demonstrate. Additional personal-use dealer number plates may be
17 procured upon payment of an annual fee of two hundred fifty dollars
18 each, subject to the same limitations as provided in subdivision
19 (a) of this subsection as to the number of additional dealer number
20 plates. Beginning January 1, 1998, a personal-use dealer number
21 plate may be displayed on a passenger car as defined in section
22 60-301 or a truck having a gross weight including any load on the
23 truck of six thousand pounds or less belonging to the dealer, may
24 be used in the same manner as a dealer number plate, and may be
25 used for personal or private use of the dealer, the dealer's
26 immediate family, or any bona fide employee of the dealer licensed
27 pursuant to Chapter 60, article 14. Personal-use dealer number
1 plates shall have the same design and shall be displayed as
2 provided in sections 60-311 and 60-311.01.

3 (c) When an applicant applies for a license, the Nebraska
4 Motor Vehicle Industry Licensing Board may authorize the county
5 treasurer or designated county official to issue additional dealer
6 number plates when the dealer or manufacturer furnishes

7 satisfactory proof for a need of additional dealer number plates
8 because of special condition or hardship. In the case of
9 unauthorized use of dealer number plates by any licensed dealer,
10 the Nebraska Motor Vehicle Industry Licensing Board may hold a
11 hearing and after such hearing may determine that such dealer is
12 not qualified for continued usage of such dealer number plates for
13 a set period not to exceed one year. All additional dealer number
14 plates shall, in addition to all other numbers and letters required
15 by section 60-311.02, bear such mark or number as will distinguish
16 such plates one from another.

17 (d) Subject to all the provisions of law relating to
18 motor vehicles and trailers not inconsistent with this section, any
19 person, firm, or corporation holding a dealer's license issued
20 pursuant to the laws of this state who is regularly engaged within
21 this state in the business of buying and selling motor vehicles and
22 trailers, who regularly maintains within this state an established
23 place of business, and who desires to effect delivery of any motor
24 vehicle or trailer bought or sold by him or her from the point
25 where purchased or sold to points within or outside this state may,
26 solely for the purpose of such delivery by himself or herself,
27 agent, or bona fide purchaser, drive such motor vehicle or pull
1 such trailer on the highways of this state without charge or
2 registration of such vehicle or trailer. There shall be displayed
3 on the front and rear windows or the rear side windows of such
4 motor vehicle, except a motorcycle, and displayed on the front and
5 rear of each such trailer a decal on which shall be plainly printed
6 in black letters the words In Transit. One In Transit decal shall
7 be displayed on a motorcycle, which decal may be one-half the size
8 required for other motor vehicles. Such decals shall include a
9 registration number, which registration number shall be different
10 for each decal or pair of decals issued, and the form of such decal
11 and the numbering system shall be as prescribed by the Department
12 of Motor Vehicles. Each dealer issuing such decals shall keep a
13 record of the registration number of each decal or pair of decals
14 on the invoice of such sale. Such transit decal shall allow such
15 owner to operate the motor vehicle or pull such trailer for a
16 period of thirty days in order to effect proper registration of the
17 new or used motor vehicle or trailer. When any person, firm, or
18 corporation has had a motor vehicle or trailer previously
19 registered and license plates assigned to such person, firm, or
20 corporation, such owner may operate the motor vehicle or pull such
21 trailer for a period of thirty days in order to effect transfer of
22 plates to the new or used motor vehicle or trailer. Upon demand of
23 proper authorities, there shall be presented by the person in
24 charge of such motor vehicle or trailer, for examination, a duly
25 executed bill of sale therefor, a certificate of title, or other
26 satisfactory evidence of the right of possession by such person of
27 such motor vehicle or trailer.

1 (4) Any transporter doing business in this state may, in

2 lieu of registering each motor vehicle or trailer which such
3 transporter is transporting, upon payment of a fee of ten dollars,
4 make an application to the Department of Motor Vehicles for a
5 transporter's certificate and one transporter number plate.
6 Additional certificates and plates may be procured for a fee of ten
7 dollars each. Such transporter number plates may be the same size
8 as plates issued for motorcycles, shall bear thereon a mark to
9 distinguish them as transporter plates, and shall be serially
10 numbered so as to distinguish them from each other. Such plates
11 may only be displayed upon the front of a driven vehicle of a
12 lawful combination or upon the front of a motor vehicle driven
13 singly or upon the rear of a trailer being pulled. The certificate
14 shall be issued in duplicate. The original thereof shall be kept
15 on file by the transporter, and the duplicate shall be displayed
16 upon demand by the driver of any vehicle or trailer being
17 transported. A transporter plate or certificate may not be
18 displayed upon a work or service vehicle, except that when a
19 properly registered truck or tractor being a work or service
20 vehicle is in the process of towing or drawing a trailer or
21 semitrailer, including a cabin trailer, which itself is being
22 delivered by the transporter, then the registered truck or tractor
23 shall also display a transporter plate upon the front thereof. The
24 applicant for a transporter plate shall keep for three years a
25 record of each vehicle transported by him or her under this
26 section, and such record shall be available to the department for
27 inspection. Each applicant shall file proof of his or her status
1 as a bona fide transporter.

2 (5) Any boat dealer when transporting a boat which is
3 part of the inventory of the boat dealer on a trailer required to
4 be registered may annually, in lieu of registration of the trailer
5 and upon application to the Department of Motor Vehicles and
6 payment of a fee of ten dollars, obtain a certificate and a number
7 plate. The plate may be displayed on any trailer owned by the boat
8 dealer when the trailer is transporting such a boat. The number
9 plate shall be of a type designed by the department and so numbered
10 as to distinguish one plate from another.

11 For purposes of this subsection, boat dealer ~~shall mean~~
12 means a person engaged in the business of buying, selling, or
13 exchanging boats at retail who has a principal place of business
14 for such purposes in this state.

15 (6) It shall be the duty of all law enforcement officers
16 to arrest and prosecute all violators of the provisions of
17 subsection (1), (2), (3), (4), or (5) of this section and see that
18 they are properly prosecuted according to law. Any person, firm,
19 or corporation, including any motor vehicle, trailer, or boat
20 dealer or manufacturer, who fails to comply with such provisions
21 shall be deemed guilty of a Class V misdemeanor and, in addition
22 thereto, shall pay the county treasurer or designated county
23 official any and all motor vehicle taxes and fees imposed in

24 sections 60-3002 and 60-3007, registration fees, or certification
25 fees due had the motor vehicle or trailer been properly registered
26 or certified according to law.

27 When any motor vehicle or trailer dealer's or
1 manufacturer's license has been revoked or otherwise terminated, it
2 shall be the duty of such dealer or manufacturer to immediately
3 surrender to the Department of Motor Vehicles or to the Nebraska
4 Motor Vehicle Industry Licensing Board any dealer number plates
5 issued to him or her for the current year. Failure of such dealer
6 or manufacturer to immediately surrender such dealer number plates
7 to the department upon demand by the department shall be unlawful.

8 (7) Any motor vehicle or trailer owned by a dealer and
9 bearing other than dealer number plates as provided in this section
10 shall be conclusively presumed not to be a part of the dealer's
11 inventory and not for demonstration or sale and therefor not
12 eligible for any exemption from taxes or fees applicable to
13 vehicles with dealer number plates.

14 Sec. 3. Original sections 60-311 and 60-320, Reissue
15 Revised Statutes of Nebraska, are repealed."

Mr. Hartnett filed the following amendment to LB 849:
(Amendment, AM1740, may be found in the Bill Books. The amendment has
been printed separately and is on file in the Bill Room - Room 1102.)

UNANIMOUS CONSENT - Add Cointroducer

Mr. Baker asked unanimous consent to have his name added as cointroducer
to LR 109. No objections. So ordered.

VISITORS

Visitors to the Chamber were fourth grade students and teachers from
Fairbury Public Schools.

The Doctor of the Day was Dr. Matt Felber from Laurel.

ADJOURNMENT

At 5:42 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until
9:00 a.m., Wednesday, May 12, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

1992

LEGISLATIVE JOURNAL

SEVENTY-NINTH DAY – MAY 12, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 12, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor George Meslow, Martin Luther Home, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Dickey, Preister, Raikes, Schmitt, Mmes. Kiel, Robak, and Ms. Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 91 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 91.

MOTIONS - Approve Appointments

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointment found on page 1854: Roger Patterson - Climate Assessment Response Committee.

Voting in the affirmative, 32:

Baker	Dierks	Kristensen	Peterson, C.	Smith
Bourne	Hartnett	Landis	Quandahl	Stuhr
Brown	Hilgert	Lynch	Redfield	Suttle
Bruning	Hudkins	Matzke	Robak	Thompson
Connealy	Janssen	Pedersen, Dw.	Schimek	Tyson
Crosby	Jones	Pederson, D.	Schrock	Vrtiska
Cudaback	Kremer			

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Beutler	Brashear	Byars	Engel	Wehrbein
Bohlke	Bromm	Coordsen	Jensen	Wickersham

Excused and not voting, 6:

Dickey	Preister	Price	Raikes	Schmitt
Kiel				

The appointment was confirmed with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointments found on page 1854: Nolan Berry and Jon Holzfaster - Dry Bean Commission.

Voting in the affirmative, 39:

Baker	Cudaback	Jones	Peterson, C.	Schrock
Bourne	Dierks	Kremer	Preister	Smith
Brashear	Engel	Kristensen	Quandahl	Stuhr
Brown	Hartnett	Landis	Raikes	Suttle
Bruning	Hilgert	Lynch	Redfield	Tyson
Byars	Hudkins	Matzke	Robak	Vrtiska
Connealy	Janssen	Pedersen, Dw.	Schimek	Wickersham
Crosby	Jensen	Pederson, D.	Schmitt	

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Beutler	Bromm	Coordsen	Thompson	Wehrbein
Bohlke				

Excused and not voting, 3:

Dickey Kiel Price

The appointments were confirmed with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 1885: Roger Korell, Wayne Madsen, and Jim VanMarter - Natural Resources Commission.

Voting in the affirmative, 41:

Baker	Crosby	Janssen	Pederson, D.	Schrock
Beutler	Cudaback	Jensen	Peterson, C.	Smith
Bohlke	Dickey	Jones	Preister	Stuhr
Bourne	Dierks	Kremer	Quandahl	Suttle
Brashear	Engel	Landis	Raikes	Thompson
Brown	Hartnett	Lynch	Redfield	Tyson
Bruning	Hilgert	Matzke	Schimek	Vrtiska
Connealy	Hudkins	Pedersen, Dw.	Schmitt	Wehrbein
Coordsen				

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Bromm Byars Kristensen Robak Wickersham

Excused and not voting, 2:

Kiel Price

The appointments were confirmed with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 76A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 129. Introduced by Connealy, 16.

PURPOSE: To initiate a study of Nebraska workers' compensation laws as they relate to public school employees in the state.

This study shall consider the following issues:

- (1) Consideration of the legal costs associated with the appeal process for employers in the Workers' Compensation Court;
- (2) Consideration of the access to the Workers' Compensation Court by employers for the purposes of administrative paperwork, questions, and clarifications of claims awarded; and
- (3) Consideration of the variations in loss of earning capacity evaluations conducted and utilized for awarding workers' compensation benefits.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 130. Introduced by Connealy, 16.

PURPOSE: To initiate a study of the Nebraska unemployment compensation system as it relates to substitute teachers, paraeducators, and clerical staff for public school districts in the state. In a recent decision by the Nebraska Supreme Court, Board of Regents v. Pinzon, 254 Neb. 145 (1998), the court established a broader definition of eligibility for unemployment benefits. Legislation on this topic was introduced in the Ninety-sixth Legislature, First Session, and was heard by the Business and Labor Committee of the Legislature but was not advanced.

This study shall consider the following issues:

- (1) Consideration of the unemployment benefits allowable to substitute teachers, paraeducators, and clerical staff;
- (2) Consideration of the unemployment benefits allowable to terminated employees;
- (3) Consideration of the process for collection of employment information and verification of status of employment when determining eligibility of benefits; and
- (4) Consideration of the proper timing and allocation of unemployment benefits for retiring teachers, administrators, and school employees.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 131. Introduced by Dierks, 40; Schrock, 38.

PURPOSE: The purpose of this resolution is to study the economic and health impacts of class III and class IV livestock waste control facilities.

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

1. That the Agriculture and Natural Resources Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

MOTION - Return LB 880 to Select File

Mr. Kristensen moved to return LB 880 to Select File for the following specific amendment:

FA205

Strike the enacting clause.

Mr. Kristensen withdrew his motion to return.

MOTION - Bracket LB 880

Mr. Chambers moved to bracket LB 880.

Mr. Chambers withdrew his motion to bracket.

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 880 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 880. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2001; to transfer funds; to provide duties; to provide an operative date; 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, 49:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Peterson, C.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kiel	Price	Suttle
Brashear	Dickey	Kremer	Quandahl	Thompson
Bromm	Dierks	Kristensen	Raikes	Tyson
Brown	Engel	Landis	Redfield	Vrtiska
Bruning	Hartnett	Lynch	Robak	Wehrbein
Byars	Hilgert	Matzke	Schimek	Wickersham
Chambers	Hudkins	Pedersen, Dw.	Schmitt	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 878 with 46 ayes, 1 nay, and 2 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 878. With Emergency.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide for transfers; to provide an operative date; 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:

Baker	Bromm	Coordsen	Engel	Jensen
Beutler	Brown	Crosby	Hartnett	Jones
Bohlke	Bruning	Cudaback	Hilgert	Kiel
Bourne	Byars	Dickey	Hudkins	Kremer
Brashear	Connealy	Dierks	Janssen	Kristensen

Landis	Peterson, C.	Redfield	Smith	Tyson
Lynch	Preister	Robak	Stuhr	Vrtiska
Matzke	Price	Schimek	Suttle	Wehrbein
Pedersen, Dw.	Quandahl	Schmitt	Thompson	Wickersham
Pederson, D.	Raikes	Schrock		

Voting in the negative, 1:

Chambers

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 879 with 42 ayes, 2 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 879. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 270A, section 1; Laws 1997, LB 384, sections 9, 10, and 14; Laws 1997, LB 386, sections 30, 32, 34, and 55; Laws 1997, LB 389, sections 42, 102, 113, 124, 198, 210, and 237; Laws 1998, LB 924A, section 3; Laws 1998, LB 1108, sections 57, 78, 79, 85, 86, 96, 100, 103, 105, 106, 110, 116, 118, 127, 129, 133, 139, 147, 149, and 151; Laws 1998, LB 1138, section 2; and Laws 1998, LB 1219A, section 1; to define terms; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to state and eliminate intent; to change appropriations as prescribed; to change transfers; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

Baker	Bruning	Dierks	Jones	Pedersen, Dw.
Beutler	Byars	Engel	Kiel	Pederson, D.
Bohlke	Connealy	Hartnett	Kremer	Peterson, C.
Bourne	Coordsen	Hilgert	Kristensen	Preister
Brashear	Crosby	Hudkins	Landis	Price
Bromm	Cudaback	Janssen	Lynch	Quandahl
Brown	Dickey	Jensen	Matzke	Raikes

Redfield	Schmitt	Stuhr	Tyson	Wehrbein
Robak	Schrock	Suttle	Vrtiska	Wickersham
Schimek	Smith	Thompson		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

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 873. With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 72-816 and 81-1108.05, Revised Statutes Supplement, 1998; to change provisions relating to state funds; to authorize a central warehouse system as prescribed; to create a fund; to provide powers and duties; to provide termination dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

Baker	Coordsen	Jensen	Peterson, C.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Lynch	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

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 876. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY1999-00 and FY2000-01; 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:

Baker	Crosby	Jones	Peterson, C.	Schrock
Beutler	Cudaback	Kiel	Preister	Smith
Bohlke	Dickey	Kremer	Price	Stuhr
Bourne	Dierks	Kristensen	Quandahl	Suttle
Brashear	Engel	Landis	Raikes	Thompson
Brown	Hartnett	Lynch	Redfield	Tyson
Bruning	Hilgert	Matzke	Robak	Vrtiska
Byars	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Connealy	Janssen	Pederson, D.	Schmitt	Wickersham
Coordsen	Jensen			

Voting in the negative, 0.

Present and not voting, 2:

Bromm Chambers

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 877. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY1999-00 and FY2000-01; to define terms; 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:

Baker	Brashear	Byars	Cudaback	Hartnett
Beutler	Bromm	Connealy	Dickey	Hilgert
Bohlke	Brown	Coordsen	Dierks	Hudkins
Bourne	Bruning	Crosby	Engel	Janssen

Jensen	Matzke	Quandahl	Schmitt	Thompson
Jones	Pedersen, Dw.	Raikes	Schrock	Tyson
Kiel	Pederson, D.	Redfield	Smith	Vrtiska
Kremer	Peterson, C.	Robak	Stuhr	Wehrbein
Kristensen	Preister	Schimek	Suttle	Wickersham
Landis	Price			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lynch

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 489. With Emergency.

A BILL FOR AN ACT relating to the Private Postsecondary Career School Act; to amend sections 85-1606, 85-1613, 85-1615, 85-1617, 85-1624, 85-1643, and 85-1644, Revised Statutes Supplement, 1998; to provide for and change provisions relating to fees, authorization to operate, accreditation, and agent's permits; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Crosby	Jones	Peterson, C.	Schrock
Beutler	Cudaback	Kiel	Preister	Smith
Bourne	Dickey	Kremer	Price	Stuhr
Brashear	Dierks	Kristensen	Quandahl	Suttle
Bromm	Engel	Landis	Raikes	Thompson
Brown	Hartnett	Lynch	Redfield	Tyson
Bruning	Hilgert	Matzke	Robak	Vrtiska
Byars	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Connealy	Janssen	Pederson, D.	Schmitt	Wickersham
Coordsen	Jensen			

Voting in the negative, 0.

Present and not voting, 2:

Bohlke Chambers

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 860.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Commission; to amend sections 79-1319 and 79-1321, Reissue Revised Statutes of Nebraska; to change provisions relating to leases of excess capacity and fees; 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, 48:

Baker	Coordsen	Jensen	Peterson, C.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Lynch	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

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

LEGISLATIVE BILL 663.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

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:

Baker	Brashear	Connealy	Dickey	Hilgert
Beutler	Bromm	Coordsen	Dierks	Hudkins
Bohlke	Bruning	Crosby	Engel	Janssen
Bourne	Byars	Cudaback	Hartnett	Jensen

Jones	Matzke	Quandahl	Schmitt	Thompson
Kiel	Pedersen, Dw.	Raikes	Schrock	Tyson
Kremer	Pederson, D.	Redfield	Smith	Vrtiska
Kristensen	Peterson, C.	Robak	Stuhr	Wehrbein
Landis	Preister	Schimek	Suttle	Wickersham
Lynch	Price			

Voting in the negative, 0.

Present and not voting, 2:

Brown Chambers

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

LEGISLATIVE BILL 664.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; and to state intent.

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:

Baker	Coordsen	Janssen	Peterson, C.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Bruning	Hartnett	Matzke	Robak	Vrtiska
Byars	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Chambers	Hudkins	Pederson, D.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 3:

Brown Jensen Lynch

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

LEGISLATIVE BILL 805.

A BILL FOR AN ACT relating to natural gas; to amend section 19-4617,

Reissue Revised Statutes of Nebraska; to change provisions relating to the Municipal Natural Gas Regulation Revolving Loan Fund; to authorize a study; 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, 46:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Beutler	Crosby	Jensen	Peterson, C.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Bourne	Dickey	Kiel	Price	Suttle
Brashear	Dierks	Kremer	Raikes	Thompson
Bromm	Engel	Kristensen	Redfield	Tyson
Brown	Hartnett	Landis	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 3:

Chambers Lynch Quandahl

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

LEGISLATIVE BILL 805A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 805, Ninety-sixth Legislature, First Session, 1999; and to provide for transfers.

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:

Baker	Coordsen	Janssen	Pedersen, Dw.	Schmitt
Beutler	Crosby	Jensen	Pederson, D.	Schrock
Bohlke	Cudaback	Jones	Peterson, C.	Smith
Bourne	Dickey	Kiel	Preister	Stuhr
Brashear	Dierks	Kremer	Price	Thompson
Bromm	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Redfield	Vrtiska
Byars	Hilgert	Lynch	Robak	Wehrbein
Connealy	Hudkins	Matzke	Schimek	Wickersham

Voting in the negative, 0.

Present and not voting, 4:

Brown Chambers Quandahl Suttle

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

LEGISLATIVE BILL 882. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; 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, 49:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Peterson, C.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kiel	Price	Suttle
Brashear	Dickey	Kremer	Quandahl	Thompson
Bromm	Dierks	Kristensen	Raikes	Tyson
Brown	Engel	Landis	Redfield	Vrtiska
Bruning	Hartnett	Lynch	Robak	Wehrbein
Byars	Hilgert	Matzke	Schimek	Wickersham
Chambers	Hudkins	Pedersen, Dw.	Schmitt	

Voting in the negative, 0.

Not voting, 0.

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 880, 878, 879, 873, 876, 877, 489, 860, 663, 664, 805, 805A, and 882.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 240. Placed on Select File as amended.

E & R amendment to LB 240:

AM7145

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 43-1303, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 43-1303. (1) The state board shall meet at least twice
- 6 per year. The state board shall establish a statewide register of
- 7 all foster care placements occurring within the state, and there
- 8 shall be a monthly report made to the state board registry of all
- 9 foster care placements by the Department of Health and Human
- 10 Services, any child-placing agency, or any court in a form as
- 11 developed by the state board in consultation with representatives
- 12 of entities required to make such reports. For each child entering
- 13 and leaving foster care, such monthly report shall consist of
- 14 identifying information, placement information, and the plan or
- 15 permanency plan developed by the person or court in charge of the
- 16 child pursuant to section 43-1312. Every The department and every
- 17 court and child-placing agency shall report any foster care
- 18 placement within three working days. The report shall contain the
- 19 following information:
- 20 (a) Child identification information, including name,
- 21 social security number, date of birth, gender, race, and religion;
- 22 (b) Identification information for parents and
- 23 stepparents, including name, social security number, address, and
- 24 status of parental rights;
- 1 (c) Placement information, including initial placement
- 2 date, current placement date, and the name and address of the
- 3 foster care provider;
- 4 (d) Court status information, including which court has
- 5 jurisdiction, initial custody date, court hearing date, and results
- 6 of the court hearing;
- 7 (e) Agency or other entity having custody of the child;
- 8 (f) Case worker; and
- 9 (g) Permanency Plan Objective.
- 10 (2) The state board shall review the activities of local
- 11 boards and may adopt and promulgate its own rules and regulations.
- 12 Such rules and regulations shall provide for the following:
- 13 ~~(1)~~ (a) Establishment of training programs for local
- 14 board members which shall include an initial training program and
- 15 periodic inservice training programs;
- 16 ~~(2)~~ (b) Development of procedures for local boards;
- 17 ~~(3)~~ (c) Establishment of a central record-keeping
- 18 facility for all local board files, including individual case
- 19 reviews;
- 20 ~~(4)~~ (d) Accumulation of data and the making of annual
- 21 reports on children in foster care. Such reports shall include (a)
- 22 (i) personal data on length of time in foster care, (b) (ii) number
- 23 of placements, (c) (iii) frequency and results of court review, and

24 ~~(d)~~ (iv) number of children supervised by the foster care programs
25 in the state annually;

26 ~~(5)~~ (e) To the extent not prohibited by section 43-1310,
27 evaluation of the judicial and administrative data collected on
1 foster care and the dissemination of such data to the judiciary,
2 public and private agencies, the Department of Health and Human
3 Services department, and members of the public; and

4 ~~(6)~~ (f) Manner in which the state board shall determine
5 the appropriateness of requesting a review hearing as provided for
6 in section 43-1313.

7 (3) The state board, upon completion of a review of local
8 board activities, shall report and make recommendations to the
9 department and county welfare offices. Such reports and
10 recommendations shall include, but not be limited to, the annual
11 judicial and administrative data collected on foster care pursuant
12 to ~~subdivision (4)~~ subsection (2) of this section and the annual
13 evaluation of such data. In addition the state board shall provide
14 copies of such reports and recommendations to each court having the
15 authority to make foster care placements. The state board may
16 visit and observe foster care facilities in order to ascertain
17 whether the individual physical, psychological, and sociological
18 needs of each foster child are being met.

19 Sec. 2. Section 43-1304, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-1304. The state board shall establish local foster
22 care review boards for the review of cases of children in foster
23 care placement. The state board shall select members to serve on
24 local boards from a list of applications submitted to the state
25 board. Each local board shall consist of five not less than four
26 and not more than ten members. The members of the board shall
27 reasonably represent the various social, economic, racial, and
1 ethnic groups of the county or counties from which its members may
2 be appointed. A person employed by the state board, the Department
3 of Health and Human Services, a child-caring agency, a
4 child-placing agency, or a court shall not be appointed to a local
5 board. A list of the members of each local board shall be sent to
6 the Department of Health and Human Services department.

7 Sec. 3. Section 43-1314.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 43-1314.01. (1) The State Foster Care Review Board shall
10 be responsible for the conduct of periodic reviews which shall be
11 identified as reviews which meet the federal requirements for
12 six-month case reviews pursuant to the federal Adoption Assistance
13 and Child Welfare Act of 1980, Public Law 96-272. The state board
14 shall be fiscally responsible for any noncompliance sanctions
15 imposed by the federal government related to the requirements for
16 review outlined in the federal Adoption Assistance and Child
17 Welfare Act of 1980, Public Law 96-272. It is the intent of the
18 Legislature that beginning October 1, 1996, the state board shall

19 be the only state agency with the responsibility to conduct
20 six-month case reviews pursuant to the federal Adoption Assistance
21 and Child Welfare Act of 1980, Public Law 96-272.

22 (2) It is the intent of the Legislature that any
23 six-month court review of a juvenile pursuant to sections 43-278
24 and 43-1313 shall be identified as a review which meets the federal
25 requirements for six-month case reviews pursuant to the federal
26 Adoption Assistance and Child Welfare Act of 1980, Public Law
27 96-272.

1 (3) The state board may assist the Department of Health
2 and Human Services as to eligibility under Title IV-E for state
3 wards and eligibility for Supplemental Security Income,
4 Supplemental Security Disability Income, Veterans Administration,
5 or aid to families with dependent children benefits, for child
6 support orders of the court, and for medical insurance other than
7 medicaid.

8 (4) ~~Between January 1, 1998, and August 1, 1998, a review~~
9 ~~of the state board shall be completed by the Executive Board of the~~
10 ~~Legislative Council or its designee. This review shall include a~~
11 ~~determination of the state board's timely performance in meeting~~
12 ~~federal guidelines; a cost analysis of its case reviews; an~~
13 ~~analysis as to the quality of reviews; and the effectiveness of~~
14 ~~such reviews on the children within the state foster care system.~~

15 (5) ~~On or before November 1, 1998, the Executive Board of~~
16 ~~the Legislative Council or its designee shall make findings and~~
17 ~~recommendations to the Legislature as to the areas noted in~~
18 ~~subsection (4) of this section.~~

19 (6) ~~On July 1, 1996, seven full-time employees shall be~~
20 ~~added to the state board. On September 30, 1996, three full-time~~
21 ~~employees shall be added to the state board.~~

22 Sec. 4. Original sections 43-1303, 43-1304, and
23 43-1314.01, Reissue Revised Statutes of Nebraska, are repealed."

24 2. On page 1, line 1, strike "section" and insert
25 "sections 43-1303, 43-1304, and"; in line 2 after the semicolon
26 insert "to change provisions relating to reports and to membership
27 on local boards;" and in line 5 strike "section" and insert
1 "sections".

LEGISLATIVE RESOLUTION 18CA. Placed on Select File.

LEGISLATIVE RESOLUTION 4CA. Placed on Select File.

LEGISLATIVE RESOLUTION 5CA. Placed on Select File.

LEGISLATIVE BILL 176. Placed on Select File as amended.

(E & R amendment, AM7144, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 176A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 132. Introduced by Dw. Pedersen, 39.

PURPOSE: To require the Department of Correctional Services to provide information regarding its current classification system and to study the effects of that classification system on our current parole statistics.

The study shall include information on crimes committed, what factors lead to an inmate being classified in a certain manner, and statistical information over the past ten-year period indicating crimes, classification at time of entry, average length of time before moving up in classification, classification at time of parole or "jam" date, and the length of sentence served.

The study shall also gather information on the number of inmates currently incarcerated and their classifications to determine if there is a relationship between the classification system and the current practice of requiring more inmates to complete their entire sentences rather than be paroled, as well as the economic effect of such policies on the state budget and the effect on recidivism rates.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 133. Introduced by Dw. Pedersen, 39; Brashear, 4.

PURPOSE: During the 1999 legislative session, two bills were introduced that dealt with the issue of community corrections or community justice programs. They were LB 321 and the original version of LB 865. An agreement was made that the Legislature would take no further action on either bill until a study was conducted to address the issues that were raised, including the following:

(1) Determine the definition of community corrections or community justice programs;

(2) Look at the extent and nature of current community corrections programs in the State of Nebraska and determine what the extent and nature of such programs should be, and once the extent and nature of such programs is established, determine the cost of delivering such programs and what method should be used to finance such programs;

(3) Explore the statutory mandate with regard to community corrections programs to determine what the actual intent of the legislation was, what types of programs were contemplated, and who was to be in charge of such

programs and explore current options for community corrections and community justice programs;

(4) Determine the need to develop and implement standards for a contracting process for community corrections plans, the ability to monitor all programs for compliance, and the need to establish a clearinghouse for information and a reporting system to provide statistical information on whether or not the community corrections and community justice programs are effective in keeping people from incarceration;

(5) Determine whether or not there is a duplication of services within the current delivery system and, if so, how services can be delivered in the most cost-efficient manner;

(6) Determine the proper roles of the Department of Correctional Services, the Office of Probation Administration and the Nebraska Commission on Law Enforcement and Criminal Justice with regard to community corrections and community justice programs;

(7) Provide a mechanism for objectively evaluating comprehensive community corrections plans and grant fund applications from communities to determine whether or not the programs address the goal of keeping people from incarceration;

(8) Determine which state agencies are best equipped to establish, assess, and provide staff support for approved community corrections and community justice programs;

(9) Clarify public policy with regard to pre-incarceration, incarceration, and post-incarceration community corrections and community justice programs in the state;

(10) Determine how taxpayer money can be best utilized when expanding community corrections and community justice programs, whether through existing criminal justice infrastructures such as the Department of Correctional Services, the Office of Probation Administration, or the Office of Parole Administration or by creating and funding autonomous correctional programs within local communities; and

(11) If local communities are given the authority to facilitate development of assorted offender programs through technical assistance grants and supplemental operating funds, determine whether the state is financially supporting local correctional programming and if that is something that can be sustained into the future.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134. Introduced by Dw. Pedersen, 39.

PURPOSE: The purpose of this resolution is to study the issue of mental

health regions providing direct services to people in need of alcohol and drug abuse treatment.

Direct service providers throughout the state have expressed concerns that, although funding for alcohol and drug treatment has remained relatively flat over the last several years, several regional offices have continued to expand. There is concern that the regions duplicate functions of the state, the managed care provider, and services available in the private sector. There is also concern that the agency responsible for distributing funding and verifying quality programs can also provide direct services.

One of the primary reasons for having regional offices was to promote community input, yet information from throughout the state indicates that those providers who are not currently members of the provider network have a difficult time getting into the network.

Because of the reorganization of the Health and Human Services System, more and more people are being sent to community-based services, and, because it is not possible to get them all into programs run by the regions or by the choice few providers in the network, some people are being forced to go without services.

By allowing regions to provide direct services, we discourage private people from seeking contracts, we eliminate competition, and we give the impression of the "fox watching the chicken coop" mentality.

LB 1354, introduced in the 1998 legislative session, called for a task force to examine the delivery and financing of services for adults with mental illness or addiction to alcohol or controlled substances. One of the legislative recommendations of this task force was that local regions divest themselves of the role of direct provider of services.

This interim study should provide a way to look at the regional delivery system and the layers of bureaucracy that we are forced to go through and pay for to get services to those who need them. The bottom line here should be the best effort to get the maximum percentage of dollars available to those in need of services rather than to continue to let the scarce dollars available be eaten up by administrative costs and bureaucracy.

There are several questions that providers would like to see addressed by the interim study, including:

(1) Whether the present system discourages qualified providers from seeking contracts to be a state provider because they know they will be competing with the very agency that decides who is a provider;

(2) Whether the reimbursement rate is driven up by discouraging competition. If the regions continue to provide the services and pay themselves, it only makes sense that they would try to get as high a rate of reimbursement as possible, especially on the services they directly provide;

(3) The objectivity of the regions in assessing the effectiveness of providers they contract with when they provide similar services or are wanting to provide the services themselves and whether it is threatening existing providers in the system;

(4) Whether, if regions were not allowed to provide direct services, it would be more feasible for local agencies to become providers of treatment services without having to request funds from the competition; and

(5) Whether there is justification for mental health regions to continue to

exist if they are not allowed to provide direct services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 865:
AM1588

- 1 1. Insert the following new section:
- 2 "Sec. 12. Before disciplinary measures are taken against
- 3 an inmate for drug or alcohol violations, an inmate may request and
- 4 the department shall provide independent confirmation testing of
- 5 positive results of urinalysis testing. If the confirmation test
- 6 remains positive, the inmate may be required to pay the cost of the
- 7 confirmation test.".
- 8 2. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 816A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 816, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 267. Mr. Landis withdrew his amendment, AM1646, found on page 1855.

Mr. Landis asked unanimous consent to replace his pending amendment, AM1684, on file and referred to on page 1979, with a substitute amendment. No objections. So ordered.

Mr. Landis withdrew his amendment, AM1684, on file and referred to on page 1979.

Mr. Landis renewed his substitute pending amendment, AM1738, found on page 1983.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Landis amendment was adopted with 42 ayes, 3 nays, and 4 present and not voting.

Pending.

The Chair declared the call raised.

MESSAGES FROM THE GOVERNOR

May 12, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 813, 548, 687, 687A, 623, 740, 404, and 404A were received in my office on May 6, 1999.

These bills were signed by me on May 12, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

May 12, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 548A without my signature.

LB 548, which I am signing, directs the Department of Health and Human Services - Finance and Support to work with school districts and educational service units (ESU's) to access medicaid reimbursement for administrative expenses relating to services currently provided to medicaid-eligible and potentially medicaid-eligible students. The agency is to handle whatever administrative work is necessary to access this federal funding, contract with the school districts and ESU's, and oversee the program.

Health and Human Services - Finance and Support will implement this program per the legislative guidelines within existing and proposed resources for the 1999-2001 biennium.

I urge you to sustain my veto.

Sincerely,
(Signed) Mike Johanns
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 135. Introduced by Vrtiska, 1.

PURPOSE: The purpose of this study is to examine certain aspects of the Nebraska workers' compensation system to determine if modifications are needed. The study will focus on three areas of the Nebraska Workers' Compensation Act: (1) Whether and under what circumstances employers who have secured the payment of compensation under the act but who are not approved self-insurers for workers' compensation purposes should be allowed to directly pay for medical services under section 48-120; (2) whether changes should be made to the medical deductible provisions of section 48-146.03; and (3) whether changes should be made to the definition of medical treatment under section 48-144.01 with respect to reportable injuries.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136. Introduced by Dw. Pedersen, 39; Preister, 5; Schmitt, 41.

PURPOSE: To address the issue of weapons training facilities and firearms ranges, including information on which state agencies utilize such firing ranges, where they are currently located, what would need to be done to

repair and improve existing facilities, how many employees from each of the affected agencies are trained annually, and what that training program consists of.

The study shall also address the issue of possible consolidation of facilities, recommendations on where such a facility should be located, and which agencies might benefit from a shared state-of-the-art facility, as well as suggestions for how it could be financed.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 137. Introduced by Preister, 5; Connealy, 16; Hilgert, 7; Bourne, 8; Lynch, 13.

PURPOSE: The purpose of this study is to review personal service contracts state agencies have entered into with private entities and to examine related policy and fiscal issues.

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

1. That the Government, Military and Veterans Affairs Committee and the Appropriations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That at least one public hearing shall be held regarding the study.

3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 12, 1999, at 10:55 a.m., were the following bills: LBs 880, 878, 879, 873, 876, 877, 489, 860, 663, 664, 805, 805A, and 882.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Mr. Preister filed the following amendment to LB 176:
AM1728

(Amendments to E & R amendments, AM7144)

- 1 1. On page 17, line 24, after "(8)" insert "Any person
 2 who operates a scrap tire collection site in violation of state law
 3 which is the subject of abatement or cleanup as provided in section
 4 81-15.161.01 shall be liable to the State of Nebraska for the
 5 reimbursement of expenses of such abatement or cleanup paid out of
 6 the fund.
 7 (9)".

SELECT FILE

LEGISLATIVE BILL 267. Mr. Hartnett withdrew his motion, found on page 1980, to indefinitely postpone.

Mr. Brashear offered the following amendment:
 AM1752

(Amendments to AM1738)

- 1 1. On page 3, strike beginning with the underscored
 2 colon in line 5 through "For" in line 6 and insert "for"; in lines
 3 6, 15, and 18 strike "second" and insert "third"; in line 7 strike
 4 "four" and insert "three"; in line 21 strike "; and" and insert an
 5 underscored period; and strike lines 22 to 27.
 6 2. On page 4, strike lines 1 through 9.

Messrs. Raikes and Preister asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Brashear moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Mr. Chambers requested a roll call vote on the Brashear amendment.

Voting in the affirmative, 16:

Baker	Connealy	Hilgert	Pedersen, Dw.	Smith
Bourne	Cudaback	Janssen	Pederson, D.	Tyson
Brashear	Engel	Matzke	Robak	Wickersham
Chambers				

Voting in the negative, 29:

Beutler	Coordsen	Jensen	Peterson, C.	Stuhr
Bohlke	Crosby	Jones	Price	Suttle
Bromm	Dickey	Kiel	Quandahl	Thompson
Brown	Dierks	Kremer	Redfield	Vrtiska
Bruning	Hartnett	Kristensen	Schimek	Wehrbein
Byars	Hudkins	Landis	Schrock	

Present and not voting, 1:

Schmitt

Absent and not voting, 1:

Lynch

Excused and not voting, 2:

Preister Raikes

The Brashear amendment lost with 16 ayes, 29 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 138. Introduced by Hudkins, 21; Wickersham, 49; Bohlke, 33; Brashear, 4; Robak, 22; Bruning, 3; Crosby, 29; Schrock, 38.

PURPOSE: The goal of this interim study is to closely examine the geographic boundaries of the districts used to select the membership of the Executive Board of the Legislative Council and Committee on Committees of the Legislature, as well as considering the method by which the districts are determined.

Concerns have arisen as to how senators are appointed to serve as members of any of the three districts for the Executive Board and the Committee on Committees. Under the present system, Senators of neighboring legislative districts are often delegated to completely different caucuses, resulting in confusion and inconvenience for many members of the Legislature.

This study should include development of a specific formula to be included in the Rules of the Nebraska Unicameral Legislature and followed by both the Executive Board and the Committee on Committees in making district assignments.

The study shall also examine matters concerning the fourteen standing committees. Specifically, the study should consider the appropriate number of members for each committee, consider how to distribute the workload of the committees more evenly, and determine and identify the optimum number of days upon which each committee should meet.

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

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139. Introduced by Janssen, 15; Bromm, 23.

PURPOSE: A discrepancy has arisen in several counties in Nebraska between acreages directly connected to other agricultural property and acreages used solely for residential purposes. The valuation of acreages connected to agricultural property is being unfairly assessed higher than the surrounding agricultural property. Such property is being assessed as an acreage used for residential purposes, rather than as a part of a working farm. The purpose of this resolution is to study possible solutions to the valuation problems generated from agricultural land being classified as nonagricultural. The study shall include, but not be limited to:

- (1) Examination of the methods and guidelines used by county assessors and the Property Tax Administrator in comparable sales involving agricultural land used for agricultural purposes and agricultural land used for nonagricultural purposes;

- (2) Examination of new categories of agricultural and horticultural land which would include agricultural land used for nonagricultural purposes;

- (3) Examine the relationship between actual agricultural land valuations and land value if put solely to agricultural use;

- (4) Examine the methods and guidelines used by county assessors and the Property Tax Administrator in valuation of farmstead sites that are part of a farming operation; and

- (5) Examine changes proposed in Legislative Bill 853, Ninety-sixth Legislature, First Session, 1999.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 50 fifth grade students and teachers from Lincoln Elementary School, Fremont; 54 fourth grade students and teachers from Hayward Elementary School, Nebraska City; Alex Podany from Lincoln; 40 third through eighth grade students and teachers from Good Shepard School, Omaha; 11 eighth grade students and teacher from Blessed Sacrament School, Omaha; and former Senator Tom Fitzgerald from Florence and former Senator Bud Robinson from Blair.

RECESS

At 12:07 p.m., on a motion by Mr. Hilgert, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, Robak, Suttle, Thompson, Messrs. Byars, Dickey, Kristensen, Matzke, Tyson, and Ms. Price who were excused until they arrive.

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 419. Placed on General File as amended.
Standing Committee amendment to LB 419:
AM1677

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 77-1359, Revised Statutes
4 Supplement, 1998, is amended to read:

5 77-1359. For purposes of sections 77-1359 to 77-1363 and
6 section 2 of this act:

7 (1) Agricultural land and horticultural land shall mean
8 land which is primarily used for the production of agricultural or
9 horticultural products, including wasteland lying in or adjacent to
10 and in common ownership or management with land used for the
11 production of agricultural or horticultural products. Land
12 retained or protected for future agricultural or horticultural uses
13 under a conservation easement as provided in the Conservation and
14 Preservation Easements Act shall be defined as agricultural land or
15 horticultural land. Land enrolled in a federal or state program in
16 which payments are received for removing such land from
17 agricultural or horticultural production shall be defined as
18 agricultural land or horticultural land. Land that is zoned
19 predominantly for purposes other than agricultural or horticultural
20 use shall not be assessed as agricultural land or horticultural
21 land; and

22 (2) Agricultural or horticultural products shall include
23 grain and feed crops; forages and sod crops; animal production,
24 including breeding, feeding, or grazing of cattle, horses, swine,
1 sheep, goats, bees, or poultry; and fruits, vegetables, flowers,
2 seeds, grasses, trees, and other horticultural crops; and

3 (3) Farmstead site shall mean residential property and
4 agricultural improvements and the real property on which the

5 residential property and agricultural improvements are sited if the
6 residential property and agricultural improvements are used in
7 association with the agricultural land and improvements by the
8 occupant of the site who is engaged in agricultural production as
9 described in section 2 of this act.

10 Sec. 2. A parcel of land of twenty acres or less in size
11 that is not managed as part of an agricultural or horticultural
12 operation exceeding twenty acres in size shall qualify for
13 assessment as agricultural land or horticultural land only upon
14 submission of proof by the owner that sales of agricultural or
15 horticultural products of a gross value of more than two thousand
16 dollars were produced from the land or from feeding products grown
17 upon such land in two of the three previous years or upon
18 submission of proof that such land is under the land-use
19 requirements or restrictions required in subdivision (1) of section
20 77-1359. The owner shall certify on or before March 1 of each year
21 on a form prescribed and subject to audit by the Department of
22 Revenue that the land meets the requirements of this section.

23 Sec. 3. Section 77-1361, Revised Statutes Supplement,
24 1998, is amended to read:

25 77-1361. (1) Agricultural land and horticultural land
26 used solely for agricultural or horticultural purposes shall
27 constitute a separate and distinct class of property for purposes
1 of property taxation. Agricultural land and horticultural land
2 shall be classified using the agricultural land valuation manual
3 issued by the Property Tax Administrator pursuant to section
4 77-1330 which shall be developed using the methods prescribed in
5 section 77-1362.

6 (2) No residential, commercial, industrial, or
7 agricultural building or enclosed structure or the directly
8 associated land or site of the building or enclosed structure shall
9 be assessed as agricultural land or horticultural land, except that
10 real property currently or formerly in use as a farmstead site and
11 not currently occupied or used for any other nonagricultural
12 purpose shall be valued at the same assessed value as the directly
13 adjoining agricultural land which is associated by ownership and is
14 in use as agricultural land as described in section 2 of this act.

15 Sec. 4. Original sections 77-1359 and 77-1361, Revised
16 Statutes Supplement, 1998, are repealed."

LEGISLATIVE BILL 881. Placed on General File as amended.
Standing Committee amendment to LB 881:
AM1744

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Sections 1 to 4 of this act shall be known
4 and may be cited as the Relief to Property Taxpayers Act.

5 Sec. 2. The purpose of the Relief to Property Taxpayers
6 Act is to provide property tax relief for property taxes levied

7 against real property. The property tax relief will be made to
8 owners of real property in the form of a property tax credit.

9 Sec. 3. The Relief to Property Taxpayers Cash Fund is
10 created. The fund shall only be used pursuant to the Relief to
11 Property Taxpayers Act. Any money in the fund available for
12 investment shall be invested by the state investment officer
13 pursuant to the Nebraska Capital Expansion Act and the Nebraska
14 State Funds Investment Act.

15 Sec. 4. (1) For tax year 2000 the amount of relief
16 granted under the Relief to Property Taxpayers Act shall be
17 thirty-five million dollars. For tax years after 2001, the amount
18 of relief granted under the act shall be equal to the amount
19 appropriated or transferred to the Relief to Property Taxpayers
20 Cash Fund by August 16. It is the intent of the Legislature to
21 fund the Relief to Property Taxpayers Act for tax years after 2001
22 using available excess revenue. The relief shall be in the form of
23 a property tax credit which appears on the property tax statement.

24 (2) To determine the amount of the property tax credit,
1 the county treasurer shall multiply the amount disbursed to the
2 county under subsection (4) of this section by the ratio of the
3 real property valuation to the real property valuation in the
4 county. The amount determined shall be the property tax credit for
5 the property.

6 (3) If the property owner qualifies for a homestead
7 exemption under the provisions of sections 77-3501 to 77-3529, the
8 homestead owner shall also be qualified for the relief provided in
9 the act to the extent of any remaining liability after calculation
10 of the relief provided by the homestead exemption. If the credit
11 results in a property tax liability on the homestead that is less
12 than zero, the amount of the credit which cannot be used by the
13 taxpayer shall be returned to the State Treasurer by July 1 of the
14 year the amount disbursed to the county was disbursed. The State
15 Treasurer shall credit any funds returned under this section to the
16 Tax Equity and Educational Opportunities Support Act Stabilization
17 Fund until July 1, 2001, and to the Relief to Property Taxpayers
18 Cash Fund on and after such date.

19 (4) The amount disbursed to each county shall be equal to
20 the amount available for disbursement determined under subsection
21 (1) of this section multiplied by the ratio of the real property
22 valuation in the county to the real property valuation in the
23 state. By September 15, the Property Tax Administrator shall
24 determine the amount to be disbursed under this subsection to each
25 county and certify such amounts to the State Treasurer and to each
26 county. The disbursements to the counties shall occur in two equal
27 payments, the first on or before January 31 and the second on or
1 before April 1. After retaining one percent of the receipts for
2 costs, the county treasurer shall allocate the remaining receipts
3 to each taxing unit levying taxes on taxable property in the tax
4 district in which the real property is located in the same

5 proportion that the levy of such taxing unit bears to the total
6 levy on taxable property of all the taxing units in the tax
7 district in which the real property is located.

8 Sec. 5. On August 16, 2000, the State Treasurer shall
9 transfer to the Tax Equity and Educational Opportunities Support
10 Act Stabilization Fund any money appropriated for purposes of the
11 Tax Equity and Educational Opportunities Support Act which is in
12 excess of the certification made under section 79-1022. The Tax
13 Equity and Educational Opportunities Support Act Stabilization Fund
14 is created. Any money in the fund available for investment shall
15 be invested by the state investment officer pursuant to the
16 Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act. On July 1, 2001, the fund shall terminate and the
18 State Treasurer shall transfer any money in the fund on such date
19 to the General Fund for purposes of funding the Tax Equity and
20 Educational Opportunities Support Act.

21 Sec. 6. Section 13-518, Revised Statutes Supplement,
22 1998, is amended to read:

23 13-518. For purposes of sections 13-518 to 13-522:

24 (1) Allowable growth means (a) for governmental units
25 other than community colleges, the percentage increase in taxable
26 valuation in excess of the base limitation established under
27 section 77-3446, if any, due to improvements to real property as a
1 result of new construction, additions to existing buildings, any
2 improvements to real property which increase the value of such
3 property, and any increase in valuation due to annexation and any
4 personal property valuation over the prior year and (b) for
5 community colleges, the percentage increase in excess of the base
6 limitation, if any, in full-time equivalent students from the
7 second year to the first year preceding the year for which the
8 budget is being determined;

9 (2) Capital improvements means (a) acquisition of real
10 property or (b) acquisition, construction, or extension of any
11 improvements on real property;

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

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

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

(6) Restricted funds means (a) property tax, excluding any amounts required to pay interest and principal on bonded indebtedness and any amounts refunded to taxpayers, (b) payments in lieu of property taxes, (c) local option sales taxes, (d) state aid, (e) transfers of surpluses from any user fee, permit fee, or regulatory fee if the fee surplus is transferred to fund a service or function not directly related to the fee and the costs of the activity funded from the fee, and (f) any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements but which were not spent and are not expected to be spent for capital improvements; and

(7) State aid means:

(a) For all governmental units, state aid paid pursuant to sections 60-305.15 and 77-3523;

(b) For municipalities, state aid to municipalities paid pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3007, 77-27,136, and 77-27,139.04 and insurance premium tax paid to municipalities;

(c) For counties, state aid to counties paid pursuant to sections 39-2501 to 39-2520, 47-119.01, 60-3007, 77-27,136, and 77-3618 and insurance premium tax paid to counties;

(d) For community colleges, state aid to community colleges paid under sections 85-1536 to 85-1537 and section 9 of this act;

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

(f) For educational service units, state aid appropriated under section 79-1241.

Sec. 7. Section 77-1704.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-1704.01. The county treasurer shall include with each tax notice or receipt to every taxpayer the following information:

(1) The total amount of aid from state sources appropriated to the county and each city, village, and school district in the county; ~~and~~

(2) The net amount of property taxes to be levied by the county and each city, village, and school district in the county; and

(3) Beginning with tax year 2000, for real property, the amount of taxes reflected on the statement that are levied by the county, city, village, school district, and other subdivisions for the tax year and for the immediately past year on the same parcel.

The necessary form for furnishing ~~such~~ the information required by subdivisions (1) and (2) of this section shall be prescribed by the Department of Revenue. The necessary information required by subdivision (1) of this section shall be furnished to the county treasurer by the Department of Revenue prior to October 1 of each year. The form prescribed by the Department of Revenue shall contain the following statement:

22 THE AMOUNT OF STATE FUNDS SHOWN ABOVE WOULD HAVE BEEN
23 ADDITIONAL PROPERTY TAXES IF NOT ALLOCATED TO THE COUNTY, CITY,
24 VILLAGE, AND SCHOOL DISTRICT BY THE LEGISLATURE.

25 Sec. 8. Section 84-612, Revised Statutes Supplement,
26 1998, is amended to read:

27 84-612. (1) There is hereby created within the state
1 treasury a fund known as the Cash Reserve Fund which shall be under
2 the direction of the State Treasurer. The fund shall only be used
3 pursuant to this section.

4 (2) The State Treasurer shall transfer funds from the
5 Cash Reserve Fund to the General Fund upon certification by the
6 Director of Administrative Services that the current cash balance
7 in the General Fund is inadequate to meet current obligations.
8 Such certification shall include the dollar amount to be
9 transferred.

10 (3) Any transfers made pursuant to subsections (2) and
11 (5) of this section shall be reversed upon notification by the
12 Director of Administrative Services that sufficient funds are
13 available.

14 (4) On or before August 1, 1994, the State Treasurer
15 shall transfer six million dollars from the Cash Reserve Fund to
16 the Job Training Cash Fund.

17 (5) The State Treasurer shall transfer funds from the
18 Cash Reserve Fund to the Roads Operations Cash Fund upon
19 certification by the Director of Administrative Services that the
20 current cash balance in the Roads Operations Cash Fund is
21 inadequate to meet current obligations as the result of delayed
22 receipt of federal funds. The certification shall include the
23 dollar amount to be transferred. The authority to transfer funds
24 pursuant to this subsection shall be in effect for the period July
25 1, 1998, through June 30, 1999.

26 (6) On or before September 1, 1998, the State Treasurer
27 shall transfer four million five hundred thousand dollars from the
1 Cash Reserve Fund to the General Fund.

2 (7) On or before September 1, 1998, the State Treasurer
3 shall transfer two million dollars from the Cash Reserve Fund to
4 the Reorganized School Assistance Fund.

5 (8) On June 15, 1999, the State Treasurer shall transfer
6 twelve million dollars from the Cash Reserve Fund to the General
7 Fund.

8 (9) On or before June 30, 1999, the State Treasurer shall
9 transfer eighty million dollars from the Cash Reserve Fund to the
10 General Fund.

11 (10) On June 15, 2001, the State Treasurer shall transfer
12 twenty-eight million dollars from the Cash Reserve Fund to the
13 General Fund.

14 (11) On August 16, 1999, the State Treasurer shall
15 transfer thirty million dollars from the Cash Reserve Fund to the
16 Relief to Property Taxpayers Cash Fund for the purposes of

17 increased aid to community colleges.

18 (12) On August 16, 2000, the State Treasurer shall
19 transfer thirty-five million dollars from the Cash Reserve Fund to
20 the Relief to Property Taxpayers Cash Fund.

21 (13) On August 1, 2001, the State Treasurer shall
22 transfer thirty-five million dollars from the Cash Reserve Fund to
23 the General Fund for purposes of funding the Tax Equity and
24 Educational Opportunities Support Act.

25 Sec. 9. If the Legislature appropriates more money for
26 aid to community colleges than is necessary to fully fund the
27 provisions of sections 85-1536 to 85-1537 for any fiscal year, the
1 excess money shall be allocated to each community college area in
2 the same proportion as the community college area's property
3 valuation is to the state's total property valuation.

4 Sec. 10. If any section in this act or any part of any
5 section is declared invalid or unconstitutional, the declaration
6 shall not affect the validity or constitutionality of the remaining
7 portions.

8 Sec. 11. Original section 77-1704.01, Reissue Revised
9 Statutes of Nebraska, and sections 13-518 and 84-612, Revised
10 Statutes Supplement, 1998, are repealed.

11 Sec. 12. Since an emergency exists, this act takes
12 effect when passed and approved according to law."

(Signed) William R. Wickersham, Chairperson

MESSAGE FROM THE GOVERNOR

May 12, 1999

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 530 was received in my office on May 6, 1999.
This bill was signed by me on May 12, 1999, and delivered to the Secretary
of State.

Sincerely,
(Signed) Mike Johanns
Governor

AMENDMENT - Print in Journal

Ms. Schimek filed the following amendment to LB 480:

AM1749

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. The Women's Health Initiative of Nebraska is
4 created within the Department of Health and Human Services. The
5 Women's Health Initiative of Nebraska shall strive to improve the
6 health of women in Nebraska by fostering the development of a
7 comprehensive system of coordinated services, policy development,
8 advocacy, and education. The initiative shall:

9 (1) Serve as a clearinghouse for information regarding
10 women's health issues, including pregnancy, breast and cervical
11 cancers, acquired immunodeficiency syndrome, osteoporosis,
12 menopause, heart disease, smoking, and mental health issues as well
13 as other issues that impact women's health, including substance
14 abuse, domestic violence, teenage pregnancy, sexual assault,
15 adequacy of health insurance, access to primary and preventative
16 health care, and rural and ethnic disparities in health outcomes;

17 (2) Perform strategic planning within the Department of
18 Health and Human Services, the Department of Health and Human
19 Services Regulation and Licensure, and the Department of Health and
20 Human Services Finance and Support to develop department-wide plans
21 for implementation of goals and objectives for women's health;

22 (3) Conduct department-wide policy analysis on specific
23 issues related to women's health;

24 (4) Coordinate pilot projects and planning projects
1 funded by the state that are related to women's health;

2 (5) Communicate and disseminate information and perform a
3 liaison function within the departments and to providers of health,
4 social, educational, and support services to women;

5 (6) Provide technical assistance to communities, other
6 public entities, and private entities for initiatives in women's
7 health, including but not limited to, community health assessment
8 and strategic planning and identification of sources of funding and
9 assistance with writing of grants; and

10 (7) Encourage innovative responses by public and private
11 entities that are attempting to address women's health issues.

12 Sec. 2. (1) The Women's Health Initiative Advisory
13 Council is created and shall consist of not more than thirty
14 members, at least three-fourths of whom are women. At least one
15 member shall be appointed from the following disciplines: (a) An
16 obstetrician/gynecologist; (b) a nurse practitioner from a rural
17 community; (c) a geriatrics physician or nurse; (d) a pediatrician;
18 (e) a community public health representative from each
19 congressional district; (f) a health educator; (g) an insurance
20 industry representative; (h) a mental health professional; (i) a
21 representative from a statewide health volunteer agency; (j) a
22 private health care industry representative; (k) an epidemiologist
23 or a health statistician; (l) a foundation representative; and (m)
24 a woman who is a health care consumer from each of the following

25 age categories: Eighteen to thirty; thirty-one to forty; forty-one
26 to sixty-five; and sixty-six and older. The membership shall also
27 include a representative of the University of Nebraska Medical
1 Center, a representative from Creighton Medical School, the
2 executive director of the Nebraska Commission on the Status of
3 Women or his or her designee, the chief medical officer of the
4 Department of Health and Human Services Regulation and Licensure,
5 and the Title V Director of the Department of Health and Human
6 Services.

7 (2) The Governor shall appoint advisory council members
8 and shall consider and attempt to balance representation based on
9 political party affiliation, race, and different geographical areas
10 of Nebraska when making appointments. The Governor shall appoint
11 the first chairperson and vice-chairperson of the advisory council.
12 There shall be two ex officio, nonvoting members from the
13 Legislature, one of which shall be the chairperson of the Health
14 and Human Services Committee.

15 (3) The terms of the initial members shall be as follows:
16 One-third shall serve for a one-year term, one-third shall serve
17 for two-year terms, and one-third shall serve for three-year terms
18 including the members designated chairperson and vice-chairperson.
19 Thereafter members shall serve for a three-year term. Members may
20 not serve more than two consecutive three-year terms.

21 (4) The Governor shall make the appointments within three
22 months after the effective date of this act.

23 (5) The council shall meet quarterly the first two years.
24 After this time the council shall meet at least every six months or
25 upon the call of the chairperson or a majority of the voting
26 members. A quorum shall be one-half of the voting members.

27 (6) The members of the advisory council shall be
1 reimbursed for their actual and necessary expenses as provided in
2 sections 81-1174 to 81-1177 and pursuant to policies of the
3 council. Funds for reimbursement for expenses shall be from the
4 Women's Health Initiative Fund.

5 (7) The advisory council shall advise the Women's Health
6 Initiative of Nebraska in carrying out its duties under section 1
7 of this act and may solicit private funds to support the
8 initiative.

9 Sec. 3. The Director of Health and Human Services will
10 determine how the Department of Health and Human Services will
11 provide personnel to carry out the Women's Health Initiative of
12 Nebraska. The Director of Health and Human Services shall employ
13 personnel, including an executive director, necessary to carry out
14 the powers and duties of the initiative. The Governor's Policy
15 Research Office, the Department of Health and Human Services
16 Finance and Support, the Department of Health and Human Services
17 Regulation and Licensure, and the Department of Health and Human
18 Services and other state agencies as necessary may provide
19 administrative and technical support under the direct supervision

20 of the Governor. The initiative may secure cooperation and
21 assistance of other appropriate government and private-sector
22 entities for women's health issues, programs, and educational
23 materials.

24 Sec. 4. The Legislature recognizes the generosity of its
25 citizens and charitable organizations that donate their time and
26 money to provide funds to their fellow citizens. It is the intent
27 of the Legislature to permit the Women's Health Initiative of
1 Nebraska to obtain and expend such funds to carry out the purposes
2 of sections 1 to 7 of this act. Private citizens and charitable
3 organizations may donate and grant funds to the Women's Health
4 Initiative of Nebraska to pay for programs, educational materials,
5 promotions, and other activities undertaken by the initiative.

6 Sec. 5. The Women's Health Initiative Fund is created.
7 The fund shall consist of money received as gifts or grants or
8 collected as fees or charges from any federal, state, public, or
9 private source. Money in the fund shall be used to reimburse the
10 expenses of the Women's Health Initiative of Nebraska and expenses
11 of members of the Women's Health Initiative Advisory Council.
12 Nothing in sections 1 to 7 of this act requires the Women's Health
13 Initiative of Nebraska to accept any private donations that are not
14 in keeping with the goals and objectives set forth by the
15 initiative and the Department of Health and Human Services. No
16 funds expended or received by or through the initiative shall pay
17 for abortion referral or abortion services. Any money in the fund
18 available for investment shall be invested by the state investment
19 officer pursuant to the Nebraska Capital Expansion Act and the
20 Nebraska State Funds Investment Act.

21 Sec. 6. The Department of Health and Human Services
22 shall have all powers necessary to implement the purposes and
23 intent of sections 1 to 7 of this act, including applying for,
24 receiving, and administering federal and other public and private
25 funds credited to the Women's Health Initiative Fund. Any funds
26 obtained for the Women's Health Initiative of Nebraska shall be
27 remitted to the State Treasurer for credit to the Women's Health
1 Initiative Fund.

2 Sec. 7. The Department of Health and Human Services
3 shall issue an annual report to the Governor and the Legislature on
4 September 1 for the preceding fiscal year's activities of the
5 initiative. The report shall include progress reports on any
6 programs, activities, or educational promotions that were
7 undertaken by the initiative. The report shall also include a
8 status report on women's health in Nebraska and any results
9 achieved by the initiative."

SELECT FILE

LEGISLATIVE BILL 267. Mr. Hilgert renewed his pending amendment,
AM1719, found on page 1980.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Hilgert amendment: FA206

Amend AM1719

Add: "In addition to any other penalty, any person guilty of being a minor in possession shall be given 39 lashes with a bull whip."

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Hilgert withdrew his amendment.

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

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 41:

Beutler	Crosby	Jensen	Peterson, C.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Bourne	Dierks	Kremer	Price	Suttle
Bromm	Engel	Kristensen	Quandahl	Thompson
Brown	Hartnett	Landis	Raikes	Tyson
Bruning	Hilgert	Lynch	Redfield	Vrtiska
Byars	Hudkins	Matzke	Schimek	Wehrbein
Connealy	Janssen	Pederson, D.	Schrock	Wickersham
Coorsden				

Voting in the negative, 3:

Chambers Pedersen, Dw. Robak

Present and not voting, 2:

Baker Schmitt

Excused and not voting, 3:

Brashear Dickey Kiel

Advanced to E & R for engrossment with 41 ayes, 3 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS**LEGISLATIVE RESOLUTION 140.** Introduced by Dierks, 40; Landis, 46.

PURPOSE: The purpose of this interim study resolution is to authorize a study and review regarding the necessity of legislation to address agricultural input supplier lending and credit extension and the necessity of providing protection for agricultural input suppliers who enhance the value of collateral.

WHEREAS, the legislature has passed legislation to rewrite Article 9 -- Secured Transactions, Uniform Commercial Code, in the form of Legislative Bill 550; and

WHEREAS, Nebraska law currently contains provisions relating to agricultural input suppliers and credit protection in the form liens for artisans, threshers, veterinarians, petroleum products, fertilizer and agricultural chemicals, seed, electricity and energy, service of animals, feed, and agisters; and

WHEREAS, due to the considerable drop in the value of agricultural commodities, Nebraska farmers and ranchers are facing extreme cutbacks in the amount banking, lending, and financial institutions are extending in short and long-term loans to cover agricultural input costs; and

WHEREAS, due to the shortage of credit and loans available from banking, lending, and financial institutions, agricultural input suppliers are faced with extending credit in the form of collateral enhancement to cover agricultural input costs and, in most cases, without the protection provided for banking, lending, and financial institutions; and

WHEREAS, agricultural input suppliers now serve as a source of funding in lieu of the traditional capitol resources provided by banking, lending, and financial institutions; and

WHEREAS, the Legislature can review the current statutory lien statutes and those relating to banking, financial, and lending institutions.

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

1. That the Agriculture and Banking, Commerce and Insurance Committees of the Legislature conduct a joint interim study regarding the necessity of legislation to address providing protection of agricultural input suppliers who serve as sources of enhancing collateral such as crop land, livestock, and other agricultural collateral.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 141. Introduced by Jones, 43; Wickersham, 49; Coordsen, 32; Bromm, 23; Hudkins, 21; Dierks, 40; Kremer, 34.

PURPOSE: The purpose of this resolution is to study issues regarding challenges in the transfer of farms and ranches to younger, unrelated persons.

The study should include an examination of the use of tax incentives.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 142. Introduced by Jones, 43; Dierks, 40; Landis, 46; Kremer, 34.

PURPOSE: The purpose of this resolution is to study issues regarding challenges in the transfer of farms and ranchers to younger, unrelated persons. The study should include an examination of the use of business structures such as limited liability companies and limited liability partnerships.

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

1. That the Agriculture and Banking, Commerce and Insurance Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Redfield, 12.

PURPOSE: This resolution is to study issues related to sales and use tax simplification and uniformity. The modern economy can be defined as one which is more nimble and less tangible than has been the case in the past. All states that impose a sales and use tax, Nebraska included, face great stress on their sales and use tax systems from remote selling over the Internet and from more traditional forms such as mail order. If constitutional prohibitions continue to restrict Nebraska's ability to enforce its sales and use tax with respect to sellers without Commerce Clause nexus to Nebraska, our state will have to negotiate with other states and remote sellers to encourage voluntary collections by remote sellers or tolerate a sales tax that will continue to become more narrow and discriminatory over time.

The key to agreement with other states and remote sellers will undoubtedly be greater uniformity among states with regard to procedures, forms, and definitions and greater simplicity for sellers making collections and remittances from many states simultaneously. This study is to examine

Nebraska's sales and use tax in an effort to discover any possible legislation that could move our state toward better uniformity and simplification in levying and administering the sales and use tax.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee cooperate with and participate in the efforts of the Tax Commissioner to cooperate with nearby states in achieving more regional uniformity.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Redfield, 12.

PURPOSE: Continued public pressure to reduce the reliance of local governments on the property tax has increased the need for state officials to be aware of the state-local financial relationships that exist in Nebraska. The purpose of this study is to examine the various programs that are in place which provide financial aid to local governments. Particular attention should be paid to the consistency between the use of sales and income tax revenue collected from the entire state and the needs relative to the property tax capacity of local governments.

Aid to natural resources districts is an area that has not received attention since the personal property tax replacement aid was first provided in the 1970s. Analysis of the needs of natural resources districts as compared to both the property tax levy capacity and the possibility of other own-source revenue should be undertaken pursuant to this study.

Another aspect of this study is the utility and effectiveness of the state aid notification required to be provided to the taxpayer with the property tax statement. The study should examine the contents of the notification and whether or not the information provided could be made more useful and informative to the taxpayer.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Redfield, 12.

PURPOSE: The purpose of this resolution is to study the issues surrounding the implementation of Legislative Bill 271, Ninety-sixth Legislature, First Session, 1999, to tax property owned by governmental entities which is not used for a public purpose. Specifically, the study should examine the appropriate concepts used to determine what is and what is not being used for a public purpose. Guidelines such as the amount of income relative to the size of the operation, the size and level of integration of the discrete area being considered, and the applicability of Unrelated Business Income Tax to the activity should be considered.

The study should also consider the procedures for disputing the assessment of taxes and the burden of proof to be applied in such disputes. Finally, the study should examine the procedures to be undertaken to assure a proper level of value is placed on public property held under a lease for a nonpublic purpose.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146. Introduced by Wickersham, 49; Dierks, 40; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25.

PURPOSE: The Employment Expansion and Investment Incentive Act was enacted in 1986 and the Employment and Investment Growth Act was enacted in 1987. Since that time, inflation has driven the cost of most things higher and these two acts have been supplemented if not replaced with incentives offering more benefits for higher levels of investment.

The time has come to examine the role each of these incentives play in the overall scheme of incentives available to new or expanding businesses. Particular attention should be paid to the required levels of new employment and investment in light of the amount of inflation that has occurred in the intervening years.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147. Introduced by Raikes, 25; Wickersham, 49; C. Peterson, 35; Landis, 46.

PURPOSE: The purpose of this study is to examine the possibility of income tax reform with the goal of achieving greater simplification and eliminating the so-called marriage penalty. While limiting or eliminating deductions, exclusions, or special considerations from state income tax laws will cause some to pay more while others pay less, recent public demand for greater simplification cannot be ignored. The study will attempt to analyze shifts between income groups and find approaches designed to minimize such shifts while still making the income tax more simple.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148. Introduced by Bromm, 23; Landis, 46; Hudkins, 21; Jones, 43; Schrock, 38; Wickersham, 49; Engel, 17; Preister, 5; Beutler, 28; Bohlke, 33; Stuhr, 24.

PURPOSE: To study opportunities in which tax policy might be used to produce both economic and environmental benefits. In addition, the study would examine how corporate tax incentives might be used to further environmental protection.

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

1. That the Revenue and Natural Resources Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That at least one public hearing shall be held regarding this study.

3. That the committees shall upon the conclusion of this study make a report of the findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149. Introduced by Bromm, 23; Landis, 46; Preister, 5; Beutler, 28; Jones, 43.

PURPOSE: To study the benefits of a mandatory deposit on glass and plastic bottles and aluminum cans in an effort to encourage recycling. The study shall review past efforts in this area and may draw upon the experiences in

other states.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. The committee shall hold at least one public hearing regarding the study.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150. Introduced by Bromm, 23; Hudkins, 21.

PURPOSE: To study the feasibility and desirableness of a "Pay for Stay" program, whereby counties would be authorized to seek reimbursement for an inmate's use of their jail. The study shall consider the policy being established by such a program. The committee shall review similar programs in other states and seek to determine what costs and benefits such a program would offer Nebraska counties. The study may include input from private vendors who have assisted counties in implementing such a program.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 151. Introduced by Beutler, 28; Preister, 5.

PURPOSE: The purpose of this study is to review all ground water and surface water quality monitoring programs, to identify all monitoring of water done in the state, to determine if that monitoring is adequate, and if not, to determine what else is needed to ensure water quality in the state.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 152. Introduced by Bromm, 23; Schimek, 27; Crosby, 29; Preister, 5; Beutler, 28 .

PURPOSE: To study and review Nebraska's political accountability and disclosure laws as they relate to the legislative and executive branches of government. The study shall include, but not be limited to, an examination of:

- (1) Disclosure of gifts by principals and lobbyists;
- (2) Limitations on gift giving by principals and lobbyists;
- (3) Individualized reporting of gifts and other expenses; and
- (4) Clarifying current reports by lobbyists and principals to better itemize expenses.

This study shall seek to determine whether the current laws are adequate and sufficient and in the best interest of the general public. The Government, Military and Veterans Affairs Committee shall conduct a public hearing in connection with such study. A determination shall be made as to what laws should be amended, repealed, or enacted to better serve the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING

Transportation

Thursday, May 20, 1999
Motor Carrier Advisory Council
David Lee Hale

1:15 p.m.

(Signed) Curt Bromm, Chairperson

SELECT FILE

LEGISLATIVE BILL 144. Mrs. Bohlke withdrew her amendment, AM0880, found on page 1381 and considered on page 1714.

Mr. Beutler withdrew his amendments, FA123 and AM1739, found on pages 1717 and 1978.

Mrs. Bohlke withdrew the Bohlke et al. amendment, AM1626, found on page 1844.

Mrs. Bohlke offered the following amendment:

AM1757

1	1. Strike the original sections and all amendments		
2	thereto and insert the following new sections:		
3	"Section 1. Section 39, Legislative Bill 880,		
4	Ninety-sixth Legislature, First Session, 1999, is amended to read:		
5	Sec. 39. AGENCY NO.13 -- STATE DEPARTMENT OF EDUCATION		
6	Program No. 25 - Education, Administration, and Support		
7		FY1999-00	FY2000-01
8	GENERAL FUND	743,687,902	745,962,415
9	<u>GENERAL FUND</u>	<u>742,179,902</u>	<u>744,534,415</u>
10	CASH FUND	3,097,517	3,121,778
11	FEDERAL FUND est.	152,868,651	153,056,779
12	REVOLVING FUND	483,218	500,429
13	PROGRAM TOTAL	900,137,288	902,641,401
14	<u>PROGRAM TOTAL</u>	<u>898,629,288</u>	<u>901,213,401</u>
15	SALARY LIMIT	7,948,125	8,241,452

16 There is included in the appropriation to this program
 17 for FY1999-00 \$734,042,116 General Funds, \$2,040,938 Cash Funds,
 18 and \$145,937,874 Federal Funds estimate for state aid, which shall
 19 only be used for such purpose. There is included in the
 20 appropriation to this program for FY2000-01 \$736,196,432 General
 21 Funds, \$2,040,938 Cash Funds, and \$145,937,874 Federal Funds
 22 estimate for state aid, which shall only be used for such purpose.

23 There is included in the amount shown for FY1999-00
 24 \$172,200 General Funds as state aid for the reimbursement of
 1 transportation costs pursuant to section 79-241 for the enrollment
 2 option program. There is included in the amount shown for
 3 FY2000-01 \$172,200 General Funds as state aid for the reimbursement
 4 of transportation costs pursuant to section 79-241 for the
 5 enrollment option program.

6 There is included in the amount shown for FY1999-00
 7 \$586,502,250 General Funds which are hereby appropriated to the Tax
 8 Equity and Educational Opportunities Fund, which fund is hereby
 9 appropriated to provide state aid to public school districts
 10 pursuant to the Tax Equity and Educational Opportunities Support
 11 Act. There is included in the amount shown for FY2000-01
 12 \$584,503,855 General Funds which are hereby appropriated to the Tax
 13 Equity and Educational Opportunities Fund, which fund is hereby
 14 appropriated to provide state aid to public school districts
 15 pursuant to the Tax Equity and Educational Opportunities Support
 16 Act.

17 There is included in the amount shown for this program
 18 \$132,575,807 General Funds provided as state aid in FY1999-00 for
 19 special education reimbursement. There is included in the amount
 20 shown for this program \$136,553,081 General Funds provided as state
 21 aid in FY2000-01 for special education reimbursement.

22 There is included in the amount shown for this program
 23 \$349,225 General Funds provided as state aid in FY1999-00 and

24 \$349,225 General Funds provided as state aid in FY2000-01 to carry
25 out the provisions of subsection (2) of section 79-734.

26 There is included in the amount shown for this program
27 \$560,000 General Funds provided as state aid in FY1999-00 and
1 \$560,000 General Funds provided as state aid in FY2000-01 for early
2 childhood education projects.

3 There is included in the amount shown for this program a
4 one-time appropriation of \$150,000 General Funds provided as state
5 aid in FY1999-00 to match funds provided by the National Geographic
6 Society for an endowment for geography education.

7 There is included in the amount shown for this program
8 \$9,942,500 General Funds provided as state aid in FY1999-00 and
9 \$10,191,062 General Funds provided as state aid in FY2000-01 for
10 core services for educational service units.

11 There is included in the amount shown for this program
12 \$3,075,000 General Funds provided as state aid in FY1999-00 and
13 \$3,151,875 General Funds provided as state aid in FY2000-01 for
14 programs for learners with high ability.

15 There is included in the amount shown for this program
16 \$195,715 General Funds for FY1999-00, which shall only be used to
17 contract with the Nebraska Educational Telecommunications
18 Commission for the Schools TeleLearning/Distance Learning Program.
19 There is included in the amount shown for this program \$201,586
20 General Funds for FY2000-01, which shall only be used to contract
21 with the Nebraska Educational Telecommunications Commission for the
22 Schools TeleLearning/Distance Learning Program.

23 There is included in the amount shown for this program
24 \$100,000 General Funds for FY1999-00 and \$100,000 General Funds for
25 FY2000-01 to develop or enhance interpreter training programs,
26 which shall only be used for such purpose.

27 There is included in the amount shown for this program
1 \$250,000 General Funds for FY1999-00 and \$250,000 General Funds for
2 FY2000-01, which shall only be used for satellite programs for
3 children who are deaf or hard of hearing.

4 There is included in the amount shown for this program
5 ~~\$1,728,000 General Funds for FY1999-00 and \$1,728,000 \$220,000~~
6 ~~General Funds for FY1999-00 and \$220,000 General Funds for~~
7 ~~FY2000-01 to provide a reporting system that results in a statewide~~
8 ~~report card for primary and secondary education in Nebraska that~~
9 ~~includes, but is not limited to, information on student~~
10 ~~performance, teacher and student attendance, teacher qualifications~~
11 ~~and salaries, graduate tracking, and demographics. There is~~
12 ~~included in the amount shown for this program \$80,000 General Funds~~
13 ~~for FY2000-01 to implement a statewide assessment and reporting~~
14 ~~system provide incentives and reimburse schools for participation~~
15 ~~in the National Assessment of Educational Progress.~~

16 The General Fund appropriation shown for FY2000-01 is
17 increased by \$10,000 and the Cash Fund appropriation shown for
18 FY2000-01 is reduced by \$15,000 if Legislative Bill 489,

- 19 Ninety-sixth Legislature, First Session, 1999, does not become law.
- 20 On or before October 1 of each year, the Department of
- 21 Health and Human Services Finance and Support and the State
- 22 Department of Education shall jointly certify to the budget
- 23 administrator of the budget division of the Department of
- 24 Administrative Services the amount of federal medicaid funds paid
- 25 to school districts pursuant to the Early Intervention Act for
- 26 special education services for children age five years and older.
- 27 The General Fund appropriation to the State Department of
- 1 Education, Program No. 25, for state special education aid shall be
- 2 decreased by an amount equal to the amount that would have been
- 3 reimbursed with state General Funds to the school districts through
- 4 the special education reimbursement process for special education
- 5 services for children age five years and older that was paid to
- 6 school districts or approved cooperatives with federal medicaid
- 7 funds. There is hereby appropriated from the General Fund an
- 8 amount equal to the amount certified to the budget administrator
- 9 for FY1999-00 and FY2000-01 to the Department of Health and Human
- 10 Services Finance and Support to aid in carrying out the provisions
- 11 of Laws 1991, LB 701. The budget administrator of the budget
- 12 division of the Department of Administrative Services shall
- 13 distribute the amount appropriated between budget programs
- 14 according to percentages certified by the Department of Health and
- 15 Human Services Finance and Support.
- 16 Sec. 2. This act becomes operative on July 1, 1999.
- 17 Sec. 3. Original section 39, Legislative Bill 880,
- 18 Ninety-sixth Legislature, First Session, 1999, is repealed.
- 19 Sec. 4. Since an emergency exists, this act takes effect
- 20 when passed and approved according to law."

The Bohlke amendment was adopted with 36 ayes, 0 nays, and 13 present and not voting.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 153. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to work in conjunction with the State Emergency Response Commission and other interested parties to examine issues related to the Nebraska Emergency Planning and Community Right to Know Act. The issues shall include, but are not limited to:

- (1) Identifying the annual level of funding needed by the local emergency planning committees to carry out their responsibilities under the act;
- (2) Identifying the annual level of funding needed by the State Emergency Response Commission to carry out its responsibilities under the act;
- (3) Examining whether authority over expenditure of funds in the Nebraska Emergency Planning and Community Right to Know Cash Fund should be

transferred from the Nebraska Emergency Management Agency to the State Emergency Response Commission;

(4) Reviewing funding mechanisms to cover the costs of the local emergency planning committees, the State Emergency Response Commission, and state agencies to carry out their responsibilities under the act;

(5) Reviewing and identifying appropriate mechanisms to enable the state and political subdivisions to recover their costs for responding to a release or threatened release of hazardous chemicals or materials;

(6) Reviewing the use and expenditures of federal grant money received by the Nebraska Emergency Management Agency and identifying any anticipated changes in the level of federal funding received by the state;

(7) Reviewing and evaluating the cost and other issues related to the state assuming compliance and enforcement responsibilities for the provisions of the Nebraska Emergency Planning and Community Right to Know Act;

(8) Identifying training and equipment funding needs and possible cost-sharing and equipment-sharing mechanisms to meet identified needs;

(9) Reviewing the accessibility, accuracy, and timeliness of the state data base for Tier II forms and making recommendations regarding the findings; and

(10) Reviewing LB 717 (1999) and making recommendations regarding amendments to the bill.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That at least one public hearing shall be held on the conclusions and recommendations from the interim study.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 154. Introduced by Preister, 5; Kiel, 9; Suttle, 10; Jones, 43; Hartnett, 45; Hilgert, 7; Wehrbein, 2; Beutler, 28; Bourne, 8; Jensen, 20; Quandahl, 31; Bruning, 3; Thompson, 14; Bohlke, 33; Hudkins, 21; Bromm, 23; Lynch, 13; Schrock, 38; Stuhr, 24; Dw. Pedersen, 39.

PURPOSE: The purpose of this study is to review the dumping of raw sewage into the waters of the state and to assess what resources are needed to create a statewide wastewater treatment plan to address this issue, including, but not limited to, costs associated with the development of the plan, the implementation of recommendations identified in the plan, and the monitoring of compliance with the plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee and the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall draw upon information provided by federal, state, and local agencies and private groups to make its assessments.

3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 155. Introduced by Kiel, 9.

PURPOSE: Children count on adults to keep them safe, to teach them, and to help them grow, and each of us must work to ensure the safety and welfare of every child. The Legislature finds that recent incidents of violence in schools confirm the necessity of reviewing Nebraska statutes to ensure that teachers, school administrators, law enforcement officials, and parents have the tools they need to maintain discipline and order in the classroom and to ensure our schools are safe for Nebraska children and teachers.

A recent study by The Public Agenda Foundation on what American teenagers think about their schools reveals that large numbers of teens say there are too many disruptive students in their classes, classes are too large, and they are concerned with the lack of discipline in the schools they attend. Students complain of a lack of respect and civility in their schools. Teenagers describe a rough-and-tumble teen culture that they themselves see as destructive, and minority youngsters, particularly African-American teens, are more likely to consider a lack of order and discipline as a serious problem in their schools.

A nationwide public survey conducted in January 1997 by The Feldman Group, Inc., reveals that fifty-eight percent of all respondents ranked lack of discipline among students as the second most serious problem facing public schools. The only issue to rank higher as a serious problem was parents not being involved in their children's schooling. That same public survey found that ninety percent of all respondents believe the most important goals for improving education should be establishing discipline in the classroom and ensuring school safety. Citizens, including students, clearly believe that elected officials must assist in providing teachers the tools and help they need to maintain an orderly classroom.

A review of safe school legislation in other states, particularly Texas' safe schools statutes, would be beneficial in crafting a plan that will help ensure a safe learning environment for all students and teachers. Consideration should be given to enacting state and federal laws mandating the immediate removal of any regular or special education student from school who commits any violent act against a student or a school employee. Consideration should also be given to enacting laws that would require a student be excluded from school until he or she has received psychological counseling at the parents' expense and has been certified by the appropriate counselor as psychologically ready to return to the classroom.

Lawmakers should also examine the benefits of:

- (1) Increasing penalties for assaulting a teacher or any other school employee;
- (2) Cutting off driving privileges for students who have been suspended or expelled from school;
- (3) Providing prompt and efficient transfer of student records, including discipline records, from one school district to another and ensuring teachers have access to such records;
- (4) Providing specific statutory authority allowing school districts at their discretion to adopt dress codes or school uniforms;
- (5) Allowing school districts to prohibit possession of cellular phones or pagers by students in school unless specifically approved by school administrators;
- (6) Modifying existing law imposing parental responsibility or liability for certain student conduct by repealing the current one-thousand-dollar liability cap on personal injury damages;
- (7) Providing specific statutory authority allowing teachers to remove students from their classroom for up to five days for violent or seriously disruptive behavior;
- (8) Modifying current legislation adopted pursuant to the federal Gun-Free Schools Act of 1994 to include all deadly weapons, not just firearms; and
- (9) Providing for mandatory expulsion of students who bring firearms to school.

Additional actions that would help ensure the safety of our children should be studied, such as implementing effective mediation and conflict resolution programs, so that children are taught to settle differences in nonviolent ways, providing training to every school employee, including teachers, bus drivers, and administrators, to identify and report warning signs of violence and mental health problems, and making sure that guidance counselors and school psychologists are brought back into the school at a ratio per student that allows them to provide personal attention to every child.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156. Introduced by Kiel, 9.

PURPOSE: This study recognizes that Nebraska ranks second in the nation for the percentage of women in the work place. Unfortunately, a woman earns only seventy-two cents for every dollar a man makes for the same work. When benefits and retirement funds are added, the disparity in pay is much greater.

The purpose of this study is to determine the amount of disparity between

men's and women's wages and benefits and to examine solutions to this problem.

Components of the study may include, but not be limited to:

1. Examining classification systems to determine fair pay levels for equal and equivalent worth;
2. Determining methods to solve gender pay and benefit inequity; and
3. Examining ways to further encourage public and private sector gender pay and benefit equity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157. Introduced by Kiel, 9.

PURPOSE: This study recognizes that a large number of Nebraska families and individuals continue to receive public assistance from programs which focus on income and consumption and are not always successful in promoting and supporting the transition to economic self-sufficient.

This interim study would review the asset poor and those on public assistance in Nebraska. It would also examine the need to complement Nebraska's income-based welfare policy with an asset-based welfare policy.

Components of the study may include, but not be limited to:

1. An examination of the impediments that prevent low income individuals from saving, acquiring productive assets, and achieving self-sufficiency;
2. An evaluation of the incentives to accumulate assets by saving a portion of earned income;
3. A determination of the potential for asset incentive programs to enable persons to acquire education and job training and encourage home ownership and microenterprise development; and
4. A review of the use of an individual development account program or a similar asset development policy in conjunction with current state public assistance programs to promote self-sufficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 158. Introduced by Kiel, 9.

PURPOSE: The purpose of this study is to examine the ways in which the State of Nebraska can promote gun safety within the state in order to create a safer and less violent environment for its citizens. Components of the study may include, but need not be limited to:

1. Examining ways to implement child access prevention (CAP) laws that would restrict gun access to children.

2. Studying the feasibility of permitting an adult to be held civilly liable for allowing a minor access to a gun subsequently used in a crime.

3. Determining if laws requiring trigger locks and other new technologies that can keep a gun from being used by anyone but the owner are practicable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 159. Introduced by Kiel, 9.

PURPOSE: The purpose of this study is to examine fees associated with the use of Automatic Teller Machines (ATMs). Components of the study may include, but need not be limited to:

1. Examining existing and permitted fees and how and when they are accrued.

2. Determining whether current consumer notification of such fees is sufficient.

3. Examining whether electronic notification and consumer acceptance of any imposed fees after the transaction is initiated but prior to the consumer being irrevocably committed is feasible.

4. Studying the feasibility of limiting or prohibiting such fees.

5. Surveying other states' or the federal government's existing or proposed statutes, regulations, and legislative action about fees associated with the use of ATMs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 160. Introduced by Wickersham, 49; Wehrbein, 2; Bohlke, 33.

PURPOSE: To study the process of filing school financial information with the State Department of Education, Property Tax Administrator, and Auditor of Public Accounts to determine how this process may be better coordinated and more useful to the public, school districts, and Legislature. A specific emphasis of the study shall be the development of a standard method of grouping schools into systems for analysis and the development of standardized information to be made available for modeling and estimating state aid by interested public agencies, including the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue, Appropriations, and Education Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of the findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

EASE

The Legislature was at ease from 3:57 p.m. until 4:13 p.m.

RESOLUTIONS

LEGISLATIVE RESOLUTION 161. Introduced by Bromm, 23; Bruning, 3.

PURPOSE: In 1999, Legislative Bill 80 was introduced, a bill which dealt with extending the period during which Nebraska license plates are used from three to five years. The study will:

1. Examine the fiscal impact to the State of Nebraska, paying special attention to the Highway Trust Fund, of extending the license plate use period to five years;

2. Examine how extending the license plate use period to five years will affect production costs of the license plates and the overall changes to the Department of Correctional Services caused by such a change; and

3. Examine any other implications of the change to a five-year license plate use period that the committee deems relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 162. Introduced by Transportation Committee: Bromm, 23, Chairperson; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14.

PURPOSE: To examine the state's current compliance with the provisions of TEA-21 (Transportation Equity Act of the 21st Century) and examine the costs or incentives associated with implementing or failing to implement the balance of the safety provisions contained in TEA-21.

To examine the status of the Twenty-Year Highway Plan, adopted in 1989, relative to the completion of its three main goals: (1) Interstate reconstruction in Omaha; (2) 600-mile expressway system; and (3) elimination of geometric deficiencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 163. Introduced by Transportation Committee: Bromm, 23, Chairperson; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14.

PURPOSE: In 1999, Legislative Bill 707 was introduced. The bill would have enumerated the regulatory and enforcement powers of the Public Service Commission and drew the attention of the Transportation Committee to the current state of those statutes enumerated in the bill. The purpose of this interim study is to review those provisions of the Nebraska statutes that deal with the Public Service Commission and suggest the means by which those sections may be recodified and updated. The study will:

- (1) Examine with special attention the provisions of Chapters 75 and 86 which deal with the regulation of telecommunications in Nebraska to assure consistency of terminology and statutory mandates, taking into account all recent developments of telecommunication regulation on the state and federal level;

- (2) Assure that the statutes remain in compliance with the federal Telecommunications Act of 1996; and

- (3) Propose to the Legislature a recodified version of those statutes

mentioned in LB 707 and examined in the interim study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 164. Introduced by Bromm, 23; Thompson, 14; Schrock, 38.

PURPOSE: In 1999, Legislative Bill 641 was introduced, a bill which dealt with the issuance of historic motor vehicle titles. In addition, in Congress S.655 was introduced by U.S. Senator Trent Lott, which is a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles. The purpose of this study is to examine Chapter 60, articles 1 and 3, of the Nebraska Revised Statutes that deal with motor vehicle titles and registration. The study will:

1. Examine with special attention the current administration of these sections by the Department of Motor Vehicles and the internal consistency of the Nebraska statutory provisions;

2. Examine those areas in which Nebraska statutes do not currently provide for certain titling and registration provisions dealing with historic motor vehicles and assembled motor vehicles; and

3. Monitor and take into account the actions of the U.S. Congress with respect to nationally uniform requirements for the titling and registration of motor vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Mrs. Bohlke filed the following amendment to LB 812:
AM1760

(Amendments to Standing Committee amendments, AM0879)

- 1 1. Strike amendments 1 through 5 and insert the
- 2 following new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new section:

- 5 'Section 1. The following section is outright repealed:
6 Section 79-760, Revised Statutes Supplement, 1998.'".

UNANIMOUS CONSENT - Members Excused

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 556. Mr. Lynch renewed his pending amendment, AM1248, found on page 1540.

Messrs. Bruning and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CUDABACK PRESIDING

Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

Mr. Brashear moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Lynch amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Kristensen asked unanimous consent to replace his pending amendment, AM1402, found on page 1616, with a substitute amendment. No objections. So ordered.

Mr. Kristensen withdrew his amendment, AM1402, found on page 1616.

Mr. Kristensen offered the following substitute amendment:
AM1403

(Amendments to AM1248)

- 1 1. On page 3, line 2, after "tabs" insert "and
- 2 stickers"; and in line 9 after the second comma insert "60-6,322".

The Kristensen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Kiel renewed her pending amendment, AM1718, found on page 1986.

Mrs. Kiel withdrew her amendment.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 594 and 594A.

Enrollment and Review Change to LB 594

The following changes, required to be reported for publication in the Journal, have been made:

ER9081

1. In the Landis amendment, AM1640:
 - a. Sections 3 to 14 have been renumbered as sections 8 to 19, respectively; and
 - b. On page 8, line 24, "section" has been struck and shown as stricken.
2. In the Suttle-Jensen amendment, AM1589:
 - a. Sections 18 to 25 and 32 have been renumbered as sections 35 to 42 and 49, respectively;
 - b. On page 6, line 10, the stricken comma has been reinstated; and
 - c. On page 7, line 20, the comma has been struck and shown as stricken.
3. In the Jensen amendment, AM1603:
 - a. Section 38 has been renumbered as section 59;
 - b. On page 6, line 8, the second, third, and fourth commas have been struck and an underscored semicolon inserted; and in line 9 the commas have been struck and underscored semicolons inserted;
 - c. On page 20, line 7, "as amended by section 2, Legislative Bill 379, Ninety-sixth Legislature, First Session, 1999," has been inserted after the comma; and in line 10 "~~physician assistant~~," has been inserted after the first stricken comma;
 - d. On page 25, line 12, "it" has been struck and shown as stricken; and in line 13 "the provisions of" has been struck and shown as stricken;
 - e. On page 27, line 11, "subdivision" has been struck, shown as stricken, and "subsection" inserted;
 - f. On page 28, the matter beginning with "For" in line 4 through "the" in line 5 has been struck and "The" inserted;
 - g. On page 32, line 15, "who" has been inserted after "wholesaler"; in line 18 "a label" has been struck and shown as stricken; and in line 27 "he or she" has been struck and shown as stricken; and
 - h. On page 33, lines 14 and 18, "effective" has been struck and "operative" inserted.
4. In the Bohlke amendment, AM1277, sections 39 to 42 have been renumbered as sections 66 to 69, respectively.
5. In the E & R amendments, AM7120:
 - a. Amendment 2 has been struck;
 - b. Section 43 has been struck and the following section inserted:

"Sec. 74. Original sections 42-371, 43-101, 43-102, 43-104, 43-104.01,

43-104.03 to 43-104.05, 43-104.11, 43-104.12, 43-104.22, 43-107, 43-109, 43-402, 43-1409, 43-3301, 43-3303, 43-3314, 43-3318, 43-3326, 43-3327, 71-1,132.09, 71-1,132.11, 71-1,132.20, 71-1,132.21, 71-1,132.27, 71-1,147, 71-1,147.09, 71-1,147.10, 71-1,147.33, 71-1,147.34, 71-2407, 71-2417, 71-7803, and 75-302 to 75-303.02, Reissue Revised Statutes of Nebraska, sections 28-405, 28-406, 28-414, 28-728, 68-1020, 71-1,132.13, 71-1,132.30, 71-1,132.37, 71-1,142, 71-1774, 71-5830.01, 71-8228, 71-8231, 71-8236, 71-8243, and 81-2602, Revised Statutes Supplement, 1998, section 28-415, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 379, Ninety-sixth Legislature, First Session, 1999, and section 28-412, Revised Statutes Supplement, 1998, as amended by section 2, Legislative Bill 379, Ninety-sixth Legislature, First Session, 1999, are repealed.";

c. On page 16, lines 2 and 8, "12" has been struck and "29" inserted; and
d. On page 74, line 16, "5 to 9, 24 to 31, 39, and 42" has been struck and "22 to 26, 50 to 57, 70, and 73" inserted.

6. On page 1, the matter beginning with "public" in line 1 through line 16 has been struck and "health and human services; to amend sections 42-371, 43-101, 43-102, 43-104, 43-104.01, 43-104.03 to 43-104.05, 43-104.11, 43-104.12, 43-104.22, 43-107, 43-109, 43-402, 43-1409, 43-2606, 43-2610, 43-2615, 43-2616, 43-2620, 43-3301, 43-3303, 43-3314, 43-3318, 43-3326, 43-3327, 71-1,132.09, 71-1,132.11, 71-1,132.20, 71-1,132.21, 71-1,132.27, 71-1,147, 71-1,147.09, 71-1,147.10, 71-1,147.33, 71-1,147.34, 71-2407, 71-2417, 71-7803, and 75-302 to 75-303.02, Reissue Revised Statutes of Nebraska, sections 28-405, 28-406, 28-414, 28-728, 68-1020, 71-1,132.13, 71-1,132.30, 71-1,132.37, 71-1,142, 71-1774, 71-1909, 71-1910, 71-1911, 71-1913, 71-1913.01, 71-1913.02, 71-1915, 71-1917, 71-5830.01, 71-8228, 71-8231, 71-8236, 71-8243, 81-502, and 81-2602, Revised Statutes Supplement, 1998, section 28-415, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 379, Ninety-sixth Legislature, First Session, 1999, and section 28-412, Revised Statutes Supplement, 1998, as amended by section 2, Legislative Bill 379, Ninety-sixth Legislature, First Session, 1999; to change provisions relating to controlled substances, child abuse and neglect teams, adoption, paternity, child custody, juvenile justice system goals, child care and school-age-care programs, the License Suspension Act, the medical assistance program, nursing, pharmacy interns, health care certificates of need, dialysis drug or device workers, hospice services, the statewide trauma system, transportation of certain persons needing assistance, and the Geographic Information System Steering Committee; to provide full faith and credit to foreign support orders; to provide for pharmacy technicians; to eliminate provisions relating to supportive pharmacy personnel; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1,147.37 and 71-1,147.38, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

Enrollment and Review Change to LB 594A

The following changes, required to be reported for publication in the Journal, have been made:

ER9080

1. In the Jensen-Bohlke amendment, AM1486, sections 3 and 4 have been renumbered as sections 5 and 6.

2. On page 1, line 3, "and" has been struck; and in line 4 "an appropriation" has been struck and "appropriations; and to declare an emergency" inserted.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS Agriculture

LEGISLATIVE RESOLUTION 43. Reported to the Legislature for further consideration.

LEGISLATIVE BILL 328. Placed on General File as amended.

Standing Committee amendment to LB 328:

AM1729

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 54-701.03, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 54-701.03. For purposes of sections 54-701 to 54-705 and
6 54-742 to 54-753.05:

7 (1) Animal means all vertebrate members of the animal
8 kingdom except humans or uncaptured wild animals;

9 (2) Domesticated cervine animal means any elk, deer, or
10 other member of the family cervidae legally obtained and raised in
11 a confined area for breeding stock, exhibition, or companionship,
12 or for the carcass, skin, or other part of such animal, but not for
13 hunting or sport;

14 (3) Livestock means cattle, swine, sheep, horses, goats,
15 domesticated cervine animals, ratite birds, and poultry; and

16 (4) Poultry means domesticated birds that serve as a
17 source of eggs or meat and includes, but is not limited to,
18 chickens, turkeys, ducks, and geese; and

19 (5) Ratite bird means any ostrich, emu, rhea, kiwi, or
20 cassowary.

21 Sec. 2. Section 54-744, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 54-744. (1) Except as set out in subsection (2) of this
24 section, it ~~shall be~~ is the duty of the owner or custodian of any
1 animal which dies from and on account of any infectious,
2 contagious, or otherwise transmissible disease to cause such
3 animal, within thirty-six hours after receiving knowledge of the

4 death of such animal, to be buried at least four feet below the
 5 surface of the ground or to be completely burned on the premises
 6 where such animal dies unless the animal is disposed of to a duly
 7 licensed rendering establishment in this state. Such animal shall
 8 not be moved or transported from the premises where such animal has
 9 died except by the authorized agents and employees of the rendering
 10 establishment to which such carcass is disposed. Any animal which
 11 dies of disease or is found dead shall be presumed to have died
 12 from and on account of an infectious, contagious, or otherwise
 13 transmissible disease.

14 (2) ~~Chicken and turkey carcasses~~ Livestock carcasses up
 15 to three hundred pounds may be incorporated into a composting
 16 facility on the premises where the ~~chickens or turkeys~~ livestock
 17 died and shall remain in such compost facility until completely
 18 composted before spreading on land. Any person incorporating
 19 livestock carcasses into a composting facility shall follow the
 20 operating procedures as set forth in the Journal of the American
 21 Veterinary Medical Association, Volume 210, No. 8. Not less than
 22 one copy of such journal, or portion thereof, shall be filed for
 23 use and examination by the public in the offices of the Clerk of
 24 the Legislature and the Secretary of State.

25 Sec. 3. Original sections 54-701.03 and 54-744, Reissue
 26 Revised Statutes of Nebraska, are repealed."

(Signed) Merton L. Dierks, Chairperson

NOTICE OF COMMITTEE HEARING Agriculture

Wednesday, May 19, 1999

1:00 p.m.

Dry Bean Commission

Dale Eirich

Climate Assessment Response Committee

Barbara Cooksley

Elbert Dickey

Merwin Fricke

Mark Kuzila

(Signed) Merton L. Dierks, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 165. Introduced by Hilgert, 7.

PURPOSE: The purpose of this resolution is to study the homestead exemption statutes of Nebraska and determine whether or not legislation is needed to make the homestead exemption more fair and equitable. Specific areas to study would include, but are not limited to:

1. A stronger definition of the appeals process for persons who miss the

deadline for filing for the homestead exemption;

2. Simplifying the application and the other forms necessary for application for the homestead exemption;

3. What role aging agencies can play in working with applicants for the homestead exemption;

4. Inequities that exist in the current law for persons who are disabled and lose disability eligibility under the homestead exemption statutes because of increase in age; and

5. Any other issues and challenges facing disabled Nebraskans in applying for, obtaining, or accessing the homestead exemption program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166. Introduced by Hilgert, 7; Vrtiska, 1.

PURPOSE: The purpose of this resolution is to study labor force training in Nebraska and determine whether or not any gaps exist. The study shall include a survey of all labor force training initiatives currently in existence in Nebraska. The survey shall include, but is not limited to: Public and private training initiatives; organized labor; apprenticeship programs; community college trade programs; and any other entity in the state that has job training as a mission or function.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167. Introduced by Wickersham, 49.

PURPOSE: To study the process of compiling property valuation, property taxes levied, and budgets by the Property Tax Administrator and Auditor of Public Accounts. A specific emphasis shall be to determine how this process could be better coordinated and information exchanged electronically in order to develop more useful and timely information on property taxes and property valuations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 168. Introduced by Wickersham, 49.

PURPOSE: To study the implementation of electronic filing of budgets and financial audits of local governments with the Auditor of Public Accounts. As part of the study, the Revenue Committee of the Legislature should ask the auditor to report to the committee prior to the next regular session on the progress made towards this goal. The committee should determine whether any statutory or budgetary changes are needed to implement the electronic exchange of information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169. Introduced by Robak, 22.

PURPOSE: The purpose of this interim study resolution is to formulate legislation relating to state inspections of multi-ingredient food products.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170. Introduced by Robak, 22.

PURPOSE: The purpose of this resolution is to study legislation allowing health maintenance organizations to be held liable for malpractice if they make negligent benefits decisions affecting care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mrs. Stuhr filed the following amendment to LB 605:
AM1734

(Amendments to AM1380)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. This act becomes operative on October 1, 1999.
- 3 Sec. 6. The following sections are outright repealed:
- 4 Sections 66-1343 and 66-1347, Reissue Revised Statutes of
- 5 Nebraska."
- 6 2. On page 2, line 18, strike "During" and insert
- 7 "Beginning June 1, 2000, during"; in line 19 strike "also"; and in
- 8 line 26 before "first" insert "by at least two million gallons".
- 9 3. On page 3, line 5, strike "paid" and insert
- 10 "allowed"; in line 9 after "period" insert "beginning no sooner
- 11 than June 1, 2000"; strike beginning with the last comma in line 18
- 12 through "period" in line 19; strike beginning with "subsections" in
- 13 line 21 through "Revenue" in line 23 and insert "subsection (1) of
- 14 this section"; in line 24 strike "six" and insert "two"; in line 25
- 15 after "capacity" insert "as certified by the facility's design
- 16 engineer to the Department of Revenue"; in line 26 after "gallon"
- 17 insert "of ethanol produced"; and strike line 27 and insert
- 18 "produces at least one hundred".
- 19 4. On page 4, line 1, strike "for" and insert "during";
- 20 strike beginning with the first comma in line 11 through line 12
- 21 and insert ", 2001. For this subsection, maximized benefits means
- 22 receipt of a total of twenty-five million dollars or more in
- 23 credits for which the facility was otherwise eligible under
- 1 subsection (1) of this section on or before December 31, 2000"; in
- 2 line 25 strike "credits" and insert "credit"; strike beginning with
- 3 "subsections" in line 25 through "(4)" in line 26 and insert
- 4 "subsection (3)"; and in line 26 strike ", and the" and insert "
- 5 Not more than ten million gallons of ethanol produced during the
- 6 entire period specified shall be eligible for the credit described
- 7 in subsection (4) of this section. The".
- 8 5. On page 5, line 5, after "An" insert "ethanol
- 9 facility which receives credits for ethanol produced under
- 10 subsection (1) or (2) of this section shall not receive credits
- 11 under subsection (3) or (4) of this section until its eligibility
- 12 to receive credits under subsection (1) or (2) has been completed.
- 13 Upon completion of its eligibility, an"; in line 12 after the first

- 14 "the" insert "aggregate"; and in lines 12 and 13 strike "each
 15 applicant" and insert "all applicants".
 16 6. On page 7, lines 11 and 12; and page 8, line 14,
 17 strike "quarter", show as stricken, and insert "month".
 18 7. On page 7, line 26; and page 8, lines 7 and 8, strike
 19 ", 1999, and 2000", show as stricken, and insert "through 2004".
 20 8. On page 7, line 27, strike "December 31," and show as
 21 stricken.
 22 9. On page 8, line 1, strike "2003" and all amendments
 23 thereto and insert "June 30, 2004"; and in line 16 after "(4)"
 24 insert "The board shall monitor all receipts to and reimbursements
 25 from the Ethanol Production Incentive Cash Fund and notify the
 26 Department of Revenue prior to the beginning of the fiscal year in
 27 which the board projects that there will be insufficient funds
 1 available within the fund to satisfy all valid ethanol production
 2 credit claims submitted pursuant to section 66-1344.
 3 (5)".

Messrs. Beutler and Raikes filed the following amendment to LB 605:
 AM1753

(Amendments to AM1380)

- 1 1. Insert the following new section:
 2 "Sec. 4. Section 66-1345.04, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 66-1345.04. (1) The State Treasurer shall transfer from
 5 the General Fund to the Ethanol Production Incentive Cash Fund, on
 6 or before the end of each of fiscal years 1995-96 and 1996-97,
 7 \$8,000,000 per fiscal year.
 8 (2) It is the intent of the Legislature that the
 9 following General Fund amounts be appropriated to the Ethanol
 10 Production Incentive Cash Fund in each of the following years:
 11 (a) For each of fiscal years 1997-98 and 1998-99,
 12 \$7,000,000 per fiscal year;
 13 (b) For fiscal year 1999-2000, \$6,000,000; and
 14 (c) For fiscal year 2000-01, ~~\$6,000,000~~ \$5,000,000.
 15 2. On page 8, line 17, strike "any", show as stricken,
 16 and insert "one-half of the"; and in line 22 after the period
 17 insert "The Department of Agriculture shall assist the State
 18 Treasurer in determining the amounts to be transferred to the
 19 funds. The remaining one-half of the unexpended and unobligated
 20 funds shall be transferred to the General Fund.".
 21 3. On page 10, line 18, before the comma insert "and
 22 66-1345.04".
 23 4. Renumber the remaining section accordingly.

Mr. Wickersham filed the following amendment to LB 881:
 AM1759

(Amendments to Standing Committee amendments, AM1744)

- 1 1. Insert the following new section:

- 2 "Sec. 7. Section 77-1701, Reissue Revised Statutes of
3 Nebraska, as amended by section 31, Legislative Bill 194,
4 Ninety-sixth Legislature, First Session, 1999, is amended to read:
5 77-1701. (1) The county treasurer shall be ex officio
6 county collector of all taxes levied within the county. The county
7 board shall direct that a statement of the amount of taxes due and
8 a notice that special assessments are due be mailed or otherwise
9 delivered to the last-known address of the person, firm,
10 association, or corporation against whom such taxes or special
11 assessments are assessed or to the lending institution or other
12 party responsible for paying such taxes or special assessments.
13 Such statement shall clearly indicate, for each political
14 subdivision, the levy rate and the amount of taxes due as the
15 result of principal or interest payments on bonds issued by the
16 political subdivision and shall show such rate and amount separate
17 from any other levy. ~~When taxes are delinquent for a prior year,~~
18 ~~the county treasurer shall indicate this information on such tax~~
19 ~~statement in a clearly defined space or in a separate notice. The~~
20 ~~separate notice shall be on a colored piece of paper and may be~~
21 ~~enclosed with the tax statement. The separate notice or~~
22 ~~information on such tax statement shall read: "ATTENTION: Taxes for~~
23 ~~a prior year are delinquent. Interest is accruing. Please contact~~
24 ~~the county treasurer's office immediately."~~ Failure to receive
25 such statement or notice shall not relieve the taxpayer from any
26 liability to pay such taxes or special assessments and any interest
27 or penalties accrued thereon. In any county in which a city of the
metropolitan class is located, all statements of taxes shall also
include notice that special assessments for cutting weeds, removing
litter, and demolishing buildings are due.
- (2) Notice that special assessments are due shall not be
required for special assessments levied by sanitary and improvement
districts organized under Chapter 31, article 7, except that such
notice may be provided by the county at the discretion of the
county board or by the sanitary and improvement district with the
approval of the county board.
- (3) A statement of the amount of taxes due and a notice
that special assessments are due shall not be required to be mailed
or otherwise delivered pursuant to subsection (1) of this section
if the total amount of the taxes and special assessments due is
less than two dollars. Failure to receive the statement or notice
shall not relieve the taxpayer from any liability to pay the taxes
or special assessments but shall relieve the taxpayer from any
liability for interest or penalties. Taxes and special assessments
of less than two dollars shall be added to the amount of taxes and
special assessments due in subsequent years and shall not be
considered delinquent until the total amount is two dollars or
more."
- 26 2. On page 5, line 22, strike "2" and insert "10".
27 3. On page 6, strike line 10; and in line 14 after

- 1 "parcel" insert "; and
2 (4) if there are delinquent taxes due on the parcel from
3 the immediate past year, a notice stating that the prior year taxes
4 are delinquent shall be clearly stated in the information
5 concerning the immediate past year's taxes".
6 4. On page 9, line 9, strike "and"; and in line 10 after
7 the last comma insert "and section 77-1701, Reissue Revised
8 Statutes of Nebraska, as amended by section 31, Legislative Bill
9 194, Ninety-sixth Legislature, First Session, 1999,".
10 5. Renumber the remaining sections accordingly.

Mr. Dierks filed the following amendment to LB 870:
AM1730

(Amendments to E & R amendments, AM7143)

- 1 1. Insert the following new sections:
2 "Sec. 2. Section 54-701.03, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 54-701.03. For purposes of sections 54-701 to 54-705 and
5 54-742 to 54-753.05:
6 (1) Animal means all vertebrate members of the animal
7 kingdom except humans or uncaptured wild animals;
8 (2) Domesticated cervine animal means any elk, deer, or
9 other member of the family cervidae legally obtained and raised in
10 a confined area for breeding stock, exhibition, or companionship,
11 or for the carcass, skin, or other part of such animal, but not for
12 hunting or sport;
13 (3) Livestock means cattle, swine, sheep, horses, goats,
14 domesticated cervine animals, ratite birds, and poultry; ~~and~~
15 (4) Poultry means domesticated birds that serve as a
16 source of eggs or meat and includes, but is not limited to,
17 chickens, turkeys, ducks, and geese; and
18 (5) Ratite bird means any ostrich, emu, rhea, kiwi, or
19 cassowary.
20 Sec. 4. Section 54-744, Reissue Revised Statutes of
21 Nebraska, is amended to read:
22 54-744. (1) Except as set out in subsection (2) of this
23 section, it ~~shall be~~ is the duty of the owner or custodian of any
1 animal which dies from and on account of any infectious,
2 contagious, or otherwise transmissible disease to cause such
3 animal, within thirty-six hours after receiving knowledge of the
4 death of such animal, to be buried at least four feet below the
5 surface of the ground or to be completely burned on the premises
6 where such animal dies unless the animal is disposed of to a duly
7 licensed rendering establishment in this state. Such animal shall
8 not be moved or transported from the premises where such animal has
9 died except by the authorized agents and employees of the rendering
10 establishment to which such carcass is disposed. Any animal which
11 dies of disease or is found dead shall be presumed to have died
12 from and on account of an infectious, contagious, or otherwise

13 transmissible disease.

14 (2) ~~Chicken and turkey carcasses~~ Livestock carcasses up
15 to three hundred pounds may be incorporated into a composting
16 facility on the premises where the ~~chickens or turkeys~~ livestock
17 died and shall remain in such compost facility until completely
18 composted before spreading on land. Any person incorporating
19 livestock carcasses into a composting facility shall follow the
20 operating procedures as set forth in the Journal of the American
21 Veterinary Medical Association, Volume 210, No. 8. Not less than
22 one copy of such journal, or portion thereof, shall be filed for
23 use and examination by the public in the offices of the Clerk of
24 the Legislature and the Secretary of State."

25 2. On page 21, line 14, after the first comma insert
26 "54-701.03," and after the second comma insert "54-744,".

27 3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 729. E & R amendment, AM7124, found on page 1506, was adopted.

Mr. Quandahl renewed his pending amendment, AM1446, found on page 1709.

Mr. Brashear asked unanimous consent to be excused. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Quandahl withdrew his amendment.

Ms. Redfield moved to bracket LB 729.

Ms. Schimek asked unanimous consent to bracket LB 729 until January 15, 2000.

Mr. Quandahl objected.

Ms. Schimek moved to bracket LB 729 until January 15, 2000.

Mr. Quandahl withdrew his objection.

Ms. Schimek asked unanimous consent to bracket LB 729 until January 15, 2000. No objections. So ordered.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL LB 271. Mr. Landis withdrew his motion, found on page 1698, to indefinitely postpone.

Mr. Landis renewed the Landis et al. pending amendment, AM1492, found on page 1888.

Messrs. Preister, Hilgert, and Bruning asked unanimous consent to be excused. No objections. So ordered.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?"

Mr. Byars moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Byars requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 12:

Byars	Dierks	Lynch	Quandahl	Suttle
Crosby	Kiel	Matzke	Robak	Thompson
Cudaback	Landis			

Voting in the negative, 17:

Beutler	Hudkins	Peterson, C.	Redfield	Stuhr
Bohlke	Jones	Price	Schimek	Wehrbein
Bromm	Kristensen	Raikes	Smith	Wickersham
Connealy	Pederson, D.			

Present and not voting, 14:

Baker	Chambers	Engel	Jensen	Tyson
Bourne	Coordsen	Hartnett	Schmitt	Vrtiska
Brown	Dickey	Janssen	Schrock	

Excused and not voting, 6:

Brashear	Hilgert	Kremer	Pedersen, Dw.	Preister
Bruning				

The motion to cease debate failed with 12 ayes, 17 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mrs. C. Peterson offered the following amendment to the Landis amendment:
FA208

Amend AM1492

(Amendments to E & R amendments, AM7122)

- 1 1. On page 4, line 20, after "property" insert ", or
2 property leased by a public airport at fair market value.".
- 3 2. On page 11, line 6, after "property" insert "(a)";
- 4 and in line 7 after "77-202" insert "or (b) upon which a payment in
5 lieu of taxes has been paid under section 77-202(1)(b).".
- 6 3. On page 12, line 5, after "Nebraska" insert "and
7 subdivision (1)(b) of section 77-202".

Mrs. C. Peterson moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The C. Peterson amendment lost with 11 ayes, 20 nays, 10 present and not voting, and 8 excused and not voting..

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 171. Introduced by Kristensen, 37; Wehrbein, 2.

PURPOSE: The purposes of this study are to examine:

(1) The current and projected usage of the Interstate Highway System in Nebraska and the costs associated with maintaining and improving the Interstate Highway System in Nebraska to meet projected usage;

(2) Funding sources and levels required to sustain the effort to complete the Twenty-year Highway Plan;

(3) The impact on the State's Highway Construction Program of funding the needs identified in the Rail/Highway Crossing Safety Interim Study and study funding alternatives; and

(4) Funding sources and requirements for road projects identified as "wants" rather than "needs" under the new classification by the Department of Roads and projects which may provide significant impetus to local and state economic development projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 172. Introduced by Janssen, 15; Baker, 44; Connealy, 16.

PURPOSE: The purpose of this interim study is to examine the feasibility of using electronic pickle card devices in the State of Nebraska. Specifically, the study would cover:

1. What sort of organization would be authorized to use such machines;
2. What rules and regulations would be necessary to implement the use of such machines;
3. Appropriate placement of the machines;
4. Appropriate locations for the machines;
5. How the funds derived from the operation of such machines would be allocated; and
6. Who would be authorized to sell and purchase such machines.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mrs. Stuhr and Mr. Wickersham filed the following amendment to LB 538:
AM1756

- 1 1. Insert the following new section:
- 2 "Sec. 4. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 4, line 6, strike "and", show as stricken,
- 5 and insert an underscored semicolon; and in line 8 after "month"
- 6 insert "; and (c) school employees having retired pursuant to the
- 7 School Employees Retirement Act who subsequently provide
- 8 compensated service on a regular basis in any capacity".
- 9 3. On page 8, line 25, after "a" insert "substantial".

Messrs. Kristensen, Janssen, Jensen, Baker, and Mrs. Bohlke filed the following amendment to LB 637:
AM1770

(Amendments to AM1363)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. For purposes of sections 1 to 4 of this act:
- 4 (1) Business day means a day on which state offices are
- 5 open for regular business;

6 (2) Department means the Department of Health and Human
7 Services;

8 (3) Obligee means a person to whom a duty of support is
9 owed pursuant to a support order;

10 (4) Obligor means a person who owes a duty of support
11 pursuant to a support order;

12 (5) State Disbursement Unit means the office established
13 in section 2 of this act;

14 (6) Support has the same meaning as found in section
15 43-3313;

16 (7) Support order has the same meaning as found in
17 section 43-1717; and

18 (8) Title IV-D Division means the Title IV-D Division of
19 the department.

20 Sec. 2. There is hereby created a State Disbursement
21 Unit, pursuant to 42 U.S.C. 654b, for the statewide collection and
22 disbursement of support order payments. The State Disbursement
23 Unit shall be administered and operated directly by a public or
1 private entity or state officer as designated by the Legislature
2 upon the recommendations of the Title IV-D Division. The entity or
3 officer as designated shall be directly responsible to the Title
4 IV-D Division. The Title IV-D Division shall adopt and promulgate
5 rules and regulations necessary to implement this section.

6 Sec. 3. The Executive Board of the Legislative Council
7 shall oversee a study to determine a method by which the State of
8 Nebraska can comply with the federal requirements regarding the
9 collection and disbursement of support order payments. The
10 Executive Board shall select the person or group to conduct the
11 study and shall determine the date upon which the study shall be
12 completed. The study shall determine a method which complies with
13 federal law most effectively and efficiently while retaining the
14 high enforcement rates and superior customer service which
15 characterize the present Nebraska support collection and
16 disbursement system.

17 Sec. 4. (1) By enacting sections 1 to 4 of this act, the
18 Legislature recognizes the importance of establishing a centralized
19 disbursement unit at the state level in accordance with 42 U.S.C.
20 654b. Despite the good faith efforts spanning several years by the
21 State of Nebraska to comply with 42 U.S.C. 654b it seems apparent
22 that the State Disbursement Unit will not be operative prior to
23 October 1, 1999.

24 (2) On and after October 1, 1999, and until the State
25 Disbursement Unit established in section 2 of this act becomes
26 operative, the Title IV-D Division shall reimburse counties for
27 unrecovered costs associated with the processing and disbursement
1 of support order payments based upon insufficient funds checks
2 received from obligors.

3 (3) Support order payments shall be disbursed within two
4 business days after receipt.

5 Sec. 5. Section 42-364.13, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 42-364.13. (1) Any order for support entered by the
8 court shall specifically provide that any person ordered to pay a
9 judgment shall be required to furnish to the clerk of the district
10 court his or her address, telephone number, and social security
11 number, the name of his or her employer, whether or not such person
12 has access to employer-related health insurance coverage and, if
13 so, the health insurance policy information, and any other
14 information the court deems relevant until such judgment is paid in
15 full. The person shall also be required to advise the clerk of any
16 changes in such information between the time of entry of the decree
17 and the payment of the judgment in full. If both parents are
18 parties to the action, such order shall provide that each be
19 required to furnish to the clerk of the district court all of the
20 information required by this subsection, whether he or she has
21 access to employer-related health insurance coverage and, if so,
22 the health insurance policy information. Failure to comply with
23 this section shall be punishable by contempt.

24 (2) For purposes of the establishment, modification, or
25 enforcement of a support order, all district courts shall utilize
26 the Title IV-D Division's statewide automated data processing and
27 information retrieval system. The Title IV-D Division may withhold
1 IV-D funds to counties within the jurisdiction of a district court
2 which are not in compliance with this subsection.

3 (3) All support orders entered by the court shall include
4 the birthdate and social security number of any child for whom the
5 order requires the provision of support.

6 (4)(a) If any case contains an order or judgment for
7 child, medical, or spousal support, the order shall include the
8 following statements:

9 In the event (respondent or petitioner) fails to pay any
10 child, medical, or spousal support payment, as such failure is
11 certified each month by the district court clerk in cases in which
12 court-ordered support is delinquent in an amount equal to the
13 support due and payable for a one-month period of time, he or she
14 shall be subject to income withholding and may be required to
15 appear in court on a date to be determined by the court and show
16 cause why such payment was not made. In the event that the
17 (respondent or petitioner) fails to pay and appear as ordered, a
18 warrant shall be issued for his or her arrest.

19 (3) (b) If the court orders income withholding regardless
20 of whether or not payments are in arrears pursuant to section
21 43-1718.01 or 43-1718.02, the statement in subdivision (a) of this
22 subsection (2) of this section may be altered to read as follows:

23 In the event (respondent or petitioner) fails to pay any
24 child, medical, or spousal support payment, as such failure is
25 certified each month by the district court clerk in cases in which
26 court-ordered support is delinquent in an amount equal to the

- 27 support due and payable for a one-month period of time, he or she
 1 may be required to appear in court on a date to be determined by
 2 the court and show cause why such payment was not made. In the
 3 event that the (respondent or petitioner) fails to pay and appear
 4 as ordered, a warrant shall be issued for his or her arrest.
 5 Sec. 6. Original section 42-364.13, Reissue Revised
 6 Statutes of Nebraska, is repealed."

SELECT FILE

LEGISLATIVE BILL 271. Mr. Landis withdrew the Landis et al. amendment, AM1492, found on page 1888 and considered in this day's Journal.

Mr. Bromm renewed his pending amendment, AM1656, found on page 1891.

Mr. Bromm withdrew his amendment.

Mr. Bourne asked unanimous consent to be excused. No objections. So ordered.

Mr. Matzke requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 29 ayes, 6 nays, 6 present and not voting, and 8 excused and not voting.

AMENDMENT - Print in Journal

Mr. Raikes filed the following amendment to LB 142:
 AM1765

(Amendments to E & R amendments, AM7091)

- 1 1. On page 2, line 7, after the period insert "Until
 2 July 1, 2000, the amount allocated to each school district pursuant
 3 to this section shall be further allocated to each individual fund
 4 for which property taxes were levied for the school district in the
 5 same proportion that the levy of the fund bore to the total levy on
 6 taxable property of the school district in tax year 1998."

UNANIMOUS CONSENT - Add Cointroducer

Mrs. C. Peterson asked unanimous consent to have her name added as cointroducer to LB 179. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jon Konrade from Abilene, Kansas, Sarah Moore from Chicago, Illinois, Katie Misener from Kranzburg, South Dakota, and Senator Bromm's son, Jeron Bromm, from Wahoo.

ADJOURNMENT

At 8:40 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, May 13, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTIETH DAY – MAY 13, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 13, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Don Smith, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baker, Beutler, Brashear, Hilgert, Kristensen, Matzke, Dw. Pedersen, Mmes. Bohlke, Kiel, Robak, and Ms. Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 44 and 87A.

Enrollment and Review Change to LB 44

The following changes, required to be reported for publication in the Journal, have been made:
ER9082

1. On page 1, line 3, "to require a report by law enforcement agencies; to provide for the disposition of certain forfeited money and property;" has been inserted after the semicolon.

Enrollment and Review Change to LB 87A

The following changes, required to be reported for publication in the Journal, have been made:

ER9083

1. On page 1, the matter beginning with "appropriations" in line 1 through line 3 has been struck and "the Employment and Investment Growth Act; to amend section 77-4104, Reissue Revised Statutes of Nebraska; to change provisions relating to applications for incentives; and to repeal the original section." inserted.

(Signed) Adrian M. Smith, Chairperson

**STANDING COMMITTEE REPORT
Health and Human Services**

The Health and Human Services Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Commission for the Deaf and Hard of Hearing

Eleanor Propp

Marian Reyburn

Emergency Medical Services

Robert Dunn

Rick Sheehy

State Board of Health

Dr. James Schiefen

Child Abuse Prevention Fund

Dale Baker

JoAnn LeBaron

Excellence in Health Care Council

Dr. Dale Michels

Sandra Massey

Dr. David Corbin

Cordelia Okoye

Dr. Joel Gajardo

John Klosterman

The Health and Human Services Committee suggests no action with respect to the appointment of Jeff Elliott to the Excellence in Health Care Council. Pursuant to section 71-7614(2), Nebraska Revised Statutes Supplement, 1998, Mr. Elliott is made an ex officio member of the council as the Director of Finance and Support within the Nebraska Health and Human Services System and does not require Legislative confirmation.

VOTE: Aye: Senators Byars, Suttle, Thompson, Tyson, Price, and Dickey.
Nay: None. Absent: Senator Jensen.

(Signed) Jim Jensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 870A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 142. E & R amendment, AM7091, found on page 1158, was adopted.

Mr. Raikes reoffered his amendment, AM0697, found on page 1014 and considered on page 1129.

Mr. Raikes asked unanimous consent to replace his pending amendment, AM0697, found on page 1014, with a substitute amendment. No objections. So ordered.

Mr. Raikes withdrew his amendment, AM0697, found on page 1014.

Mr. Raikes renewed his substitute pending amendment, AM1765, found on page 2066.

The Raikes amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Beutler withdrew his amendments, AM1011, AM1012, AM1013, AM1014, AM1015, AM1016, and AM1017, found on pages 1228, 1230, 1231, 1232, 1235, 1239, and 1241.

Mr. Raikes withdrew his amendment, AM0950, found on page 1351.

Mr. Wickersham renewed his pending amendment, AM1525, found on page 1892.

The Wickersham amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 142A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 585. E & R amendment, AM7094, printed separately and referred to on page 1407, was adopted.

Mrs. Hudkins renewed her pending amendment, AM0955, found on page 1166.

Messrs. Beutler, Wehrbein, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 173. Introduced by Thompson, 14; Hartnett, 45; Bruning, 3.

PURPOSE: In 1988, the Department of Roads published the Nebraska Highway Needs Study. This was the result of the passage of legislation that called for a study and a continuing procedure for reporting annually to the Legislature on the state's highway needs and the department's planning and programming. The 1988 Nebraska Highway Needs Study considered the current and future highway needs in Nebraska.

Since 1988, Nebraska has seen considerable changes in population, traffic, and state and federal funding policies and priorities. It is beneficial to implement a study to review these changes and examine how they have affected the current and future needs of Nebraska's transportation system and to determine if a full review and comprehensive revision of the previous study is necessary. If a revision of the 1988 study is determined to be necessary, the criteria and data on which that study was based should also be reviewed in order to determine if there are any additional criteria or data that should be considered for determining and funding future highway projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 174. Introduced by Coordsen, 32; Bromm, 23; Schimek, 27; Kristensen, 37.

PURPOSE: The purpose of this resolution is to direct that a study be conducted to:

(1) Draft guidelines for the Legislature's 2001 redistricting process. The redistricting guidelines shall be developed for Congressional, Legislative, Supreme Court, Board of Regents, Public Service Commission, and State

Board of Education districts. The guidelines shall be drafted with the intent of (a) ensuring that plans developed are constitutionally acceptable and (b) making the process as efficient, fair, and open as possible; and

(2) Make recommendations for statutory changes for reapportionment and redistricting that may be necessary for consideration by the Legislature in 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council appoint a special committee to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 175. Introduced by Raikes, 25; Dierks, 40; Dickey, 18.

PURPOSE: The Legislature finds that the methods, institutions, and procedures by which agricultural commodities are exchanged and priced are of major importance to producers, processors, and consumers. Exchange arrangements determine the distribution of economic rewards, signal producers about quantity and quality of products produced, and ultimately have an impact on the structure of production and processing sectors.

The purpose of this interim study is:

(1) To identify trends underway in agricultural commodities pricing and other exchange arrangements used in Nebraska, the reasons for these trends, and the problems that may need to be addressed as a result of these trends;

(2) To identify alternative pricing and exchange arrangements that may be applicable to agricultural commodity marketing in Nebraska, including arrangements involving the use of available electronic information technology; and

(3) To propose actions needed by the Legislature to enable pilot or permanent programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176. Introduced by Dierks, 40; Bromm, 23.

PURPOSE: To study the provisions of group health insurance covering public employees, all or a portion of the premiums for which is paid by the public entity employer of the insureds. The study shall include, but not be limited to, the following:

(1) Examining the need for and implications of a statutory requirement that insurance carriers who have issued a group health insurance policy covering public employees annually file with the Department of Insurance a financial summary report of the policy which shall include a description of coverages, premium rates, number of employees covered, and total claims paid; and

(2) Examining the need for and implications of a statutory requirement that insurance carriers who have issued a group health insurance policy covering public employees report quarterly to the respective board a financial summary, by coverage, of expenses incurred since the last report.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 177. Introduced by Wickersham, 49; Schimek, 27.

PURPOSE: In November 1998, the voters approved an amendment to the Constitution of Nebraska to allow cities and counties, as well as other political subdivisions, to consolidate. LB 803 was introduced in 1999 in an effort to deal with the procedural, political, and pragmatic issues that would surround any merger. This study is to further the research into ways to eliminate or reduce the obstacles to greater efficiency and effectiveness that may be possible through consolidation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of the findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 178. Introduced by Wickersham, 49.

PURPOSE: The purpose of this study is to examine the possibility of reforming the homestead exemption program so that it would more clearly

reflect the ability to pay property taxes. The study should examine the possibility of determining or finding a process for determining a standard for need as it applies to the elderly, disabled, and veteran populations that are benefited by the homestead exemption program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 179. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to explore alternative possibilities for including a measure of taxpayers' capacity to pay property taxes in the school finance formula.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to provide information to the Legislature on educational tax relief options for primary and secondary education, the possibility of state supported scholarships for primary and secondary education, and educational investment incentives for individuals and businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181. Introduced by Bohlke, 33.

PURPOSE: To study and review funding of school breakfast and school

lunch programs.

The Education Committee of the Legislature shall conduct an interim study and review of current funding mechanisms and recommend any changes that the committee deems necessary and appropriate. This study shall include, but not be limited to, an examination of:

(1) The current level of state general fund support of school breakfast and school lunch programs;

(2) The current level of federal support of school breakfast and school lunch programs; and

(3) A comparison of other states' school breakfast and school lunch funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to provide information to the Legislature on the potential effects of LB 715, Ninety-sixth Legislature, First Session, 1999, and other alternatives to the current method of calculating needs in the school finance formula.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to examine alternative structures for the financing of educational facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 184. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to examine the budget limitation process for Class I school districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to examine current and alternative approaches to student discipline.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 186. Introduced by Bohlke, 33.

PURPOSE: The purpose of this resolution is to examine school size as it relates to educational efficiency and the school finance formula.

This study shall examine the goals and objectives of Nebraska's public schools and the expectations of the State Board of Education and the Legislature related to educational adequacy. Additionally, this study shall examine the relation between the state's school finance system and the state-level expectations related to educational adequacy and efficiency. The study should consider the following:

- (1) Any statistical relationship between school size and the cost of doing business and whether this can be sufficiently defined as a factor in the school finance formula;
- (2) What factors could be considered a justifiable cost difference among schools and pupils;
- (3) Whether there is an opportunity to identify classroom units to better address necessary funding differences between schools;
- (4) Whether there is an acceptable definition of efficiency as it relates to education and education finance in Nebraska; and

(5) Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 187. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to provide information to the Legislature on the status of education for Native American students in Nebraska for primary, secondary, and postsecondary education and to provide information on approaches to improve the educational opportunities and success for Native American students in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 188. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to examine the compensation levels for public officials who are elected on a state level. This would include the constitutional officers, the members of the Legislature, and the members of the Public Service Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 189. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to address drafting style changes to

the Nebraska Political Accountability and Disclosure Act which was adopted in 1976. The style of the original act included long paragraphs with multiple dependent clauses and can be difficult to read and understand. Since 1976 the act has been amended numerous times in order to address changing conditions and expectations. These numerous amendments have tended to make long paragraphs and long sentences even longer resulting in an act which can be even more difficult to read and understand.

Those subject to the Nebraska Political Accountability and Disclosure Act and members of the public interested in activities regulated by the act would benefit if the act were redrafted so that it clearly states what is required and what is prohibited. The purpose of a redraft would be to state clearly, simply, and in logical order what is required and what is prohibited by the act. No change in the substance of the act is intended but various items of public interest may be addressed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 190. Introduced by Schimek, 27.

PURPOSE: The purpose of this resolution is to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee. Among the issues identified that may need study are recall, initiative, and referendum processes; the authorization and design of municipal counties; emergency planning; zoning; the State of Nebraska contracting processes; the costs of public records; issues associated with Buckley v. American Constitutional Law Foundation, decided January 12, 1999, by the United States Supreme Court; and other related issues..

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING
Business and Labor

Monday, May 24, 1999
Commission of Industrial Relations
Jeffrey L. Orr

1:15 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

AMENDMENT - Print in Journal

Mr. Lynch filed the following amendment to LB 176:
AM1713

(Amendments to E & R amendments, AM7144)

1 1. Insert the follow new sections:

2 "Section 1. Section 13-2040, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 13-2040. The department shall review all licenses for
5 solid waste management facilities which were issued under the
6 Environmental Protection Act prior to July 15, 1992, and which
7 expire after October 1, 1993, to determine whether the licensee is
8 in compliance with the requirements of the Integrated Solid Waste
9 Management Act and the rules and regulations adopted by the
10 council.

11 The department may require such licensee to furnish
12 written documentation evidencing compliance. If the department
13 determines that the licensee is not in compliance with the
14 Integrated Solid Waste Management Act and the rules and regulations
15 adopted by the council, the department may issue an amended permit
16 as necessary to bring the licensee into compliance with these
17 provisions.

18 All licenses for solid waste management facilities issued
19 under the Environmental Protection Act prior to July 15, 1992,
20 shall expire at the stated date of expiration if such expiration
21 date is before October 1, 1993, except that the department may
22 extend such licenses to continue until October 1, 1993, if it finds
23 that the facility remains in compliance with the Environmental
1 Protection Act and the rules and regulations adopted thereunder by
2 the council prior to July 15, 1992.

3 Permits for facilities issued pursuant to the Integrated
4 Solid Waste Management Act shall expire five years following the
5 date of issuance and may be renewed only if the department
6 determines, upon application, that the permitholder is in
7 compliance with all requirements of the act. Each such renewal
8 shall expire five years following the date of such renewal.

9 If the applicant is an individual, the application shall
10 include the applicant's social security number.

11 Sec. 3. Notwithstanding the Integrated Solid Waste
12 Management Act, the Environmental Protection Act or sections

13 13-1701 to 13-1714, no permit, license, or approval or renewal
14 thereof shall be issued for any proposed solid waste disposal site,
15 or expansion of existing site within the zoning jurisdiction of a
16 city of the metropolitan class unless such use is expressly allowed
17 by the zoning regulations.

18 Sec. 4. Notwithstanding the Integrated Solid Waste
19 Management Act, the Environmental Protection Act, or sections
20 13-1701 through 13-1714, no permit, license, or approval or renewal
21 thereof shall be issued for any proposed solid waste disposal site
22 or expansion of an existing site within the zoning jurisdiction of
23 a city of the metropolitan class unless siting approval has been
24 first granted by the applicable governing board of such city
25 pursuant to sections 13-1701 to 13-1714."

26 2. On page 19, line 8, after "sections" insert
27 "13-2040,".

1 3. Renumber the remaining sections and correct internal
2 references accordingly.

SELECT FILE

LEGISLATIVE BILL 585. Mrs. Hudkins offered the following amendment to her pending amendment:

FA209

Amend AM0955

In line 20, strike "Class III misdemeanor" and insert "traffic infraction."

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Hudkins withdrew her amendment, FA209.

Mrs. Hudkins withdrew her amendment, AM0955.

Mr. Bromm renewed his pending amendment, AM1430, found on page 1680.

Mmes. Suttle, C. Peterson, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CUDABACK PRESIDING

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 191. Introduced by Wickersham, 49; Raikes, 25.

PURPOSE: During the twenty-year time period from FY1979-80 through FY1997-98, General Fund spending on the medicaid program increased in all but one year. The decrease in FY1989-90 was two percent. The increases during this twenty-year period ranged from a low of one percent to a high of forty-one percent.

Due to the wide range of increases and the premise that medicaid utilization rises during periods of economic downturns, the Legislature would benefit from having an additional tool to project future costs. This study shall apply statistical methods to project future General Fund medicaid costs. The results of the statistical analysis shall provide the Legislature with a method to plan for the future level of annual obligations for the medicaid program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 192. Introduced by Wehrbein, 2.

PURPOSE: In 1972, the Legislature enacted the Air and Water Pollution Control Tax Refund Act which provides an incentive for businesses and industry to control wastes that pollute air and water. In the early 1990s, policymakers have shifted their focus from controlling wastes to reducing wastes. This shift in policy is evidenced in the federal Pollution Prevention Act of 1990 which establishes a national policy that "pollution should be prevented or reduced at the source whenever possible" and in Nebraska's enactment of the Integrated Solid Waste Management Act which recognizes a hierarchy for the management of solid wastes. This study shall focus on whether the tax incentive created in the Air and Water Pollution Control Tax Refund Act should be restructured to encourage waste reduction and prevention instead of waste control.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 193. Introduced by Lynch, 13.

PURPOSE: The pickle card industry in Nebraska has decreased greatly over the last five years. While competition from casinos in neighboring states and illegal machine gaming account for most of the decline, another area that is damaging to the industry is the decline in the number of operators. The purpose of this study is to examine the reason for the decline in operators and to attempt to find solutions for increasing their numbers. Information from industry operators shows that since 1995 more than 164 operators have quit due to low profits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194. Introduced by Lynch, 13.

PURPOSE: The purpose of this interim study is to study the fiscal impact of the Medicaid Buy-In option on Medicaid and other programs effected by the change.

The fiscal note on LB 518 (amended into LB 594) predicted one hundred individuals, not currently on Medicaid, would option to buy-in, creating an increase in program costs. Increased income levels will reduce the individual's need for other assistance programs: Food stamps; energy assistance programs; subsidized housing; and subsidized income payments. Increased income will also result in an increase in state income tax revenue (additional taxable income) and an increase in sales tax revenue (more disposable income). It is the intent of this study to see if the savings in income sensitive programs will offset any increases in Medicaid costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 195. Introduced by Lynch, 13.

PURPOSE: Even though most insurance companies give some type of discount for the successful completion of a driver's education course, Nebraska does not have a law that requires such a discount. The purpose of this interim study is to study the impact that a state law would have requiring insurance companies to give a discount for the successful completion of a driver's education course.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 196. Introduced by Lynch, 13.

PURPOSE: The purpose of this study is to explore the concept of changing the annual license plate renewal tab from a three-letter designation to a two-digit designation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 197. Introduced by Lynch, 13.

PURPOSE: The purpose of this study is to fashion a remedy for noncustodial parents to utilize when their visitation rights are violated. Most county courts provide assistance in collecting court-ordered child support, but do not provide assistance for those who are experiencing trouble in enforcing court-ordered visitation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 198. Introduced by Lynch, 13.

PURPOSE: The purpose of this interim study is to study judicial cases involving child custody to determine if the welfare of the child is considered paramount in all cases, regardless of the biological relationship among the interested parties. The study shall also determine if a law is needed to direct that custody of a minor child shall not be awarded by the courts solely on the basis of a biological relationship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 199. Introduced by Lynch, 13.

PURPOSE: The purpose of this study is to examine the impact of operating airboats on the Platte River. The amount of pollution (noise and trash) has increased in direct proportion to the number of airboats being operated on the river thereby eroding the natural beauty of the river.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 200. Introduced by Lynch, 13.

PURPOSE: The purpose of this interim study is to determine the cost and administrative effectiveness of the establishment of the Douglas County Clerk as a County Comptroller and whether such cost savings lead to the consideration of statewide application of a county comptroller system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 201. Introduced by Brashear, 4; Chambers, 11.

PURPOSE: Article VII, section 5, of the Constitution of Nebraska provides that all fines, penalties, and license money, with certain exceptions, be used for support of the common schools. One such exception provides that money, property, or proceeds of property forfeited or seized under state law pursuant to the enforcement of the drug laws shall be equally divided between support of the common schools and for drug enforcement purposes. Federal law and regulations, however, permit the federal government to return to a local law enforcement agency eighty percent of money, property, or proceeds of property forfeited to the United States. As money and property used in the trafficking of drugs is often used to violate both federal and state law, it is possible to bring a forfeiture action in either state or federal court. The financial and procedural benefits of bringing such an action in federal court has led to widespread use of the federal forfeiture system by Nebraska law enforcement agencies, to the exclusion of procedures and requirements provided under Nebraska law.

The purpose of this resolution is to study the state and federal forfeiture systems and related fines and penalties, the use of money and proceeds generated by forfeitures, the accountability for the money and proceeds, and the need for legislation to address the use of the forfeiture systems by Nebraska and its political subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 202. Introduced by Brashear, 4; Schimek, 27.

PURPOSE: Legislative Bill 108 would permit an individual to petition a court to request that certain personal information remain confidential on all public records in the event that life-threatening circumstances exist in relation to the individual or a member of his or her household. Current law does not permit such a petition and order. The purpose of this resolution is to examine the need for such a law and the appropriate provisions of such.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 203. Introduced by Brashear, 4.

PURPOSE: Legislative Bill 700 sought to address the issue of the ability of local political subdivisions to recover from responsible persons the cost of providing emergency response services in a hazardous substance emergency. No state law currently provides for recovery of such costs. The purpose of this resolution is to examine the need for such a law and the appropriate provisions of such.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 204. Introduced by Brashear, 4.

PURPOSE: Legislative Bill 591 included a change to the State Tort Claims Act that would provide immunity for claims arising out of the closure, regulation, modification, improvement, or installation of any railroad crossing or railroad sign or signal or the failure to close, regulate, modify, improve, or install any of such. The responsibilities of the Department of Roads with regard to railroad crossings have increased due to the adoption of the Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act in 1997, which has given rise to concerns about the appropriate standard of tort liability. The purpose of this resolution is to examine the need for a change to the State Tort Claims Act and the appropriate provisions of such.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 205. Introduced by Brashear, 4.

PURPOSE: The purpose of this resolution is to study whether Nebraska should consider revising Chapter 64, dealing with notaries public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 206. Introduced by Brashear, 4.

PURPOSE: LB 617 was introduced in the 1999 legislative session and on March 19, 1999, the Judiciary Committee conducted a public hearing. LB 617 would have created the office of state district attorney consisting of twelve districts within the state. The primary function of the office of state district attorney would be criminal and juvenile prosecution, with civil matters being handled by the county attorney. The primary funding would be through annual appropriations by the Legislature, and any additional necessary funding would be provided by the counties.

The purpose of this study is to examine the feasibility of the state district attorney concept, with special emphasis on cost.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 207. Introduced by Brashear, 4.

PURPOSE: LB 852, introduced and heard by the Judiciary Committee of the Legislature during the 1999 legislative session, dealt with mentally ill dangerous juveniles. The primary purpose of the bill was to insure that proceedings against a juvenile alleged to be mentally ill and dangerous were closed to the public. Further, all records of such proceedings are to remain confidential.

The committee's interim study will focus on the procedures involved and the recordkeeping utilized with respect to juveniles alleged to be mentally ill dangerous persons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 208. Introduced by Brashear, 4.

PURPOSE: To study the operating structure and legal authority of diversion programs for traffic offenses, including, but not limited to, a detailed examination of the statutes under which traffic diversion programs are established, the allocation of fees paid by diversion program participants in lieu of traffic fines, the feasibility of a statewide computerized registration system for diversion program participants, and assessment of the need for state oversight and development of a standardized curriculum, course length, and fee schedule for traffic diversion programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 209. Introduced by Schrock, 38; Coordsen, 32; Dierks, 40; Raikes, 25.

PURPOSE: To study the feasibility of merging the functions and staff of the Corn Development, Utilization, and Marketing Board, the Grain Sorghum Development, Utilization, and Marketing Board, and the Nebraska Ethanol Board and efficiencies that could be achieved by merger of the boards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 76A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

SELECT FILE

LEGISLATIVE BILL 585. Messrs. Bromm and Beutler renewed their

pending amendment, AM1489, found on page 1728.

The Bromm-Beutler amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Tyson renewed his pending amendment, AM1389, found on page 1633.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Tyson amendment lost with 13 ayes, 12 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 849. E & R amendment, AM7119, found on page 1420, was adopted.

Mr. Hartnett renewed his pending amendment, AM1740, printed separately and referred to on page 1991.

Messrs. Bromm, Lynch, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 849A. Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 210. Introduced by Bromm, 23; Kiel, 9; Coordsen, 32; Thompson, 14; Bruning, 3.

PURPOSE: To initiate a study of the feasibility of telecommuting in Nebraska, whereby state agencies would be granted the authority to implement telecommuting programs allowing eligible employees to work away from their traditional places of work. Legislation to adopt the Nebraska Telecommuting Act, LB 869, was introduced and heard by the Transportation Committee in 1999, and was held for interim study.

This study shall consider, but not be limited to, the following issues:

- (1) The telecommuting programs implemented by other states, including analysis of their legislation, policies, and program review data;
- (2) The conditions under which other public and private entities have had

success with telecommuting and compare such conditions to Nebraska's state government;

(3) Assessment of need and desirability of a telecommuting program;

(4) Assessment of the potential for reducing employee absenteeism, promoting employee health and wellness, improving employee recruitment and retention, enhancing the working life and opportunities of persons with disabilities, improving employee productivity, and facilitating the optimum utilization of office and parking facilities; and

(5) The use of telecommuting to address the labor shortage problem that has been predicted to occur in Nebraska within the next several years, as well as the use of telecommuting to utilize workers from all areas of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 211. Introduced by Schrock, 38; Wickersham, 49; Beutler, 28; Tyson, 19; Hartnett, 45.

PURPOSE: The purpose of this resolution is to study recent solid waste management issues that have developed since implementing the Integrated Solid Waste Management Act enacted in 1992 with the passage of Legislative Bill 1257, Ninety-second Legislature, Second Session. LB 1257 was passed by the Legislature in response to a federal mandate on the states. LB 1257 mandated that, effective October 1, 1993, municipalities and counties shall provide for or contract for facilities and systems as necessary for the safe and sanitary disposal of solid waste generated within their solid waste jurisdiction areas, in compliance with federal and state rules and regulations. This study shall include, but not be limited to, examination of the following:

(1) The necessity for solid waste agencies to maintain required revenue to pay off bonds issued to finance the construction and operation of public solid waste disposal facilities developed by political subdivisions which join together pursuant to LB 1257 and the Interlocal Cooperation Act; and

(2) The compelling state interest to protect the public health, safety, and welfare, as well as the environment, and the public investment in solid waste disposal facilities developed by public agencies as a result of LB 1257.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 212. Introduced by Dierks, 40.

PURPOSE: Organic farming and sustainable agriculture represent perhaps the fastest growing sectors of the agricultural market, and organic farming and sustainable agriculture methods have proven valuable in helping family farmers prosper, strengthening rural communities, and improving our environment. The purpose of this study is to help the Legislature compile information that would help its members better understand organic farming and sustainable agriculture in Nebraska, and specifically to better understand:

(1) The extent to which organic farming and sustainable agriculture have become an important and growing part of Nebraska's economy;

(2) The economic benefits of organic farming and sustainable agriculture for farmers who use these practices and for the communities where organic farming and sustainable agriculture is practiced;

(3) The benefits for Nebraska consumers in providing additional access to organic and sustainably produced food grown in Nebraska;

(4) The potential environmental benefits to our land and surface and ground water that would result from a broader use of organic and sustainable farming methods; and

(5) The potential for new programs and changes in existing policies and programs to encourage more rapid adoption of organic and sustainable methods by Nebraska farmers, including an analysis of LB 402 (1999) and LB 463 (1999).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 213. Introduced by Brown, 6; Jensen, 20.

PURPOSE: In 1996, the Nebraska Legislature passed LB 1213. This legislation effectively banned the over-the-counter sale of any product containing ephedrine or ephedra. The purpose for this legislation was to remove these products from the market because they were being used as precursor drugs in the production of methamphetamine. Since the passage of this legislation, it has been suggested that dietary supplements containing ephedra cannot be made into methamphetamines using street methods and should not be subject to the ban in Nebraska. Recently, other states and the Council of State Governments have adopted or suggested regulations of ephedrine that exempt natural ephedra products which comply with specific requirements. These requirements include a prohibition against the sale of these products to minors, recommended serving limitations, and a prohibition

against marketing these drugs for specific purposes. It is the intent of this study to generate discussion and determine whether legislation which permits the sale of ephedra products for legitimate purposes, and at the same time more effectively addresses any abuse problems in Nebraska, should be introduced.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214. Introduced by Bruning, 3; Smith, 48.

PURPOSE: Nebraska's economic growth depends on the ability to supply the state's labor market with an abundant qualified workforce. Therefor it is necessary to review the current situation regarding the reasons why Nebraska's students choose to leave the state to pursue educational or other opportunities. A study shall examine and gather information from state universities, colleges, the Department of Economic Development, and various other sources in order to determine the reasons why Nebraska's students choose to leave the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 215. Introduced by Bruning, 3.

PURPOSE: In the 1960's, white perch were introduced to Nebraska by the Game and Parks Commission and have established a large presence in the eastern half of the state. After unintentional stocking of the white perch in the Wagon Train and Stagecoach reservoirs near Lincoln, both bodies of water were chemically renovated in order to kill all fish, eliminate the white perch, and then restocked with other desirable species. However, white perch have expanded their range in the Salt Valley and Platte River drainages as a result of flooding and high runoff. Currently, Branched Oak Lake and many private lakes such as Villa Springs and Chris Lake are facing numerous problems as a result of white perch infestations that negatively impact other species of fish. The Game and Parks Commission has spent hundreds of thousands of

dollars on public lake renovations and many private lake associations are now facing a financial decision on the renovation of their lakes. Therefore, it is necessary to review the current situation with regards to the white perch infestation and the possible future consequences to public and private bodies of water.

This study shall examine:

- (1) How the white perch were introduced to Nebraska;
- (2) What attempts have been made to control the white perch population;
- (3) The impact on our state's fisheries resources;
- (4) The options available to private lake associations to deal with the infestation; and
- (5) Future consequences to Nebraska's lakes and rivers if the white perch populations continue to increase and expand their range.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 216. Introduced by Robak, 22; Kiel, 9; Beutler, 28; Suttle, 10.

PURPOSE: The purpose of this interim study resolution is to investigate the incarceration of individuals with mental illness. The study should include, but not be limited to, input from representatives of the Department of Health and Human Services, the Department of Correctional Services, county officials, mental health regions, the judiciary, and the Nebraska Commission on Law Enforcement and Criminal Justice.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217. Introduced by Bromm, 23; Hudkins, 21; Vrtiska, 1; Jones, 43; C. Peterson, 35.

PURPOSE: Several bills were introduced during the 1999 session of the Legislature which proposed many different solutions to problems associated with uninsured, underinsured, and nonregistered motor vehicles in Nebraska. The purpose of this study is as follows:

(1) Examine proposals for changes in Nebraska's statutes designed to diminish the instances of uninsured, underinsured, and nonregistered motor vehicles on Nebraska highways;

(2) Examine the safety and fiscal impact of those changes that are being studied, with particular attention paid to costs to the State of Nebraska and the general public created by changes to the Nebraska statutes; and

(3) Consult with those having a special knowledge of the insurance industry and highway safety to determine appropriate courses of action.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT

Transportation

The Transportation Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Highway Bond Commission
Norm Riffel

Board of Public Roads Classifications and Standards
Darold Tagge

Chief Information Officer, Department of Administrative Services
Steven L. Schafer

Nebraska Motor Vehicle Industry Licensing Board
Paula Wolfson-Kessler

VOTE: Aye: Senators Bromm, C. Peterson, Dw. Pedersen, Thompson, Jones, Baker, Robak, and Hudkins. Nay: None. Absent: None.

(Signed) Curt Bromm, Chairperson

SELECT FILE

LEGISLATIVE BILL 637. E & R amendment, AM7126, found on page 1553, was adopted.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen withdrew the Kristensen et al. amendment, AM1770, found on page 2063.

Mrs. Brown asked unanimous consent to replace her pending amendment, AM1363, printed separately and referred to on page 1545, with a substitute amendment. No objections. So ordered.

Mrs. Brown withdrew her amendment, AM1363, printed separately and referred to on page 1545.

Mrs. Brown offered the following substitute amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1775.)

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 218. Introduced by Hartnett, 45.

PURPOSE: A continuing matter of statewide controversy and debate is the lack of representation on municipal decisionmaking bodies by the citizens who reside in areas subject to municipal control and regulation which are located outside of the boundaries of the municipalities. Under Nebraska law, cities and villages exercise jurisdiction for a number of purposes over areas outside their boundaries. In addition to planning and zoning regulations, subdivision regulations, and building codes, citizens who live in these areas are also subject to some police power regulations, including nuisance laws. The citizens who live in these areas often pay higher fees or taxes as the result of the municipal action on the construction, improvement, or expansion of some utility facilities, but they lack any representation on the governing body of the municipality or any real influence over the course of debate or the final decision on these matters of vital importance to them.

Municipal decisions involving expansions of facilities that provide water, sewer, gas, or solid waste disposal services can have a significant influence on the cost and quality of life of the residents both inside and outside city limits, but the nonresidents have little or no voice in the process and often find themselves paying higher fees for the same service than do residents.

The purpose of this study will be to investigate the full range of powers granted to municipalities, both cities and villages, which involve jurisdiction over residents in areas outside of municipal boundaries, to determine how widespread is the exercise of these powers and the extent of their reach, to determine if these powers are necessary or appropriate, and to determine how best to provide for more involvement of the citizens residing in these areas in the exercise of these powers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 219. Introduced by Hartnett, 45.

PURPOSE: This study, following a fifteen-year tradition, will provide the opportunity for the committee to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Urban Affairs Committee and which may be the subject of bills to be introduced in the 2000 legislative session. This would provide the opportunity for a careful review of proposed legislation and the drafting of such legislation before time constraints and the pace of legislative activity makes studied review more problematic. This process has also served to facilitate review of bills during the session and has helped the committee avoid the need for committee amendments which slow down the consideration of bills by the full legislature.

The study will involve:

- (1) A review of legislation considered by the Urban Affairs Committee during the 1999 legislative session which was either killed by the committee or held in committee to determine what other further action by the committee might be warranted with regard to the particular subjects of the individual bills;
- (2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement before the start of the next legislative session; and
- (3) The conducting of at least one public hearing to provide an opportunity for public comment and discussion with members of the committee and the public on issues involving matters within the committee's jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 40 fourth grade students and sponsors from Starr Elementary School, Grand Island; Randy Thomas from Lincoln; 25 fourth grade students and teacher from Raymond Central School, Ceresco; 30 fourth grade students and teacher from Ord Public School; 85 fourth grade

students and teachers from Skyline Elementary School, Elkhorn; 75 fourth grade students and teachers from Grace Abbott Elementary School, Omaha; and 50 fourth grade students and teacher from Lewis and Clark School, South Sioux City.

RECESS

At 12:00 noon, on a motion by Mr. Janssen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Coordsen presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Janssen, Jones, Landis, Lynch, Mmes. Hudkins, Kiel, Robak, and Ms. Schimek who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 220. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Robak, 22; Thompson, 14; and Byars, 30.

PURPOSE: Beginning in 1994 and continuing through the present, the number of traffic fatalities on Nebraska highways has risen consistently, and other accident rates also remain a concern. The purpose of this study is to examine the accident and fatality statistics in Nebraska. The study will:

1. Gather information from the Office of Highway Safety, the National Highway Traffic Safety Administration, and any other sources as deemed relevant, on both long-term trends in traffic accidents, and the trends in contributing factors that caused such fatalities and accidents; and

2. Examine how the Nebraska Rules of the Road may be changed to minimize or limit causes of highway accidents and fatalities.

The committee may also consider any other factors and proposals involving increasing highway safety, as deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 221. Introduced by Bromm, 23; Matzke, 47; Wehrbein, 2; Jones, 43; C. Peterson, 35; Baker, 44; Thompson, 14; Robak, 22; Dw. Pedersen, 39.

PURPOSE: In May 1999 the Legislature received the full report on Phases II and III of the study of railroad crossing issues which was required by Laws 1997, LB 255. The purposes of this study are the following:

(1) Examine ways in which the recommendations made in the LB 255 study may be best implemented by legislation;

(2) Examine permissible and appropriate ways of funding the improvements and changes suggested by the LB 255 study; and

(3) Examine the safety and fiscal impact of the changes suggested by the LB 255 study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee and Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222. Introduced by Bohlke, 33.

PURPOSE: The goal of the interim study is to examine ways through tax credits to encourage Nebraska businesses to participate in the accessibility and affordability of quality child care for working families.

The need for quality child care that is accessible and affordable is a daily concern for thousands of Nebraska working parents. In Nebraska, the percentage of families with children headed by a single parent continues to grow. The percentage of mothers in the labor force with children under age six is greater in Nebraska at seventy-one percent than the percentage of the United States as a whole at sixty percent. Parents are struggling to balance work and parenthood, and the business community is being affected by the conflicts. In a state where the unemployment rate is historically one of the nation's lowest and the marketplace is highly competitive, businesses need a workforce that has high performance rates and high productivity levels.

Child care is an issue of parents and businesses alike. With the reality of the increasing amount of time children spend in child care, a quality child care environment plays a crucial role in the learning and development of Nebraska's children. Quality child care for working families that is affordable and accessible:

- (1) Helps working women and single parents remain in the labor force;
- (2) Improves employee performance and productivity;
- (3) Provides a developmental environment for all children who are the state's future workforce; and
- (4) Aids in the economic health and sustainability of Nebraska businesses.

This interim study shall attempt to produce a workable proposal to encourage the involvement of Nebraska businesses in the development of quality child care centers, in sharing the cost burden of child care expenses for employees, and in providing quality learning, parenting, and development programs within child care programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Bohlke, 33.

PURPOSE: This study will address how early childhood programs can help assure the school success of all children. Recently publicized findings on early brain development document the critical importance of a stimulating and positive environment and secure attachments to caring parents and other adults during the earliest years on children's later performance in school and as adults. Well-designed, comprehensive early childhood or parent education programs provide lasting benefits to children and a later considerable saving of public resources for special education, delinquency, and welfare. The Early Childhood Education Pilot Project Program first funded by the Legislature in 1992 documents similar results for Nebraska children and demonstrates how such projects can be efficiently operated on a broader scale in communities across the state.

As the state tied for the highest number of women with young children below age six in the workforce in the nation, many young Nebraska children are enrolled in home-based and center-based child care settings. Child care settings are the de facto early childhood learning settings for thousands of preschool children. National research demonstrates that the vast majority of these settings are poor to mediocre in quality and compromise children's long-term development. Nebraska has made some progress in linking child care providers to training and education to enhance their skills in working with young children; however, high staff turnover resulting from low wages and poor working conditions compromise children's secure attachment to parents or caregivers and ultimately their learning opportunities.

This study will address funding strategies to support early childhood or parent education programs in schools and communities, with special emphasis on providing state resources to support models of service which combine existing programs and funding streams (e.g., early childhood special education, Head Start, Early Head Start, Even Start, other federal sources, and parent pay). The study shall also explore how such programs serving families with children from birth to kindergarten entrance may connect with and support the providers of child care services and link with health, mental health, and other community support services necessary to assuring that all

areas of children's development can be enhanced.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 224. Introduced by Beutler, 28.

PURPOSE: The purpose of this resolution is to study the existing commercial fertilizer fee, with the question posed of whether to extend it and if so, for how long, at what rate, and with what method of calculation. The study shall consider whether and to what extent the cost of cleaning up nonpoint source pollution should be borne by manufacturers or users of commercial fertilizers or pesticides, by the general public, or by some combination thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 225. Introduced by Schmitt, 41; Dierks, 40.

PURPOSE: The purpose of this interim study resolution is to authorize a study and review regarding the use of a freeze brand for livestock identification and proof of ownership.

The Nebraska Brand Committee is charged by law to inspect brands on livestock to determine the true and correct ownership of the livestock prior to sale or slaughter and to investigate all problems associated with brands, brand inspection, and theft and recovery problems, and the committee is charged with the recording of all ownership brands for livestock within the State of Nebraska. Livestock producers are authorized to utilize the technique of freeze branding for individual animal identification purposes.

LB 213, Ninety-sixth Legislature, First Session, 1999, would recognize a properly recorded Nebraska brand applied by the freeze-branding method on livestock as evidence of ownership. Allowing producers to use the technique of freeze branding for ownership purposes without placing limitations on in-herd identification would create confusion when branded animals are presented for sale or shipment, when brand inspectors are attempting to

determine true and correct ownership.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 637. The Brown pending amendment, AM1775, on file and referred to in this day's Journal, was renewed.

Messrs. Kristensen, Janssen, Baker, Jensen, and Mrs. Bohlke offered the following amendment to the Brown amendment:

AM1786

(Amendments to AM1775)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. For purposes of this act:
- 4 (1) Business day means a day on which state offices are
- 5 open for regular business;
- 6 (2) Department means the Department of Health and Human
- 7 Services;
- 8 (3) Obligee means a person to whom a duty of support is
- 9 owed pursuant to a support order;
- 10 (4) Obligor means a person who owes a duty of support
- 11 pursuant to a support order;
- 12 (5) State Disbursement Unit means the office established
- 13 in section 2 of this act;
- 14 (6) Support has the same meaning as found in section
- 15 43-3313;
- 16 (7) Support order has the same meaning as found in
- 17 section 43-1717; and
- 18 (8) Title IV-D Division means the Title IV-D Division of
- 19 the department.
- 20 Sec. 2. There is hereby created a State Disbursement
- 21 Unit, pursuant to 42 U.S.C. 654b, for the statewide collection and
- 22 disbursement of support order payments. The State Disbursement
- 23 Unit shall be administered and operated directly by a public or
- 1 private entity or state officer as designated by the Legislature
- 2 upon the recommendations of the Title IV-D Division. The entity or
- 3 officer as designated shall be directly responsible to the Title
- 4 IV-D Division.
- 5 Sec. 3. The Executive Board of the Legislative Council
- 6 shall oversee a study to determine a method by which the State of

7 Nebraska can comply with the federal requirements regarding the
8 collection and disbursement of support order payments. The
9 Executive Board shall select the person or group to conduct the
10 study and shall determine the date upon which the study shall be
11 completed. The study shall determine a method which complies with
12 federal law most effectively and efficiently while retaining the
13 high enforcement rates and superior customer service which
14 characterize the present Nebraska support collection and
15 disbursement system.

16 Sec. 4. (1) By enacting this act, the Legislature
17 recognizes the importance of establishing a centralized
18 disbursement unit at the state level in accordance with 42 U.S.C.
19 654b. Despite the good faith efforts spanning several years by the
20 State of Nebraska to comply with 42 U.S.C. 654b it seems apparent
21 that the State Disbursement Unit will not be operative prior to
22 October 1, 1999.

23 (2) On and after October 1, 1999, and until the State
24 Disbursement Unit established in section 2 of this act becomes
25 operative, the Title IV-D Division shall reimburse counties for
26 unrecovered costs associated with the processing and disbursement
27 of support order payments based upon insufficient funds checks
1 received from obligors.

2 (3) Support order payments shall be disbursed within two
3 business days after receipt.

4 Sec. 5. For purposes of the establishment, modification,
5 or enforcement of a support order, all district courts shall
6 utilize the Title IV-D Division's statewide automated data
7 processing and information retrieval system. The Title IV-D
8 Division may withhold IV-D funds to counties within the
9 jurisdiction of a district court which are not in compliance with
10 this section.

11 Sec. 6. The Title IV-D Support Payment Cash Fund is
12 created. The fund shall be used for the collection and
13 disbursement of support payments as provided in this act.

14 Sec. 7. The Title IV-D Division shall adopt and
15 promulgate rules and regulations to carry out this act."

Mrs. Thompson asked unanimous consent to be excused until she returns. No
objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Mr. Dickey asked unanimous consent to be excused until he returns. No
objections. So ordered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 226. Introduced by Raikes, 25; Bohlke, 33.

PURPOSE: To review the status of and propose alternatives to early childhood education in Nebraska. During the years from birth to age three, children experience the fastest brain development within the human lifetime. Research shows that poverty, stress, poor nutrition, and lack of appropriate stimulation during this period can have lifelong negative effects. Early childhood programs can address these problems and reduce their impact by stimulating cognitive and social development. Studies show that good health care and nutrition, positive and attentive parenting, quality child care when child care is necessary, and therapeutic intervention when necessary can have positive educational and social effects extending through childhood and into adulthood. Many states have recognized the positive effects of early childhood programs and have passed legislation to create programs, supplement the quality of child care, or extend services for low-income or all children before they attend schools. Nebraska has not initiated such efforts, except pilot programs. This study will examine and determine:

(1) The percentage of children within the state by income and age who have access to early childhood programs and services, including preschool education programs, child care programs, home visiting programs, and public health programs;

(2) The percentage of children within the state who are lacking needed services;

(3) The expenditures of state funds and the utilization of federal funds for early childhood health services, early childhood education services, and early childhood child care services;

(4) How Nebraska compares in overall expenditures for early childhood health and education to the top ten states, to midwestern states, and its ranking within the country;

(5) How Nebraska compares in terms of services provided for early childhood health and education to the top ten states, to midwestern states, and its ranking within the country, to the extent that is possible;

(6) An estimate of the quality of child care and other early childhood services that state and federal funds are currently supporting, and a proposal for addressing these. Available evaluations shall be reviewed in this study; and

(7) Views of parents, educators, and health professionals regarding the needs of the state in the areas of early childhood education and health-related services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by Hartnett, 45; Schimek, 27.

PURPOSE: Over the years a substantial body of statutory and case law has developed regarding planning and zoning matters involving cities and counties in Nebraska. However, the development of the law has occurred along parallel tracks, with little attention given to the interrelationship of the statutes regarding cities and villages and those regarding counties.

With (1) increasing concerns about development outside of city or village zoning authority and increasing urban sprawl, (2) greater emphasis being placed upon the role of counties in managing growth and the conduct of certain enterprises, and (3) the need for cities and counties to operate more cooperatively in the planning process to avoid conflict and save tax revenue, it is important for the legislative committees involved with the oversight of planning and zoning issues to conduct a joint study to review the planning and zoning statutes and determine what problems need to be addressed.

The study should involve a comprehensive review of the Nebraska's current planning and zoning statutes of municipalities and counties, a study of interrelationships between municipal and county zoning statutes, a survey of current problems involving planning and zoning, and recommendations on appropriate statutory changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee and the Urban Affairs Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Crosby, 29.

WHEREAS, Anne Stovall, an employee of the Legislative Council, died on September 24, 1998, and Anne provided valuable service to the Legislature during her years of employment with the Legislature; and

WHEREAS, Jackie Schizas, an employee of the Legislative Council, died on November 22, 1998, and Jackie provided valuable service to the Legislature during her years of employment with the Legislature; and

WHEREAS, Anne Buntain, a former employee of the Legislative Council and an employee of the Governor's Policy Research Office, died on November 25, 1998, and Anne provided valuable service to the Legislature and executive branch during her years of employment with the Legislature and executive branch; and

WHEREAS, Pat Higgins, an employee of the Legislative Council, died on November 30, 1998, and Pat provided valuable service to the Legislature during his years of employment with the Legislature; and

WHEREAS, Dorothy David, an employee of the Legislative Council, died

on January 8, 1999, and Dorothy provided valuable service to the Legislature during her years of employment with the Legislature; and

WHEREAS, the Legislature acknowledges the dedication of these individuals and their colleagues as the moving force that makes the work of legislators easier and more successful.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its condolences and sympathy to the families, friends, and colleagues of the late Anne Stovall, Jackie Schizas, Anne Buntain, Pat Higgins, and Dorothy David.

Laid over.

LEGISLATIVE RESOLUTION 229. Introduced by Crosby, 29.

PURPOSE: To study the placement of state wards and determine when children and youth are placed in foster care. This study may include, but shall not be limited to:

1. Inappropriate placement of children in nonsecure facilities;
2. The effect of privatization as it relates to the ability to effectively monitor these facilities and to ensure the safety and security of children and youth;
3. The effect of managed care on placement alternatives, specifically the impact of OPTIONS;
4. Whether there are adequate resources in the Office of Juvenile Services;
5. Whether there are adequate and proper investigations and adequately defined roles by child protective services and law enforcement to intervene before children become violent offenders;
6. Whether there is adequate accountability and oversight by the Department of Health and Human Services - Child Welfare and the Office of Juvenile Services;
7. Whether other types of placements are being considered and made available in Nebraska;
8. The effect of N-Focus as well as the specific effect on the absence of documentation of child and youth histories;
9. Whether children are being allowed to remain in unsafe foster homes or day care homes with individuals who have a history of offenses against children;
10. The effect of the Health and Human Services System partnership and structural issues such as whether children are experiencing inappropriate placements, case delays, or nonquality care due to overburdened casemanagers or casemanager turnover; and
11. Any other issues involved regarding children whose behavior is violent or dangerous who are state wards and are placed in foster care homes and other community-based programs rather than placed in institutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services and Appropriations Committees of the Legislature shall be designated to conduct a joint interim study to carry

out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 230. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to review issues relating to the tax exemption granted to the state and political subdivisions for real property used for public purposes. The state and its political subdivisions provide services to the residents of the state, and many of the services necessitate ownership of real property. However, this ownership can result in substantial reductions in the taxable valuation of affected governmental units. This study should examine the following issues: (1) Eliminating the tax exemption for real property used for public purposes; (2) sale of real property of the state and political subdivisions which is not used for public purposes; (3) enacting time limits on public ownership of real property for future growth; (4) comparison of leases of public property and private property; and (5) the impact of taxing the real property of the state and political subdivisions on other property taxpayers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 231. Introduced by Wickersham, 49.

PURPOSE: The hunting industry is an important segment of Nebraska's recreation and tourism industry. Elk hunting is a highly visible part of Nebraska hunting opportunities, and the enhancement of elk hunting will benefit the hunting and recreation economy. Cooperation between private landowners and the state in wildlife habitat management, specifically elk habitat, would contribute to increased populations of elk in the state and would increase opportunities for successful elk hunting. Cooperation between the State of Nebraska and individuals or groups of landowners owning or controlling large contiguous parcels of elk habitat could enhance public access. Allowing limited transfers of landowner elk hunting permits could provide an incentive to landowners to form cooperative ventures and to coordinate elk habitat management with the state.

The purpose of this study is to determine whether cooperative habitat management between the State of Nebraska and landowners or groups of landowners who own or control 12,000 or more acres of elk habitat would

enhance public access and would contribute to elk hunting success. The study shall also focus on whether it would further such goals by allowing groups of landowners to form a cooperative venture and allowing the limited sale of landowner elk hunting permits issued to cooperative members with the proceeds of that sale to be distributed among the cooperative members.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 232. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Brown, 6; Crosby, 29; Engel, 17; Kiel, 9; Lynch, 13; Matzke, 47; D. Pederson, 42.

PURPOSE: The purpose of this study is to review the effectiveness and cost of turning over county assessor duties to the Property Tax Administrator and to assess what resources are needed during the next ten years, including the cost of annual operations, the cost of updating system operations, and a determination of the interest of future users.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall draw upon information provided by state and local agencies to make its assessments.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 233. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Brown, 6; Crosby, 29; Engel, 17; Kiel, 9; Lynch, 13; Matzke, 47; D. Pederson, 42.

PURPOSE: The purpose of this study is to examine the statutory authority and actual operations of the Planning and Review Process program of the Nebraska Natural Resources Commission and data base functions carried out by the commission. The study shall include, but not be limited to:

(1) The statutory history of the Planning and Review Process and the use of funds appropriated for this function;

(2) The statutory history of the data base function and the use of funds appropriated for this function; and

(3) Policies and practices adopted by the commission regarding the availability of Geographic Information System (GIS) on the commission Internet site.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee and the Natural Resources Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234. Introduced by Raikes, 25; Jensen, 20.

PURPOSE: To study the feasibility of implementing a voluntary, self-nominating system for Nebraska businesses to be recognized as family friendly workplaces.

Family friendly workplaces enhance employee recruitment and retention. Child care, sick-leave policies, maternity and paternity leave policies, flextime, and family health insurance enhance employee recruitment and retention. Many Nebraska businesses, both large and small, already provide such family friendly workplaces. Recognition of these employers may help to attract employees to Nebraska workplaces and contribute to a stable work force.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 235. Introduced by Crosby, 29; Price, 26.

WHEREAS, the Lincoln Southeast High School Jazz I Ensemble, hereinafter LSE Jazz Ensemble, was recently selected to participate in the Fourth Annual Jazz at Lincoln Center, Essentially Ellington High School Jazz Band Competition and Festival in New York; and

WHEREAS, the LSE Jazz Ensemble was one of twenty high school jazz ensembles selected out of over 1600 initial applicants and out of over 160 submitting an audio-taped audition; and

WHEREAS, the LSE Jazz Ensemble and the accompanying LSE Jazz band students experienced significant adversities during the initial trip, i.e., the initial flight returned to the Des Moines International Airport with mechanical failure, causing a significant delay, ultimately resulting in the

group being re-ticketed on four different airlines, with some students waiting for up to twelve hours prior to re-departure for New York; and

WHEREAS, the LSE Jazz Ensemble and accompanying LSE Jazz band students conducted themselves in an exemplary manner at all times, serving as a credit to their parents, Lincoln Southeast High School, the city of Lincoln, and Nebraska; and

WHEREAS, the LSE Jazz Ensemble under the direction of Mr. Robert Krueger, with assistance by Mr. R. J. Metteer, performed their musical selections extremely well during the competition at Lincoln Center, Avery Fisher Hall, for the 100th Birthday Celebration of Duke Ellington.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Lincoln Southeast High School Jazz I Ensemble on their selection and performance for the celebration of the Ellington Centennial at Lincoln Center in New York.

2. That the Legislature recognizes and commends each of the forty-one students who were a party to this performance for serving as excellent ambassadors for the Lincoln Public School System, Lincoln Southeast High School, the city of Lincoln, and the State of Nebraska.

3. That a copy of this resolution be sent to Mr. Robert Krueger, Mr. R. J. Metteer, and Dr. Nancy Becker.

Laid over.

STANDING COMMITTEE REPORT

General Affairs

The General Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Liquor Control Commission
Robert Logsdon

VOTE: Aye: Senators Janssen, Cudaback, Connealy, Dickey, Hartnett, Quandahl, Schrock, and Smith. Nay: None. Absent: None.

(Signed) Ray Janssen, Chairperson

SELECT FILE

LEGISLATIVE BILL 637. Mr. Kristensen withdrew the Kristensen et al. amendment, AM1786, found in this day's Journal.

Pending.

EASE

The Legislature was at ease from 4:14 p.m. until 4:20 p.m.

SELECT FILE

LEGISLATIVE BILL 637. Messrs. Kristensen, Janssen, Baker, Jensen, Mmes. Brown, and Bohlke offered the following amendment to the Brown amendment:

AM1797

(Amendments to AM1775)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. For purposes of sections 1 to 7 of this act:
- 4 (1) Business day means a day on which state offices are
- 5 open for regular business;
- 6 (2) Child support has the same meaning as found in
- 7 section 43-1705;
- 8 (3) Department means the Department of Health and Human
- 9 Services;
- 10 (4) Medical support has the same meaning as found in
- 11 section 43-512;
- 12 (5) Obligee means a person to whom a duty of support is
- 13 owed pursuant to a support order;
- 14 (6) Obligor means a person who owes a duty of support
- 15 pursuant to a support order;
- 16 (7) Spousal support has the same meaning as found in
- 17 section 43-1715;
- 18 (8) State Disbursement Unit means the unit established in
- 19 section 2 of this act;
- 20 (9) Support has the same meaning as found in section
- 21 43-3313;
- 22 (10) Support order has the same meaning as found in
- 23 section 43-1717; and
- 1 (11) Title IV-D Division means the Title IV-D Division of
- 2 the department.
- 3 Sec. 2. There is hereby created a State Disbursement
- 4 Unit, pursuant to 42 U.S.C. 654b, for the statewide collection and
- 5 disbursement of support order payments. The State Disbursement
- 6 Unit shall be administered and operated directly by a public or
- 7 private entity or state officer as designated by the Title IV-D
- 8 Division. The designation shall be subject to confirmation by a
- 9 majority of the members of the Legislature. The entity or officer
- 10 as designated shall be directly responsible to the Title IV-D
- 11 Division.
- 12 Sec. 3. The Executive Board of the Legislative Council
- 13 shall oversee a study to determine a method by which the State of
- 14 Nebraska can comply with the federal requirements regarding the
- 15 collection and disbursement of support order payments. The
- 16 Executive Board shall select the person or group to conduct the
- 17 study. The study shall determine a method which complies with
- 18 federal law most effectively and efficiently while retaining the
- 19 high enforcement rates and superior customer service which

20 characterize the present Nebraska support collection and
21 disbursement system. The study shall not delay implementation of
22 wage withholding procedures.

23 Sec. 4. Until the State Disbursement Unit established in
24 section 2 of this act becomes operative, the Title IV-D Division
25 shall reimburse counties for unrecovered costs associated with the
26 processing and disbursement of support order payments based upon
27 insufficient funds checks received from obligors. Support order
1 payments shall be disbursed within two business days after receipt.

2 Sec. 5. For purposes of the establishment, modification,
3 or enforcement of a support order, all district courts shall
4 utilize the Title IV-D Division's statewide automated data
5 processing and information retrieval system. The Title IV-D
6 Division may withhold IV-D funds to counties within the
7 jurisdiction of a district court which are not in compliance with
8 this section.

9 Sec. 6. The Title IV-D Support Payment Cash Fund is
10 created. The fund shall be used for the collection and
11 disbursement of support payments as provided in sections 1 to 7 of
12 this act.

13 Sec. 7. The Title IV-D Division shall adopt and
14 promulgate rules and regulations to carry out sections 1 to 7 of
15 this act.

16 Sec. 8. Original section 42-364.13, Reissue Revised
17 Statutes of Nebraska, is repealed.

18 Sec. 9. Since an emergency exists, this act takes effect
19 when passed and approved according to law."

Mr. D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen et al. amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment to the Brown amendment:
FA222

Amend AM1797

On page 3, line 6 after funds add ", otherwise payable,"; and strike "within the" and

On page 3, line 7, strike "jurisdiction of the district court"

Mr. Beutler withdrew his amendment.

Mr. Chambers offered the following amendment to the Brown amendment:
FA224

Amend AM1797

P. 3 strike beginning with "The" in 5 through "section" in line 8 and insert
"The Title IV-D Division may withhold IV-D funds from any county whose
district court is not in compliance with this section."

The Chambers amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

The Brown amendment, AM1775, on file and referred to in this day's Journal, as amended, was renewed.

The Brown amendment, as amended, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Mrs. Brown withdrew her amendment, AM1502, printed separately and referred to on page 1720.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 829. E & R amendment, AM7127, found on page 1555, was adopted.

Advanced to E & R for engrossment.

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 216:
AM1796

(Amendments to Final Reading copy)

- 1 1. Strike section 14.
- 2 2. On page 1, line 4, strike "48-159,"; and in line 7
- 3 strike "compensation,".
- 4 3. On page 49, line 25, strike "19, 20, and 22" and
- 5 insert "18, 19, and 21".
- 6 4. On page 50, line 4, strike "48-159,".
- 7 5. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 236. Introduced by Hartnett, 45.

PURPOSE: The purpose of this study is to examine the taxation of mobile homes and improvements to leased land. Mobile homes are currently treated as real property and subject to the tax sale certificate process for delinquent taxes. This study shall include, but not be limited to, examination of the following options:

- (1) Use of a lien method of taxation;
- (2) Acceleration of taxes for earlier collection of delinquencies;
- (3) Earlier removal of unpaid mobile home taxes from tax rolls; and
- (4) Any other issues appropriate to conduct a complete examination of issues to improve the system of taxation of mobile homes and improvements to leased land.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 237. Introduced by Hartnett, 45.

PURPOSE: A bill relating to the county inheritance tax, LB 770, was introduced in the 1999 legislative session and would raise the exemption to lineal descendants from \$10,000 to \$100,000. The purpose of this study is to examine the inheritance tax and the amount of revenue collected by counties from this tax for a three-year period dating from October 1, 1996, to October 1, 1999. The study will also research the loss of revenue to counties if LB 770 was enacted for the time period mentioned or if the exemption were raised to the federal estate tax exemption levels for the same time period. The study shall include, but not be limited to:

(1) Collecting inheritance tax worksheets from the clerk of the county courts of the ten largest and ten smallest counties in the state for each estate for the years mentioned;

(2) Determining the loss of revenue to these counties if LB 770 was enacted for the three years mentioned or if the exemption were raised to the federal estate tax exemption levels for the same time period; and

(3) Examining the role of the state's estate tax in conjunction with federal exemption amounts and the impact inheritance tax plays in the mix.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 238. Introduced by Kiel, 9.

PURPOSE: The purpose of this study is to examine the ways in which the State of Nebraska can more effectively provide correctional strategies and adequate facilities for women prisoners. Components of the study may include, but not be limited to:

1. Examining ways to implement and improve services such as mental health counseling, substance abuse, educational opportunities, and work training; and

2. Studying current facilities and possible ways to improve them.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 239. Introduced by Dierks, 40; Hilgert, 7.

PURPOSE: Bison have been here for hundreds of thousands of years and have had a big impact on humans. The bison industry is an industry experiencing rapid growth, with demand exceeding supply for both meat and breeding stock. Bison are not considered domestic animals and require different handling than other stock. The purpose of this study is to determine the necessity or desirability of enacting state legislation to regulate the bison industry with special emphasis on:

- (1) Disease control and prevention;
- (2) Managing fencing and handling facilities for capturing, sorting, treating, testing, and confining bison;
- (3) Importation rules and regulations; and
- (4) Industry promotion and product marketing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Dierks, 40.

PURPOSE: The success of the grain and feed industry is directly dependent on the general health of our agricultural producers. Unfortunately, the sagging export market and ensuing buildup to our domestic stockpile of agricultural commodities continue to add to the costs associated with the storage and transportation of these commodities, which are often borne by producers.

The Nebraska Agricultural Statistics Service (NASS) has determined that corn production in 1998 exceeded 1,239,750,000 bushels, 90 million bushels more than 1997. Soybean production exceeded last year's by an estimated 25 million bushels, for a record total of 165,750,000 bushels. With a better-than-expected wheat harvest, Nebraska grain elevators grappled with one of the most challenging fall harvest seasons in recent memory. According to NASS, Nebraska's storage needs were 200 million bushels higher than they were last year, or the highest since 1986-88. Additionally, NASS has estimated that over the last ten years Nebraska has lost over 400 million

bushels of licensed commercial and on-farm storage.

The challenges that go along with feeding an ever-growing world include the reality that larger crops will result in the need for additional storage capacity, both on-farm and commercial, and in improved transportation capabilities. This is particularly true in light of the direction the 1996 federal farm bill has set our producers in: increased planting flexibility based on reliable market signals and more reliance on strategic marketing decisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study on current and future commercial and on-farm storage needs, including essential rail components necessary for the efficient and timely transportation of agricultural commodities.

2. That the committee analyze possible state or federal incentives needed to adequately address the storage and rail transportation infrastructural needs that could, in turn, contribute to a more stable state agricultural economy.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 241. Introduced by Dierks, 40.

PURPOSE: The purpose of this interim study resolution is to authorize a study on the status of Nebraska soybean research and promotion programs in anticipation of a referendum on the National Soybean Checkoff.

7 U.S.C. 6301-6311, created through the 1990 federal farm bill, provides for the establishment of a coordinated checkoff program of promotion and research designed to strengthen the soybean industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for soybeans and soybean products. Each soybean farmer participates in the checkoff, at a rate of one-half of one cent per bushel market price, at the time the crop is first sold. Half of all checkoff funds remain in the states where they are collected, and their use is directed by state boards of soybean producers. The other half of the checkoff funds is forwarded to the United Soybean Board (USB), where it is invested in national and international programs by fifty-nine soybean producers representing all major U.S. production areas.

The Nebraska Soybean Board is a private, nonprofit checkoff board that is responsible for the research and promotion of soybeans in an effort to increase the profitability of the state's 22,000 soybean producers. The research and promotion projects of the Nebraska Soybean Board concentrate on the areas of improved soybean varieties, consumer information projects, increased use of soy as a food ingredient for food product manufacturers, new product development, and producer communications.

A mandated five-year poll of producers that determines the need for a referendum on the checkoff will be conducted before the Ninety-sixth Legislature begins its second session in 2000. In such polling, if the United

States Secretary of Agriculture determines that at least ten percent of U.S. producers engaged in growing soybeans (not in excess of one-fifth of which may be producers in any one state) support the conduct of a referendum, the secretary must conduct a referendum within one year after that determination. If these requirements are not met, a referendum would not be conducted. If a referendum is conducted and U.S. soybean producers vote to eliminate the National Soybean Checkoff, the State of Nebraska will no longer have a state-coordinated soybean research and promotion program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study on the status of Nebraska soybean research and promotion programs in anticipation of a referendum on the National Soybean Checkoff.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 242. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to determine the methods by which Nebraska's citizens could make partial payments of their property taxes. This study should include methods for the payment of taxes in arrears or taxes currently owed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 76. E & R amendment, AM7128, found on page 1604, was adopted.

Mr. Bruning withdrew his amendments, AM1384, AM1388, AM1443, and AM1442, found on pages 1565, 1607, 1908, and 1909.

Mr. Bruning moved to bracket LB 76 until April 10, 2000.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 243.** Introduced by Hartnett, 45.

PURPOSE: In past years, the Urban Affairs Committee has reviewed several pieces of legislation which have sought to use neighborhood or homeowner associations as basic mechanisms for providing citizen input to governing bodies of political subdivisions, for funneling basic information back to their members, and as potential recipients of governmental assistance. At the current time, there is no general definition in statutes of what is required to constitute a neighborhood or homeowner association.

The purpose of this study will be to investigate neighborhood associations and homeowner associations, to determine how widespread their usage is, what areas of the state they exist in, what forms they generally take, how they are constituted, what missions and roles they generally serve for their members and communities, and what function they could serve in mediating between citizens and governmental bodies. If possible, the study will endeavor to generate a statutory profile and definition of such associations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 244. Introduced by Hartnett, 45.

PURPOSE: The Nebraska Retirement Systems Committee heard two bills during the 1999 legislative session, LB 773 and LB 673, which would provide for cost-of-living adjustments for Nebraska State Patrol retirees. Ultimately, in LB 674, provisions were adopted to insure that the value of retirees' benefits would be equivalent to sixty percent of the original annuity as adjusted for consumer price index changes since the commencement date of the annuity.

The purpose of this study will be to determine the impact of the changes made by LB 674 and to provide an opportunity to inquire into the status of the benefits to be provided to long-term retirees and if additional adjustments should be made. The study will seek to receive additional information from retirees and to determine the most appropriate legislation for recommendation to the Legislature in the 2000 legislative session to insure adequate retirement benefits for such retirees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature

shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 245. Introduced by Hartnett, 45.

PURPOSE: The purpose of this study will be to review Nebraska's current use tax statutes, rules, and regulations. The study shall involve a review of the scope of the use tax, including the amount of revenue raised, the subjects of its application, a comparison of the reach of Nebraska's use tax as it compares to the application of the use tax in neighboring states, and the fairness and uniformity of its application to different subjects that may be comparable in nature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 246. Introduced by Hartnett, 45.

PURPOSE: With the imposition of budget lids and property tax levy limits on political subdivisions, it is becoming increasingly important for such entities to monitor expenditures and minimize costs whenever possible. This is particularly important for school districts that will see their property tax levy limit ratcheted down from \$1.10 to \$1.00 in coming years.

One source of particular concern to school districts has been the collection fee charged against property tax receipts by the county treasurer. The question has often been raised as to whether the collection fee reflects the actual costs of the treasurer in collecting the tax.

The purpose of this study will be to determine the actual costs involved in the collection of the property tax by the county treasurer and whether the statutory amount of the charge should be adjusted to more accurately reflect the real costs involved.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 247. Introduced by Hartnett, 45.

PURPOSE: During the 1999 legislative session the Urban Affairs Committee considered LB 804 which would adopt the Limited Purpose Sanitary and Improvement District Act. The act would authorize the creation of special purpose sanitary and improvement districts that would continue to exist within the boundaries of an annexing municipality following annexation for the purpose of maintaining nondedicated streets and roadways that were not constructed in accordance with municipal standards and other green areas and outlots that the municipality does not intend to maintain.

The legislation dealt broadly with the issue of municipal annexation and the financial responsibilities that a municipality must assume for development that occurred prior to that date. But it also raised the larger policy question of the appropriate mechanism for financing that development at the time of development in the light of the future assumption of financial responsibility for that development following annexation.

The purpose of this study will be to focus more closely upon the policy issues and practical problems raised by the Limited Purpose Sanitary and Improvement District Act and to investigate other possible mechanisms for financing new development beyond municipal boundaries. Among the mechanisms to be investigated will be the use of impact fees and other similar strategies that the committee may find from reviewing such activities in other states. The study shall also review current annexation statutes to determine if changes should be made in light of the issues raised by this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 248. Introduced by Hartnett, 45.

PURPOSE: In consequence of the amendment to Article VIII, section 1, of the Constitution of Nebraska, enacted in 1998, and the proposed changes to be made in LB 142, both of which mandate that motor vehicle taxes go solely to municipalities, counties, and school districts, sanitary and improvement districts have lost a significant portion of the property tax revenue that they have relied upon in the past. The result will be significantly higher property tax levies for residents and property owners in those districts.

The purpose of this study will be to determine the magnitude and impact of the lost revenue for sanitary and improvement districts and investigate other potential sources of revenue or other strategies aimed at minimizing the amount of lost revenue and preventing property tax increases in these

subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 249. Introduced by Hartnett, 45; Thompson, 14; Bruning, 3.

PURPOSE: Since 1980, with the adoption of the Nebraska Visitors Development Act, counties in the state have been authorized to collect a lodging tax of two percent on hotel and motel occupancy charges to create funding for promotional activities to encourage tourism in the area. Since 1989, Douglas County has been authorized to collect up to an additional two percent and can use the funds collected to improve visitor attractions and facilities in the county.

LB 847 was introduced in the 1999 legislative session to authorize additional counties to exercise the authority granted to Douglas County.

This study would investigate the current status of the lodging tax, the amount of revenue it generates, and the manner in which that revenue is used. It would endeavor to determine the appropriate rationale, if such can be done, for permitting these funds to be devoted to capital improvement purposes and would seek to establish if, in the interests of good public policy and in accomplishing the stated goals of the act, additional changes should be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 250. Introduced by Hartnett, 45; Stuhr, 24.

PURPOSE: During the 1999 legislative session the Urban Affairs Committee considered LB 462, an act dealing with solid waste collection services, intended to provide for a right to compensation for private solid waste collectors when they are displaced by municipal action to assume control of such activities. The intent of this legislation was to insure that a private solid waste hauler or collector that is forced to go out of business or forced to curtail his or her business due to the action of a municipality would be compensated by the municipality for his or her loss. The basic issues

involved with this legislation were the subject of a recent court decision, Tracy v. City of Deshler, 253 Neb. 170, 568 N.W.2d 903, (1997), in which the Nebraska Supreme Court specifically held that the permit to haul garbage by a solid waste collection business did not constitute a vested property right and that municipal action which damaged the business of an individual collector would not constitute a "taking" which would entitle the company to compensation for its losses. LB 462 would have overturned that decision and created a property right in the municipal permit.

The purpose of this study will be to review the issues raised by LB 462 and determine the most appropriate way to deal with the underlying issues consistent with the protection of the interests of the private solid waste haulers and good public policy. The study shall review the current authority granted to municipalities with regard to solid waste management in the light of current legal developments and the evolving law with regard to these matters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 251. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study is to increase safety along Nebraska's highways. Areas of study include:

1. The feasibility of increasing the usage of rumble bars along highways in order to reduce sleep and fatigue-related crashes. The study shall also examine the different kinds of rumble bars available to the Department of Roads for this purpose, and to determine which kinds of rumble bars would be best suited to Nebraska's weather and road conditions. There are sites along Nebraska's highway system that are more dangerous than others, and these sites should be considered when determining where the rumble bars may be constructed; and

2. The possibility of increasing the use of appropriate signs that would reinforce compliance with Nebraska's seatbelt laws. The study should look at sites along Nebraska highways that would be priority sites for such signs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 252. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 253. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to provide information to the Legislature on the assessment alternatives that have been presented to the Legislature through section 79-760 and the amendments filed to LB 812, Ninety-sixth Legislature, First Session, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 254. Introduced by Beutler, 28.

PURPOSE: This study shall examine the issues raised by LB 427, Ninety-sixth Legislature, First Session, 1999, concerning the creation of a no-call list to restrict certain telemarketers from making telephone solicitations to residential subscribers appearing on such list.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 255. Introduced by Beutler, 28.

PURPOSE: This study shall examine the issues raised by LB 414, Ninety-sixth Legislature, First Session, 1999, concerning the merger of the positions of clerk of the county court and clerk of the district court into the position of the clerk of the court.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 256. Introduced by Landis, 46.

PURPOSE: To initiate a study of changes to Nebraska's statutes that would result in more effective discipline in Nebraska's public elementary and secondary schools. The study shall be based on the assumptions that: (1) The public schools must provide an environment within which students can learn and teachers can teach; and (2) all people in a school system, including teachers, students, administrators, school board members, parents, and others community members, have a responsibility to our schools and have a stake in how they are run.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 76. The Bruning pending motion, found in this day's Journal, to bracket until April 10, 2000, was renewed.

Messrs. Jensen, Janssen, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bruning moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Bruning requested a roll call vote on his motion to bracket.

Voting in the affirmative, 18:

Baker	Cudaback	Matzke	Schrock	Tyson
Bruning	Dickey	Quandahl	Smith	Vrtiska
Byars	Hudkins	Redfield	Stuhr	Wickersham
Coordsen	Jones	Schmitt		

Voting in the negative, 23:

Bohlke	Connealy	Kiel	Pedersen, Dw.	Schimek
Bourne	Crosby	Kremer	Pederson, D.	Suttle
Brashear	Dierks	Kristensen	Price	Thompson
Bromm	Engel	Landis	Raikes	Wehrbein
Chambers	Hilgert	Lynch		

Present and not voting, 3:

Beutler	Brown	Hartnett
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Excused and not voting, 5:

Janssen	Jensen	Peterson, C.	Preister	Robak
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The Bruning motion to bracket failed with 18 ayes, 23 nays, 3 present and not voting, and 5 excused and not voting.

Mrs. Crosby requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler	Chambers	Hartnett	Lynch	Robak
Bohlke	Connealy	Hilgert	Pedersen, Dw.	Schimek
Bourne	Crosby	Kiel	Pederson, D.	Suttle
Brashear	Dierks	Kremer	Price	Thompson
Bromm	Engel	Landis	Raikes	Wehrbein

Voting in the negative, 19:

Baker	Cudaback	Jones	Redfield	Stuhr
Bruning	Dickey	Kristensen	Schmitt	Tyson
Byars	Hudkins	Matzke	Schrock	Wickersham
Coordsen	Janssen	Quandahl	Smith	

Present and not voting, 2:

Brown	Vrtiska
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Excused and not voting, 3:

Jensen Peterson, C. Preister

Advanced to E & R for engrossment with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 257. Introduced by Wehrbein, 2; Janssen, 15; Byars, 30; Crosby, 29; Suttle, 10; Coordsen, 32; Engel, 17.

PURPOSE: To study the effects of the Department of Health and Human Services converting computer information systems to the N-Focus system and the impact of continued use of the N-Focus computer information system. This study may include, but shall not be limited to:

- (1) The costs and fiscal impact of the N-Focus system;
- (2) The effectiveness of the N-Focus system;
- (3) The efficiency of the N-Focus system;
- (4) The ability of the N-Focus system to generate reports required under statute, rules, or regulations; and
- (5) The impact of the N-Focus system on the delivery of services, particularly the impact on services for children and youth in out-of-home care and their families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee and the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Members Excused

Messrs. Connealy, Landis, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 605. E & R amendment, AM7129, found on page 1618, was adopted.

Mr. Schrock withdrew his amendments, AM1504 and AM1526, found on pages 1719 and 1747.

MR. CUDABACK PRESIDING

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to replace her pending amendment, AM1586, found on page 1887, with a substitute amendment. No objections. So ordered.

Mrs. Stuhr withdrew her amendment, AM1586, found on page 1887.

Mrs. Stuhr renewed her substitute pending amendment, AM1734, found on page 2056.

The Stuhr amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM1628, found on page 1911.

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Wickersham amendment lost with 12 ayes, 19 nays, 12 present and not voting, and 6 excused and not voting.

Messrs. Raikes and Beutler renewed their pending amendment, AM1630, found on page 1979.

Messrs. Quandahl, Chambers, and Mrs. Kiel asked unanimous consent to be excused. No objections. So ordered.

Mr. Raikes moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Raikes-Beutler amendment was adopted with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Beutler and Raikes renewed their pending amendment, AM1753, found on page 2057.

The Beutler-Raikes amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 258. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to review and examine the progress and effect of welfare reform in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 259. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine the practice of federal policies being indirectly enforced on states through the offer of funds with strings attached.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 260. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine the process by which cooperative agreements and contracts are entered into by the Health and Human Services System.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 261. Introduced by Coordsen, 32.

PURPOSE: Agricultural land is often sold to buyers whose primary interest in the land is not for farming or ranching, but for recreation, development, speculation, or aesthetics. The prices paid by these buyers are considerably higher than the value of the land for agricultural or horticultural purposes. These sales subsequently drive up the values of the neighboring agricultural land and result in higher property taxes. The purpose of this resolution is to study possible solutions to the valuation problems generated from agricultural land used for nonagricultural purposes.

The study shall include, but not be limited to:

(1) Examination of the methods and guidelines used by county assessors and the Property Tax Administrator in comparable sales involving agricultural land used for agricultural purposes and agricultural land used for nonagricultural purposes;

(2) Examination of new categories of agricultural and horticultural land which would include agricultural land used for nonagricultural purposes;

(3) Examine the relationship between actual agricultural land valuations and land value if put solely to agricultural use;

(4) Examine the methods and guidelines used by county assessors and the Property Tax Administrator in valuation of farmstead sites that are part of a farming operation;

(5) Examine current use of greenbelting in Nebraska and new ways to expand its use; and

(6) Examine changes proposed in Legislative Bill 853, Ninety-sixth Legislature, First Session, 1999.

A task force shall be appointed by the Executive Board of the Legislative Council with members who are county and state officials and employees with expertise and interest in the subject matter of this resolution. Task force members shall be reimbursed for their expenses pursuant to sections 81-1174 to 81-1177.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature and the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee and the board shall upon the conclusion of their study make a report of its findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Byars asked unanimous consent to have his name added as cointroducer to LR 96. No objections. So ordered.

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LR 242. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Redfield's parents, Roman and Patricia Turek; 110 fourth grade students and teachers from Neihardt School, Millard; 26 fourth grade students and teacher from Seedling Mile Elementary School, Grand Island; and T. J. O'Neill from Lincoln.

The Doctor of the Day was Dr. Timothy Zimmerman from Lincoln.

ADJOURNMENT

At 8:07 p.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Friday, May 14, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY – MAY 14, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****EIGHTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, May 14, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Steven Jacobsen, Grace Lutheran Church, Fairbury, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Preister who was excused; and Messrs. Bromm, Engel, Hartnett, Matzke, Mmes. Brown, Kiel, C. Peterson, Robak, and Ms. Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 14, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Barta, Roy - North Platte; Nebraska Livestock Markets Association
Cline, Williams, Wright, Johnson & Oldfather
Buntain, David R. - Lincoln; Housing Authority of the City of Lincoln

RESOLUTION

LEGISLATIVE RESOLUTION 43. Read. Considered.

LR 43 was adopted with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 816A. Title read. Considered.

PRESIDENT MAURSTAD PRESIDING

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 144, 267, and 556.

Enrollment and Review Change to LB 144

The following changes, required to be reported for publication in the Journal, have been made:

ER9085

1. On page 1, the matter beginning with "schools" in line 1 through line 4 has been struck and "appropriations; to amend section 39, Legislative Bill 880, Ninety-sixth Legislature, First Session, 1999; to change appropriations to the State Department of Education; to restate intent; to provide an operative date; to repeal the original section; and to declare an emergency." inserted.

Enrollment and Review Change to LB 267

The following changes, required to be reported for publication in the Journal, have been made:

ER9084

1. In the Janssen amendment, AM1073, on page 1, lines 19 and 24; and page 2, line 7, the underscored period has been struck.

2. On page 1, line 3; and page 46, line 24, "53-177, 53-180.06, 53-1,104," has been inserted after "53-134.03,".

3. On page 1, line 6, "to permit certain sales of alcoholic liquor on college and university campuses as prescribed; to change duties of retail licensees; to provide penalties; to harmonize provisions;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 556

The following changes, required to be reported for publication in the Journal, have been made:

ER9086

1. In the Lynch amendment, AM1248:
 - a. On page 2, line 8, the stricken "1984" has been reinstated; and in line 9 the new matter has been struck;
 - b. On page 3, line 20, "except as otherwise provided in this subsection" has been inserted after "system"; and
 - c. On page 4, line 3, the matter beginning with the first "of" through "supervisors" has been struck; and in line 15 "Department of Motor Vehicles" has been struck and "department" inserted.
2. On page 1, the matter beginning with "section" in line 1 through line 5 has been struck and "sections 60-309, 60-311, 60-311.01, 60-311.02, and 60-311.11, Reissue Revised Statutes of Nebraska; to authorize the Department of Motor Vehicles to determine license plate fees as prescribed; to provide for an alphanumeric system of registration as prescribed; to change provisions relating to dealer license plates and personalized message license plates; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 863. Title read. Considered.

The Standing Committee amendment, AM1724, printed separately and referred to on page 1963, was considered.

Mr. Schrock offered the following amendment to the Standing Committee amendment:

AM1799

(Amendments to AM1724)

- 1 1. On page 13, line 3, after "a" insert "firm".
- 2 2. On page 17, strike beginning with "been" in line 11
- 3 through "department" in line 16, show as stricken, and insert
- 4 "passed an examination approved or administered by the department
- 5 with at least the minimum score prescribed by the department, and
- 6 (c) for the classes of worker and supervisor, been examined by a
- 7 physician within the preceding year and declared by the physician
- 8 to be physically capable of working while wearing a respirator".

The Schrock amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes,

0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

The Standing Committee amendment, AM1566, found on page 1939, was considered.

Mr. Hilgert withdrew his amendment, AM1692, found on page 1953.

Mr. Brashear offered the following amendment to the Standing Committee amendment:

AM1801

(Amendments to Standing Committee amendments, AM1566)

- 1 1. Strike sections 6 and 7.
- 2 2. Renumber the remaining section accordingly.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Brashear amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

MR. COORDSEN PRESIDING

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 652. Mrs. Thompson renewed her pending amendment, AM1263, found on page 1441, to the Standing Committee amendment.

Mrs. Thompson asked unanimous consent to bracket LB 652 until January 5, 2000. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 240. E & R amendment, AM7145, found on page 2006, was adopted.

Messrs. Raikes and Jensen offered the following amendment:
AM1732

(Amendments to E & R amendments, AM7145)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 43-1305, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 43-1305. ~~Of the local board members initially appointed,~~

5 two shall be appointed for a term of one year, two shall be
6 appointed for a term of two years, and one shall be appointed for a
7 term of three years. All subsequent local board members shall be
8 appointed for a term terms of three years. If a vacancy occurs on
9 a local board, the state board shall appoint another person to
10 serve the unexpired portion of the term. Appointments to fill
11 vacancies on the local board shall be made in the same manner and
12 subject to the same conditions as the initial appointments to such
13 board. The term of each member shall expire on the second Monday
14 in July of the appropriate year. Members shall continue to serve
15 until a successor is appointed."

16 2. On page 5, line 22, after the second comma insert
17 "43-1305,".

18 3. Renumber the remaining sections accordingly.

The Raikes-Jensen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 119A to Select File

Mrs. Crosby moved to return LB 119A to Select File for her specific amendment, AM1701, found on page 1950.

The Crosby motion to return prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 119A. The Crosby specific amendment, AM1701, found on page 1950, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 179

Mr. Hilgert withdrew his amendments, AM1427 and AM1514, found on pages 1636 and 1750, to LB 179.

MOTION - Return LB 179 to Select File

Mr. Hilgert moved to return LB 179 to Select File for the Hilgert-Quandahl

specific amendment, AM1553, found on page 1843.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hilgert motion to return failed with 12 ayes, 11 nays, 19 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Bruning and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

WITHDRAW - Amendment to LB 179A

Mr. Hilgert withdrew his amendment, AM1700, found on page 1963, to LB 179A.

MOTION - Return LB 216 to Select File

Mr. Landis moved to return LB 216 to Select File for his specific amendment, AM1796, found on page 2113.

SPEAKER KRISTENSEN PRESIDING

The Landis motion to return prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 216. The Landis specific amendment, AM1796, found on page 2113, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 835A to Select File

Mr. Dierks moved to return LB 835A to Select File for his specific amendment, AM1674, found on page 1950.

The Dierks motion to return prevailed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 835A. The Dierks specific amendment, AM1674, found on page 1950, was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 594A to Select File

Mr. Wehrbein moved to return LB 594A to Select File for his specific amendment, AM1694, found on page 1950.

The Wehrbein motion to return prevailed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 594A. The Wehrbein specific amendment, AM1694, found on page 1950, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 683. Advanced to E & R for engrossment.

LEGISLATIVE BILL 127. Advanced to E & R for engrossment.

LEGISLATIVE BILL 538. E & R amendment, AM7142, found on page 1937, was adopted.

Mrs. Stuhr and Mr. Wickersham renewed their pending amendment, AM1756, found on page 2063.

The Stuhr-Wickersham amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 331.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-145.01 and 48-146.02, Reissue Revised Statutes of Nebraska; to provide

for monetary penalties; to change provisions relating to suspension or revocation of authority to provide compensation insurance; to provide powers and duties; 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, 39:

Baker	Crosby	Jensen	Pedersen, Dw.	Smith
Bourne	Cudaback	Jones	Pederson, D.	Stuhr
Bromm	Dickey	Kiel	Price	Suttle
Brown	Dierks	Kremer	Raikes	Thompson
Bruning	Hartnett	Kristensen	Redfield	Tyson
Chambers	Hilgert	Landis	Schimek	Wehrbein
Connealy	Hudkins	Lynch	Schmitt	Wickersham
Coordsen	Janssen	Matzke	Schrock	

Voting in the negative, 1:

Quandahl

Excused and not voting, 9:

Beutler	Brashear	Engel	Preister	Vrtiska
Bohlke	Byars	Peterson, C.	Robak	

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 550 with 37 ayes, 1 nay, 2 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 550. With Emergency.

A BILL FOR AN ACT relating to commercial transactions; to amend sections 23-1517, 23-1527, 25-205, 25-21, 188.01, 35-105, 36-709, 37-1282, 37-1290, 45-184, 48-657, 52-203, 52-204, 52-303, 52-501, 52-504, 52-701, 52-702, 52-902, 52-903, 52-905, 52-1001, 52-1003, 52-1004, 52-1008, 52-1101, 52-1102, 52-1103, 52-1104, 52-1202, 52-1203, 52-1205, 52-1407, 52-1409, 52-1601, 52-1801, 54-201, 54-208, 54-209, 57-812, 60-110, 60-1419, 76-1102, 76-1902, and 87-707, Reissue Revised Statutes of Nebraska, sections 77-2391, 84-1205, and 84-1205.02, Revised Statutes

Supplement, 1998, section 77-3904, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislature Bill 165, Ninety-sixth Legislature, First Session, 1999, sections 77-3902 and 77-3903, Revised Statutes Supplement, 1998, as amended by sections 3 and 4 respectively, Legislative Bill 165, Ninety-sixth Legislature, First Session, 1999, sections 1-105, 1-201, 1-206, 2-103, 2-210, 2-326, 2-502, 2-716, 2A-103, 2A-303, 2A-307, 2A-309, 4-210, 7-503, 8-103, 8-106, 8-110, 8-301, 8-302, 8-510, and 9-414, Uniform Commercial Code, and section 9-403, Uniform Commercial Code, as amended by section 5, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999; to adopt uniform provisions relating to secured transactions; to eliminate provisions governing secured transactions; to change provisions relating to liens and the Uniform Commercial Code; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 1-111, 9-101 to 9-110, 9-112 to 9-116, 9-201 to 9-208, 9-301 to 9-312, 9-314 to 9-318, 9-401, 9-407 to 9-411, 9-413, 9-415, 9-420, and 9-501 to 9-507, Uniform Commercial Code, sections 9-313, 9-402, 9-404 to 9-406, and 9-412, Uniform Commercial Code, as amended by sections 3, 4, 6 to 8, and 9, respectively, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999, section 9-414, Uniform Commercial Code, as amended by section 73, Legislative Bill 550, Ninety-sixth Legislature, First Session, 1999, and section 9-403, Uniform Commercial Code, as amended by section 5, Legislative Bill 552, Ninety-sixth Legislature, First Session, 1999, and section 72, Legislative Bill 550, Ninety-sixth Legislature, First Session, 1999; 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, 40:

Baker	Crosby	Jensen	Pedersen, Dw.	Schrock
Bourne	Cudaback	Jones	Pederson, D.	Smith
Bromm	Dickey	Kiel	Price	Stuhr
Brown	Dierks	Kremer	Quandahl	Suttle
Bruning	Hartnett	Kristensen	Raikes	Thompson
Chambers	Hilgert	Landis	Redfield	Tyson
Connealy	Hudkins	Lynch	Schimek	Wehrbein
Coordsen	Janssen	Matzke	Schmitt	Wickersham

Voting in the negative, 0.

Excused and not voting, 9:

Beutler	Brashear	Engel	Preister	Vrtiska
Bohlke	Byars	Peterson, C.	Robak	

A constitutional two-thirds majority having voted in the affirmative, the

bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 36

Mr. Quandahl and Mrs. Kiel withdrew their amendment, AM1619, found on page 1849, to LB 36.

BILL 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 36 with 35 ayes, 2 nays, 3 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 36. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-506, 49-617, 60-305.15, 77-366, 77-369, 77-376, 77-1334, 77-3906, 81-101, 81-102, and 81-109, Reissue Revised Statutes of Nebraska, sections 13-518, 77-370, 77-375, 77-417, 77-421, 77-603.01, 77-605, 77-683, 77-684, 77-803, 77-804, 77-1247, 77-1250, 77-1342, 77-5012, and 81-1401, Revised Statutes Supplement, 1998, and sections 77-1327 and 77-1330, Reissue Revised Statutes of Nebraska, as amended by sections 21 and 22, respectively, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999; to provide for the return of certain excess tax collections as prescribed; to change and eliminate provisions relating to the Property Tax Administrator and property tax division of the Department of Revenue; to create a department; to rename a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 77-365.01 and 77-371, Reissue Revised Statutes of Nebraska, and sections 77-375.01, 77-425, and 77-1325, Revised Statutes Supplement, 1998; 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, 28:

Baker	Connealy	Hudkins	Matzke	Schimek
Bourne	Coordsen	Janssen	Pedersen, Dw.	Schmitt
Brashear	Cudaback	Jones	Pederson, D.	Schrock
Bromm	Dickey	Kristensen	Price	Thompson
Byars	Dierks	Landis	Raikes	Wehrbein
Chambers	Hartnett	Lynch		

Voting in the negative, 14:

Brown	Hilgert	Kremer	Smith	Tyson
Bruning	Jensen	Quandahl	Stuhr	Wickersham
Crosby	Kiel	Redfield	Suttle	

Excused and not voting, 7:

Beutler	Engel	Preister	Robak	Vrtiska
Bohlke	Peterson, C.			

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached.

MOTION - Reconsider Action on LB 36

Mr. Wickersham moved to reconsider the vote on final passage of LB 36, with the emergency clause attached.

The Wickersham motion to reconsider prevailed with 33 ayes, 7 nays, 2 present and not voting, and 7 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 36. With Emergency.

Mr. Chambers requested a roll call vote.

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, 33:

Baker	Connealy	Hudkins	Matzke	Schmitt
Bourne	Coordsen	Janssen	Pedersen, Dw.	Schrock
Brashear	Cudaback	Jones	Pederson, D.	Suttle
Bromm	Dickey	Kremer	Price	Thompson
Bruning	Dierks	Kristensen	Raikes	Wehrbein
Byars	Hartnett	Landis	Schimek	Wickersham
Chambers	Hilgert	Lynch		

Voting in the negative, 8:

Crosby	Kiel	Redfield	Stuhr	Tyson
Jensen	Quandahl	Smith		

Present and not voting, 1:

Brown

Excused and not voting, 7:

Beutler
Bohlke

Engel
Peterson, C.

Preister

Robak

Vrtiska

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 SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 550, 36, and 331.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 556A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, Ninety-sixth Legislature, First Session, 1999; and to provide for transfers.

AMENDMENT - Print in Journal

Mr. Brashear filed the following amendment to LB 571:
AM1762

(Amendments to E & R amendments, AM7148)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 32-607, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-607. All candidate filing forms shall contain the
- 5 following statement: I hereby swear that I will abide by the laws
- 6 of the State of Nebraska regarding the results of the primary and
- 7 general elections, that I am a registered voter and qualified to be
- 8 elected, and that I will serve if elected. Candidate filing forms
- 9 shall be filed with the following filing officers:
- 10 (1) For candidates for national, state, or congressional
- 11 office, directors of public power and irrigation districts,
- 12 directors of reclamation districts, directors of natural resources
- 13 districts, members at large of the boards of educational service
- 14 units, members of governing boards of community colleges, delegates
- 15 to national conventions, and other offices filled by election held
- 16 in more than one county and judges desiring retention, in the
- 17 office of the Secretary of State; - ~~Candidate filing forms for~~

18 ~~such officers shall be accompanied by a certificate of registration~~
19 ~~obtained by the candidate under section 32-316;~~

20 (2) For officers elected within a county, in the office
21 of the election commissioner or county clerk. If the candidate is
22 not a resident of the county, he or she shall submit a certificate
23 of registration obtained under section 32-316 with the candidate
1 filing form;

2 (3) For representatives from the county in which they
3 reside on the boards of educational service units, in the office of
4 the election commissioner or county clerk;

5 (4) For officers in school districts which include land
6 in adjoining counties, in the office of the election commissioner
7 or county clerk of the county in which the greatest number of
8 registered voters entitled to vote for the officers reside. If the
9 candidate is not a resident of the county, he or she shall submit a
10 certificate of registration obtained under section 32-316 with the
11 candidate filing form; and

12 (5) For city or village officers, in the office of the
13 city or village clerk, except that in the case of joint elections,
14 the filing may be either in the office of the election commissioner
15 or county clerk or in the office of the city or village clerk with
16 deputized personnel. When the city or village clerk is deputized
17 to take filings, he or she shall return all filings to the office
18 of the election commissioner or county clerk by the end of the next
19 business day following the filing deadline."

20 2. On page 17, line 11, after "19-3051," insert
21 "32-607,"; in line 14 after the quotation mark insert "32-607,";
22 and in line 18 after the first comma insert "certificates of
23 registration,".

24 3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 262. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Hudkins, 21; Jones, 43; Stuhr, 24.

PURPOSE: To study the creation of an environmental stewardship program for Nebraska that may offer incentives to regulated businesses which demonstrate a record of environmental excellence in regulatory compliance, pollution prevention, waste minimization, and improvement of environmental performance.

The study may include:

1. A review of similar programs used in other states;
2. An evaluation of the criteria for participation in the stewardship program;
3. The financial, regulatory, and other incentives which may be offered to program participants;
4. A review of the ultimate benefits to human health and the environment

which may be derived from such a program; and

5. The development of a cooperative approach in which the regulators, the regulated community, and the other environmental stakeholders work to improve the environmental quality in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LR 218. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mayor-Elect Don Wesely from Lincoln; Senator Dwite Pedersen's brother, Dwain, from Omaha; 10 fourth and fifth grade students and teacher from Milford-Pleasant Dale; 50 fourth grade students and teachers from Jefferson Elementary School, Grand Island; Ho Sub Shin, Woong Eui Lee, Young Hyun Kim, Chang Soo Lee, and Sung Shik Shim from Kwangju City, Republic of Korea and host, Dave Malone, from Kearney; Dean and Mary Jane Zimmerman; 42 fourth grade students and teachers from LaVista West Elementary School, Papillion; and 52 fourth grade students and teachers from Holy Cross Elementary School, Omaha.

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Connealy, the Legislature adjourned until 9:00 a.m., Monday, May 17, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SECOND DAY – MAY 17, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****EIGHTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, May 17, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Griffith, Dietz United Methodist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. C. Peterson who was excused; and Messrs. Beutler, Dierks, Engel, Kristensen, Raikes, Schrock, Tyson, Vrtiska, Wickersham, Mmes. Brown, Kiel, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-first day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 76, 142, 142A, 271, 585, 637, 829, 849, and 849A.

Enrollment and Review Change to LB 271

The following changes, required to be reported for publication in the Journal, have been made:
ER9087

1. In the Wickersham amendment, AM1485, on page 1, line 3, the second "state or" has been struck; in line 4 "which" has been struck and "if it" inserted; and in line 5 "and" has been struck and the first "of" has been

struck.

2. In the Wickersham amendment, AM1465, on page 1, line 13, an underscored comma has been inserted after "purposes".

3. In the E & R amendments, AM7122:

a. Amendment 2 has been struck; and

b. Sections 3, 5, 6, and 9 have been struck and the following new sections inserted:

"Sec. 3. Section 77-123, Revised Statutes Supplement, 1998, as amended by section 6, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999, is amended to read:

77-123. Omitted property means, for the current tax year, any taxable real property that was not assessed on March 20 and any taxable tangible personal property that was not assessed on May 1. Omitted property also means any taxable real or tangible personal property that was not assessed for any prior tax year. Omitted property does not include property exempt under subdivisions (1)(a) through ~~(e)~~ (d) of section 77-202, listing errors of an item of property on the assessment roll of the county assessor, or clerical errors as defined in section 7 of this act.

Sec. 5. Section 77-202.01, Revised Statutes Supplement, 1998, as amended by section 10, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999, is amended to read:

77-202.01. (1) Any organization or society seeking a tax exemption provided in subdivisions ~~(1)(b)~~ and (1)(c) and (d) of section 77-202 for any real or tangible personal property, except real property used for cemetery purposes, shall apply for exemption to the county assessor on or before December 31 of the year preceding the year for which the exemption is sought on forms prescribed by the Property Tax Administrator. The county assessor shall examine the application and recommend either taxable or exempt for the real property or tangible personal property to the county board of equalization on or before February 1 following.

(2) Any organization or society which fails to file an exemption application on or before December 31 may apply on or before June 30 to the county assessor. The organization or society shall also file in writing a request with the county board of equalization for a waiver so that the county assessor may consider the application for exemption. The county board of equalization shall grant the waiver upon a finding that good cause exists for the failure to make application on or before December 31. When the waiver is granted, the county assessor shall examine the application and recommend either taxable or exempt for the real property or tangible personal property to the county board of equalization and shall assess a penalty against the property of ten percent of the tax that would have been assessed had the waiver been denied or one hundred dollars, whichever is less, for each calendar month or fraction thereof for which the filing of the exemption application missed the December 31 deadline. The penalty shall be collected and distributed in the same manner as a tax on the property and interest shall be assessed at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid. The penalty shall also become a lien in the same manner as a tax pursuant to

section 77-203.

Sec. 6. Section 77-202.03, Revised Statutes Supplement, 1998, as amended by section 11, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999, is amended to read:

77-202.03. (1) A properly granted exemption of real or tangible personal property, except real property used for cemetery purposes, provided for in subdivisions ~~(1)(b)~~ and (1)(c) and (d) of section 77-202 shall continue for a period of four years if the affidavit required by subsection (2) of this section is filed when due. The four-year period shall begin with years evenly divisible by four.

(2) In each intervening year occurring between application years, the organization or society which filed the granted exemption application for the real or tangible personal property, except real property used for cemetery purposes, shall file an affidavit with the county assessor on or before December 31 of the year preceding the year for which the exemption is sought, on forms prescribed by the Property Tax Administrator, certifying that the ownership and use of the exempted property has not changed during the year. Any organization or society which misses the December 31 deadline for filing the affidavit may file the affidavit by June 30. Such filing shall maintain the tax-exempt status of the property without further action by the county and regardless of any previous action by the county board to deny the exemption due to late filing of the affidavit. Upon any such late filing, the county board shall assess a penalty against the property of ten percent of the tax that would have been assessed had the affidavit not been filed or one hundred dollars, whichever is less, for each calendar month or fraction thereof for which the filing of the affidavit is late. The penalty shall be collected and distributed in the same manner as a tax on the property and interest shall be assessed at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid. The penalty shall also become a lien in the same manner as a tax pursuant to section 77-203.

(3)(a) If any organization or society seeks a tax exemption for any real or tangible personal property acquired on or after January 1 of any year or converted to exempt use on or after January 1 of any year, the organization or society shall make application for exemption on or before August 1 of that year as provided in section 77-202.01. The procedure for reviewing the application shall be as in sections 77-202.01 to 77-202.07, except that the exempt use shall be determined as of the date of application and the review by the county board of equalization shall be completed by August 15.

(b) If an organization as described in subdivision ~~(1)(b)~~ or (1)(c) or (d) of section 77-202 purchases, between August 1 and the levy date, property that has been granted tax exemption and the property continues to be qualified for a property tax exemption, the purchaser shall on or before December 1 make application for exemption as provided in section 77-202.01. The procedure for reviewing the application shall be as in sections 77-202.01 to 77-202.07, and the review by the county board of equalization shall be completed by December 15.

(4) In any year, the county assessor or the county board of equalization may cause a review of any exemption to determine whether the exemption is proper. Such a review may be taken even if the ownership or use of the property has not changed from the date of the allowance of the exemption. The review shall follow the procedure set out in section 77-202.02. If it is determined that a change in an exemption is warranted, the procedure for hearing set out in section 77-202.02 shall be followed. If an exemption is denied, the county board of equalization shall place the property on the tax rolls retroactive to January 1 of that year if on the date of the decision of the county board of equalization the property no longer qualifies for an exemption.

The county board of equalization shall give notice of the assessed value of the real property in the same manner as outlined in section 77-1507, and the procedures for filing a protest shall be the same as those in section 77-1502.

When personal property which was exempt becomes taxable because of lost exemption status, the owner or his or her agent has thirty days after the date of denial to file a personal property return with the county assessor. Upon the expiration of the thirty days for filing a personal property return pursuant to this subsection, the county assessor shall proceed to list and value the personal property and apply the penalty pursuant to section 77-1233.04.

(5) During the month of September of each year, the county board of equalization shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation for that year pursuant to subdivisions ~~(1)(b)~~ and (1)(c) and (d) of section 77-202. Such list shall be grouped into categories as provided by the Property Tax Administrator. A copy of the list and proof of publication shall be forwarded to the Property Tax Administrator.

Sec. 11. Original sections 21-1927 and 60-3002, Reissue Revised Statutes of Nebraska, sections 77-202 and 77-202.09, Revised Statutes Supplement, 1998, and sections 77-123, 77-202.01, and 77-202.03, Revised Statutes Supplement, 1998, as amended by sections 6, 10, and 11, respectively, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999, are repealed."

4. On page 1, the matter beginning with "section" in line 1 through line 7 has been struck and "sections 21-1927 and 60-3002, Reissue Revised Statutes of Nebraska, sections 77-202 and 77-202.09, Revised Statutes Supplement, 1998, and sections 77-123, 77-202.01, and 77-202.03, Revised Statutes Supplement, 1998, as amended by sections 6, 10, and 11, respectively, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999; to change a provision relating to rights of nonprofit corporations; to change provisions relating to property tax exemptions; to provide for tax treatment of leased and unleased public property as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 585

The following changes, required to be reported for publication in the Journal, have been made:

ER9088

1. In the Bromm-Beutler amendment, AM1489:

a. Section 2 has been struck and the following new section inserted:

"Sec. 2. Section 60-4,118, Reissue Revised Statutes of Nebraska, as amended by section 18, Legislative Bill 704, Ninety-sixth Legislature, First Session, 1999, is amended to read:

60-4,118. (1) No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety. The Department of Motor Vehicles, with the advice of the Health Advisory Board, shall adopt and promulgate rules and regulations:

(a) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(b) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

(2) If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met.

(3) If the applicant for an operator's license discloses that he or she has any other physical impairment which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director with the advice of the Health Advisory Board, to show the necessary ability to safely operate a motor vehicle on the highways. The director may also require the person to appear before the board or a designee of the board. If the examiner, board, or designee is then satisfied that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.

(4)(a) The director may, when requested by a law enforcement officer,

when the director has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle, or when a person's driving record appears to the department to justify an examination, request the advice of the Health Advisory Board and may give notice to the person to appear before an examiner, the board, or a designee of the director for examination concerning the person's ability to operate a motor vehicle safely. Any such request by a law enforcement officer shall be accompanied by written justification for such request and shall be approved by a supervisory law enforcement officer, police chief, or county sheriff.

(b) A refusal to appear before an examiner, the board, or a designee of the director for an examination after notice to do so shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director.

(c) If the person cannot qualify at the examination by an examiner, his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel the person's operator's license.

(d) If in the opinion of the board the person cannot qualify at the examination by the board, the board shall advise the director. If the director determines after consideration of the advice of the board that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender his or her operator's license to the director who shall cancel the person's operator's license.

(e) Refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her operator's license as required by this subsection shall be guilty of a Class III misdemeanor.

(5) No operator's license referred to in this section shall, under any circumstances, be issued to any person who has not attained the age of seventeen years.

(6) No operator's license shall be issued to a person under eighteen years of age applying for an operator's license under this section unless such person:

(a) Has possessed a valid provisional operator's permit for at least a twelve-month period beginning on the date of issuance of such person's provisional operator's permit;

(b) Has not accumulated three or more points pursuant to section 60-4,182 during the twelve-month period immediately preceding the date of the application for the operator's license; and

(c) Has surrendered the provisional operator's permit to the examiner.

(7) The department shall waive the written examination and the driving test required under this section for any person seventeen to twenty-one years of age applying for his or her initial operator's license, except a commercial driver's license or permit, if he or she has been issued a provisional operator's permit.

(8)(a) Upon receipt by the director of (i) a certified copy of a court order issued pursuant to section 60-6,211.05, (ii) sufficient evidence that the defendant has surrendered his or her operator's license to the department and installed an approved ignition interlock device in accordance with such court order, and (iii) payment by the defendant of the fee provided in

section 60-4,115, the defendant shall be eligible for reinstatement of his or her operator's license following the expiration of thirty days after revocation under section 60-6,206 and the director shall issue to the defendant a Class O license restricted to the operation of a motor vehicle equipped with an ignition interlock device. The department shall not issue such a license to any person convicted of a second or subsequent violation of section 60-6,196 or 60-6,197 until at least one year of the operator's license revocation has elapsed.

(b) Upon expiration of the court order issued pursuant to section 60-6,211.05 or an order issued by the Board of Pardons pursuant to section 83-1,127.02, the defendant may apply to the department in writing for issuance of an operator's license which does not contain such restriction. If the license surrendered by the defendant under subdivision (a) of this subsection has not expired, the director shall return such license to the defendant. If such license has expired, the defendant shall reapply for an operator's license pursuant to the Motor Vehicle Operator's License Act.;

b. On page 7, lines 11 and 15, "(c)(i)" has been struck and "(1)(b)(i)" inserted; in line 16 "Department of Motor Vehicles" has been struck and "department" inserted; in line 18 "this subsection" has been struck and "subdivision (1) of this section" inserted; in lines 21 and 25 the comma has been struck; and in line 27 "and" has been struck; and

c. On page 8, line 8, "beginning with the comma through 'act'" has been inserted after "matter".

2. In the Bromm amendment, AM1430, on page 1, line 5, "3 and 6" has been struck and "4 and 7" inserted; and in line 19 the comma has been struck.

3. In the E & R amendments, AM7094, on page 18, line 17, "and section 60-4,118, Reissue Revised Statutes of Nebraska, as amended by section 18, Legislative Bill 704, Ninety-sixth Legislature, First Session, 1999," has been inserted after the last comma; in line 20 "change provisions relating to restricted motor vehicle operators' licenses; to" has been inserted after "to"; and in line 24 "and installation of ignition interlock devices" has been inserted after "vehicles".

4. On page 1, line 3, ", and section 60-4,118, Reissue Revised Statutes of Nebraska, as amended by section 18, Legislative Bill 704, Ninety-sixth Legislature, First Session, 1999" has been inserted after "Nebraska".

Enrollment and Review Change to LB 637

The following changes, required to be reported for publication in the Journal, have been made:

ER9090

1. In the Kristensen et al. amendment, AM1797:

a. Section 8 has been struck;

b. Section 9 has been renumbered as section 8; and

c. Underscoring has been removed from sections 1 to 7 and all amendments thereto.

2. On page 1, the matter beginning with "amend" in line 1 through line 11 and all amendments thereto have been struck and "define terms; to create a State Disbursement Unit; to provide for a study; to provide for

reimbursement of certain costs; to require use of a statewide system for support orders; to create a fund; to provide for rules and regulations; and to declare an emergency." inserted.

Enrollment and Review Change to LB 829

The following changes, required to be reported for publication in the Journal, have been made:

ER9094

1. In the E & R amendments, AM7127:
 - a. On page 4, line 11, "a" has been inserted after "of"; and
 - b. On page 6, line 20, ", prepare," has been struck and "and prepare" inserted.
2. On page 1, line 2, "; and to provide a termination date" has been inserted after "Act".

Enrollment and Review Change to LB 849

The following changes, required to be reported for publication in the Journal, have been made:

ER9089

1. In the Standing Committee amendments, AM0735, on page 31, line 24, "26 and 30" has been struck and "32 and 37" inserted.
2. On page 1, line 2, ", and section 84-1503, Revised Statutes Supplement, 1998" has been inserted after "Nebraska".

(Signed) Adrian M. Smith, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 14, 1999, at 1:45 p.m., were the following bills: LBs 331, 550, and 36.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTIONS - Approve Appointments

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 2070: Eleanor Propp and Marian Reyburn - Commission for the Deaf and Hard of Hearing; Robert Dunn and Rick Sheehy - Emergency Medical Services; Dr. James Schiefen - State Board of Health; Dale Baker and JoAnn LeBaron - Child Abuse Prevention Fund; and Dr. Dale Michels, Sandra Massey, Dr. David Corbin, Cordelia Okoye, Dr. Joel Gajardo, and John Klosterman - Excellence in Health Care Council.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 2070: Eleanor Propp and Marian Reyburn - Commission for the Deaf and Hard of Hearing; Dale Baker and JoAnn LeBaron - Child Abuse Prevention Fund; and Sandra Massey, Cordelia Okoye, and Dr. Joel Gajardo - Excellence in Health Care Council.

Voting in the affirmative, 30:

Baker	Chambers	Hartnett	Matzke	Schmitt
Bohlke	Coordsen	Hudkins	Pederson, D.	Smith
Bourne	Crosby	Janssen	Price	Stuhr
Bromm	Cudaback	Jensen	Quandahl	Suttle
Bruning	Dickey	Jones	Redfield	Thompson
Byars	Dierks	Kremer	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 8:

Brashear	Hilgert	Lynch	Preister	Raikes
Connealy	Landis	Pedersen, Dw.		

Excused and not voting, 11:

Beutler	Kiel	Peterson, C.	Schrock	Vrtiska
Brown	Kristensen	Robak	Tyson	Wickersham
Engel				

The appointments were confirmed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

The second division is as follows:

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 2070: Robert Dunn and Rick Sheehy - Emergency Medical Services; Dr. James Schiefen - State Board of Health; and Dr. Dale Michels, Dr. David Corbin, and John Klosterman - Excellence in Health Care Council.

Voting in the affirmative, 33:

Baker	Bromm	Connealy	Cudaback	Hartnett
Bohlke	Bruning	Coordsen	Dickey	Hudkins
Bourne	Byars	Crosby	Dierks	Janssen

Jensen	Lynch	Quandahl	Smith	Thompson
Jones	Matzke	Redfield	Stuhr	Vrtiska
Kremer	Pederson, D.	Schimek	Suttle	Wehrbein
Landis	Price	Schmitt		

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Brashear	Hilgert	Pedersen, Dw.	Preister	Raikes
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Excused and not voting, 10:

Beutler	Engel	Kristensen	Robak	Tyson
Brown	Kiel	Peterson, C.	Schrock	Wickersham

The appointments were confirmed with 33 ayes, 1 nay, 5 present and not voting, and 10 excused and not voting.

Mr. Bromm moved the adoption of the report of the Transportation Committee for the following appointments found on page 2095: Norm Riffel - Nebraska Highway Bond Commission; Darold Tagge - Board of Public Roads Classifications and Standards; Steven K. Schafer - Chief Information Officer, Department of Administrative Services; and Paula Wolfson-Kessler - Nebraska Motor Vehicle Industry Licensing Board.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Mr. Bromm moved the adoption of the report of the Transportation Committee for the following appointment found on page 2095: Paula Wolfson-Kessler - Nebraska Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 32:

Baker	Coordsen	Jones	Preister	Smith
Bourne	Crosby	Kremer	Price	Stuhr
Bromm	Cudaback	Lynch	Quandahl	Suttle
Bruning	Dickey	Matzke	Redfield	Tyson
Byars	Hudkins	Pedersen, Dw.	Schimek	Vrtiska
Chambers	Janssen	Pederson, D.	Schmitt	Wehrbein
Connealy	Jensen			

Voting in the negative, 0.

Present and not voting, 8:

Bohlke	Dierks	Hilgert	Raikes	Thompson
Brashear	Hartnett	Landis		

Excused and not voting, 9:

Beutler	Engel	Kristensen	Robak	Wickersham
Brown	Kiel	Peterson, C.	Schrock	

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

The second division is as follows:

Mr. Bromm moved the adoption of the report of the Transportation Committee for the following appointments found on page 2095: Norm Riffel - Nebraska Highway Bond Commission; Darold Tagge - Board of Public Roads Classifications and Standards; and Steven K. Schafer - Chief Information Officer, Department of Administrative Services.

Voting in the affirmative, 31:

Baker	Crosby	Jones	Preister	Smith
Bourne	Cudaback	Kremer	Price	Stuhr
Bromm	Dickey	Lynch	Quandahl	Suttle
Bruning	Hudkins	Matzke	Redfield	Tyson
Byars	Janssen	Pedersen, Dw.	Schimek	Vrtiska
Connealy	Jensen	Pederson, D.	Schmitt	Wehrbein
Coordsen				

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Bohlke	Dierks	Hilgert	Raikes	Thompson
Brashear	Hartnett	Landis		

Excused and not voting, 9:

Beutler	Engel	Kristensen	Robak	Wickersham
Brown	Kiel	Peterson, C.	Schrock	

The appointments were confirmed with 31 ayes, 1 nay, 8 present and not voting, and 9 excused and not voting.

Mr. Janssen moved the adoption of the report of the General Affairs Committee for the following appointment found on page 2110: Robert Logsdon - Nebraska Liquor Control Commission.

Voting in the affirmative, 31:

Baker	Crosby	Jensen	Preister	Schmitt
Bohlke	Cudaback	Jones	Price	Smith
Bourne	Dickey	Kremer	Quandahl	Stuhr
Bruning	Dierks	Matzke	Raikes	Suttle
Byars	Hudkins	Pedersen, Dw.	Redfield	Tyson
Connealy	Janssen	Pederson, D.	Schimek	Wehrbein
Coordsen				

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Brashear	Hartnett	Landis	Thompson	Vrtiska
Bromm	Hilgert	Lynch		

Excused and not voting, 9:

Beutler	Engel	Kristensen	Robak	Wickersham
Brown	Kiel	Peterson, C.	Schrock	

The appointment was confirmed with 31 ayes, 1 nay, 8 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 76A. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORT Education

The Education Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Board of Trustees, Nebraska State College System
Steve Lewis
Willa Kosman

VOTE: Aye: Senators Brashear, Price, Raikes, Stuhr, Suttle, and Wickersham. Nay: None. Absent: Senators Bohlke and Coordsen.

(Signed) Ardyce L. Bohlke, Chairperson

SELECT FILE

LEGISLATIVE BILL 382. E & R amendment, AM7139, found on page 1836, was adopted.

Mr. Chambers renewed his pending amendment, FA157, found on page 1804.

Ms. Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment lost with 6 ayes, 9 nays, 24 present and not voting, and 10 excused and not voting.

Mr. Chambers moved to reconsider the vote on FA157.

MR. CUDABACK PRESIDING

The Chambers motion to reconsider failed with 7 ayes, 6 nays, 30 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 105. Placed on Select File as amended.
(E & R amendment, AM7149, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 147. Placed on Select File as amended.
(E & R amendment, AM7146, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 147A. Placed on Select File.

LEGISLATIVE BILL 730. Placed on Select File as amended.
E & R amendment to LB 730:

AM7147

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) The Agricultural Structure Assessment
- 4 Task Force is created. The Governor shall appoint fifteen members
- 5 to the task force, including:
- 6 (a) The Director of Agriculture, or his or her designee;
- 7 (b) The Director of Economic Development, or his or her
- 8 designee;

- 9 (c) Two members of the Legislature, one of whom shall be
10 the chairperson of the Agriculture Committee;
11 (d) A representative of agribusiness;
12 (e) An agricultural economist;
13 (f) An agriculture credit lender; and
14 (g) Individuals representing various sizes, types, and
15 management forms existing in agricultural production operations in
16 the state.

17 Members of the task force shall elect a chairperson and a
18 vice-chairperson. Eight members constitute a quorum, and a
19 majority vote of the entire membership is required for the
20 recommendations of the task force to be valid and official. The
21 task force shall meet at least six times prior to December 15,
22 1999.

23 Members of the task force shall serve without
24 compensation but shall be reimbursed for their actual and necessary
1 expenses as provided in sections 81-1174 to 81-1177.

2 (2) The task force shall study the overall structure of
3 agriculture, including the types and management forms of
4 agricultural operations in the state; past, present, and future
5 trends of ownership of land, equipment, and capital in production
6 agriculture; and agricultural product market dynamics. The
7 objective of the task force is to recommend state and federal
8 legislation which will help to achieve a balance among various
9 types of agricultural entities which serves the best interests of
10 all the people of the state and nation. Issues that the task force
11 shall address shall include, but are not limited to:

- 12 (a) The effect of the current state and federal tax
13 structure and policies;
14 (b) Maintaining nonrestrictive entry into production
15 agriculture;
16 (c) Maintaining open, competitive markets;
17 (d) The role of independent producers in relation to
18 large food conglomerates which control processing and marketing of
19 food products;
20 (e) How to safeguard national self-reliance and
21 independence with regard to the agricultural production system; and
22 (f) The validity of protecting national security
23 interests regarding food security.

24 A report of the findings and recommendations of the task
25 force shall be given to the Governor and the Clerk of the
26 Legislature before December 15, 1999. A copy of the report shall
27 be provided to a member of the Legislature upon request.

1 (3) For administrative and budgetary purposes only, the
2 task force shall be housed within the Department of Agriculture.

3 (4) The task force shall terminate on January 1, 2000.

4 Sec. 2. Since an emergency exists, this act takes effect
5 when passed and approved according to law."

LEGISLATIVE BILL 730A. Placed on Select File.

LEGISLATIVE BILL 870A. Placed on Select File.

LEGISLATIVE BILL 816A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 881:

AM1804

(Amendments to Standing Committee amendments, AM1774)

- 1 1. On page 6, line 14, after "parcel" insert "except
- 2 that the amount of taxes levied by a community college area shall
- 3 not be reflected until tax year 2002".

Mmes. Stuhr and Thompson filed the following amendment to LB 147:

AM1787

- 1 1. On page 6, strike beginning with "ninety-five" in
- 2 line 1 through "dollar" in line 2 and insert "all funds"; and
- 3 strike beginning with "The" in line 3 through the period in line 5.

STANDING COMMITTEE REPORT

General Affairs

The General Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

State Electrical Board

James Dietz

VOTE: Aye: Senators Janssen, Cudaback, Connealy, Dickey, Hartnett, Quandahl, Schrock, and Smith. Nay: None. Absent: None.

(Signed) Ray Janssen, Chairperson

SELECT FILE

LEGISLATIVE BILL 382. Mr. Chambers renewed his pending amendment, FA158, found on page 1804.

Messrs. Dierks, Byars, Vrtiska, Schmitt, Mrs. Robak, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment lost with 5 ayes, 20 nays, 16 present and not

voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Landis and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on FA158.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

AMENDMENT - Print in Journal

Mr. Bromm filed the following amendment to LB 176:
AM1817

(Amendments to E & R amendments, AM7144)

- 1 1. On page 6, line 10, after the period insert "The
- 2 commission may charge a fee of no more than ten dollars for a
- 3 boating safety course required by this section.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 865A. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 865, Ninety-sixth Legislature, First Session, 1999.

VISITORS

Visitors to the Chamber were 66 fourth grade students and teachers from Centennial Elementary School; 36 fourth grade students and teachers from Mockingbird Elementary School, Omaha; and 38 fourth grade students and teachers from Rockbrook Elementary School, Omaha.

RECESS

At 12:07 p.m., on a motion by Mr. Bruning, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mr. Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Mrs. C. Peterson who was excused; and Messrs. Beutler, Bromm, Engel, Tyson, Mmes. Bohlke, Kiel, Robak, Stuhr, Thompson, Ms. Price, and Schimek who were excused until they arrive.

PRESIDENT MAURSTAD PRESIDING

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 828. Placed on Select File as amended.

E & R amendment to LB 828:

AM7150

- 1 1. In the Jensen et al. amendment, AM0851, on page 1,
- 2 line 3, strike "5" and insert "7".
- 3 2. In the Standing Committee amendments, AM0673:
- 4 a. Insert the following sections:
- 5 "Sec. 2. Section 33-151, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 33-151. All money now in the state treasury to the
- 8 credit of the ~~special boards, bureaus, divisions, and commissions~~
- 9 ~~enumerated in section 33-150~~ state boards of medicine and surgery,
- 10 chiropractic, respiratory care, dentistry, including fees from
- 11 dental hygiene, medical nutrition therapy, athletic training,
- 12 massage therapy, optometry, pharmacy, funeral directing and
- 13 embalming, including fees received from funeral establishments and
- 14 branch establishments, as defined in section 71-1301, as well as
- 15 funeral directors and embalmers, podiatry, veterinary medicine, and
- 16 mental health practice, the Board of Occupational Therapy Practice,
- 17 the Board of Cosmetology Examiners, the Board of Barber Examiners,
- 18 the Board of Nursing, the State Real Estate Commission, the Board
- 19 of Engineers and Architects, the State Athletic Commissioner, the
- 20 Nebraska Oil and Gas Conservation Commission pursuant to sections
- 21 57-906 and 57-911, and any other state board, bureau, division,
- 22 fund, or commission not mentioned in this section, and all money
- 23 collected by each of the special boards, bureaus, divisions, or
- 24 commissions during any biennium, ~~except the percentage credited~~
- 1 ~~from each and deposited in the General Fund as provided in such~~
- 2 ~~section;~~ if and when specifically appropriated by the Legislature
- 3 for that purpose, are made immediately available for the use and
- 4 benefit of such special board, bureau, division, or commission.
- 5 This section shall not be construed to apply to the fees inuring to
- 6 the Nebraska Brand Inspection and Theft Prevention Fund.
- 7 Sec. 3. Section 33-152, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 33-152. The Director of Administrative Services is
- 10 authorized and empowered to draw his or her warrants against the

11 several fee fund accounts of each of the special boards, bureaus,
12 commissions, or divisions enumerated in section ~~33-150~~ 33-151, upon
13 duly itemized and verified vouchers approved by the person or
14 persons having supervision or charge of ~~said the~~ respective funds;
15 and who are authorized by law to approve such vouchers. Upon
16 presentation of ~~said the~~ warrants the State Treasurer shall
17 countersign the same and shall pay ~~said the~~ warrants out of, but
18 never in excess of, the amount of ~~said the~~ fee funds specifically
19 appropriated.

20 Sec. 134. Section 71-1,237, Revised Statutes Supplement,
21 1998, is amended to read:

22 71-1,237. The Respiratory Care Practitioners Fund is
23 hereby created. All money in the fund shall be used exclusively by
24 the department to carry out its statutory and regulatory duties
25 pertaining to the practice of respiratory care. The State
26 Treasurer shall credit to the fund all license and renewal fees for
27 the practice of respiratory care remitted to the State Treasurer by
1 the department pursuant to section 71-162 except such amount
2 distributed pursuant to ~~sections 33-150 and~~ section 71-6228. Any
3 money in the fund available for investment shall be invested by the
4 state investment officer pursuant to the Nebraska Capital Expansion
5 Act and the Nebraska State Funds Investment Act.

6 Sec. 136. Section 71-1,243, Revised Statutes Supplement,
7 1998, is amended to read:

8 71-1,243. The Athletic Trainer Fund is hereby created.
9 All money in the fund shall be used exclusively by the department
10 to carry out the statutory and regulatory duties pertaining to the
11 practice of athletic training. The State Treasurer shall credit to
12 the fund all certification and renewal fees for the practice of
13 athletic training remitted to the State Treasurer by the department
14 pursuant to section 71-162 except such amounts distributed pursuant
15 to ~~sections 33-150 and~~ section 71-6228. Any money in the fund
16 available for investment shall be invested by the state investment
17 officer pursuant to the Nebraska Capital Expansion Act and the
18 Nebraska State Funds Investment Act.

19 Sec. 140. Section 71-1,283, Revised Statutes Supplement,
20 1998, is amended to read:

21 71-1,283. The Massage Therapy Fund is hereby created.
22 All money in the fund shall be used exclusively by the department
23 to carry out the statutory and regulatory duties pertaining to the
24 practice of massage therapy. The State Treasurer shall credit to
25 the fund all certification and renewal fees for the practice of
26 massage therapy remitted to the State Treasurer by the department
27 pursuant to section 71-162 except such amounts distributed pursuant
1 to ~~sections 33-150 and~~ section 71-6228. Any money in the fund
2 available for investment shall be invested by the state investment
3 officer pursuant to the Nebraska Capital Expansion Act and the
4 Nebraska State Funds Investment Act.

5 Sec. 142. Section 71-1,288, Revised Statutes Supplement,

6 1998, is amended to read:

7 71-1,288. The Medical Nutrition Therapy Fund is created.

8 All money in the fund shall be used exclusively by the department
9 to carry out the statutory and regulatory duties pertaining to the
10 practice of medical nutrition therapy. The State Treasurer shall
11 credit to the fund all licensure and renewal fees for the practice
12 of medical nutrition therapy remitted to the State Treasurer by the
13 department pursuant to section 71-162 except such amounts
14 distributed pursuant to ~~sections 33-150~~ and section 71-6228. Any
15 money in the fund available for investment shall be invested by the
16 state investment officer pursuant to the Nebraska Capital Expansion
17 Act and the Nebraska State Funds Investment Act.

18 Sec. 144. Section 71-1,334, Revised Statutes Supplement,
19 1998, is amended to read:

20 71-1,334. The Mental Health Practice Fund is hereby
21 created. The money in the fund shall be used by the department to
22 carry out the statutory and regulatory duties pertaining to mental
23 health practice.

24 The State Treasurer shall credit to the fund all
25 licensure and renewal fees for mental health practice and
26 certification and renewal fees for social work, professional
27 counseling, and marriage and family therapy remitted by the
1 department pursuant to section 71-162 except the amounts
2 distributed pursuant to ~~sections 33-150~~ and section 71-6228.

3 Any money in the fund available for investment shall be
4 invested by the state investment officer pursuant to the Nebraska
5 Capital Expansion Act and the Nebraska State Funds Investment
6 Act.";

7 b. On page 6, lines 11 and 12, strike "Department of
8 Health and Human Services Regulation and Licensure" and insert
9 "department";

10 c. On page 7, line 18, strike "In" and insert "On";

11 d. On page 18, lines 10 and 11, strike beginning with
12 "(4)" through "(6)", show the old matter as stricken, and insert
13 "(3) and (5)";

14 e. On page 41, lines 8 and 9, strike "of examiners" and
15 show as stricken;

16 f. On page 57, line 9, strike "interested", show as
17 stricken, and insert "appropriate"; and in line 24 strike
18 "examining" and show as stricken;

19 g. On page 186, line 17, strike "(1)", show as stricken,
20 and insert "(a)"; and in line 18 strike "(2)", show as stricken,
21 and insert "(b)" and strike "(3)", show as stricken, and insert
22 "(c)";

23 h. On page 137, line 11, insert "Reissue" after the last
24 comma; and in line 12 strike "Supplement, 1998" and insert "of
25 Nebraska";

26 i. On page 192, line 4, after "sections" insert "33-151,
27 33-152,"; and in line 18 after "71-1,147.02," insert

1 "71-1,147.10,";
 2 j. On page 193, line 4, strike "71-1,147.10." and after
 3 "71-1,154," insert "71-1,237, 71-1,243, 71-1,283, 71-1,288,
 4 71-1,334,"; and
 5 k. Renumber the remaining sections accordingly.
 6 3. On page 1, strike beginning with line 2 through the
 7 semicolon in line 6 and insert "33-151, 33-152, 44-2847, 59-1617,
 8 71-105, 71-107, 71-111, 71-112, 71-112.01, 71-112.03, 71-113,
 9 71-114, 71-115.01, 71-116, 71-117, 71-118, 71-119, 71-120, 71-122,
 10 71-123, 71-124, 71-124.01, 71-128, 71-129, 71-131, 71-132, 71-133,
 11 71-138, 71-139, 71-139.01, 71-140, 71-143, 71-144, 71-161.03,
 12 71-161.04, 71-161.07, 71-161.09, 71-161.13, 71-161.14, 71-161.15,
 13 71-161.19, 71-161.20, 71-168.01, 71-170, 71-171.01, 71-175,
 14 71-175.01, 71-176.01, 71-176.03, 71-179, 71-179.01, 71-180,
 15 71-183.01, 71-185, 71-185.01, 71-185.02, 71-186, 71-193.04,
 16 71-193.14, 71-193.18, 71-193.20, 71-193.22, 71-1,104, 71-1,104.06,
 17 71-1,105, 71-1,106, 71-1,107.01, 71-1,107.02, 71-1,107.04,
 18 71-1,107.05, 71-1,107.09, 71-1,107.10, 71-1,107.11, 71-1,107.13,
 19 71-1,107.14, 71-1,107.16, 71-1,107.25, 71-1,136.02, 71-1,136.03,
 20 71-1,136.09, 71-1,137, 71-1,139.01, 71-1,140, 71-1,144.01,
 21 71-1,144.04, 71-1,145, 71-1,146, 71-1,147.02, 71-1,147.10,
 22 71-1,147.11, 71-1,147.18, 71-1,147.19, 71-1,147.20, 71-1,147.21,
 23 71-1,147.22, 71-1,147.24, 71-1,147.25, 71-1,147.29, 71-1,147.30,
 24 71-1,147.31, 71-1,147.38, 71-1,152.01, 71-1,171, 71-1,186,
 25 71-1,191, 71-1,192, 71-1,206.02, 71-1,206.11, 71-1,227, 71-1,238,
 26 71-1,278, 71-1,281, 71-1,281.01, 71-1,286, 71-1,298, 71-1,335,
 27 71-1,337, 71-1301, 71-1305, 71-1333.01, 71-1731, 71-1735, 71-1736,
 1 71-1737, 71-1740, 71-1743, 71-1758, 71-2407, 71-2408, 71-2409,
 2 71-2413, 71-2416, 71-2803, 71-2804, 71-2807, 71-2809, 71-4715,
 3 71-6228, and 71-7405, Reissue Revised Statutes of Nebraska, and
 4 sections 28-407, 71-101, 71-108, 71-110, 71-121, 71-121.01, 71-141,
 5 71-155, 71-161.10, 71-162, 71-168, 71-171.02, 71-174.01, 71-1,103,
 6 71-1,135, 71-1,135.02, 71-1,135.03, 71-1,135.04, 71-1,136.01,
 7 71-1,139, 71-1,142, 71-1,147.45, 71-1,154, 71-1,237, 71-1,243,
 8 71-1,283, 71-1,288, 71-1,334, 71-1730, 71-2601, and 71-5403,
 9 Revised Statutes Supplement, 1998,"; and strike lines 14 and 15 and
 10 insert "to repeal the original sections; and to outright repeal
 11 sections 33-150, 71-1741, and 71-1742, Reissue Revised Statutes of
 12 Nebraska."

LEGISLATIVE BILL 571. Placed on Select File as amended.

(E & R amendment, AM7148, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Adrian M. Smith, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 43.

SELECT FILE

LEGISLATIVE BILL 382. The Chambers pending motion, found on page 2160, to reconsider the vote on FA158, was renewed.

Messrs. Baker, Brashear, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to reconsider failed with 0 ayes, 7 nays, 27 present and not voting, and 15 excused and not voting.

Mr. Chambers renewed his pending amendment, FA159, found on page 1804.

Mr. Chambers asked unanimous consent to replace his pending amendment, FA159, found on page 1804, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, FA159, found on page 1804.

Mr. Landis offered the following substitute amendment:
AM1830

(Amendments to AM1377)

- 1 1. On page 9, line 18, strike "a majority" and insert
- 2 "greater than fifty-one percent"; and in line 20 after "issuance"
- 3 insert "at a regular primary or general election".

Mr. Landis offered the following amendment to his amendment:
FA226

Amend AM1830

add "Statewide" before the word "Regular" in line 3

The Landis amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

The Landis amendment, AM1830, as amended, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Chambers asked unanimous consent to replace his pending amendment, FA160, found on page 1804, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, FA160, found on page 1804.

Mr. Landis offered the following substitute amendment:
AM1805

(Amendments to AM1377)

1 1. Strike section 2 and insert the following new
2 sections:

3 "Sec. 2. (1) The Legislature finds that it will be
4 beneficial to the economic well-being of the people of this state
5 that there be convention and meeting center facilities of
6 appropriate size and quality to host regional, national, or
7 international events. Regional refers to states that border
8 Nebraska; national refers to states other than those that border
9 Nebraska; and international refers to nations other than the United
10 States.

11 (2) The Legislature further finds that such facilities
12 may (a) generate new economic activity as well as additional state
13 and local taxes from persons residing within and outside the state
14 and (b) create new economic opportunities for residents.

15 (3) In order that the state may receive any long-term
16 economic and fiscal benefits from such facilities, a need exists to
17 provide some state financial assistance to political subdivisions
18 endeavoring to construct, acquire, substantially reconstruct,
19 expand, operate, improve, or equip such facilities.

20 (4) Therefor, it is deemed to be in the best interest of
21 both the state and its political subdivisions that the state assist
22 political subdivisions in financing the construction, acquisition,
23 substantial reconstruction, expansion, operation, improvement, or
1 equipping of such facilities.

2 (5) The amount of state financial assistance shall be
3 limited to a designated portion of new tax revenue attributed to
4 such facilities and defined events hosted at such facilities.

5 Sec. 23. Since an emergency exists, this act takes
6 effect when passed and approved according to law."

7 2. On page 2, line 17, after "Education" insert ". For
8 administrative and budget purposes only, the board shall be
9 considered part of the Department of Revenue".

10 3. On page 3, strike beginning with the first "or" in
11 line 2 through the first comma in line 3 and insert ", constructed,
12 improved, or equipped"; strike beginning with "by" in line 8
13 through "event" in line 9; and in line 24 after "subdivisions"
14 insert "which has statutory authority to issue general obligation
15 bonds".

16 4. On page 4, line 7, strike "or operated" and insert
17 "improved, or equipped"; in line 8 strike "and operate" and insert
18 "improve, or equip"; and in line 23 strike "finances" and insert
19 "financing".

20 5. On page 6, line 22, strike "majority vote" and insert
21 "the affirmative vote of a majority of the board".

22 6. On page 7, line 1, after "spending" insert "and
23 construction or employment at the eligible facility"; in line 2

24 strike "a lower economic multiplier" and insert "lower investment
 25 multipliers"; in line 6 after "shall" insert "annually"; in line 9
 26 strike "an out-of-state address" and insert "a location outside
 27 Nebraska"; in line 14 after "construction" insert ", improvement,
 1 or equipping"; and strike beginning with "out-of-state" in line 15
 2 through line 17 and insert "participants attending a new regional,
 3 national, or international event for which at least one-half of the
 4 participants were registered from a location outside Nebraska;
 5 and".

6 7. On page 8, line 12, after "or" insert "when"; and in
 7 line 23 after "facilities" insert "and appurtenant public
 8 facilities that are a part of the same project".

9 8. On page 10, line 19, strike "center" and insert
 10 "facility or area".

11 9. On page 11, strike beginning with the comma in line
 12 10 through "fund" in line 11.

13 10. On page 12, line 9, after "applicant's" insert
 14 "fiscal and economic capacity to finance the local share and".

MS. SCHIMEK PRESIDING

Mr. Chambers requested a division of the question on the Landis amendment.

The Chair sustained the division of the question.

The first Landis amendment is as follows:

FA227

(Amendments to AM1377)

1 1. Strike section 2 and insert the following new
 2 sections:

3 "Sec. 2. (1) The Legislature finds that it will be
 4 beneficial to the economic well-being of the people of this state
 5 that there be convention and meeting center facilities of
 6 appropriate size and quality to host regional, national, or
 7 international events. Regional refers to states that border
 8 Nebraska; national refers to states other than those that border
 9 Nebraska; and international refers to nations other than the United
 10 States.

11 (2) The Legislature further finds that such facilities
 12 may (a) generate new economic activity as well as additional state
 13 and local taxes from persons residing within and outside the state
 14 and (b) create new economic opportunities for residents.

15 (3) In order that the state may receive any long-term
 16 economic and fiscal benefits from such facilities, a need exists to
 17 provide some state financial assistance to political subdivisions
 18 endeavoring to construct, acquire, substantially reconstruct,
 19 expand, operate, improve, or equip such facilities.

20 (4) Therefor, it is deemed to be in the best interest of
 21 both the state and its political subdivisions that the state assist

22 political subdivisions in financing the construction, acquisition,
23 substantial reconstruction, expansion, operation, improvement, or
1 equipping of such facilities.

2 (5) The amount of state financial assistance shall be
3 limited to a designated portion of new tax revenue attributed to
4 such facilities and defined events hosted at such facilities.

5 Sec. 23. Since an emergency exists, this act takes
6 effect when passed and approved according to law."

7 2. On page 2, line 17, after "Education" insert ". For
8 administrative and budget purposes only, the board shall be
9 considered part of the Department of Revenue".

10 3. On page 3, strike beginning with the first "or" in
11 line 2 through the first comma in line 3 and insert ", constructed,
12 improved, or equipped"; strike beginning with "by" in line 8
13 through "event" in line 9; and in line 24 after "subdivisions"
14 insert "which has statutory authority to issue general obligation
15 bonds".

16 4. On page 4, line 7, strike "or operated" and insert
17 "improved, or equipped"; in line 8 strike "and operate" and insert
18 "improve, or equip"; and in line 23 strike "finances" and insert
19 "financing".

22 6. On page 7, line 1, after "spending" insert "and
23 construction or employment at the eligible facility"; in line 2
24 strike "a lower economic multiplier" and insert "lower investment
25 multipliers"; in line 6 after "shall" insert "annually"; in line 9
26 strike "an out-of-state address" and insert "a location outside
27 Nebraska"; in line 14 after "construction" insert ", improvement,
1 or equipping"; and strike beginning with "out-of-state" in line 15
2 through line 17 and insert "participants attending a new regional,
3 national, or international event for which at least one-half of the
4 participants were registered from a location outside Nebraska;
5 and".

6 7. On page 8, line 12, after "or" insert "when"; and in
7 line 23 after "facilities" insert "and appurtenant public
8 facilities that are a part of the same project".

9 8. On page 10, line 19, strike "center" and insert
10 "facility or area".

11 9. On page 11, strike beginning with the comma in line
12 10 through "fund" in line 11.

13 10. On page 12, line 9, after "applicant's" insert
14 "fiscal and economic capacity to finance the local share and".

Mr. Raikes offered the following amendment to the first Landis amendment:
FA230

Amend AM1805

1. On page 2, line 13, after the semicolon insert "in line 13, after "which"
insert "at least."

The Raikes amendment was adopted with 28 ayes, 0 nays, 17 present and not

voting, and 4 excused and not voting.

The first Landis amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The second Landis amendment is as follows:

FA228

20 5. On page 6, line 22, strike "majority vote" and insert
21 "the affirmative vote of a majority of the board".

Mr. Chambers offered the following amendment to the second Landis amendment:

FA229

Amend FA228 by striking lines 20-21 and inserting:

On page 6, strike language in line 22 and insert, "(4) A majority of the board members constitutes a quorum for the purpose of conducting business. All actions of the board shall be by a majority vote of all the board members, one of whom must be the Governor."

The Chambers amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The second Landis amendment, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Chambers withdrew his amendments, FA161 through FA167, FA132, FA143, FA134, FA144, FA145, FA146, FA168 through FA177, found on pages 1804, 1805, 1764, 1765, and 1822.

Mr. Landis withdrew his amendment, AM1587, found on page 1805.

Mr. Lynch withdrew his amendment, FA153, found on page 1764.

Mr. Chambers offered the following amendment:

FA232

Amend AM1377

P. 2, line 8, after "means" insert "new"; in line 16, after "term" add "on the board".

The Chambers amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Raikes offered the following amendment:

AM1843

(Amendments to AM1377)

1 1. On page 7, line 20, after "Upon" insert "the annual";

2 and in line 21 after "transfer" insert "after the audit".

The Raikes amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Lynch moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Baker	Coordsen	Janssen	Matzke	Robak
Beutler	Crosby	Jensen	Pedersen, Dw.	Schrock
Bohlke	Cudaback	Kiel	Pederson, D.	Smith
Bourne	Dierks	Kremer	Preister	Stuhr
Bromm	Engel	Kristensen	Price	Suttle
Bruning	Hartnett	Landis	Quandahl	Thompson
Byars	Hilgert	Lynch	Redfield	Wehrbein
Connealy	Hudkins			

Voting in the negative, 5:

Chambers	Jones	Raikes	Tyson	Wickersham
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Present and not voting, 5:

Brown	Dickey	Schimek	Schmitt	Vrtiska
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Excused and not voting, 2:

Brashear Peterson, C.

Advanced to E & R for engrossment with 37 ayes, 5 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 119A.

Correctly Engrossed

The following bills were correctly engrossed: LBs 240 and 605.

Enrollment and Review Change to LB 240

The following changes, required to be reported for publication in the Journal, have been made:

ER9092

1. In the E & R amendments, AM7145, on page 5, line 25, "43-1305," has been inserted after the second comma; and in line 27 "after the semicolon insert 'to harmonize provisions;' and" has been inserted after "5".

Enrollment and Review Change to LB 605

The following changes, required to be reported for publication in the Journal, have been made:

ER9091

1. In the Stuhr et al. amendment, AM1380:

a. Section 1 and all amendments thereto have been struck and the following new sections inserted:

"Section 1. Section 66-1344, Reissue Revised Statutes of Nebraska, is amended to read:

66-1344. (1) ~~Each producer of ethanol shall receive a credit pursuant to this section of twenty cents per gallon of ethanol produced in Nebraska, which credit shall be in the form of a nonrefundable transferable motor vehicle fuel tax credit certificate. After July 1, 1994, no such credit shall be given for ethanol produced at an ethanol facility which was in production on or before January 1, 1992, unless on or before July 1, 1994, the name plate design capacity for the production of ethanol, before denaturing, at the facility has been expanded to equal at least two times the name plate design capacity for production of ethanol, before denaturing, existing at the facility as of January 1, 1992.~~

(2) ~~Any ethanol facility which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1992, shall receive a credit of twenty cents per gallon of ethanol produced beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 1997.~~

(3) ~~Any ethanol facility which is not in production on or before December 31, 1992, but which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1995, shall receive a credit of twenty cents per gallon of ethanol produced for sixty months beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 2000, if the ethanol facility maintains an average production rate of at least twenty-five percent of its name plate design capacity for at least six months after the first month for which it is eligible to receive such credit.~~

(2) (4) ~~Any ethanol facility eligible for a credit under subsection (1); (2); or (3) of this section shall also receive a credit of twenty cents per gallon of ethanol produced in excess of the original name plate design capacity which results from expansion of the facility completed on or~~

before December 31, 1995. Such credit shall be for sixty months beginning with the first month for which production from the expanded facility is eligible to receive such credit and ending not later than December 31, 2000.

(3) Beginning June 1, 2000, during such period as funds remain in the Ethanol Production Incentive Cash Fund, any ethanol facility shall receive a credit of seven and one-half cents per gallon of ethanol, before denaturing, for new production for a period not to exceed thirty-six consecutive months. For purposes of this subsection, new production means production which results from a new facility, a facility which has not received credits prior to June 1, 1999, or the expansion of an existing facility's capacity by at least two million gallons first placed into service after June 1, 1999, as certified by the facility's design engineer to the Department of Revenue. For expansion of an existing facility's capacity, new production means production in excess of the average of the highest three months of ethanol production at an ethanol facility during the twenty-four-month period immediately preceding certification of the facility by the design engineer. No credits shall be allowed under this subsection for expansion of an existing facility's capacity until production is in excess of twelve times the three-month average amount determined under this subsection during any twelve-consecutive-month period beginning no sooner than June 1, 2000. New production shall be approved by the Department of Revenue based on such ethanol production records as may be necessary to reasonably determine new production. Ethanol production eligible for credits under this subsection shall be measured by a device approved by the Division of Weights and Measures of the Department of Agriculture. Confirmation of approval by the division shall be provided by the ethanol facility at the time the initial claim for credits provided under this subsection is submitted to the Department of Revenue. This credit must be earned on or before December 31, 2003.

(4) The credits described in this section ~~(5)~~ The credit shall be given only for ethanol produced at a plant in Nebraska at which all fermentation, distillation, and dehydration takes place. No credit shall be given on ethanol produced for or sold for use in the production of distilled spirits. Not less than two million gallons and not more than twenty-five million gallons of ethanol produced annually at an ethanol facility shall be eligible for the ~~credit~~ credits in subsections (1) and (2) of this section, and the ~~credit~~ credits may only be claimed by a producer for the period periods specified in subsections (1) and (2) ~~subsection (2); (3); or (4)~~ of this section. Not more than ten million gallons of ethanol produced during any twelve-consecutive-month period at an ethanol facility shall be eligible for the credit described in subsection (3) of this section, and the credit may only be claimed by a producer for the periods specified in subsection (3) of this section. Not more than one hundred twenty-five million gallons of ethanol produced at an ethanol facility by the end of the sixty-month period set forth in subsection (1) or (2) ~~(3) or (4)~~ of this section shall be eligible for the credit under such subsection. An ethanol facility which receives a credit for ethanol produced under subsection (1) or (2) of this section shall not receive a credit under subsection (3) of this section until its

eligibility to receive a credit under subsection (1) or (2) has been completed. During any fiscal year, if the amount of money in the fund is not sufficient to pay all the credits applied for under this section during such year, each applicant shall receive a proportionate share of the amount in the fund equal to the portion derived by dividing the amount in the fund by the aggregate number of gallons eligible for the credit for all applicants. The credits described in this section shall be in the form of a nonrefundable, transferable motor vehicle fuel tax credit certificate, subsection; in addition to the ethanol entitled to credit under subsection (1) or (2) of this section.

~~(5)~~ ~~(6)~~ The Department of Revenue shall prescribe an application form and procedures for claiming the credit and shall adopt and promulgate rules and regulations to carry out credits under this section.

~~(6)~~ ~~(7)~~ For purposes of ascertaining the correctness of any application for claiming the a credit provided in this section, the Tax Commissioner (a) may examine or cause to have examined, by any agent or representative designated by him or her for that purpose, any books, papers, records, or memoranda bearing upon such matters, (b) may by summons require the attendance of the person responsible for rendering the application or other document or any officer or employee of such person or the attendance of any other person having knowledge in the premises, and (c) may take testimony and require proof material for his or her information, with power to administer oaths or affirmations to such person or persons. The time and place of examination pursuant to this subsection shall be such time and place as may be fixed by the Tax Commissioner and as are reasonable under the circumstances. In the case of a summons, the date fixed for appearance before the Tax Commissioner shall not be less than twenty days from the time of service of the summons. No taxpayer shall be subjected to unreasonable or unnecessary examinations or investigations. All records obtained pursuant to this subsection shall be subject to the confidentiality requirements and exceptions thereto as provided in section 77-27,119.

Sec. 4. Section 66-1345.02, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345.02. (1) The first purchaser, at the time of sale or delivery, shall retain the excise tax as provided in section 66-1345.01 and shall maintain the necessary records of the excise tax for each sale or delivery of corn or grain sorghum. Records maintained by the first purchaser shall provide (a) the name and address of the seller or deliverer, (b) the date of the sale or delivery, (c) the number of bushels of corn or hundredweight of grain sorghum sold or delivered, and (d) the amount of excise tax retained on each sale or delivery. The records shall be open for inspection and audit by authorized representatives of the Department of Agriculture during normal business hours observed by the first purchaser.

(2) The first purchaser shall render and have on file with the department by the last day of each January, April, July, and October on forms prescribed by the department a statement of the number of bushels of corn and hundredweight of grain sorghum sold or delivered in Nebraska. At the time the statement is filed, the first purchaser shall pay and remit to the

department the excise tax.

(3) The department shall remit the excise tax collected to the State Treasurer for credit to the Ethanol Production Incentive Cash Fund within thirty days after the end of each quarter.

(4) For each fiscal year beginning with fiscal year 1995-96 through fiscal year 2000-01, the department shall calculate its costs in collecting and enforcing the excise tax imposed by section 66-1345.01 and shall report such costs to the Department of Administrative Services within thirty days after the end of the fiscal year. Sufficient funds to cover such costs shall be transferred from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund at the end of each calendar ~~quarter~~ month. Funds shall be transferred upon the receipt of a report of costs incurred by the Department of Agriculture for the previous calendar ~~quarter~~ month by the Department of Administrative Services.";

b. On page 10, line 18, "66-1345.01" has been struck and "66-1345.02" inserted; and

c. The remaining sections have been renumbered accordingly.

2. In the E & R amendment, AM7129, on page 1, line 15, "66-1345.01" has been struck and "66-1345.02 and 66-1345.04" inserted; and lines 19 and 20 have been struck and "sorghum; to eliminate provisions relating to written agreements and powers and duties of the board and department; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 66-1343 and 66-1347, Reissue Revised Statutes of Nebraska." inserted.

(Signed) Adrian M. Smith, Chairperson

AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 865:
AM1815

(Amendments to Standing Committee amendments, AM1566)

- 1 1. Insert the following new sections:
- 2 "Sec. 6. Section 83-183, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 83-183. (1) To establish good habits of work and
- 5 responsibility, to foster vocational training, and to reduce the
- 6 cost of operating the facilities, persons committed to the
- 7 department shall be employed, eight hours per day, so far as
- 8 possible in constructive and diversified activities in the
- 9 production of goods, services, and foodstuffs to maintain the
- 10 facilities, for state use, and for other purposes authorized by
- 11 law. To accomplish these purposes, the director may establish and
- 12 maintain industries and farms in appropriate facilities and may
- 13 enter into arrangements with any other department or agency of the
- 14 state, any political subdivision, or any nonprofit corporation for
- 15 the employment of persons committed to the department for state or
- 16 governmental purposes.

17 (2) The director shall make rules and regulations
18 governing the hours, conditions of labor, and the rates of
19 compensation of persons committed to the department. In
20 determining the rates of compensation, such regulations may take
21 into consideration the quantity and quality of the work performed
22 by such person, whether or not such work was performed during
23 regular working hours, the skill required for its performance, and
1 the economic value of similar work outside of correctional
2 facilities.

3 (3) Except as provided in section 83-183.01, wage
4 payments to a person committed to the department shall be set aside
5 by the chief executive officer of the facility in a separate fund.
6 The fund shall enable such person committed to the department to
7 contribute to the support of his or her dependents, if any, to make
8 necessary purchases from the commissary, and to set aside sums to
9 be paid to him or her at the time of his or her release from the
10 facility.

11 (4) The director may authorize the chief executive
12 officer to invest the earnings of a person committed to the
13 department. Any accrued interest thereon shall be credited to such
14 person's fund.

15 (5) The director may authorize the chief executive
16 officer to reimburse the state from the wage fund of a person
17 committed to the department for:

18 (a) The actual value of property belonging to the state
19 or any other person intentionally or recklessly destroyed by such
20 person committed to the department during his or her commitment;

21 (b) The actual value of the damage or loss incurred as a
22 result of unauthorized use of property belonging to the state or
23 any other person by such person committed to the department;

24 (c) The actual cost to the state for injuries or other
25 damages caused by intentional acts of such person committed to the
26 department; and

27 (d) The reasonable costs incurred in returning such
1 person committed to the department to the facility to which he or
2 she is committed in the event of his or her escape.

3 (6) No person committed to the department shall be
4 required to engage in excessive labor, and no such person shall be
5 required to perform any work for which he or she is declared unfit
6 by a physician designated by the director.

7 (7) The director may authorize that a portion of the
8 earnings of a person committed to the department be retained by
9 that person for personal use.

10 Sec. 7. Original section 83-183, Reissue Revised
11 Statutes of Nebraska, is repealed."

12 2. Renumber the remaining section accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 216, 594A, and 835A.

Correctly Engrossed

The following bills were correctly engrossed: LBs 76A, 127, 538, and 683.

Enrollment and Review Change to LB 538

The following changes, required to be reported for publication in the Journal, have been made:

ER9093

1. On page 1, line 4, "contributing members," has been inserted after the second comma; and in line 6 "and" has been struck and "; and to declare an emergency" has been inserted after "sections".

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 355. E & R amendment, AM7140, found on page 1836, was adopted.

Mr. Tyson offered the following amendment:

AM1823

(Amendments to Standing Committee amendments, AM1291)

- 1 1. Insert the following new sections:
- 2 "Sec. 6. Section 44-4233, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-4233. (1) Any member subject to premium and related
- 5 retaliatory tax liability imposed by section 44-150 or 77-908 may
- 6 offset assessments paid to the pool by such member against its tax
- 7 liability in the year of payment or subsequent years. For tax
- 8 years commencing on or after January 1, 1992, the member may offset
- 9 such paid assessments against (a) subsequent premium tax
- 10 prepayments imposed by section 77-918, (b) subsequent premium tax
- 11 payments imposed by section 77-908, and (c) related retaliatory tax
- 12 liability imposed by section 44-150. Prior to January 1, ~~2000~~
- 13 2002, no individual member shall be subject to any liability of the
- 14 pool in excess of its premium and related retaliatory tax liability

15 which may be offset under this section.

16 (2) Commencing with assessments imposed or paid in 1991
17 and for all subsequent years prior to January 1, ~~2000~~ 2002,
18 whenever it reasonably appears to the satisfaction of the board
19 that a member has during a calendar year paid assessments that
20 exceed that member's premium and related retaliatory tax liability
21 for that calendar year, the board shall, upon request from such
22 member, order the refund to that member of the amount of the
23 assessment that exceeded that member's premium and related
1 retaliatory tax liability. A member's request for a refund shall
2 be filed with the board not later than thirty days after the due
3 date of the member's premium tax return filed with the department.
4 If the refund is not made by the board within thirty days after
5 receipt of the refund request, the member may within thirty days
6 thereafter initiate a suit in district court for the amount
7 claimed. The suit shall be heard by the district court de novo.
8 In the event that an assessment against a member is limited by
9 reason of that member's premium and related retaliatory tax
10 liability, the amount by which the assessment is limited may be
11 assessed against the other members in a manner consistent with the
12 basis for assessments specified in subsection (3) of section
13 44-4225.

14 Sec. 8. Original section 44-4233, Reissue Revised
15 Statutes of Nebraska, is repealed."

16 2. Underscore sections 1 to 5 of this act.

17 3. Renumber the remaining section accordingly.

The Tyson amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 870. E & R amendment, AM7143, printed separately and referred to on page 1937, was adopted.

Mr. Dierks renewed his pending amendment, AM1730, found on page 2059.

Messrs. Bruning and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the Dierks amendment:
FA233

Amend AM1730

On line 24, page 2 add at the end of the sentence the following new language.
"The department of agriculture shall regulate the composting of livestock carcasses and shall effectuate rules and regulations governing the same by March 1, 2000, which rules and regulations may incorporate or may modify the operating procedures set forth above"

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Dierks amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Schrock offered the following amendment:
AM1816

(Amendments to E & R amendments, AM7143)

- 1 1. On page 4, strike beginning with "Compliant" in line
- 2 12 through "(4)" in line 21; in line 26 strike "(5)" and insert
- 3 "(4)"; and in line 27 strike "(6)" and insert "(5)".
- 4 2. On page 5, line 2, strike "(7)" and insert "(6)"; in
- 5 line 6 strike "(8)" and insert "(7)"; in line 9 strike "(9)" and
- 6 insert "(8)"; in line 16 strike "(10)" and insert "(9)"; and in
- 7 line 25 strike "(11)" and insert "(10)".
- 8 3. On page 6, line 5, strike "(12)" and insert "(11)";
- 9 in line 8 strike "(13)" and insert "(12)"; in line 10 strike "(14)"
- 10 and insert "(13)"; and in line 13 strike "(15)" and insert "(14)".
- 11 4. On page 7, strike beginning with "Permitting" in line
- 12 20 through "(a)" in line 22; in line 25 strike "(i)" and insert
- 13 "(a)"; and in line 26 strike "(ii)" and insert "(b)".
- 14 5. On page 8, line 1, strike "(iii)" and insert "(c)";
- 15 strike lines 3 through 5 and insert
- 16 "(d) Has adequate capacity; and
- 17 (e) Has adequate area for disposal of waste.
- 18 (3) An existing livestock waste control facility"; and
- 19 strike lines 14 through 25 and insert
- 20 "(4) The department shall not issue a permit for an
- 21 existing livestock waste control facility which is located within
- 22 one hundred feet of a water well if the water well is under
- 23 separate ownership and water from the well is used primarily for
- 1 human consumption."
- 2 6. On page 11, strike beginning with "A" in line 2
- 3 through the period in line 5, show the old matter as stricken, and
- 4 insert "A permit issued under section 54-2404 shall be valid as
- 5 long as the livestock operation continues to operate. Any
- 6 livestock waste control facility meeting the requirements of
- 7 subsection (1), (2), or (3) of section 54-2403 may continue to
- 8 operate as long as such requirements are met."; and in lines 17
- 9 through 19 strike the new matter and insert "person holding a
- 10 permit for a livestock waste control facility issued under section
- 11 54-2404 or any person owning a livestock waste control facility
- 12 meeting the requirements of subsection (2) or (3) of section
- 13 54-2403".

Mr. Beutler offered the following amendment to the Schrock amendment:
FA234

(Amendments to AM1816)

- 1 1. On page 1, line 16, strike "and"; and in line 17
- 2 after "waste" insert "; and
- 3 (f) Was constructed in a manner and with materials
- 4 reasonably likely to prevent a discharge into the waters of the
- 5 state".

Messrs. Hartnett, Bourne, D. Pederson, Janssen, Lynch, and Matzke asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Pending.

AMENDMENTS - Print in Journal

Mr. Hilgert filed the following amendment to LB 176:
AM1693

(Amendments to E & R amendments, AM7144)

- 1 1. On page 5, strike beginning with "A" in line 13
- 2 through "(2)" in line 18; and in line 24 strike "(3)" and insert
- 3 "(2)".

Mr. Connealy filed the following amendment to LB 176:
AM1750

(Amendments to E & R amendments, AM7144)

- 1 1. Insert the following new sections:
- 2 "Sec. 28. Section 81-15,161.01, Revised Statutes
- 3 Supplement, 1998, is amended to read:
- 4 81-15,161.01. (1) The Scrap Tire Reduction and Recycling
- 5 Incentive Fund is created. The fund shall be administered by the
- 6 department. The fund shall consist of the proceeds from the fees
- 7 imposed pursuant to section 81-15,162.01 and, before July 1, ~~1999~~
- 8 2002, proceeds from the fees imposed pursuant to section 81-15,162.
- 9 The department may receive gifts, bequests, and any other
- 10 contributions for credit to the fund. Any money in the fund
- 11 available for investment shall be invested by the state investment
- 12 officer pursuant to the Nebraska Capital Expansion Act and the
- 13 Nebraska State Funds Investment Act.
- 14 (2) Money in the fund may be used for the development of
- 15 a statewide program to facilitate the elimination of health and
- 16 safety hazards caused by scrap tires and collection sites,
- 17 including, but not limited to: Collection site abatement; the
- 18 collection, management, and cleanup of scrap tires; regulation of
- 19 permitted tire processors, tire collectors, collection sites, and
- 20 tire haulers; research and studies to determine the technical and
- 21 economic feasibility of uses of tire-derived products and to
- 22 promote the production of such products; market development of
- 23 tire-derived products, including planning and technical assistance;
- 1 public education on scrap tire management; and grants to achieve

2 these goals. It is not the intent of the Legislature that the
3 state bear the responsibility to achieve these goals, but it is the
4 intent of the Legislature that the state provide assistance,
5 financial and otherwise, to political subdivisions and other
6 entities, public, private, and nonprofit, to enable them to achieve
7 these goals.

8 Sec. 30. Section 81-15,162.02, Revised Statutes
9 Supplement, 1998, is amended to read:

10 81-15,162.02. (1) The department shall deduct and
11 withhold from the Scrap Tire Reduction and Recycling Incentive Fund
12 an amount sufficient to reimburse itself for its costs of
13 administration of the fund.

14 (2) The department may disburse (a) to any person up to
15 one hundred percent of costs incurred in cleaning up collection
16 sites existing on June 11, 1997, if such cleanup is complete no
17 later than June 1, ~~1999~~ 2000, or (b) to a political subdivision up
18 to one hundred percent of costs incurred in cleaning up collection
19 sites existing on June 11, 1997, or created on or after such date
20 if such cleanup is complete no later than June 1, ~~1999~~ 2000.

21 (3) Other eligible categories of disbursement which may
22 be made from the fund to any person who applies to the department
23 under subsection (4) of this section are:

24 (a) Studies to determine economic and technical
25 feasibility of uses of scrap tire or tire-derived scrap tire
26 product, with disbursements of up to one hundred percent of the
27 cost of the study, depending on factors set out in subsection (4)
1 of this section;

2 (b) Reimbursement for the purchase of tire-derived
3 products which utilize a minimum of twenty-five percent recycled
4 tire content, with disbursements not exceeding twenty-five percent
5 of the product's retail cost;

6 (c) Participation in the capital costs of buildings,
7 equipment, and other capital improvement needs or startup costs for
8 scrap tire processing or manufacturing of tire-derived products,
9 with disbursements not exceeding fifty percent of the costs or five
10 hundred thousand dollars, whichever is less;

11 (d) Participation in the capital costs of equipment,
12 buildings, or other startup costs needed to establish collection
13 sites or to collect and transport scrap tires, with disbursements
14 not exceeding fifty percent of such costs;

15 (e) Cost-sharing for the manufacturing of tire-derived
16 products, with disbursements not exceeding twenty dollars per ton
17 or two hundred fifty thousand dollars, whichever is less, to any
18 person annually;

19 (f) Cost-sharing for the processing of scrap tires, with
20 disbursements not exceeding twenty dollars per ton or two hundred
21 fifty thousand dollars, whichever is less, to any person annually;
22 and

23 (g) Cost-sharing for the use of scrap tires for civil

24 engineering applications for specified projects, with disbursements
25 not exceeding twenty dollars per ton or two hundred fifty thousand
26 dollars, whichever is less, to any person annually.

27 (4) The department shall develop an application form to
1 be used by applicants for disbursement for cleanup costs as
2 described in subsection (2) of this section or for disbursement of
3 funds under subsection (3) of this section. The department shall
4 prepare and distribute a schedule of eligible activities,
5 conditions of funding, and application procedures, including any
6 matching requirements, for disbursements made under this section.
7 Decisions by the director on recipients of funding shall be made in
8 a manner which furthers the purposes of recycling and reducing the
9 number of scrap tires in Nebraska. In order to further the
10 purposes of section 81-15,159.01, the director shall give
11 preference to projects which utilize scrap tires generated in
12 Nebraska.

13 (5) The director may deny any application which he or she
14 determines (a) is not in conformance with this section, (b) does
15 not reflect reasonable costs for the type of project proposed, (c)
16 contains inaccurate, incomplete, or misleading information in the
17 application, or (d) would require the expenditure of funds beyond
18 the fund's unobligated balance or any other reason which the
19 director determines is necessary to properly administer this
20 section.

21 No disbursements may be made under this section for scrap
22 tire processing related to tire-derived fuel. The director may
23 provide partial funding to any applicant for any of the reasons set
24 out in this subsection.

25 (6) All disbursements made under this section shall be
26 formalized by a written agreement between the department and all
27 recipients of the disbursement. The agreement may include, but
1 need not be limited to, the following conditions designed to
2 protect the fund and ensure completion of the project: (a)
3 Mechanics of funding disbursement; (b) any bidding requirements;
4 (c) completion timelines for any deliverables; (d) record-keeping
5 and reporting requirements; (e) security interest and insurance
6 requirements on equipment; (f) forfeiture and repayment of funds;
7 and (g) other conditions necessary or desirable to carry out this
8 section."

9 2. On page 18, lines 23 and 27, strike "June 30, 1999",
10 show as stricken, and insert "December 1, 2001".

11 3. On page 19, lines 11 and 12 and 20, strike "section
12 81-15,160" and insert "sections 81-15,160, 81-15,161.01, and
13 81-15,162.02"; and in line 23 after "Act" insert "and the Scrap
14 Tire Reduction and Recycling Incentive Fund".

Mr. Beutler filed the following amendment to LB 870:
FA235
Amend AM1816

On line 17, page 1 at the end of the sentence add the words "at agronomic rates".

Mr. Preister filed the following amendment to LB 870:
AM1845

(Amendments to E & R amendments, AM7143)

1 1. On page 17, line 8, after the period insert "Once the
2 department has determined an application for a class III or class
3 IV livestock waste control facility is complete, the department
4 shall issue a notice soliciting information on the application and
5 providing an opportunity for any interested person, within two
6 weeks after the publication of the notice, to request a hearing
7 under subsection (5) of this section. The notice shall be
8 published in a daily or weekly newspaper or other publication with
9 general circulation in the area of the proposed livestock waste
10 control facility and a copy provided to the applicant."; and strike
11 lines 9 through 27 and show the old matter as stricken.

12 2. On page 18, lines 1 and 2, strike the new matter and
13 insert:

14 "(5) If a hearing is requested under subsection (4) of
15 this section, the department shall hold a hearing in the area of
16 the proposed livestock waste control facility, not sooner than
17 thirty days after publication of the initial publication of notice.
18 The department shall provide a minimum of fourteen additional days
19 after a public hearing for submission of written comments to the
20 department. Notice of the hearing shall be published in a daily or
21 weekly newspaper with general circulation in the area of the
22 proposed livestock waste control facility. Receipt of a request
23 for a hearing under subsection (4) of this section shall toll the
1 time period established in such subsection. Upon completion of the
2 public hearing, the department shall have sixty days within which
3 to transmit its written findings, conclusions, and reasons for
4 approval or disapproval to the applicant and any interested person
5 who has requested receipt of the final decision of the department.
6 An appeal may be taken from any final decision of the director, and
7 the appeal shall be in accordance with the Administrative Procedure
8 Act". ...

Mrs. Bohlke filed the following amendment to LB 870:
AM1849

(Amendments to E & R amendments, AM7143)

1 1. On page 17, line 18, after the period insert "Upon
2 request of a resident of a county where a class III or class IV
3 livestock waste control facility proposes to be located, the
4 department shall hold a public hearing on the permit application,
5 after proper notice, if such county has not adopted either zoning
6 or interim zoning. The hearing must be held prior to a
7 construction permit for such facility being issued by the
8 department.".

Mr. Wickersham and Ms. Schimek filed the following amendment to LB 881:
AM1850

(Amendments to Standing Committee amendments, AM1744)

1 1. Insert the following new section:

2 "Sec. 7. Section 77-1701, Reissue Revised Statutes of
3 Nebraska, as amended by section 31, Legislative Bill 194,
4 Ninety-sixth Legislature, First Session, 1999, is amended to read:
5 77-1701. (1) The county treasurer shall be ex officio
6 county collector of all taxes levied within the county. The county
7 board shall direct that a statement of the amount of taxes due and
8 a notice that special assessments are due be mailed or otherwise
9 delivered to the last-known address of the person, firm,
10 association, or corporation against whom such taxes or special
11 assessments are assessed or to the lending institution or other
12 party responsible for paying such taxes or special assessments.
13 Such statement shall clearly indicate, for each political
14 subdivision, the levy rate and the amount of taxes due as the
15 result of principal or interest payments on bonds issued by the
16 political subdivision and shall show such rate and amount separate
17 from any other levy. When taxes are delinquent for a prior year,
18 the county treasurer shall indicate this information on the current
19 year tax statement in bold letters. The information provided shall
20 inform the taxpayer that delinquent taxes and interest are due for
21 the prior year or years and shall indicate the specific year or
22 years for which such taxes and interest remain unpaid. The
23 language shall read "Back Taxes and Interest Due For", followed by
1 numbers to indicate each year for which back taxes and interest are
2 due. When taxes are delinquent for a prior year, the county
3 treasurer shall indicate this information on such tax statement in
4 a clearly defined space or in a separate notice. The separate
5 notice shall be on a colored piece of paper and may be enclosed
6 with the tax statement. The separate notice or information on such
7 tax statement shall read: "ATTENTION: Taxes for a prior year are
8 delinquent. Interest is accruing. Please contact the county
9 treasurer's office immediately." Failure to receive such statement
10 or notice shall not relieve the taxpayer from any liability to pay
11 such taxes or special assessments and any interest or penalties
12 accrued thereon. In any county in which a city of the metropolitan
13 class is located, all statements of taxes shall also include notice
14 that special assessments for cutting weeds, removing litter, and
15 demolishing buildings are due.

16 (2) Notice that special assessments are due shall not be
17 required for special assessments levied by sanitary and improvement
18 districts organized under Chapter 31, article 7, except that such
19 notice may be provided by the county at the discretion of the
20 county board or by the sanitary and improvement district with the
21 approval of the county board.

22 (3) A statement of the amount of taxes due and a notice
23 that special assessments are due shall not be required to be mailed

24 or otherwise delivered pursuant to subsection (1) of this section
25 if the total amount of the taxes and special assessments due is
26 less than two dollars. Failure to receive the statement or notice
27 shall not relieve the taxpayer from any liability to pay the taxes
1 or special assessments but shall relieve the taxpayer from any
2 liability for interest or penalties. Taxes and special assessments
3 of less than two dollars shall be added to the amount of taxes and
4 special assessments due in subsequent years and shall not be
5 considered delinquent until the total amount is two dollars or
6 more."

7 2. On page 5, line 22, strike "9" and insert "10".

8 3. On page 9, line 9, strike "and"; and in line 10 after
9 the last comma insert "and section 77-1701, Reissue Revised
10 Statutes of Nebraska, as amended by section 31, Legislative Bill
11 194, Ninety-sixth Legislature, First Session, 1999,".

12 4. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 881A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 881, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

VISITORS

Visitors to the Chamber were 65 fourth grade students and teachers from Holling Heights Elementary School, Omaha; 25 seventh and eighth grade students and teacher from Hildreth Public Schools; and Rebecca Salmon from Aurora and Deborah Howard from Oregon.

ADJOURNMENT

At 5:45 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, May 18, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-THIRD DAY – MAY 18, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 18, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Albert L. Winseman, St. Mark's United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. C. Peterson who was excused; and Mmes. Bohlke, Kiel, Messrs. Bromm, Dickey, Hilgert, Jensen, Landis, Lynch, Matzke, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 105 and LR 127 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 105 and 127.

GENERAL FILE

LEGISLATIVE BILL 556A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 822. With Emergency.

A BILL FOR AN ACT relating to land use; to amend sections 23-114.03, 23-114.05, 54-2401, and 54-2404, Reissue Revised Statutes of Nebraska, and section 23-114, Revised Statutes Supplement, 1998; to provide for temporary zoning regulations as prescribed; to prohibit livestock waste control facilities in certain watersheds; to provide exceptions; to provide powers and duties; to state intent; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Baker	Connealy	Janssen	Preister	Smith
Beutler	Coordsen	Jones	Price	Stuhr
Bohlke	Crosby	Kiel	Quandahl	Suttle
Bourne	Cudaback	Kremer	Raikes	Thompson
Bromm	Dickey	Kristensen	Redfield	Tyson
Brown	Dierks	Matzke	Robak	Vrtiska
Bruning	Engel	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hartnett	Pederson, D.	Schrock	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Present and not voting, 1:

Schmitt

Excused and not voting, 6:

Brashear	Jensen	Landis	Lynch	Peterson, C.
Hilgert				

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 87A.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4104, Reissue Revised Statutes of Nebraska; to change provisions relating to applications for incentives; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Baker	Crosby	Jones	Preister	Smith
Beutler	Cudaback	Kiel	Price	Stuhr
Bohlke	Dickey	Kremer	Quandahl	Suttle
Bourne	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Lynch	Redfield	Tyson
Bruning	Hartnett	Matzke	Robak	Vrtiska
Byars	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Connealy	Janssen	Pederson, D.	Schrock	Wickersham
Coordsen				

Voting in the negative, 0.

Present and not voting, 3:

Brown	Chambers	Schmitt
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Excused and not voting, 5:

Brashear	Hilgert	Jensen	Landis	Peterson, C.
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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 267 with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 267. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.01, 53-103, 53-116, 53-116.02, 53-117, 53-122, 53-129, 53-131, 53-132 to 53-134, 53-134.03, 53-177, 53-180.06, 53-1,104, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska; to change

provisions relating to issuance of liquor licenses; to permit certain sales of alcoholic liquor on college and university campuses as prescribed; to change duties of retail licensees; to provide penalties; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Baker	Coordsen	Jones	Preister	Schrock
Beutler	Cudaback	Kiel	Price	Smith
Bohlke	Dickey	Kremer	Quandahl	Stuhr
Bourne	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Lynch	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen	Pederson, D.		

Voting in the negative, 4:

Chambers	Crosby	Jensen	Suttle
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Excused and not voting, 2:

Brashear	Peterson, C.
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 822, 87A, and 267.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 863. Placed on Select File as amended.
E & R amendment to LB 863:
AM7152

- 1 1. In the Standing Committee amendments, AM1724:
- 2 a. Renumber sections 6, 7, and 8 as sections 7, 8, and 6,
- 3 respectively;
- 4 b. On page 2, line 5; and page 18, line 12, after "the"
- 5 insert "Residential";

- 6 c. On page 8, line 5, strike "act" and insert
 7 "Residential Lead-Based Paint Professions Certification Act";
 8 d. On page 9, line 2, after "stoops" insert an
 9 underscored comma;
 10 e. On page 14, lines 25 and 26; and page 19, line 5,
 11 strike "business entity", show as stricken, and insert "firm";
 12 f. On page 20, line 15, strike "and (3)", show as
 13 stricken, and insert "(3), and (4)"; and
 14 g. On page 21, line 18, strike the last comma and show as
 15 stricken.
 16 2. On page 1, line 3, after the fifth comma insert
 17 "and"; and in line 4 strike "and 71-6333,".

LEGISLATIVE BILL 865. Placed on Select File as amended.
 E & R amendment to LB 865:
 AM7151

- 1 1. In the Standing Committee amendments, AM1566, on page
 2 1, line 7, strike "Parole Board" and insert "Board of Parole".
 3 2. On page 1, strike beginning with "correctional" in
 4 line 1 through line 10 and insert "criminal justice systems; to
 5 provide for a substance abuse treatment task force; to provide
 6 powers and duties; and to declare an emergency."

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 881. Title read. Considered.

The Standing Committee amendment, AM1744, found on page 2021, was considered.

Messrs. D. Pederson, Wehrbein, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham asked unanimous consent to replace his pending amendment, AM1759, found on page 2057, with a substitute amendment. No objections. So ordered.

Mr. Wickersham withdrew his amendment, AM1759, found on page 2057.

Mr. Wickersham and Ms. Schimek renewed their substitute pending amendment, AM1850, found on page 2183, to the Standing Committee amendment.

The Wickersham-Schimek amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM1804, found on page

2159, to the Standing Committee amendment.

Mr. Kristensen withdrew his amendment.

Pending.

MESSAGES FROM THE GOVERNOR

May 18, 1999

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 879, 873, 876, 489, 860, 663, 664, 805, and 882 were received in my office on May 12, 1999.

These bills were signed by me on May 18, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

May 18, 1999

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 880 with certain line-item reductions. The General Fund vetoes in LB 880 amount to a total of \$14.9 million over the next two year. A list of the individual vetoes is attached, showing a total General Fund reduction of \$6.3 million in FY1999-00 and \$8.6 million in FY2000-01.

I commend the Appropriations Committee and your entire Body for the hard work you have done on the budget bills. You have held the line and focused your attention on matters of crucial importance to the people of this state: education, public safety, essential services for those with special needs, and maintenance of the state's facilities infrastructure, while reserving flexibility to provide relief to the taxpayer. We are in agreement on the vast majority of budget decisions.

I have reduced the funding increase for a staff attorney within the Supreme Court by \$50,000 General Funds in FY1999-00 and \$54,976 General Funds in FY2000-01 as these amounts were not included in my original budget recommendations. I have left intact money to provide salary equity improvements within the court system and funding for additional probation officers.

I support the continued appropriation of state funding for core services delivered by Educational Service Units; however, I have vetoed the 2.5% automatic annual growth increases of \$242,500 in FY1999-00 and \$491,062 in FY2000-01. I continue to believe that automatic increases establish a dangerous precedent and are an unwise abdication of budgetary discretion.

Higher than anticipated insurance premium tax receipts have produced an opportunity to reduce the General Fund appropriation for state aid to schools in FY1999-00 by \$2,950,055 and in FY2000-01 by \$3,023,807. The increase in insurance premium tax funds available for distribution allows for this General Fund savings while maintaining the \$594,042,250 total state aid amount certified to schools pursuant to the passage of LB 149 earlier this session.

The recent expressions of concern and an apparent lack of consensus have revealed a need to reassess the original objectives for a statewide assessment of academic achievement. Consistent with the Legislature's action, I have adjusted funding for the statewide assessment and accountability initiative in the Department of Education to reflect the level currently approved by the Legislature in LB 144.

The General Fund appropriation to Health and Human Services for Regional Center operations for FY2000-01 is reduced by \$1,875,761. Providing mental health services in communities close to home for persons who do not need inpatient hospital care is an important initiative for the state. It reinforces the idea that mental illness need not remove people from society, and that proper treatment and outpatient care can enable people to function effectively in their communities. Community-based services also allow the state to access federal matching funds for the care provided. My veto restores the General Fund savings which were part of my original recommendation in transferring resources from the Regional Center budget to the community-based mental health aid budget. With the addition of federal matching funds, there is no reduction in the base amount provided for care for the mentally ill as the result of this transfer. I am leaving in place the additional federal funds which the Legislature added to maintain the current level of community-based aid in the areas of alcohol and drug abuse treatment and mental health.

The General Fund appropriation for Public Assistance is reduced by just over \$2 million for the biennium. The remaining allocation includes the full amount requested for utilization and cost increases, along with half the amount requested for additional child welfare services. It is my belief that the Health and Human Services System can administer the program adequately within the remaining appropriation.

Significant increases of over \$860,000 each year for coordination and services for the elderly were included in my original budget recommendation. The Legislature's budget added another \$640,000 each year above the level requested by the Health and Human Services System and included in my recommendation. My veto reduces \$320,000 of that additional General Fund appropriation each year of the biennium, leaving a total of \$1.18 million per year in new funding.

I have vetoed \$150,000 of the \$300,000 General Fund increase for aid to libraries for each year of the biennium. The additional new funding that remains will create new opportunities for public library patrons statewide in such areas as interlibrary loans, on-line full text periodicals, and the expansion of materials to be offered to the public.

The Natural Resources Commission provides assistance to landowners to decommission water wells that are no longer in use. The program currently receives \$99,000 each year from the General Fund. With the passage and implementation of LB 92, funding from well registration fees will increase program funding by an estimated \$178,000 a year. I have vetoed the General Fund portion of the water well decommissioning funding, with the exception of \$20,000 in FY1999-00. The \$20,000 will provide funding until LB 92 becomes effective 90 days after the end of the legislative session. Even without the General Fund support, total program funding is estimated to increase by about 80% over current appropriations.

I have vetoed \$48,086 General Funds in FY1999-00 and \$37,486 General Funds in FY2000-01 that would have added an accountant position within the DAS Building Renewal Task Force. I am not convinced that this position is needed at this time. Also, as the division's maintenance funding sources increase during the next biennium, through the implementation of building depreciation assessment charges, I believe it is appropriate to begin financing the division's increasing administrative costs from the Building Renewal Allocation Fund rather than the General Fund.

Pursuant to the Legislative intent language contained in LB 605, I have reduced the FY2000-01 General Fund transfer to the Ethanol Production Incentive Cash Fund by \$1,000,000. This action serves to align the amount of the transfer contained in LB 880 with the Legislature's intended \$5,000,000 General Fund transfer for FY2000-01.

I urge you to sustain these reductions.

Sincerely,
(Signed) Mike Johanns
Governor

Agency #	Agency Name	Program #	Fund	FY 99/00 Veto Amount	FY 00/01 Veto Amount
05	Supreme Court	052	General	50,000	54,976
13	Education	025	General	242,500	491,062
13	Education	025	General	2,950,055	3,023,807
13	Education	025	General	1,508,000	1,428,000
25	HHS-Services	365	General	0	1,875,761
26	HHS-Finance	347	General	913,897	1,157,957
26	HHS-Finance	571	General	320,000	320,000
34	Library Commission	302	General	150,000	150,000
55	Natural Resources Commission	306	General	79,000	99,000
65	Administrative Services	573	General	<u>48,086</u>	<u>37,486</u>
			Total	<u>6,261,538</u>	<u>8,638,049</u>

In addition, the \$6.0 million transfer from the General Fund to the Ethanol Production Incentive Cash Fund provided for in LB 880, Section 267, is reduced by \$1,000,000 consistent with the provisions of LB 605.

May 18, 1999

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 805A with line-item reductions.

Section 2 of LB 805A would make a direct appropriation from the Severance Tax Fund to the State Energy Office. The only allowable uses of the Severance Tax Fund are transfers of up to \$300,000 per year to the State Energy Office Cash Fund, transfers of up to \$30,000 per year to the Governor's Policy Research Office for administration of the Municipal Natural Gas Regulation Revolving Loan Fund, and any remaining balance must be credited to the permanent school fund. There is no provision for a direct appropriation to the State Energy Office. Therefore, I am reducing the \$50,000 appropriation for both FY1999-00 and FY2000-01.

Section 3 of LB 805A would made a transfer of \$50,000 for each of FY1999-00 and FY2000-01 from the State Energy Office Cash Fund into a new administratively created cash fund for the Legislative Council. The Energy Office Cash Fund is utilized to administer the Energy Office and its programs and a significant portion of the Fund is used to obtain Federal matching dollars for those programs. A transfer of \$50,000 per year from this Fund would be multiplied by the loss of Federal monies and would severely impair the operation and programs of the State Energy Office. Therefore, I am reducing the transfer of \$50,000 in each of FY1999-00 and FY2000-01.

The remaining appropriations in Sections 1 and 4 of LB 805A will allow for the study proposed in LB 805 to proceed.

Because of the adverse implications of the proposed cash transfer and the statutory issues involved, I urge you to sustain my veto.

Sincerely,
(Signed) Mike Johanns
Governor

May 18, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 877 with my signature and with line-item reductions.

I am reducing the General Fund appropriation in Section 19 by \$10,070 in FY1999-00 and \$5,454 in FY2000-01, to bring the appropriation into conformity with the needed amount.

I urge you to sustain this reduction.

Sincerely,
(Signed) Mike Johanns
Governor

May 18, 1999

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 878 with my signature and with certain line-item reductions.

For the appropriations relating to juvenile services facilities in the Department of Health and Human Services, I am leaving in \$1,150,555 of the \$2.5 million appropriated for fiscal year 1999-00 to address specific concerns at the Youth Rehabilitation and Training Centers (YRTC's) at Kearney and Geneva. I am also leaving in \$2.2 million in the second year of the biennium which is appropriated to the Department of Administrative Services to provide for necessary improvements at the Kearney and Geneva facilities.

I strongly concur that the Department of Health and Human Services needs to develop a facilities master plan for the juvenile services system. Therefore, I am leaving in an appropriation of \$150,000 of State Building Funds for a master plan. Should the plan dictate the need for capital construction projects, I am leaving in an additional \$50,000 for the department to complete program statements for those projects deemed to be of the highest priority. In this way, it will be possible for us to move ahead in this area in subsequent years in a responsible, coordinated fashion, based on solid planning and prioritization of needs.

I understand the Legislature's concern about conditions on both campuses of the YRTC's, especially those which have centered around the Dunbar Cottage at Geneva. I want to assure the Legislature that needed renovations will receive high priority within my administration. Contracts have already been signed to accomplish \$625,000 worth of repair on Dunbar Cottage. The Building Renewal Task Force is providing for removal and replacement of exterior windows and main entry doors and insulation of the attic. The Department of Health and Human Services is replacing the existing steam heating system, including radiators, piping, and asbestos and installing a new mechanical system, new fire sprinklers and alarm system, and fire-rated sheet rock attic joists to meet codes. In addition, new electrical outlets are being installed in each room. Existing bath and shower areas are being remodeled, as well as the kitchenette. New drop ceilings and soffits are being installed in the corridors, along with new light fixtures. Waterproofing, sidewalk, and grade improvements are being accomplished around the outside of the building.

The concerns rightly expressed about this facility have been heard and heeded. These improvements are needed immediately, and the work is underway. In addition, you need to know that \$696,800 of fire and life safety projects, window projects relating to security, and air conditioning improvements have been requested for the YRTC campuses. Building Renewal allocations in the amount of \$238,725 have already been approved, with projects underway at the Food Service Building and Sacajawea Cottage at Geneva, and at Dickson Cottage and Morton Cottage at Kearney. My

recommendation leaves in an additional \$458,075 to speed the accomplishment of the remaining projects.

An improvement which has not been requested, but which I feel deserves priority attention, involves installation of remote door locking systems where needed throughout the living units at the YRTC's. The work would include addition of electric strikes, door modifications, wiring and central control panels. A similar project is being completed currently at the Nebraska Center for Women. Based on estimates for that project, I am leaving in \$492,480 to accomplish this needed renovation at Dunbar, Sandoz, Burroughs, and Sacajawea Cottages on the Geneva campus, and at Dickson Cottage on the Kearney campus. Other cottages at Kearney have either unlocked doors or open bay dormitories, so there are no individual room locks.

I believe that these improvements are necessary so that these facilities will be adequate in terms of safety and security until such time as the facilities plan can be completed.

Since our current statutes require submission of an acceptable program statement and completion of a comprehensive capital facilities plan before capital construction funding can be requested, I am not endorsing the second year funding for any specific project(s). Decisions on which projects move forward must be an outgrowth of the capital facilities plan and the program statements. The funds will remain in reserve until the required preliminary steps have been accomplished.

I urge you to endorse this phased solution and sustain my veto reductions.

Sincerely,
(Signed) Mike Johanns
Governor

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 637A. Introduced by Brown, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 637, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 1999, at 9:30 a.m., were the following bills: LBs 822, 87A, and 267.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION**LEGISLATIVE RESOLUTION 263.** Introduced by Stuhr, 24.

WHEREAS, the city of York was founded in 1869 and incorporated in 1875; and

WHEREAS, the city of York was a stopping place for many early-day travelers; and

WHEREAS, the city of York is a major crossroads today, still making it a stopping place for many travelers; and

WHEREAS, the city of York hosts the annual Yorkfest in September, which features one of Nebraska's largest and best parades and a hot-air balloon festival; and

WHEREAS, the latest addition to the city of York is a water tower painted to look like a hot-air balloon; and

WHEREAS, the hot-air balloon water tower is the citizens' desire to create a landmark that welcomes the many travelers stopping in York.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the city of York as the Balloon City.
2. That a copy of this resolution be sent to the city of York.

Laid over.

MESSAGES FROM THE GOVERNOR

May 10, 1999

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Environmental Quality Council effective June 22, 1999:

APPOINTEES:

Janet Bernard*, 301 N. Bryan Ave., North Platte, NE 69101

John Baker, 2213 4th Ave., Scottsbluff, NE 69361

Fred Hlava*, HC 84 Box 103, Gordon, NE 69343

Steven Oltmans*, 15733 "O" Cr., Omaha, NE 68135

Richard Sommer*, 15533 Hwy 385, Chadron, NE 69337

Jodi Thompson, Box 427, Hwy 61, Imperial, NE 69033

The aforementioned names are respectfully submitted for your consideration.

Sincerely,

(Signed) Mike Johanns
Governor

vfp/

*Reappointments

May 18, 1999

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Board of Emergency Medical Services:

APPOINTEE:

Shawn Baumgartner, 93 Jerry Dr., Scottsbluff, NE 69361

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

GENERAL FILE

LEGISLATIVE BILL 881. Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA236

Amend AM1744

Page 1, line 21, strike "after 2001" and insert "2001, 2002 and 2003".

Messrs. Landis, Brashear, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers amendment was adopted with 29 ayes, 7 nays, 8 present and not voting, and 5 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

Baker, John - Environmental Quality Council -- Natural Resources

Baumgartner, Shawn - Board of Emergency Medical Services -- Health and Human Services

Bernard, Janet - Environmental Quality Council -- Natural Resources

Hlava, Fred - Environmental Quality Council -- Natural Resources

Oltmans, Steven - Environmental Quality Council -- Natural Resources

Sommer, Richard - Environmental Quality Council -- Natural Resources

Thompson, Jodi - Environmental Quality Council -- Natural Resources

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 556A. Placed on Select File as amended.

E & R amendment to LB 556A:

AM7153

1. On page 2, line 10, strike the second "Fund".

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mrs. Bohlke and Mr. Matzke filed the following amendment to LB 176:
AM1847

(Amendments to E & R amendments, AM7144)

1. Strike sections 9 and 10 and insert the following new sections:
2. "Sec. 9. Effective May 1, 2000, a person under sixteen
3. years of age shall not operate a motorboat on the waters of this
4. state. Effective May 1, 2000, a person who is sixteen years of age
5. may operate a motorboat on the waters of this state if such person
6. has successfully completed a boating safety course approved by the
7. commission and has been issued a valid boating safety certificate.
8. Sec. 10. Effective May 1, 2000, the owner of a boat
9. livery, or his or her agent or employee, shall not lease, hire, or
10.

11 rent a motorboat to, or for operation by, any person under sixteen
 12 years of age. Effective May 1, 2000, the owner of a boat livery,
 13 or his or her agent or employee, may lease, hire, or rent a
 14 motorboat to any person who is sixteen years of age if the person
 15 presents his or her certificate issued under section 9 of this
 16 act."

Mr. Hartnett filed the following amendment to LB 105:
 AM1819

(Amendments to E & R amendments, AM7149)

- 1 1. On page 79, line 17, strike "housing" through
- 2 "purposes" and insert "development for housing or commercial
- 3 purposes, or any combination of such purposes"; and in line 23
- 4 strike the last "of".

Mr. Hartnett filed the following amendment to LB 105:
 AM1820

(Amendments to E & R amendments, AM7149)

- 1 1. On page 78, line 18, strike "a reasonable time" and
- 2 insert "three months"; and in line 20 strike "generally"; in lines
- 3 21 and 22 strike "fairly depicting" and insert "which depict".
- 4 2. On page 79, line 15, after the period insert "The
- 5 audits shall be in conformity with generally accepted auditing
- 6 standards and government auditing standards. A copy of each audit
- 7 report shall be filed with the Auditor of Public Accounts within
- 8 six months after the end of the fiscal year of each such agency.".

Mr. Tyson filed the following amendment to LB 105:
 AM1846

(Amendments to E & R amendments, AM7149)

- 1 1. On page 2, line 24, strike "acting" through "and" and
- 2 insert "and local housing agencies acting"; and in line 25 after
- 3 "enterprises" insert "and failing that, then local housing agencies
- 4 may act alone".
- 5 2. On page 4, line 25, before the first "to" insert "to
- 6 the private sector of the economy."; and after the first "agencies"
- 7 insert an underscored comma; and in line 27 after the first "to"
- 8 insert "jointly or separately".
- 9 3. On page 5, line 9, after "agencies" insert "and
- 10 private entities".
- 11 4. On page 8, line 5, after "section" insert "when local
- 12 housing agencies have identified through their planning process
- 13 that the private sector has not fulfilled the housing demand for
- 14 low and moderate income sectors of the market".
- 15 5. On page 39, line 4, after "designees" insert "if the
- 16 witness or holder of records has consented in writing or as part of
- 17 a contract agreement with the local housing agency to allow the
- 18 same".
- 19 6. On page 80, line 1, after the period insert "Such

20 plan shall describe each new mixed-income or mixed-use development
21 by unique name and by the number of units to be created, unit size,
22 and units to be specifically designed for the elderly or
23 handicapped, proposed sources of funds, and those developments
1 which are to have mixed incomes and those which are to have mixed
2 uses. Also, if any supportive services and programs are to
3 provided to persons of eligible income and qualified tenants, such
4 services and programs are to be identified with each associated
5 project. Each mixed-income and mixed-use development shall include
6 a market study of the residential housing of the appropriate area
7 of operation in sufficient detail to justify any such new
8 development or as required by the Nebraska Investment Finance
9 Authority or the Department of Economic Development in providing
10 assistance to such project."

11 7. On page 81, line 5, after the period insert "A
12 housing agency shall have no right to restitution for any actions
13 taken by the agency in furtherance of a new development or project
14 without having first complied with sections 72 and 88 of this
15 act."

16 8. On page 91, line 12, strike "new housing
17 developments" and insert "specific new mixed-income housing
18 developments or mixed-use developments"; in line 13 strike the
19 first comma through "may" and insert "shall"; and in line 20 after
20 the period insert "In the event that no person or entity from
21 private enterprise responds to the request for proposals or has not
22 commenced performance of such new development within twelve months
23 after such notice, the local housing agency may proceed to
24 implement the project alone or through one of its controlled
25 affiliates. In the event that a person or entity from private
26 enterprise responds to the request for proposals or elects to
27 perform such new development or project, the local housing agency
1 shall provide supportive services and programs for persons of
2 eligible income who are tenants of the new development or project
3 at the same cost as it would have provided had it undertaken the
4 project. In addition, the housing agency shall facilitate the same
5 financial benefits, in so far as allowed by law, for the private
6 developer or public-private partnership, as it would if it were
7 undertaking such development or project, except that the housing
8 agency shall be entitled to equivalent compensation for such
9 financial benefits."

10 9. On page 98, after line 22, insert the following new
11 subsection:

12 "(3) In connection with the limitations to the
13 commencement of a new mixed-income housing project or mixed-use
14 developments pursuant to sections 72 and 88 of this act or to
15 promote cooperation as required by section 88 of this act, a
16 private person or entity may bring an action to enforce such
17 sections in the courts of this state and if it is found that the
18 requirements of such sections have not been met, such private

19 person or entity may be entitled to relief which may include,
20 without limitation, the award of monetary damages, specific
21 performance, and mandamus and other injunctive relief."
22 10. On page 101, line 22, after the period insert "If a
23 claim is denied in whole or in part after a hearing as set forth in
24 this subsection, the claimant may appeal to the district court of
25 the appropriate area of operation. The court may award costs to
26 include attorney's fees to the prevailing party in any such
27 appeal."

Mr. Bromm filed the following amendment to LB 585:

AM1853

(Amendments to Final Reading copy)

- 1 1. On page 23, strike beginning with the period in line
- 2 18 through "department" in line 20.

VISITORS

Visitors to the Chamber were 39 fourth grade students and teachers from Paddock Lane Elementary School, Beatrice; 80 fourth grade students and teachers from J. Sterling Morton Elementary School, Omaha; Senator Cudaback's mother, sister-in-law, and nephews, Lena, Karen, Nathan, and Aaron Cudaback, from Riverdale; and 8 fourth through sixth grade students and teacher from Fairview Elementary School, Elkhorn.

RECESS

At 11:54 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Mrs. C. Peterson who was excused; and Mmes. Bohlke, Brown, Kiel, Robak, Thompson, Messrs. Dickey, Engel, Jones, Landis, Matzke, Schmitt, Tyson, and Ms. Price who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

May 18, 1999

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the State Foster Care Review Board effective July 15, 1999:

APPOINTEE:

Kay Lynn Goldner, 408 S. 89, Omaha, NE 68114

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

ANNOUNCEMENT

The Chair announced today is Senator Engel's birthday.

GENERAL FILE

LEGISLATIVE BILL 881. The Standing Committee amendment, AM1744, found on page 2021 and considered in this day's Journal, as amended, was renewed.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Standing Committee amendment, as amended, was adopted with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Advanced to E & R for review with 41 ayes, 4 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 881A. Title read. Considered.

Advanced to E & R for review with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bills were correctly engrossed: LBs 355 and 382.

Enrollment and Review Change to LB 355

The following changes, required to be reported for publication in the Journal, have been made:

ER9096

1. On page 1, the matter beginning with "mental" in line 1 through line 3 and all amendments thereto have been struck and "insurance; to amend section 44-4233, Reissue Revised Statutes of Nebraska; to state intent; to provide requirements for health insurance plans relating to coverage of mental health conditions and serious mental illness; to define terms; to provide duties and limitations; to change assessment provisions relating to the Comprehensive Health Insurance Pool; to provide a duty for the Revisor of Statutes; and to repeal the original section." inserted.

Enrollment and Review Change to LB 382

The following changes, required to be reported for publication in the Journal, have been made:

ER9095

1. In the Landis amendment, AM1805, on page 2, line 3, "state" has been inserted after "new".

2. In the E & R amendments, AM7139, on page 1, line 3, "; and to declare an emergency" has been inserted after "Act".

3. In the Standing Committee amendments, AM1377:

- a. On page 2, line 26, "a" has been struck and "the" inserted;
- b. On page 8, line 3, the comma has been struck;
- c. On page 9, line 9, a comma has been inserted after "applicant"; and in line 13 a comma has been inserted after "receipts"; and
- d. On page 10, line 1, "act" has been struck and "Convention Center Facility Financing Assistance Act" inserted.

(Signed) Adrian M. Smith, Chairperson

REPORT OF THE EXECUTIVE BOARD**1999 Resolutions calling for an Interim Study**

LR 30 Interim study to examine transferring grant committees responsible for distribution of juvenile justice funds to the Dept. of Health and Human Services
Judiciary

- LR 45 Interim study to determine the appropriate administrative structure for oversight of the Nebraska veterans homes
Government, Military and Veterans Affairs
- LR 46 Interim study to encourage establishment of permanent endowment funds to benefit Nebraskans
Revenue
- LR 49 Interim study to determine the feasibility of a Statewide Information and Referral System for health and human services programs
Health and Human Services
- LR 52 Interim study to examine the role of the State of Nebraska in the regulation and distribution of Schedule II controlled substances for persons receiving hospice care
Health and Human Services
- LR 55 Interim study to examine transferring attorneys and legal counsels in the Dept. of Health and Human Services to the Department of Justice
Judiciary
- LR 56 Interim study to examine ways to compensate counties for expenses for providing care to post-commitment mental patients
Health and Human Services
- LR 62 Interim study to examine recall procedures and changes proposed by LB 579, 1999
Government, Military and Veterans Affairs
- LR 70 Interim study to review the Nebraska Health Care Trust Fund Act
Health and Human Services
- LR 73 Interim study of the roles of court appointed special advocates and guardians ad litem in the juvenile justice system
Judiciary
- LR 74 Interim study of the natural gas industry
Urban Affairs
- LR 75 Interim study to review issues relating to LB 825, 1999, adopting the Commercial Dog and Cat Operator Inspection Act
Agriculture
- LR 77 Interim study to examine the feasibility of enacting a district attorney system in Nebraska
Judiciary

- LR 78 Interim study to examine the feasibility of establishing a state-administered college savings program
Education
- LR 79 Interim study to reorganize, streamline, and consolidate postsecondary educational and administrative services for state-supported postsecondary educational institutions
Education
- LR 81 Interim study of the appropriate protection of certain children and adults who receive care and supervision by persons in facilities or institutions
Health and Human Services
- LR 82 Interim study to determine appropriate administrative structure for oversight and operation of the Nebraska veterans homes
Government, Military and Veterans Affairs
- LR 84 Interim study to examine solutions to the valuation problems generated from agricultural land used for nonagricultural purposes
Revenue
- LR 85 Interim study of the use of nonpolluting motor vehicle fuel
Natural Resources
- LR 86 Interim study to examine whether Nebraska should adopt in statute an insurance compliance self-evaluation privilege
Banking, Commerce and Insurance
- LR 87 Interim study regarding the creation of juvenile detention regions
Judiciary
- LR 88 Interim study to investigate inequities caused by lack of health insurance coverage for prescription contraceptives and nonexperimental infertility procedures
Health and Human Services
- LR 89 Interim study to provide analysis of jamming and parole statistics for each classification in the Dept. of Correctional Services
Judiciary
- LR 90 Interim study to examine safety hazards in regard to oversize vehicles and loads traveling on Nebraska highways
Transportation
- LR 92 Interim study to examine policy choices concerning changes in the method of allocating state lottery revenue
General Affairs

- LR 93 Interim study to examine issues relating to the import of alcoholic liquor into the state for personal use
General Affairs
- LR 94 Interim study to review the membership of the Nebraska Liquor Control Commission
General Affairs
- LR 95 Interim study to consider methods of increasing lottery sales
General Affairs
- LR 96 Interim study to examine issues relating to the shortage of nurses available for employment
Health and Human Services
- LR 97 Interim study to examine the creation of a new school district within a metropolitan class city
Education
- LR 98 Interim study to examine the shortage of teachers and administrators in Nebraska's public and private schools
Education
- LR 99 Interim study to determine methods to increase awareness and participation in the Nebraska Lifeline Service Program
Transportation
- LR 100 Interim study to determine whether registration taxes and fees are excessive for light-duty pickups used for personal use
Transportation
- LR 101 Interim study to examine the cash fund expenditures, appropriations, and authority given to the Game and Parks Commission
Natural Resources
- LR 102 Interim study to examine giving natural resources districts authority to establish flood plain management corridors and authority to deny certain water well applications
Natural Resources
- LR 103 Interim study to determine if Nebraska should consider revising the Property and Casualty Insurance Rate and Form Act
Banking, Commerce and Insurance
- LR 104 Interim study relating to issues regarding the Comprehensive Health Insurance Pool
Banking, Commerce and Insurance

- LR 106 Interim study on the issue of designating certain streams or rivers as state protected rivers
Natural Resources
- LR 107 Interim study relating to the concept of water banking or water leasing
Natural Resources
- LR 108 Interim study to examine merging several agencies into a single Department of Natural Resources
Natural Resources
- LR 109 Interim study to examine the various waste reduction and recycling funds
Natural Resources
- LR 110 Interim study to reauthorize the Select Committee on Gender and Minority Equity
Special Committee
- LR 111 Interim study of the feasibility of transferring credits of approved law enforcement training courses from colleges to the Nebr. Law Enforcement Training Center
Judiciary
- LR 112 Interim study to review laws relating to identity fraud
Judiciary
- LR 114 Interim study to examine the high cost of automobile insurance and find alternatives to territorial rating
Banking, Commerce and Insurance
- LR 115 Interim study to review the use of credit data in underwriting and rating in property and casualty insurance
Banking, Commerce and Insurance
- LR 116 Interim study of laws regulating the deposit, investment of, and furnishing of security for public funds of the state and political subdivisions
Banking, Commerce and Insurance
- LR 117 Interim study to examine conversion to a central filing system with the Secretary of State for statutory liens and UCC security interests
Banking, Commerce and Insurance
- LR 118 Interim study to determine whether Nebraska should adopt the Uniform Principal and Income Act (1997)
Banking, Commerce and Insurance

- LR 119 Interim study to examine the long-term funding of the five state-administered retirement systems
Nebraska Retirement Systems
- LR 120 Interim study to evaluate the disability provisions for each individual state-administered retirement system
Nebraska Retirement Systems
- LR 121 Interim study on charitable gaming
General Affairs
- LR 122 Interim study of issues relating to underage drinking
General Affairs
- LR 123 Interim study of the uses and purposes of Nebraska Environmental Trust Fund distributions
Natural Resources
- LR 124 Interim study to review establishment of sentencing commissions
Judiciary
- LR 125 Interim study to determine if there is an appropriate level of service which should be maintained on the Interstate Highway System
Transportation
- LR 126 Interim study to examine state policies relating to recycling
Natural Resources
- LR 129 Interim study of Nebraska's workers' compensation laws as they relate to public school employees
Business and Labor
- LR 130 Interim study of the Nebraska unemployment compensation system as it relates to substitute teachers, paraeducators, and clerical staff for public schools
Business and Labor
- LR 131 Interim study of the economic and health impacts of class III and class IV livestock waste control facilities
Agriculture
- LR 132 Interim study requiring the Dept. of Correctional Services to provide information regarding its classification system and to study the effects of that system on parole statistics
Judiciary
- LR 133 Interim study to examine community corrections or community justice programs
Judiciary

- LR 134 Interim study of the issue of mental health regions providing direct services to people in need of alcohol and drug abuse treatment
Health and Human Services
- LR 135 Interim study to examine certain aspects of the Nebraska workers' compensation system
Business and Labor
- LR 136 Interim study to examine weapons training facilities and firearms ranges, including which state agencies utilize such ranges
Judiciary
- LR 137 Interim study to review personal service contracts state agencies have entered into with private entities
Government, Military and Veterans Affairs/Appropriations
- LR 138 Interim study to examine the geographic boundaries of the districts used to select membership of the Executive Board and Committee on Committees of the Legislature
Rules
- LR 139 Interim study to examine solutions to valuation problems generated from agricultural land being classified as nonagricultural
Revenue
- LR 140 Interim study to review legislation to address agricultural input supplier lending and credit extension
Banking, Commerce and Insurance/Agriculture
- LR 141 Interim study to examine issues regarding challenges in the transfer of farms and ranches to younger, unrelated persons, and the use of tax incentives
Revenue
- LR 142 Interim study to examine issues regarding challenges in the transfer of farms and ranches to younger, unrelated persons, and use of limited liability companies
Banking, Commerce and Insurance/Agriculture
- LR 143 Interim study to examine issues related to sales and use tax simplification and uniformity
Revenue
- LR 144 Interim study to examine various programs that are in place which provide financial aid to local governments
Revenue

- LR 145 Interim study to examine issues related to taxation of property owned by governmental entities which is not used for a public purpose
Revenue
- LR 146 Interim study to examine the Employment Expansion and Investment Incentive Act and the Employment and Investment Growth Act
Revenue
- LR 147 Interim study to examine income tax reform with the goal of eliminating the so-called marriage penalty
Revenue
- LR 148 Interim study to examine opportunities in which tax policy might be used to produce both economic and environmental benefits
Revenue/Natural Resources
- LR 149 Interim study of the benefits of a mandatory deposit on glass and plastic bottles and aluminum cans
Natural Resources
- LR 150 Interim study of the feasibility of a program whereby counties would be authorized to seek reimbursement for an inmate's use of their jail
Judiciary
- LR 151 Interim study to review all ground water and surface water quality monitoring programs
Natural Resources
- LR 152 Interim study to review Nebraska's political accountability and disclosure laws as they relate to the legislative and executive branches
Government, Military and Veterans Affairs
- LR 153 Interim study to examine issues relating to the Nebraska Emergency Planning and Community Right to Know Act
Government, Military and Veterans Affairs
- LR 154 Interim study to review the dumping of raw sewage into the waters of the state and the creation of a statewide wastewater treatment plan
Natural Resources/Appropriations
- LR 155 Interim study to review safe school legislation
Education

- LR 156 Interim study to determine the amount of disparity between men's and women's wages and benefits
Business and Labor
- LR 157 Interim study to review the asset poor and those on public assistance
Health and Human Services
- LR 158 Interim study to examine ways in which the state can promote gun safety within the state
Judiciary
- LR 159 Interim study to examine fees associated with the use of automatic teller machines
Banking, Commerce and Insurance
- LR 160 Interim study of the process of filing school financial information with certain state agencies to better coordinate the process for estimating state aid
Revenue/Education/Appropriations
- LR 161 Interim study to examine issues relating to extending the period during which Nebraska license plates are used from three to five years
Transportation
- LR 162 Interim study to examine the state's compliance with the provisions of the Transportation Equity Act of the 21st Century and the status of the Twenty-Year Highway Plan
Transportation
- LR 163 Interim study to examine the regulatory and enforcement powers of the Public Service Commission
Transportation
- LR 164 Interim study dealing with motor vehicle titles and registration
Transportation
- LR 165 Interim study of the homestead exemption statutes
Revenue
- LR 166 Interim study to examine labor force training in Nebraska
Business and Labor
- LR 167 Interim study of the process of compiling property valuation, property tax levied and budgets by the Property Tax Administrator and Auditor of Public Accounts
Revenue

- LR 168 Interim study of the implementation of electronic filing of budgets and financial audits of local governments with the Auditor of Public Accounts
Revenue
- LR 169 Interim study to formulate legislation relating to state inspections of multi-ingredient food products
Agriculture
- LR 170 Interim study of legislation allowing health maintenance organizations to be held liable for malpractice if they make negligent benefits decisions
Judiciary
- LR 171 Interim study relating to the Interstate Highway System, the Twenty-year Highway Plan, and funding sources and requirements for road projects
Appropriations
- LR 172 Interim study to examine the feasibility of using electronic pickle card devices
General Affairs
- LR 173 Interim study to examine current and future needs of Nebraska's transportation system and the state's highway needs
Transportation
- LR 174 Interim study to draft guidelines for the Legislature's 2001 redistricting process and make recommendation for statutory changes
Special Committee
- LR 175 Interim study to identify trends underway in agricultural commodities pricing and other exchange arrangements
Agriculture
- LR 176 Interim study to examine the provisions of group health insurance covering public employees
Banking, Commerce and Insurance
- LR 177 Interim study to examine issues allowing cities and counties and other political subdivisions to consolidate
Revenue/Government, Military and Veterans Affairs
- LR 178 Interim study to examine the possibility of reforming the homestead exemption program
Revenue

- LR 179 Interim study to explore alternative possibilities for including a measure of taxpayers' capacity to pay property taxes in the school finance formula
Education
- LR 180 Interim study to examine educational tax relief options, state supported scholarships, and educational investment incentives for individuals and businesses
Education
- LR 181 Interim study to review funding of school breakfast and school lunch programs
Education
- LR 182 Interim study to examine alternatives to the current method of calculating needs in the school finance formula
Education
- LR 183 Interim study to examine alternative structures for the financing of educational facilities
Education
- LR 184 Interim study to examine the budget limitation process for Class I school districts
Education
- LR 185 Interim study to examine current and alternative approaches to student discipline
Education
- LR 186 Interim study to examine school size as it relates to educational efficiency and the school finance formula
Education
- LR 187 Interim study to examine the status of education for Native American students in Nebraska
Education
- LR 188 Interim study to examine compensation levels for public officials who are elected on a state level
Government, Military and Veterans Affairs
- LR 189 Interim study to address drafting style changes to the Nebraska Political Accountability and Disclosure Act
Government, Military and Veterans Affairs
- LR 190 Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee
Government, Military and Veterans Affairs

- LR 191 Interim study to examine applying statistical methods to project future General Fund medicaid costs
Appropriations
- LR 192 Interim study to examine whether the tax incentive created in the Air and Water Pollution Control Tax Refund Act should be restructured
Revenue/Natural Resources
- LR 193 Interim study to examine the pickle card industry and the decline in the number of operators
General Affairs
- LR 194 Interim study of the fiscal impact of the Medicaid Buy-In option on Medicaid and other programs effected by the change
Health and Human Services
- LR 195 Interim study of the impact a law would have requiring insurance companies to give a discount for successful completion of a driver's education course
Banking, Commerce and Insurance
- LR 196 Interim study to explore the concept of changing the annual license plate renewal tab from a three-letter designation to a two-digit designation
Transportation
- LR 197 Interim study to examine a remedy for noncustodial parents to utilize when their visitation rights are violated
Judiciary
- LR 198 Interim study to examine judicial cases involving child custody to determine if the welfare of the child is considered paramount in all cases
Judiciary
- LR 199 Interim study to examine the impact of operating airboats on the Platte River
Natural Resources
- LR 200 Interim study to determine the costs and administrative effectiveness of the establishment of the Douglas County Clerk as a County Comptroller
Government, Military and Veterans Affairs
- LR 201 Interim study of the state and federal forfeiture systems and related fines and penalties
Judiciary

- LR 202 Interim study to examine permitting an individual to petition a court to request certain personal information remain confidential on all public records
Judiciary
- LR 203 Interim study to examine allowing political subdivisions to recover the cost of providing emergency services in a hazardous substance emergency
Judiciary
- LR 204 Interim study to examine changes to the State Tort Claims Act regarding claims arising from modifications to railroad crossings, signs, or signals
Judiciary
- LR 205 Interim study to determine whether Nebraska should revise statutes dealing with notaries public
Judiciary
- LR 206 Interim study to examine the feasibility of creating the office of state district attorney
Judiciary
- LR 207 Interim study to examine procedures and recordkeeping utilized with respect to juveniles alleged to be mentally ill dangerous persons
Judiciary
- LR 208 Interim study of the operating structure and legal authority of diversion programs for traffic offenses
Judiciary
- LR 209 Interim study to examine merging the Corn Development, Util. and Market. Bd., the Grain Sorghum Develop., Util. and Market. Bd, and the Nebraska Ethanol Board
Agriculture
- LR 210 Interim study of the feasibility of telecommuting in Nebraska
Transportation
- LR 211 Interim study to examine recent solid waste management issues
Natural Resources
- LR 212 Interim study to examine organic farming and sustainable agriculture in Nebraska
Agriculture
- LR 213 Interim study to examine legislation permitting the sale of ephedra products
Health and Human Services

- LR 214 Interim study to determine reasons why Nebraska's students choose to leave the state
Education
- LR 215 Interim study to examine issues relating to white perch infestation and the consequences to public and private bodies of water
Natural Resources
- LR 216 Interim study to investigate the incarceration of individuals with mental illness
Judiciary
- LR 217 Interim study to examine solutions relating to uninsured, underinsured, and nonregistered motor vehicles
Banking, Commerce and Insurance/Transportation
- LR 218 Interim study to investigate the range of powers granted to municipalities, which involve jurisdiction over residents in areas outside of municipal boundaries
Urban Affairs
- LR 219 Interim study to examine issues within the jurisdiction of the Urban Affairs Committee
Urban Affairs
- LR 220 Interim study to examine the accident and fatality statistics in Nebraska
Transportation
- LR 221 Interim study to examine railroad crossing issues
Transportation
- LR 222 Interim study to examine ways through tax credits to encourage businesses to participate in quality child care for working families
Revenue
- LR 223 Interim study to examine how early childhood programs can help assure the school success of all children
Health and Human Services/Education
- LR 224 Interim study of the commercial fertilizer fee
Natural Resources
- LR 225 Interim study to examine the use of a freeze brand for livestock identification and proof of ownership
Agriculture

- LR 226 Interim study to review the status of and propose alternatives to early childhood education in Nebraska
Education
- LR 227 Interim study to review Nebraska's current planning and zoning statutes of municipalities and counties
Urban Affairs/Government, Military and Veterans Affairs
- LR 229 Interim study to examine the placement of state wards and to determine when children and youth are placed in foster care
Health and Human Services
- LR 230 Interim study to review issues relating to the tax exemption granted to state and political subdivisions for real property used for public purposes
Revenue
- LR 231 Interim study examine issues relating to elk hunting
Natural Resources
- LR 232 Interim study to review the effectiveness and cost of turning over county assessor duties to the Property Tax Administrator
Appropriations
- LR 233 Interim study to examine the statutory authority and operations of the Planning and Review Process program of the Natural Resources Commission
Natural Resources/Appropriations
- LR 234 Interim study of the feasibility of implementing a voluntary, self-nominating system for Nebraska businesses to be recognized as family friendly workplaces
Business and Labor
- LR 236 Interim study to examine taxation of mobile homes and improvements to leased land
Revenue
- LR 237 Interim study to examine the inheritance tax and the amount of revenue collected by counties from this tax
Revenue
- LR 238 Interim study to examine ways in which the state can more effectively provide correctional strategies and adequate facilities for women prisoners
Judiciary
- LR 239 Interim study to determine the necessity of enacting legislation to regulate the bison industry
Agriculture

- LR 240 Interim study on current and future commercial and on-farm storage needs including essential rail components
Agriculture
- LR 241 Interim study on the status of Nebraska soybean research and promotion programs
Agriculture
- LR 242 Interim study to determine methods by which Nebraska's citizens could make partial payments of their property taxes
Revenue
- LR 243 Interim study to examine the role and usage of neighborhood associations and homeowner associations
Urban Affairs
- LR 244 Interim study to determine the impact of changes which provided for cost-of-living adjustments for State Patrol retirees
Nebraska Retirement Systems
- LR 245 Interim study to review Nebraska's current use tax statutes, rules, and regulations
Revenue
- LR 246 Interim study to determine the actual costs involved in the collection of the property tax by the county treasurer
Revenue
- LR 247 Interim study to examine issues raised in LB 804, the Limited Purpose Sanitary and Improvement District Act
Urban Affairs
- LR 248 Interim study to determine the impact of lost revenue for sanitary and improvement districts
Revenue
- LR 249 Interim study to examine the status of the lodging tax, the amount of revenue generated, and the manner the revenue is used
Revenue
- LR 250 Interim study to examine issues dealing with solid waste collection services
Urban Affairs
- LR 251 Interim study to increase safety along Nebraska's highways
Transportation
- LR 252 Interim study to review issues within the jurisdiction of the Education Committee
Education

- LR 253 Interim study to provide information to the Legislature on assessment alternatives relating to education
Education
- LR 254 Interim study to examine issues raised by LB 427, concerning creation of a no-call list to restrict certain telemarketers
Transportation
- LR 255 Interim study to examine issues raised by LB 414, concerning the merger of the positions of clerk of the county court and clerk of the district court
Judiciary
- LR 256 Interim study to examine changes to statutes that would result in more effective discipline in public elementary and secondary schools
Education
- LR 257 Interim study of the effects of the Dept. of Health and Human Services converting computer information systems to the N-Focus system
Health and Human Services/Appropriations
- LR 258 Interim study to review and examine the progress and effect of welfare reform
Health and Human Services
- LR 259 Interim study to examine the practice of federal policies being indirectly enforced on states through the offer of funds with strings attached
Health and Human Services
- LR 260 Interim study to examine the process by which cooperative agreements and contracts are entered into by the Health and Human Services System
Health and Human Services
- LR 261 Interim study to examine solutions to the valuation problems generated from agricultural land used for nonagricultural purposes
Revenue/Executive Board
- LR 262 Interim study to examine creation of an environmental stewardship program
Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Goldner, Kay Lynn - Foster Care Review Board -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENT - Print in Journal

Mrs. Crosby filed the following amendment to LB 407A:
AM1857

(Amendments to Final Reading copy)

- 1 1. On page 2, line 1, strike "\$6,630" and insert
- 2 "\$11,630"; and in line 2 strike "\$12,870" and insert "\$22,575".

STANDING COMMITTEE REPORT**Judiciary**

The Judiciary Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Crime Victims Reparation Committee
Scot Ford

VOTE: Aye: Senators Baker, Bourne, Brashear, Connealy, Hilgert, and Dw. Pedersen. Nay: None. Not Voting: Senator Chambers. Absent: Senator Robak.

(Signed) Kermit A. Brashear, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Coordsen and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 870. Mr. Beutler withdrew his amendment, FA234, found on page 2178.

Mr. Schrock withdrew his amendment, AM1816, found on page 2178.

Mr. Beutler withdrew his amendment, FA235, found on page 2181.

Mr. Preister renewed his pending amendment, AM1845, found on page 2182.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Mmes. Crosby, Brown, Kiel, Messrs. Dw. Pedersen, Wehrbein, D. Pederson, Engel, and Matzke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Baker moved the previous question. The question is, "Shall the debate now close?"

Mr. Baker moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

The Preister amendment lost with 14 ayes, 22 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Bohlke renewed her pending amendment, AM1849, found on page 2182.

Mr. Smith asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Bohlke amendment lost with 17 ayes, 22 nays, 4 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Mr. Landis and Ms. Schimek asked unanimous consent to be excused until

they return. No objections. So ordered.

AMENDMENT - Print in Journal

Mr. Coordsen filed the following amendment to LB 419:
AM1814

(Amendments to Standing Committee amendments, AM1677)

- 1 1. On page 2, strike beginning with "residential" in
- 2 line 3 through line 4 and insert "the land on which"; in line 7
- 3 strike the first "the"; and strike beginning with "who" in line 8
- 4 through "act" in line 9.
- 5 2. On page 3, line 10, strike "real property" and insert
- 6 "land".

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska State Emergency Response Commission

Fred Hlava
Richard Klauz
Keith Mueller
Florian Paskevic
John Steinauer

VOTE: Aye: Senators Janssen, Kremer, Quandahl, Schimek, Schmitt, Smith, and Vrtiska. Nay: None. Absent: Senator Cudaback.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Accountability and Disclosure Commission

John Bergmeyer
Nancy Reckewey

VOTE: Aye: Senators Janssen, Kremer, Quandahl, Schimek, Schmitt, Smith, and Vrtiska. Nay: None. Absent: Senator Cudaback.

(Signed) DiAnna R. Schimek, Chairperson

MESSAGES FROM THE GOVERNOR

May 18, 1999

President, Speaker Kristensen

and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the State Foster Care Review Board effective July 15, 1999:

APPOINTEE:

James Ganz, 4307 Avenue E, Kearney, NE 68847

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

May 18, 1999

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individuals have been appointed to the Environmental Quality Council effective June 22, 1999:

APPOINTEES:

Norm Nelson, 980 County Rd. W., Lot S1180, Fremont, NE 68025
Robert Blobaum, 608 S. 18, Blair, NE 68008

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Blobaum, Robert - Environmental Quality Council -- Natural Resources

Ganz, James - Foster Care Review Board -- Health and Human Services

Nelson, Norm - Environmental Quality Council -- Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Health and Human Services

Tuesday, May 25, 1999

1:00 p.m.

State Foster Care Review Board

James Ganz

Kay Lynn Goldner

Board of Emergency Medical Services

Shawn Baumgartner

(Signed) Jim Jensen, Chairperson

SELECT FILE

LEGISLATIVE BILL 870. Mr. Dierks offered the following amendment:
FA237

Amend FA233

Strike "March 1, 2000" and insert "December 1, 2000"

The Dierks amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:

AM1866

(Amendments to E & R amendments, AM7143)

- 1 1. On page 4, strike beginning with "Compliant" in line
- 2 12 through "(4)" in line 21; in line 26 strike "(5)" and insert
- 3 "(4)"; and in line 27 strike "(6)" and insert "(5)".
- 4 2. On page 5, line 2, strike "(7)" and insert "(6)"; in
- 5 line 6 strike "(8)" and insert "(7)"; in line 9 strike "(9)" and
- 6 insert "(8)"; in line 16 strike "(10)" and insert "(9)"; and in
- 7 line 25 strike "(11)" and insert "(10)".
- 8 3. On page 6, line 5, strike "(12)" and insert "(11)";
- 9 in line 8 strike "(13)" and insert "(12)"; in line 10 strike "(14)"
- 10 and insert "(13)"; and in line 13 strike "(15)" and insert "(14)".
- 11 4. On page 7, strike beginning with "Permitting" in line
- 12 20 through line 27 and insert "The department shall not issue a
- 13 permit for an existing livestock waste control facility which is

14 located within one hundred feet of a water well if the water well
15 is under separate ownership and water from the well is used
16 primarily for human consumption."

17 5. On page 8, strike lines 1 through 25.

18 6. On page 10, after line 26 insert:

19 "(3) Any person required to request an inspection under
20 this section who operates a livestock operation after January 1,
21 2000, except an exempt livestock operation, without first
22 submitting the request for inspection required under this section
23 shall be assessed, except for good cause shown, a late fee of not
1 less than fifty dollars nor more than five hundred dollars for each
2 offense. Each month a violation continues shall constitute a
3 separate offense."

4 7. On page 11, strike beginning with "A" in line 2
5 through the period in line 5, show the old matter as stricken, and
6 insert "A permit issued under section 54-2404 shall be valid as
7 long as the livestock operation continues to operate. Any
8 livestock waste control facility meeting the requirements of
9 subsection (1) of section 54-2403 may continue to operate as long
10 as such requirements are met."; and in lines 17 through 19 strike
11 the new matter and insert "person holding a permit for a livestock
12 waste control facility issued under section 54-2404".

13 8. On page 19, strike beginning with "The" in line 2
14 through the period in line 8 and insert "The department may require
15 an engineering evaluation or assessment performed by a licensed
16 professional engineer for an existing livestock waste control
17 facility if after an inspection: (a) The department determines
18 that the facility has (i) visible signs of structural breakage
19 below the permanent pool, (ii) signs of discharge or proven
20 discharge due to structural weakness, (iii) improper maintenance,
21 or (iv) inadequate capacity; or (b) the department has reason to
22 believe that an existing livestock waste control facility has
23 violated or threatens to violate the Environmental Protection Act,
24 the Livestock Waste Management Act, or any rules or regulations
25 adopted and promulgated under such acts."

26 9. On page 20, line 16, after "application" insert "and
27 permitting".

The Beutler amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 870A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 176. E & R amendment, AM7144, printed separately and referred to on page 2009, was adopted.

Mr. Bruning asked unanimous consent to be excused until he returns. No

objections. So ordered.

Mr. Schrock reoffered his amendment, AM1145, printed separately and referred to on page 1464 and considered on page 1915.

Mr. Schrock asked unanimous consent to replace his pending amendment, AM1145, printed separately and referred to on page 1464, with a substitute amendment. No objections. So ordered.

Mr. Schrock withdrew his amendment, AM1145, printed separately and referred to on page 1464.

Mr. Schrock offered the following substitute amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1855.)

The Schrock amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Tyson reoffered his amendment, AM1293, found on page 1532 and considered on page 1915.

Mrs. Hudkins requested a ruling of the Chair on whether the Tyson amendment is germane to the bill.

The Chair ruled the Tyson amendment is not germane to the bill.

Mr. Tyson moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1293 to LB 176.

The Chair withdrew his ruling that the Tyson amendment is not germane to the bill and ruled it is germane to the bill.

Mr. Tyson withdrew his motion to suspend the rules.

The Tyson amendment, AM1293, was renewed.

Mr. Tyson withdrew his amendment.

Mr. Bromm reoffered his amendment, AM1335, found on page 1873 and considered on page 1915.

Mr. Bromm asked unanimous consent to replace his pending amendment, AM1335, found on page 1873, with a substitute amendment. No objections. So ordered.

Mr. Bromm withdrew his amendment, AM1335, found on page 1873.

Mr. Bromm renewed his substitute pending amendment, AM1817, found on page 2160.

The Bromm amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. Preister renewed his pending amendment, AM1728, found on page 2016.

The Preister amendment lost with 9 ayes, 10 nays, 25 present and not voting, and 5 excused and not voting.

Mr. Lynch renewed his pending amendment, AM1713, found on page 2080.

Mr. Lynch withdrew his amendment.

Mr. Hilgert renewed his pending amendment, AM1693, found on page 2179.

The Hilgert amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Connealy renewed his pending amendment, AM1750, found on page 2179.

MS. SCHIMEK PRESIDING

Mr. Connealy withdrew his amendment.

Mrs. Bohlke and Mr. Matzke renewed their pending amendment, AM1847, found in this day's Journal.

Mrs. Bohlke offered the following amendment to the Bohlke-Matzke amendment:

FA240

Amend AM1847

Strike "motorboat" on lines 4, 6, 11 and 14 and insert "personal watercraft" in each line.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

The Bohlke amendment was adopted with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Mr. Bromm requested a roll call vote, in reverse order, on the Bohlke-Matzke amendment, as amended.

Voting in the affirmative, 23:

Beutler

Bohlke

Bourne

Brown

Crosby

Hartnett	Kiel	Pedersen, Dw.	Schimek	Thompson
Hilgert	Kristensen	Pederson, D.	Schmitt	Wehrbein
Hudkins	Lynch	Price	Suttle	Wickersham
Janssen	Matzke	Robak		

Voting in the negative, 18:

Baker	Coordsen	Jones	Redfield	Stuhr
Bromm	Dickey	Kremer	Schrock	Tyson
Byars	Engel	Quandahl	Smith	Vrtiska
Connealy	Jensen	Raikes		

Present and not voting, 2:

Dierks	Preister
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Excused and not voting, 6:

Brashear	Chambers	Cudaback	Landis	Peterson, C.
Bruning				

The Bohlke-Matzke amendment, as amended, lost with 23 ayes, 18 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Hilgert offered the following amendment:

FA238

Amend AM7144

On line 10, page 6, after the word "certificate." add the additional language:
 "No person under the age of fourteen years of age shall operate a personal watercraft on the waters of this state."

The Hilgert amendment was adopted with 39 ayes, 1 nay, 3 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 176A. Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 264. Introduced by Hudkins, 21.

WHEREAS, Goodrich Middle School of Lincoln, Nebraska, sent a Science Olympiad team to compete for the first time in the national Science Olympiad in Chicago, Illinois, on May 13-15, 1999; and

WHEREAS, Goodrich Middle School's 1999 Science Olympiad team was comprised of the following sixteen students: Jenna Brockhoff; Sheila

Buchenaus; Stephanie Bittinger; Gabrielle James; Jennifer Lan; Kevin Laturno; Derek Mattison; Tony Nguyen; Amy Peters; Matt Peters; Kristen Pudenz; Doug Rasmussen; Alyssa Schuettler; Nic Somera; Lewis Williams; and Pat Yoakum; and

WHEREAS, Goodrich Middle School's 1999 Science Olympiad team was coached and instructed by Danny Bergman, Jodie Jantz, Craig Little, Dennis Mann, Rich Powers, and Dan Pudenz; and

WHEREAS, the members and coaches of the Goodrich Middle School's 1999 Science Olympiad team prepared diligently after school hours for almost a year in order to be ready to compete in the national competition; and

WHEREAS, Goodrich Middle School's 1999 Science Olympiad team registered an outstanding performance at the national Science Olympiad competition in Chicago, Illinois; and

WHEREAS, Goodrich Middle School's 1999 Science Olympiad team members Nic Somera and Doug Rasmussen earned gold medals for their excellence in the Mystery Architecture contest, and team member Jennifer Lan won a gold medal for her first-place performance in the Surfing the Net contest; and

WHEREAS, each team member and coach of Goodrich Middle School's 1999 Science Olympiad team has, through much hard work and dedication, brought honor to their school and the State of Nebraska and deserves the congratulations and appreciation of all citizens of this state for their remarkable performances at the national 1999 Science Olympiad competition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Goodrich Middle School and the members and coaches of its Science Olympiad team for their exceptional achievements at the national Science Olympiad competition in Chicago, Illinois, on May 13-15, 1999.

2. That a copy of this resolution be sent to Goodrich Middle School and each member and coach of that school's 1999 Science Olympiad team.

Laid over.

APPROPRIATIONS COMMITTEE REPORT ON LBs 880, 878, 877, and 805A

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line-item vetoes contained in LB 880 (State Government Operations and Aid), LB 878 (Capital Construction), LB 877 (Constitutional Officers' Salaries) and LB 805A (Municipal Natural Gas Regulation Revolving Loan Fund) as outlined in the attached schedule, "Veto Amounts by Legislative Bill, Agency and Program."

Total appropriation vetoes contained in these bills are as follows:

Fund	FY1999-00	FY2000-01
General	\$7,621,053	\$8,643,503
Cash*	100,000	100,000
Federal	0	0
Revolving	0	0
Total, All Fund Types	\$7,721,053	\$8,743,503

*LB 805A

In addition, a fund transfer from the General Fund to the Ethanol Production Incentive Cash Fund contained in Section 267 of LB 880 is reduced by \$1,000,000 in FY2000-01, consistent with and assuming the passage and signing of LB 605, currently on Final Reading.

The Appropriations Committee recommends no overrides of the Governor's line-item vetoes.

(Signed) Roger R. Wehrbein, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 105:
AM1862

(Amendments to E & R amendments, AM7149)

- 1 1. Strike section 5.
- 2 2. On page 3, line 1, strike "clearance, replanning,"
- 3 and insert "replanning"; and in line 3 strike "unsafe or".
- 4 3. On page 4, line 10, strike "broad" and insert
- 5 "necessary"; and strike beginning with "in" in line 11 through
- 6 "law" in line 12.
- 7 4. On page 5, line 15, after "All" insert "reasonable
- 8 and"; in line 19 strike "the maximum" and insert "reasonable"; in
- 9 line 20 after "all" insert "reasonable" and strike "they deem"; and
- 10 strike beginning with the first "the" in line 25 through "and" in
- 11 line 26.
- 12 5. On page 6, strike beginning with "Persons" in line 2
- 13 through the period in line 5; and strike line 8 and insert
- 14 "standard rental agreements".
- 15 6. On page 8, line 5, strike "the maximum feasible" and
- 16 insert "reasonable"; strike beginning with the third comma in line
- 17 6 through "entities" in line 8; and strike beginning with "and" in
- 18 line 24 through "government" in line 26 and insert "an incorporated
- 19 city or village".
- 20 7. On page 9, lines 12 through 14, strike subdivision 9
- 21 and renumber the remaining subdivisions and correct internal

22 references accordingly.

23 8. On page 13, line 17, strike "or counties of this
1 state" and insert ", two or more counties, or a combination of
2 cities and counties," and in line 26 after the semicolon insert
3 "and".

4 9. On page 14, strike beginning with the first comma in
5 line 1 through "government" in line 4 and insert "pursuant to an
6 agreement with such agency".

7 10. On page 15, line 8, strike "or unlawful" and insert
8 ", not authorized, or prohibited".

9 11. On page 16, line 11, after "Act" insert "shall
10 adopt" and in lines 12 and 13 strike "shall adopt"; in line 21
11 after "A" insert "duly certified"; in line 22 strike "duly
12 certified,"; in line 23 strike "circumstance" and insert
13 "proceeding" and strike "serve as" and insert "be"; and in line 27
14 strike "or counties" and insert ", two or more counties,".

15 12. On page 17, line 1, strike beginning with the first
16 "one" through "counties" and insert "cities and counties"; in line
17 17 after "Act" insert "shall adopt"; and in line 19 strike "shall
18 adopt".

19 13. On page 18, line 1, after "A" insert "duly
20 certified"; in line 2 strike ", duly certified,"; in line 3 strike
21 "circumstance" and insert "proceeding" and strike "serve as" and
22 insert "be".

23 14. On page 26, line 10, after the semicolon insert
24 "and"; strike beginning with "The" in line 11 through "(3)" in line
25 14; and in lines 25 and 27, strike "of integrity".

26 15. On page 29, strike beginning with "Commissioners" in
27 line 20 through the period in line 21.

1 16. On page 33, strike beginning with "No" in line 13
2 through the period in line 15; and in line 24 after "require"
3 insert "unless such employment or engagement will result in an
4 ethical or legal violation".

5 17. On page 34, strike lines 3 and 4.

6 18. On page 52, line 8, after the semicolon insert
7 "and"; and strike beginning with "and" in line 9 through line 11.

8 19. On page 55, line 9, after the semicolon insert
9 "and"; and strike beginning with "To" in line 10 through "(45)" in
10 line 13.

11 20. On page 71, line 15, after "officers" insert ",
12 elected officials,"; and in line 19 after "promulgate" insert "fair
13 and equitable".

14 21. On page 72, line 5, after the second "any" insert
15 "material"; in lines 5 and 6 and 8 and 9 strike "deemed" through
16 "agency"; in line 7 strike the comma and insert "and" and after the
17 second "any" insert "material"; and strike beginning with the comma
18 in line 11 through "assistance" in line 19.

19 22. On page 73, line 23, after "characteristics" insert
20 ", except that a housing agency shall not discriminate on the basis

21 of race, national origin, or religion."

22 23. On page 74, line 18, after "such" insert
23 "reasonable"; and strike line 27.

24 24. On page 75, strike beginning with "activity" in line
25 1 through "(2)" in line 10 and insert "(1)"; in line 18 strike
26 "(3)" and insert "(2)"; and strike lines 22 through 27.

27 25. On page 76, line 1, after "promulgate" insert
1 "reasonable"; strike beginning with "if" in line 8 through "law" in
2 line 9; and in line 26 strike "a" and insert "an administrative".

3 26. On page 77, line 4, strike "or off"; strike
4 beginning with the comma in line 7 through "activity" in line 9; in
5 line 11 strike "wherever" through "occur"; and strike beginning
6 with "A" in line 22 through line 27.

7 27. On page 78, line 1, after "promulgate" insert
8 "reasonable"; in line 8 after "property" insert "in a secure
9 location"; and in line 15 after the period insert "In no case shall
10 any employee or relative of an employee of the housing agency take
11 ownership of such property".

12 28. On page 80, strike beginning with "and" in line 12
13 through "records" in line 24.

14 29. On page 84, line 4, strike subdivision (4) and
15 renumber the remaining subdivisions; in line 11 after "occupancy"
16 insert ", if such information is pertinent to such suitability
17 determination"; and strike beginning with the comma in line 19
18 through "person" in line 23.

19 30. On page 98, line 6, strike "as" through "or"; and
20 strike beginning with "Except" in line 23 through line 27.

21 31. On page 99, strike beginning with the first "any" in
22 line 1 through "no" in line 7 and insert "No"; in line 16 strike
23 "meaning" and insert "scope"; in line 19 after "activities" insert
24 "reasonably" and after "grant" insert "which are reasonably related
25 to carrying out the purposes of the act"; and strike beginning with
26 "In" in line 19 through line 26.

27 32. On page 100, line 2, strike "the maximum" and insert
1 "reasonable"; strike beginning with "Whenever" in line 6 through
2 the period in line 8; in line 22 after "(1)" insert "All tort
3 claims against a public housing agency shall be governed by the
4 Political Subdivisions Tort Claims Act.

5 (2)"; and in line 23 after "agency" insert ", other than
6 a tort claim under subsection (1) of this section".

7 33. On page 101, strike beginning with "If" in line 1
8 through the period in line 3.

9 34. Renumber the remaining sections and correct internal
10 references accordingly.

Messrs. Jones and Smith filed the following amendment to LB 105:
AM1870

(Amendments to E & R amendments, AM7149)

1 1. On page 11, line 27, strike the second "the" and

- 2 insert "cities of the metropolitan and primary classes or one
 3 hundred twenty-five percent of the median income in all other
 4 cities and counties of the state".
 5 2. On page 12, strike line 1.
 6 3. On page 67, strike beginning with the second "the" in
 7 line 9 through "located" in line 10 and insert "cities of the
 8 metropolitan and primary classes or one hundred twenty-five percent
 9 of the median income in all other cities and counties of the
 10 state".

Mr. Hartnett filed the following amendment to LB 105:

AM1875

(Amendments to E & R amendments, AM7149)

- 1 1. On page 78, line 18, strike "a reasonable time" and
 2 insert "six months"; in line 20 strike "generally describing" and
 3 insert "summarizing"; and in line 21 strike "fairly".
 4 2. On page 79, line 15, after the period insert "Each
 5 local housing agency audit shall be conducted in accordance with
 6 generally accepted accounting principles, except that if the agency
 7 is a recipient of federal assistance, the audit shall be conducted
 8 in accordance with any accounting principles required by the
 9 federal government"; in line 17 strike "housing" through
 10 "purposes" and insert "development for housing or commercial
 11 purposes, or any combination of such purposes"; and in line 23
 12 strike the last "of".

Mr. Jensen filed the following amendment to LB 105:

FA239

Amend AM7149

On page 67, line 7, strike "sixty" and insert "forty".

MOTION - Print in Journal

Mrs. Thompson filed the following motion to LB 878:

LB 878, Specifically Section 8, Agency 25

Program 931-Juvenile Correctional Facilities become law notwithstanding the
objections of the Governor.

AMENDMENTS - Print in Journal

Mrs. Brown filed the following amendment to LB 105:

AM1874

(Amendments to AM1846)

- 1 1. Insert the following new amendments:
 2 "1. Insert the following new section:
 3 'Sec. 65. A landlord may not refuse to rent or lease to
 4 any prospective tenant or lessee solely on the basis of the
 5 tenant's participation in federal, state, or local housing rental
 6 assistance programs.'".

- 7 12. Renumber the remaining sections and correct internal
- 8 references accordingly."
- 9 2. Renumber the remaining amendments accordingly.

Mr. Kristensen filed the following amendment to LB 661:
AM1827

(Amendments to Standing Committee amendments, AM1681)

- 1 1. On page 1, strike lines 14 through 20 and insert the
- 2 following new subsection:
- 3 "(3) Computer date failure means the present or future
- 4 failure or inability of a computer, computer network, computer
- 5 program, computer software, computer chip, embedded chip, or other
- 6 information system to accurately process, including, but not
- 7 limited to, calculating, comparing, interpreting, generating,
- 8 receiving, or sequencing, date or time data in, from, into, and
- 9 between the years 1999 and 2000 and beyond, the twentieth and
- 10 twenty-first centuries, and leap-year calculations."; in line 22
- 11 strike "shall be those general damages" and insert "or a complying
- 12 financial institution defendant"; in line 23 strike "and" and
- 13 "(1)"; and in line 24 strike "and (2) not include" and insert a
- 14 period.
- 15 2. On page 2, strike line 1.

Messrs. Hartnett and Wickersham filed the following amendment to LB 105:
AM1877

(Amendments to E & R amendments, AM7149)

- 1 1. Strike section 100 and insert the following new
- 2 sections:
- 3 "Sec. 99. Section 71-1510, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-1510. (1) The property of housing ~~authorities~~
- 6 agencies created under ~~sections 71-1518 to 71-1554~~ the Nebraska
- 7 Housing Agency Act and the property of Indian housing authorities
- 8 created under Indian law shall be exempt from all taxes and special
- 9 assessments of the state or any city, village, or political
- 10 subdivision thereof. In lieu of such taxes or special assessments,
- 11 a housing ~~authority~~ agency may agree to make payments to any city,
- 12 village, or political subdivision of the state for services,
- 13 improvements, or facilities furnished by such municipality or
- 14 political subdivision for the benefit of a housing project owned by
- 15 the housing ~~authority~~ agency, but in no event shall such payments
- 16 exceed the estimated cost to such city, village, or political
- 17 subdivision of the services, improvements, or facilities to be so
- 18 furnished. All payments made by any such housing project in lieu
- 19 of taxes, whether such payments are contractually stipulated or
- 20 gratuitous voluntary payments, shall be distributed by the
- 21 governing body to the state and governmental subdivision within the
- 22 state public body creating such housing project, in such proportion
- 23 that the state and each governmental subdivision will receive from

1 the total payment the same proportion as its ad valorem tax rate
2 bears to the total ad valorem tax rate which would be levied by the
3 state and each governmental subdivision against the properties of
4 the housing ~~authority~~ agency if the same were not exempt from
5 taxation.

6 (2) For purposes of this section:

7 (a) Indian housing authority has the same meaning as in
8 24 C.F.R. 955.103; and

9 (b) Indian law means the code of an Indian tribe
10 recognized as eligible for services provided to Indians by the
11 United States Secretary of the Interior.

12 Sec. 101. Section 101 of this act becomes operative on
13 its effective date. Sections 20 and 105 of this act become
14 operative January 2, 2000. The other sections of this act become
15 operative on January 1, 2000.

16 Sec. 105. The following section is outright repealed:
17 Section 71-1510, Reissue Revised Statutes of Nebraska, as amended
18 by section 99, Legislative Bill 105, Ninety-sixth Legislature,
19 First Session, 1998."

20 2. On page 103, line 8, strike "section" and insert
21 "sections 71-1510 and"; in line 9 strike "is" and insert "are"; and
22 in line 11 strike "to 71-1512" and insert "to 71-1509, 71-1511,
23 71-1512".

24 3. Renumber the remaining sections and correct internal
25 references accordingly.

Mr. Bromm filed the following amendment to LB 779:
AM1165

1 1. Insert the following new sections:

2 "Sec. 4. Section 39-1713, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-1713. (1) When any person ~~shall present~~ presents to
5 the county board an affidavit satisfying it ~~(1)~~ (a) that he or she
6 is the owner of the real estate described therein located within
7 the county, ~~(2)~~ (b) that such real estate is shut out from all
8 public access, other than a waterway, by being surrounded on all
9 sides by real estate belonging to other persons, or by such real
10 estate and by water, ~~(3)~~ (c) that he or she is unable to purchase
11 from any of such persons the right-of-way over or through the same
12 to a public road or that it cannot be purchased except at an
13 exorbitant price, stating the lowest price for which the same can
14 be purchased by him or her, and ~~(4)~~ (d) asking that ~~a public access~~
15 an access road be provided in accordance with section 39-1716, the
16 county board shall appoint a time and place for hearing the matter,
17 which hearing shall be not more than thirty days after the receipt
18 of such affidavit. The application for ~~such access~~ an access road
19 may be included in a separate petition instead of in such
20 affidavit.

21 (2) For purposes of sections 39-1713 to 39-1719:

22 (a) Access road means a right-of-way open to the general
23 public for ingress to and egress from a tract of isolated land
24 provided in accordance with section 39-1716; and

1 (b) State of Nebraska includes the Board of Educational
2 Lands and Funds, Board of Regents of the University of Nebraska,
3 Board of Trustees of the Nebraska State Colleges, Department of
4 Roads, Department of Aeronautics, Department of Administrative
5 Services, and Game and Parks Commission and all other state
6 agencies, boards, departments, and commissions.

7 Sec. 5. Section 39-1714, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 39-1714. Whenever all the other conditions prescribed by
10 section 39-1713 are present and, instead of being entirely shut off
11 from all public roads, the only access by any owner of real estate
12 to any public road is by an established private road less than two
13 rods in width, the county board shall, upon the filing of an
14 affidavit or affidavit and petition asking that an access road be
15 provided in accordance with section 39-1716, substantially in the
16 manner set forth in section 39-1713, setting forth such facts,
17 appoint a time and place and hold a hearing thereon in the manner
18 set forth in section 39-1713.

19 Sec. 6. Section 39-1715, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-1715. When a hearing is to be held as provided in
22 sections 39-1713 and 39-1714, the county board shall cause notice
23 of the time and place of the hearing to be given by posting notices
24 thereof in three public places in the county at least ten days
25 before the time fixed therefor. At least fifteen days' written
26 notice of the time and place of the hearing shall be given to all
27 of the owners and occupants of the lands through which such access
1 the access road may pass. The notice shall be served personally or
2 by leaving a copy thereof at the usual place of abode of each
3 occupant of such lands and, whenever possible, by either registered
4 or certified mail to the owners of such ~~land~~ lands.

5 Sec. 7. Section 39-1716, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 39-1716. (1) The county board shall, if it finds ~~(1)~~ (a)
8 that the conditions set forth in section 39-1713 or 39-1714 exist,
9 ~~(2)~~ (b) that the isolated land was not isolated at the time it was
10 purchased by the owner or that the owner acquired the land directly
11 from the State of Nebraska, ~~(3)~~ (c) that the isolation of the land
12 was not caused by the owner or by any other person with the
13 knowledge and consent of the owner, and ~~(4)~~ (d) that access is
14 necessary for existing utilization of the isolated land, proceed to
15 provide an access road ~~public access~~ and, if it finds that the
16 amount of use and the number of persons served warrants such
17 action, may lay out a public road ~~of not more than four nor less~~
18 ~~than two rods in width~~; to such real estate.

19 (2) The county board shall appraise the damages to be

20 suffered by the owner or owners of the real estate over or through
21 which the access ~~shall~~ road will be provided. Such damages shall
22 be paid by the person petitioning that ~~such access~~ the access road
23 be provided. For any real estate purchased or otherwise acquired
24 after January 1, 1982, for which public access is granted pursuant
25 to sections 39-1713 to 39-1719, the person petitioning for such
26 access shall also reimburse the county for all engineering and
27 construction costs incurred in providing such access. ~~In those~~
1 ~~eases in which public access is granted pursuant to sections~~
2 ~~39-1713 to 39-1719, the county shall not be responsible for future~~
3 ~~maintenance unless a public road was laid out.~~

4 (3) Notwithstanding any other provisions of law, an
5 access road provided in accordance with this section shall not be
6 subject to Chapter 39, article 20 or 21. The designation of such
7 an access road shall not impose on the State of Nebraska or any
8 political subdivision any obligation of design, construction, or
9 maintenance for the access road nor give rise to any cause of
10 action against the state or any political subdivision with respect
11 to the access road.

12 Sec. 8. Section 39-1717, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 39-1717. Whenever possible, ~~access provided pursuant to~~
15 ~~sections 39-1713 to 39-1719~~ an access road provided in accordance
16 with section 39-1716 shall be along section lines. When the most
17 practicable route for the ~~public access as provided in section~~
18 ~~39-1716 shall be~~ access road is adjacent to a watercourse, the land
19 to be taken for ~~such access~~ the access road shall be measured from
20 the edge of the watercourse.

21 Sec. 9. Section 39-1718, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 39-1718. ~~Upon the providing of public access as provided~~
24 ~~for by~~ If the county board decides to provide an access road in
25 accordance with section 39-1716, the county board shall make and
26 sign an order describing the same and file it with the county
27 clerk, together with its award of damages which order shall be
1 recorded by the clerk, ~~except that ; PROVIDED;~~ the amount assessed
2 as damages to the owner or owners of ~~said the~~ real estate shall be
3 paid to the county treasurer before the order providing ~~such access~~
4 ~~shall be for the access road is~~ filed.

5 Sec. 10. Section 39-1718.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 39-1718.01. Sections 39-1713 ~~and 39-1715 to 39-1718 to~~
8 ~~39-1719~~ shall not apply if public access has been granted prior to
9 July 17, 1982.

10 Sec. 11. Section 39-1719, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 39-1719. Any party to an award as provided by section
13 39-1718 may, within sixty days after the filing thereof, appeal
14 therefrom to the district court of the county where the lands lie.

15 The appeal shall be taken by serving upon the adverse party a
16 notice of such appeal and filing such notice and proof of service
17 thereof with the clerk of the court within the sixty days.
18 Thereupon the appeal shall be set down for hearing at the next term
19 of the court. It shall be heard and determined in like manner as
20 appeals from awards in condemnations as provided in sections 76-704
21 to 76-724. Such appeal shall not affect the right or authority of
22 the petitioner to the use of the ~~roadway~~ access road under the
23 award of the appraisers.

24 The applicant shall in case of appeal file such
25 additional security as may be required by the county board for such
26 costs and damages as may accrue against him or her by reason of
27 such appeal. If on appeal the appellant does not obtain a more
1 favorable judgment and award than was given by the appraisers, such
2 appellant shall pay all the costs of such appeal. Either party to
3 such suit may appeal from the decision of the district court to the
4 Court of Appeals, and the sum deposited as provided in this section
5 shall remain in the hands of the county treasurer until a final
6 decision is had."

7 2. Renumber the remaining sections and correct internal
8 references and the repealer accordingly.

Mrs. Thompson filed the following amendment to LB 147A:
AM1858

- 1 1. On page 2, line 1, strike "\$22,534" and insert
- 2 "\$23,720"; and in line 3 strike "\$45,068" and insert "\$47,440".

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Jones and Hilgert asked unanimous consent to have their names added as cointroducers to LB 881. No objections. So ordered.

VISITORS

Visitors to the Chamber were Patricia Glee from Aurora and Karla and Heiner Diepenhorst from Frankfurt, Germany; 16 delegates from Vietnam and 10 members of Friendship Force from Lincoln; and Susan Martinez, Cathy Schumacher, Sharon Gehl, and Jerry Lewis from Gering.

ADJOURNMENT

At 7:53 p.m., on a motion by Mr. Hartnett, the Legislature adjourned until 9:00 a.m., Wednesday, May 19, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY – MAY 19, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****EIGHTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 19, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Greg Olson, Southwood Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Matzke and Mrs. C. Peterson who were excused; and Mmes. Bohlke, Kiel, Robak, Messrs. Bromm, Dickey, Landis, Lynch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 881. Placed on Select File as amended.
E & R amendment to LB 881:
AM7154

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 4 of this act shall be known
- 4 and may be cited as the Relief to Property Taxpayers Act.
- 5 Sec. 2. The purpose of the Relief to Property Taxpayers
- 6 Act is to provide property tax relief for property taxes levied
- 7 against real property. The property tax relief will be made to
- 8 owners of real property in the form of a property tax credit.
- 9 Sec. 3. The Relief to Property Taxpayers Cash Fund is
- 10 created. The fund shall only be used pursuant to the Relief to

11 Property Taxpayers Act. Any money in the fund available for
12 investment shall be invested by the state investment officer
13 pursuant to the Nebraska Capital Expansion Act and the Nebraska
14 State Funds Investment Act.

15 Sec. 4. (1) For tax year 2000, the amount of relief
16 granted under the Relief to Property Taxpayers Act shall be
17 thirty-five million dollars. For tax years after 2001, the amount
18 of relief granted under the act shall be equal to the amount
19 appropriated or transferred to the Relief to Property Taxpayers
20 Cash Fund by August 16. It is the intent of the Legislature to
21 fund the Relief to Property Taxpayers Act for tax years 2001, 2002,
22 and 2003 using available excess revenue. The relief shall be in
23 the form of a property tax credit which appears on the property tax
24 statement.

1 (2) To determine the amount of the property tax credit,
2 the county treasurer shall multiply the amount disbursed to the
3 county under subsection (4) of this section by the ratio of the
4 real property valuation to the real property valuation in the
5 county. The amount determined shall be the property tax credit for
6 the property.

7 (3) If the property owner qualifies for a homestead
8 exemption under sections 77-3501 to 77-3529, the homestead owner
9 shall also be qualified for the relief provided in the act to the
10 extent of any remaining liability after calculation of the relief
11 provided by the homestead exemption. If the credit results in a
12 property tax liability on the homestead that is less than zero, the
13 amount of the credit which cannot be used by the taxpayer shall be
14 returned to the State Treasurer by July 1 of the year the amount
15 disbursed to the county was disbursed. The State Treasurer shall
16 credit any funds returned under this section to the Tax Equity and
17 Educational Opportunities Support Act Stabilization Fund until July
18 1, 2001, and to the Relief to Property Taxpayers Cash Fund on and
19 after such date.

20 (4) The amount disbursed to each county shall be equal to
21 the amount available for disbursement determined under subsection
22 (1) of this section multiplied by the ratio of the real property
23 valuation in the county to the real property valuation in the
24 state. By September 15, the Property Tax Administrator shall
25 determine the amount to be disbursed under this subsection to each
26 county and certify such amounts to the State Treasurer and to each
27 county. The disbursements to the counties shall occur in two equal
1 payments, the first on or before January 31 and the second on or
2 before April 1. After retaining one percent of the receipts for
3 costs, the county treasurer shall allocate the remaining receipts
4 to each taxing unit levying taxes on taxable property in the tax
5 district in which the real property is located in the same
6 proportion that the levy of such taxing unit bears to the total
7 levy on taxable property of all the taxing units in the tax
8 district in which the real property is located.

9 Sec. 5. On August 16, 2000, the State Treasurer shall
10 transfer to the Tax Equity and Educational Opportunities Support
11 Act Stabilization Fund any money appropriated for purposes of the
12 Tax Equity and Educational Opportunities Support Act which is in
13 excess of the certification made under section 79-1022. The Tax
14 Equity and Educational Opportunities Support Act Stabilization Fund
15 is created. Any money in the fund available for investment shall
16 be invested by the state investment officer pursuant to the
17 Nebraska Capital Expansion Act and the Nebraska State Funds
18 Investment Act. On July 1, 2001, the fund shall terminate and the
19 State Treasurer shall transfer any money in the fund on such date
20 to the General Fund for purposes of funding the Tax Equity and
21 Educational Opportunities Support Act.

22 Sec. 6. Section 13-518, Revised Statutes Supplement,
23 1998, is amended to read:

24 13-518. For purposes of sections 13-518 to 13-522:

25 (1) Allowable growth means (a) for governmental units
26 other than community colleges, the percentage increase in taxable
27 valuation in excess of the base limitation established under
1 section 77-3446, if any, due to improvements to real property as a
2 result of new construction, additions to existing buildings, any
3 improvements to real property which increase the value of such
4 property, and any increase in valuation due to annexation and any
5 personal property valuation over the prior year and (b) for
6 community colleges, the percentage increase in excess of the base
7 limitation, if any, in full-time equivalent students from the
8 second year to the first year preceding the year for which the
9 budget is being determined;

10 (2) Capital improvements means (a) acquisition of real
11 property or (b) acquisition, construction, or extension of any
12 improvements on real property;

13 (3) Governing body has the same meaning as in section
14 13-503;

15 (4) Governmental unit means every political subdivision
16 which has authority to levy a property tax or authority to request
17 levy authority under section 77-3443 except sanitary and
18 improvement districts which have been in existence for five years
19 or less and school districts;

20 (5) Qualified sinking fund means a fund or funds
21 maintained separately from the general fund to pay for acquisition
22 or replacement of tangible personal property with a useful life of
23 five years or more which is to be undertaken in the future but is
24 to be paid for in part or in total in advance using periodic
25 payments into the fund. The term includes sinking funds under
26 subdivision (13) of section 35-508 for firefighting and rescue
27 equipment or apparatus;

1 (6) Restricted funds means (a) property tax, excluding
2 any amounts required to pay interest and principal on bonded
3 indebtedness and any amounts refunded to taxpayers, (b) payments in

4 lieu of property taxes, (c) local option sales taxes, (d) state
5 aid, (e) transfers of surpluses from any user fee, permit fee, or
6 regulatory fee if the fee surplus is transferred to fund a service
7 or function not directly related to the fee and the costs of the
8 activity funded from the fee, and (f) any funds excluded from
9 restricted funds for the prior year because they were budgeted for
10 capital improvements but which were not spent and are not expected
11 to be spent for capital improvements; and

12 (7) State aid means:

13 (a) For all governmental units, state aid paid pursuant
14 to sections 60-305.15 and 77-3523;

15 (b) For municipalities, state aid to municipalities paid
16 pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3007,
17 77-27,136, and 77-27,139.04 and insurance premium tax paid to
18 municipalities;

19 (c) For counties, state aid to counties paid pursuant to
20 sections 39-2501 to 39-2520, 47-119.01, 60-3007, 77-27,136, and
21 77-3618 and insurance premium tax paid to counties;

22 (d) For community colleges, state aid to community
23 colleges paid under sections 85-1536 to 85-1537 and section 10 of
24 this act;

25 (e) For natural resources districts, state aid to natural
26 resources districts paid pursuant to section 77-27,136; and

27 (f) For educational service units, state aid appropriated
1 under section 79-1241.

2 Sec. 7. Section 77-1701, Reissue Revised Statutes of
3 Nebraska, as amended by section 31, Legislative Bill 194,
4 Ninety-sixth Legislature, First Session, 1999, is amended to read:

5 77-1701. (1) The county treasurer shall be ex officio
6 county collector of all taxes levied within the county. The county
7 board shall direct that a statement of the amount of taxes due and
8 a notice that special assessments are due be mailed or otherwise
9 delivered to the last-known address of the person, firm,
10 association, or corporation against whom such taxes or special
11 assessments are assessed or to the lending institution or other
12 party responsible for paying such taxes or special assessments.
13 Such statement shall clearly indicate, for each political
14 subdivision, the levy rate and the amount of taxes due as the
15 result of principal or interest payments on bonds issued by the
16 political subdivision and shall show such rate and amount separate
17 from any other levy. When taxes are delinquent for a prior year,
18 the county treasurer shall indicate this information on the current
19 year tax statement in bold letters. The information provided shall
20 inform the taxpayer that delinquent taxes and interest are due for
21 the prior year or years and shall indicate the specific year or
22 years for which such taxes and interest remain unpaid. The
23 language shall read "Back Taxes and Interest Due For", followed by
24 numbers to indicate each year for which back taxes and interest are
25 due. When taxes are delinquent for a prior year, the county

26 treasurer shall indicate this information on such tax statement in
27 a clearly defined space or in a separate notice. The separate
1 notice shall be on a colored piece of paper and may be enclosed
2 with the tax statement. The separate notice or information on such
3 tax statement shall read: "ATTENTION: Taxes for a prior year are
4 delinquent. Interest is accruing. Please contact the county
5 treasurer's office immediately." Failure to receive such statement
6 or notice shall not relieve the taxpayer from any liability to pay
7 such taxes or special assessments and any interest or penalties
8 accrued thereon. In any county in which a city of the metropolitan
9 class is located, all statements of taxes shall also include notice
10 that special assessments for cutting weeds, removing litter, and
11 demolishing buildings are due.

12 (2) Notice that special assessments are due shall not be
13 required for special assessments levied by sanitary and improvement
14 districts organized under Chapter 31, article 7, except that such
15 notice may be provided by the county at the discretion of the
16 county board or by the sanitary and improvement district with the
17 approval of the county board.

18 (3) A statement of the amount of taxes due and a notice
19 that special assessments are due shall not be required to be mailed
20 or otherwise delivered pursuant to subsection (1) of this section
21 if the total amount of the taxes and special assessments due is
22 less than two dollars. Failure to receive the statement or notice
23 shall not relieve the taxpayer from any liability to pay the taxes
24 or special assessments but shall relieve the taxpayer from any
25 liability for interest or penalties. Taxes and special assessments
26 of less than two dollars shall be added to the amount of taxes and
27 special assessments due in subsequent years and shall not be
1 considered delinquent until the total amount is two dollars or
2 more.

3 Sec. 8. Section 77-1704.01, Revised Statutes Supplement,
4 1998, is amended to read:

5 77-1704.01. (1) The county treasurer shall include with
6 each tax notice or receipt to every taxpayer the following
7 information:

8 (1) (a) The total amount of aid from state sources
9 appropriated to the county and each city, village, and school
10 district in the county; and

11 (2) (b) The net amount of property taxes to be levied by
12 the county and each city, village, and school district in the
13 county; and

14 (c) Beginning with tax year 2000, for real property, the
15 amount of taxes reflected on the statement that are levied by the
16 county, city, village, school district, and other subdivisions for
17 the tax year and for the immediately past year on the same parcel.

18 (2) The necessary form for furnishing ~~such~~ the
19 information required by subdivisions (1)(a) and (b) of this section
20 shall be prescribed by the Department of Revenue. The necessary

21 information required by subdivision (1)(a) of this section shall be
22 furnished to the county treasurer by the Department of Revenue
23 prior to October 1 of each year. The form prescribed by the
24 Department of Revenue shall contain the following statement:

25 THE AMOUNT OF STATE FUNDS SHOWN ABOVE WOULD HAVE BEEN
26 ADDITIONAL PROPERTY TAXES IF NOT ALLOCATED TO THE COUNTY, CITY,
27 VILLAGE, AND SCHOOL DISTRICT BY THE LEGISLATURE.

1 Sec. 9. Section 84-612, Revised Statutes Supplement,
2 1998, is amended to read:

3 84-612. (1) There is hereby created within the state
4 treasury a fund known as the Cash Reserve Fund which shall be under
5 the direction of the State Treasurer. The fund shall only be used
6 pursuant to this section.

7 (2) The State Treasurer shall transfer funds from the
8 Cash Reserve Fund to the General Fund upon certification by the
9 Director of Administrative Services that the current cash balance
10 in the General Fund is inadequate to meet current obligations.
11 Such certification shall include the dollar amount to be
12 transferred.

13 (3) Any transfers made pursuant to subsections (2) and
14 (5) of this section shall be reversed upon notification by the
15 Director of Administrative Services that sufficient funds are
16 available.

17 (4) On or before August 1, 1994, the State Treasurer
18 shall transfer six million dollars from the Cash Reserve Fund to
19 the Job Training Cash Fund.

20 (5) The State Treasurer shall transfer funds from the
21 Cash Reserve Fund to the Roads Operations Cash Fund upon
22 certification by the Director of Administrative Services that the
23 current cash balance in the Roads Operations Cash Fund is
24 inadequate to meet current obligations as the result of delayed
25 receipt of federal funds. The certification shall include the
26 dollar amount to be transferred. The authority to transfer funds
27 pursuant to this subsection shall be in effect for the period July
1 1, 1998, through June 30, 1999.

2 (6) On or before September 1, 1998, the State Treasurer
3 shall transfer four million five hundred thousand dollars from the
4 Cash Reserve Fund to the General Fund.

5 (7) On or before September 1, 1998, the State Treasurer
6 shall transfer two million dollars from the Cash Reserve Fund to
7 the Reorganized School Assistance Fund.

8 (8) On June 15, 1999, the State Treasurer shall transfer
9 twelve million dollars from the Cash Reserve Fund to the General
10 Fund.

11 (9) On or before June 30, 1999, the State Treasurer shall
12 transfer eighty million dollars from the Cash Reserve Fund to the
13 General Fund.

14 (10) On June 15, 2001, the State Treasurer shall transfer
15 twenty-eight million dollars from the Cash Reserve Fund to the

16 General Fund.

17 (11) On August 16, 1999, the State Treasurer shall
18 transfer thirty million dollars from the Cash Reserve Fund to the
19 Relief to Property Taxpayers Cash Fund for the purposes of
20 increased aid to community colleges.

21 (12) On August 16, 2000, the State Treasurer shall
22 transfer thirty-five million dollars from the Cash Reserve Fund to
23 the Relief to Property Taxpayers Cash Fund.

24 (13) On August 1, 2001, the State Treasurer shall
25 transfer thirty-five million dollars from the Cash Reserve Fund to
26 the General Fund for purposes of funding the Tax Equity and
27 Educational Opportunities Support Act.

1 Sec. 10. If the Legislature appropriates more money for
2 aid to community colleges than is necessary to fully fund the
3 provisions of sections 85-1536 to 85-1537 for any fiscal year, the
4 excess money shall be allocated to each community college area in
5 the same proportion as the community college area's property
6 valuation is to the state's total property valuation.

7 Sec. 11. If any section in this act or any part of any
8 section is declared invalid or unconstitutional, the declaration
9 shall not affect the validity or constitutionality of the remaining
10 portions.

11 Sec. 12. Original sections 13-518, 77-1704.01, and
12 84-612, Revised Statutes Supplement, 1998, and section 77-1701,
13 Reissue Revised Statutes of Nebraska, as amended by section 31,
14 Legislative Bill 194, Ninety-sixth Legislature, First Session,
15 1999, are repealed.

16 Sec. 13. Since an emergency exists, this act takes
17 effect when passed and approved according to law."

18 2. On page 1, strike lines 2 through 6 and insert
19 "13-518, 77-1704.01, and 84-612, Revised Statutes Supplement, 1998,
20 and section 77-1701, Reissue Revised Statutes of Nebraska, as
21 amended by section 31, Legislative Bill 194, Ninety-sixth
22 Legislature, First Session, 1999; to adopt the Relief to Property
23 Taxpayers Act; to create funds; to provide for transfers of funds;
24 to change provisions relating to tax statements and notices; to
25 provide for allocation of certain funds to community college areas;
26 to harmonize provisions; to provide severability; to repeal the
27 original sections;"

LEGISLATIVE BILL 881A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 113 and LR 128 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR's 113 and 128.

MOTIONS - Approve Appointments

Mrs. Suttle moved the adoption of the report of the Education Committee for the following appointments found on page 2156: Steve Lewis and Willa Kosman - Board of Trustees, Nebraska State College System.

Mrs. Suttle requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Mrs. Suttle moved the adoption of the report of the Education Committee for the following appointment found on page 2156: Steve Lewis - Board of Trustees, Nebraska State College System.

Voting in the affirmative, 26:

Baker	Connealy	Hilgert	Pedersen, Dw.	Schmitt
Bohlke	Crosby	Janssen	Pederson, D.	Stuhr
Brashear	Dierks	Jensen	Price	Suttle
Brown	Engel	Jones	Raikes	Tyson
Bruning	Hartnett	Kremer	Redfield	Wehrbein
Byars				

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Beutler	Cudaback	Preister	Smith	Vrtiska
Bourne	Hudkins	Quandahl	Thompson	Wickersham
Coordsen	Kristensen	Schrock		

Excused and not voting, 9:

Bromm	Kiel	Lynch	Peterson, C.	Schimek
Dickey	Landis	Matzke	Robak	

The appointment was confirmed with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

The second division is as follows:

Mrs. Suttle moved the adoption of the report of the Education Committee for the following appointment found on page 2156: Willa Kosman - Board of Trustees, Nebraska State College System.

Voting in the affirmative, 30:

Baker	Connealy	Hilgert	Pederson, D.	Stuhr
Brashear	Coordsen	Hudkins	Price	Suttle
Brown	Crosby	Janssen	Raikes	Tyson
Bruning	Dierks	Jensen	Redfield	Vrtiska
Byars	Engel	Kremer	Schmitt	Wehrbein
Chambers	Hartnett	Pedersen, Dw.	Smith	Wickersham

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Bourne	Jones	Preister	Schrock
Bohlke	Cudaback	Kristensen	Quandahl	Thompson

Excused and not voting, 9:

Bromm	Kiel	Lynch	Peterson, C.	Schimek
Dickey	Landis	Matzke	Robak	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Janssen moved the adoption of the report of the General Affairs Committee for the following appointment found on page 2159: James Dietz - State Electrical Board.

Voting in the affirmative, 32:

Baker	Byars	Hudkins	Pederson, D.	Stuhr
Beutler	Coordsen	Janssen	Price	Suttle
Bohlke	Crosby	Jensen	Quandahl	Tyson
Bourne	Cudaback	Kremer	Raikes	Vrtiska
Brashear	Engel	Landis	Redfield	Wehrbein
Brown	Hartnett	Pedersen, Dw.	Schmitt	Wickersham
Bruning	Hilgert			

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Connealy	Jones	Preister	Smith	Thompson
Dierks	Kristensen	Schrock		

Excused and not voting, 8:

Bromm	Kiel	Matzke	Robak	Schimek
Dickey	Lynch	Peterson, C.		

The appointment was confirmed with 32 ayes, 1 nay, 8 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 865A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 637A. Title read. Considered.

Mr. Baker offered the following amendment:
AM1885

- 1 1. On page 2, line 18, strike "\$2,308,507" and insert
- 2 "\$2,034,342".

The Baker amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Baker offered the following amendment:
AM1886

- 1 1. On page 3, line 3, strike "\$6,773,700" and insert
- 2 "\$4,773,700"; and in line 5 strike "\$5,836,300" and insert
- 3 "\$4,615,958".

Mr. Baker withdrew his amendment.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 105. E & R amendment, AM7149, printed separately and referred to on page 2157, was adopted.

Mr. Tyson asked unanimous consent to replace his pending amendment, AM1661, found on page 1890, with a substitute amendment. No objections.

So ordered.

Mr. Tyson withdrew his amendment, AM1661, found on page 1890.

Mr. Tyson renewed his substitute pending amendment, AM1846, found on page 2200.

Mr. Tyson requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Tyson amendment is as follows:

FA244

(Amendments to E & R amendments, AM7149)

19 6. On page 80, line 1, after the period insert "Such
20 plan shall describe each new mixed-income or mixed-use development
21 by unique name and by the number of units to be created, unit size,
22 and units to be specifically designed for the elderly or
23 handicapped, proposed sources of funds, and those developments
1 which are to have mixed incomes and those which are to have mixed
2 uses. Also, if any supportive services and programs are to
3 provided to persons of eligible income and qualified tenants, such
4 services and programs are to be identified with each associated
5 project. Each mixed-income and mixed-use development shall include
6 a market study of the residential housing of the appropriate area
7 of operation in sufficient detail to justify any such new
8 development or as required by the Nebraska Investment Finance
9 Authority or the Department of Economic Development in providing
10 assistance to such project.".

Mr. Tyson offered the following amendment to the first Tyson amendment:
FA242

Amend AM1846

1st Div.

P. 2, line 5 after "development" insert "That involves 12 or more units"

MR. CUDABACK PRESIDING

Messrs. Landis and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Tyson amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Ms. Redfield, Messrs. Quandahl, Bruning, Smith, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Tyson requested a roll call vote on the first Tyson amendment, FA244, as amended.

Voting in the affirmative, 6:

Beutler	Jensen	Pedersen, Dw.	Raikes	Tyson
Byars				

Voting in the negative, 18:

Brown	Hartnett	Kristensen	Schimek	Thompson
Chambers	Hilgert	Pederson, D.	Schrock	Wehrbein
Connealy	Jones	Preister	Suttle	Wickersham
Crosby	Kiel	Price		

Present and not voting, 14:

Baker	Brashear	Dickey	Hudkins	Schmitt
Bohlke	Coordsen	Dierks	Janssen	Vrtiska
Bourne	Cudaback	Engel	Kremer	

Absent and not voting, 1:

Stuhr

Excused and not voting, 10:

Bromm	Landis	Matzke	Quandahl	Robak
Bruning	Lynch	Peterson, C.	Redfield	Smith

The first Tyson amendment, as amended, lost with 6 ayes, 18 nays, 14 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Tyson amendment is as follows:

FA245

(Amendments to E & R amendments, AM7149)

16 8. On page 91, line 12, strike "new housing
 17 developments" and insert "specific new mixed-income housing
 18 developments or mixed-use developments"; in line 13 strike the
 19 first comma through "may" and insert "shall"; and in line 20 after
 20 the period insert "In the event that no person or entity from
 21 private enterprise responds to the request for proposals or has not
 22 commenced performance of such new development within twelve months
 23 after such notice, the local housing agency may proceed to
 24 implement the project alone or through one of its controlled
 25 affiliates. In the event that a person or entity from private
 26 enterprise responds to the request for proposals or elects to
 27 perform such new development or project, the local housing agency
 1 shall provide supportive services and programs for persons of
 2 eligible income who are tenants of the new development or project
 3 at the same cost as it would have provided had it undertaken the
 4 project. In addition, the housing agency shall facilitate the same
 5 financial benefits, in so far as allowed by law, for the private
 6 developer or public-private partnership, as it would if it were
 7 undertaking such development or project, except that the housing
 8 agency shall be entitled to equivalent compensation for such
 9 financial benefits.".

Mrs. Brown renewed her pending amendment, AM1874, found on page 2234, to the second Tyson amendment.

Mrs. Brown withdrew her amendment.

Mr. Tyson offered the following amendment to the second Tyson amendment:

FA243

Amend FA245

P. 2 line 18 section 8 after "development" insert "That involves 12 or more units"

P. 2 line 22 strike "12" and insert "6"

Messrs. Brashear and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Tyson requested a roll call vote, in reverse order, on his amendment, FA243.

Voting in the affirmative, 3:

Jensen Kristensen Tyson

Voting in the negative, 27:

Bohlke	Coordsen	Hilgert	Kremer	Raikes
Bourne	Crosby	Hudkins	Pedersen, Dw.	Schimek
Brown	Cudaback	Janssen	Pederson, D.	Stuhr
Byars	Dickey	Jones	Preister	Thompson
Chambers	Engel	Kiel	Price	Wickersham
Connealy	Hartnett			

Present and not voting, 5:

Baker	Beutler	Dierks	Schmitt	Schrock
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Absent and not voting, 1:

Suttle

Excused and not voting, 13:

Brashear	Landis	Peterson, C.	Robak	Vrtiska
Bromm	Lynch	Quandahl	Smith	Wehrbein
Bruning	Matzke	Redfield		

The Tyson amendment lost with 3 ayes, 27 nays, 5 present and not voting, 1 absent and not voting, and 13 excused and not voting.

The Chair declared the call raised.

The second Tyson amendment, FA245, lost with 3 ayes, 13 nays, 20 present and not voting, and 13 excused and not voting.

Messrs. Bourne and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The third Tyson amendment is as follows:

FA246

(Amendments to E & R amendments, AM7149)

- 1 1. On page 2, line 24, strike "acting" through "and" and
- 2 insert "and local housing agencies acting"; and in line 25 after
- 3 "enterprises" insert "and failing that, then local housing agencies
- 4 may act alone".
- 5 2. On page 4, line 25, before the first "to" insert "to
- 6 the private sector of the economy,"; and after the first "agencies"
- 7 insert an underscored comma; and in line 27 after the first "to"
- 8 insert "jointly or separately".
- 9 3. On page 5, line 9, after "agencies" insert "and
- 10 private entities".
- 11 4. On page 8, line 5, after "section" insert "when local
- 12 housing agencies have identified through their planning process
- 13 that the private sector has not fulfilled the housing demand for
- 14 low and moderate income sectors of the market".

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Tyson moved for a call of the house. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Mr. Tyson requested a roll call vote on the third Tyson amendment.

Voting in the affirmative, 5:

Baker	Bruning	Jensen	Smith	Tyson
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Voting in the negative, 28:

Bohlke	Crosby	Jones	Price	Suttle
Brown	Engel	Kremer	Schimek	Thompson
Byars	Hartnett	Kristensen	Schmitt	Vrtiska
Chambers	Hilgert	Pedersen, Dw.	Schrock	Wehrbein
Connealy	Hudkins	Pederson, D.	Stuhr	Wickersham
Coordsen	Janssen	Preister		

Present and not voting, 5:

Beutler	Bromm	Cudaback	Dickey	Raikes
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Excused and not voting, 11:

Bourne	Kiel	Lynch	Peterson, C.	Redfield
Brashear	Landis	Matzke	Quandahl	Robak
Dierks				

The third Tyson amendment lost with 5 ayes, 28 nays, 5 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

The fourth Tyson amendment is as follows:

FA247

(Amendments to E & R amendments, AM7149)

- 15 5. On page 39, line 4, after "designees" insert "if the
 16 witness or holder of records has consented in writing or as part of
 17 a contract agreement with the local housing agency to allow the
 18 same".
- 11 7. On page 81, line 5, after the period insert "A
 12 housing agency shall have no right to restitution for any actions
 13 taken by the agency in furtherance of a new development or project
 14 without having first complied with sections 72 and 88 of this
 15 act".

- 10 9. On page 98, after line 22, insert the following new
11 subsection:
12 "(3) In connection with the limitations to the
13 commencement of a new mixed-income housing project or mixed-use
14 developments pursuant to sections 72 and 88 of this act or to
15 promote cooperation as required by section 88 of this act, a
16 private person or entity may bring an action to enforce such
17 sections in the courts of this state and if it is found that the
18 requirements of such sections have not been met, such private
19 person or entity may be entitled to relief which may include,
20 without limitation, the award of monetary damages, specific
21 performance, and mandamus and other injunctive relief."
22 10. On page 101, line 22, after the period insert "If a
23 claim is denied in whole or in part after a hearing as set forth in
24 this subsection, the claimant may appeal to the district court of
25 the appropriate area of operation. The court may award costs to
26 include attorney's fees to the prevailing party in any such
27 appeal."

Mr. Tyson withdrew his amendment.

Mr. Hartnett asked unanimous consent to replace his pending amendment, AM1819, found on page 2200, with a substitute amendment. No objections. So ordered.

Mr. Hartnett withdrew his amendment, AM1819, found on page 2200.

Mr. Hartnett renewed his substitute pending amendment, AM1875, found on page 2234.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Hartnett withdrew his amendment, AM1820, found on page 2200.

Mr. Hilgert and Mrs. Thompson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers renewed his pending amendment, AM1862, found on page 2231.

Pending.

VISITORS

Visitors to the Chamber were 35 fourth grade students and sponsors from Gates Elementary School, Grand Island; 73 fourth grade students and teacher from Columbian Elementary School, Omaha; 20 fourth grade students and teacher from Polk Hordville Elementary School, Polk; and 9 fourth grade

students and teacher from Bellevue Christian Academy, Bellevue.

RECESS

At 12:03 p.m., on a motion by Mr. Bruning, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Mr. Matzke and Mrs. C. Peterson who were excused; and Messrs. Beutler, Dierks, Landis, Preister, Quandahl, Vrtiska, Mmes. Bohlke, Kiel, Robak, and Ms. Redfield who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 878

Mrs. Thompson renewed her pending motion, found on page 2234, that LB 878, specifically Section 8, Agency 25 Program 931 - Juvenile Correctional Facilities become law notwithstanding the objections of the Governor.

Mrs. Thompson withdrew her motion.

SELECT FILE

LEGISLATIVE BILL 105. Mr. Chambers renewed his pending amendment, AM1862, found on page 2231 and considered in this day's Journal.

The Chambers amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Messrs. Jones and Smith asked unanimous consent to replace their pending amendment, AM1870, found on page 2233, with a substitute amendment. No objections. So ordered.

Messrs. Jones and Smith withdrew their amendment, AM1870, found on page 2233.

Ms. Schimek, Messrs. Jones, and Hartnett offered the following substitute amendment:

AM1895

(Amendments to E & R amendments, AM7149)

- 1 1. On page 11, strike lines 24 through 27 and insert the
- 2 following new subdivision:
- 3 "(19) Mixed-income development means a housing
- 4 development intended to be, and which in fact is, occupied both by
- 5 persons of eligible income and by other persons, and if such other
- 6 persons are living in a development constructed or acquired after
- 7 the operative date of this act, the incomes of such other persons
- 8 at initial occupancy shall not exceed one hundred percent of the
- 9 median income in the county in which the development is located;".
- 10 2. On page 12, strike line 1.
- 11 3. On page 67, line 6, after "is" insert "constructed or
- 12 acquired after the operative date of this act and is".

Ms. Schimek offered the following amendment to the Schimek et al. amendment:

FA248

Amend AM1895

In line 6 after "acquired" insert "and substantially occupied"

The Schimek amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Schimek et al. amendment, as amended, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Jensen renewed his pending amendment, FA239, found on page 2234.

Mr. Jensen moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mrs. Brown requested a roll call vote on the Jensen amendment.

Voting in the affirmative, 19:

Baker	Dierks	Kremer	Redfield	Tyson
Beutler	Engel	Kristensen	Schmitt	Vrtiska
Bruning	Hudkins	Pederson, D.	Smith	Wehrbein
Crosby	Jensen	Quandahl	Stuhr	

Voting in the negative, 15:

Bromm	Chambers	Hilgert	Kiel	Price
Brown	Connealy	Janssen	Landis	Schimek
Byars	Hartnett	Jones	Lynch	Thompson

Present and not voting, 12:

Bohlke	Coordsen	Pedersen, Dw.	Raikes	Suttle
Bourne	Cudaback	Preister	Schrock	Wickersham
Brashear	Dickey			

Excused and not voting, 3:

Matzke Peterson, C. Robak

The Jensen amendment lost with 19 ayes, 15 nays, 12 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 865A. Placed on Select File.

LEGISLATIVE BILL 637A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

COMMUNICATIONS

May 19, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 880, 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:r

May 19, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 878, 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:r

May 19, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 877, 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:r

May 19, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 805A, 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:r

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 689:

AM1873

(Amendments to Final Reading Second copy)

- 1 1. On page 5, lines 10 and 16, strike "ten" and insert
- 2 "thirty".
- 3 2. On page 5, line 14, after "objection" insert "unless
- 4 the objection is by the court on its own motion on the grounds that
- 5 the applicant is asserting legal positions which are frivolous or
- 6 malicious. If no hearing is held, the court shall provide a
- 7 written statement of its reasons, findings, and conclusions for
- 8 denial of the applicant's application to proceed in forma pauperis
- 9 which shall become a part of the record of the proceeding"; and in
- 10 line 16 after "ruling" insert "or issuance of the statement".
- 11 3. On page 6, line 2, after "record" insert "based on
- 12 the transcript of the hearing or the written statement of the
- 13 court".

Mr. Dw. Pedersen filed the following amendment to LB 865A:
AM1894

- 1 1. Insert the following new section:
- 2 "Sec. 2. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

SELECT FILE

LEGISLATIVE BILL 105. Messrs. Hartnett and Wickersham renewed their pending amendment, AM1877, found on page 2235.

The Hartnett-Wickersham amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM1898

(Amendments to E & R amendments, AM7149)

- 1 1. On page 4, line 16, strike "and other services"; and
- 2 strike beginning with the first "or" in line 17 through "persons"
- 3 in line 23.
- 4 2. On page 6, line 21, strike "mixed-use and"; and in
- 5 line 27 strike "commercial and".
- 6 3. On page 12, lines 2 and 3, strike subdivision (20)
- 7 and renumber the remaining subdivisions and correct internal
- 8 references accordingly.
- 9 4. On page 41, line 3, strike beginning with the comma
- 10 through the second "developments".
- 11 5. On page 43, line 8, strike the second comma and
- 12 insert "or"; and strike beginning with the last comma in line 9

13 through "character" in line 15.

14 6. On page 53, lines 10 through 25, strike subdivision
15 (38) and renumber the remaining subdivisions and correct internal
16 references accordingly.

17 7. On page 65, line 22, strike "commercial facilities,"
18 and "and mixed-use".

The Beutler amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment:

AM1899

(Amendments to E & R amendments, AM7149)

1 1. On page 2, strike lines 9 through 15 and renumber the
2 remaining subdivisions accordingly.

3 2. On page 5, line 12, after the semicolon insert "and";
4 and strike beginning with line 13 through the semicolon in line 22
5 and renumber the remaining subdivisions and correct internal
6 references accordingly.

7 3. On page 7, strike beginning with "and" in line 4
8 through "persons" in line 14.

9 4. On page 40, strike beginning with the first "and" in
10 line 19 through "persons" in line 20.

11 5. On page 49, strike lines 2 through 15 and renumber
12 the remaining subdivisions and correct internal references
13 accordingly.

14 6. Strike beginning on page 54, line 26, through page
15 55, line 9, and renumber the remaining subdivisions and correct
16 internal references accordingly.

Mr. Beutler moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Baker	Hudkins	Lynch	Robak	Stuhr
Beutler	Jensen	Quandahl	Schmitt	Tyson
Bruning	Kremer	Redfield	Smith	Wehrbein
Engel	Kristensen			

Voting in the negative, 18:

Bromm	Connealy	Dickey	Kiel	Schimek
Brown	Coordsen	Dierks	Pedersen, Dw.	Schrock
Byars	Crosby	Hilgert	Price	Thompson
Chambers	Cudaback	Jones		

Present and not voting, 11:

Bohlke	Hartnett	Pederson, D.	Raikes	Vrtiska
Bourne	Janssen	Preister	Suttle	Wickersham
Brashear				

Excused and not voting, 3:

Landis	Matzke	Peterson, C.
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The Beutler amendment lost with 17 ayes, 18 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett offered the following amendment:

FA249

At the end of section 71, subdivision (4); on page 79 at the end of line 15, insert the following sentence:

"A copy of each audit report shall be filed with the Auditor of Public Accounts within six months after the end of the fiscal year of each such agency."

The Hartnett amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Raikes offered the following amendment:

FA250

Amend AM7149

Strike on page 67, lines 7 to 10 and insert the following
more than sixty percent of the dwelling units in such development shall be occupied by persons who are not persons of eligible income, and no person occupying such a development shall have an income at initial occupancy which exceeds one hundred percent of the median income in the county in which the development is located. This authority is granted only if the agency has made

The Raikes amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 147. E & R amendment, AM7146, printed separately and referred to page 2157, was adopted.

Ms. Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mmes. Stuhr and Thompson renewed their pending amendment, AM1787,

found on page 2159.

The Stuhr-Thompson amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 147A. Mrs. Thompson renewed her pending amendment, AM1858, found on page 2239.

The Thompson amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 865. E & R amendment, AM7151, found on page 2189, was adopted.

Mr. Dw. Pedersen renewed his pending amendment, AM1588, found on page 2013.

The Dw. Pedersen amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Dw. Pedersen withdrew his amendment, AM1815, found on page 2174.

Mr. Dw. Pedersen offered the following amendment:
AM1897

(Amendments to Standing Committee amendments, AM1566)

- 1 1. Insert the following new sections:
- 2 "Sec. 6. Section 83-183, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 83-183. (1) To establish good habits of work and
- 5 responsibility, to foster vocational training, and to reduce the
- 6 cost of operating the facilities, persons committed to the
- 7 department shall be employed, eight hours per day, so far as
- 8 possible in constructive and diversified activities in the
- 9 production of goods, services, and foodstuffs to maintain the
- 10 facilities, for state use, and for other purposes authorized by
- 11 law. To accomplish these purposes, the director may establish and
- 12 maintain industries and farms in appropriate facilities and may
- 13 enter into arrangements with any other department or agency of the
- 14 state or any natural resources district for the employment of
- 15 persons committed to the department for state or governmental
- 16 purposes.
- 17 (2) The director shall make rules and regulations

18 governing the hours, conditions of labor, and the rates of
19 compensation of persons committed to the department. In
20 determining the rates of compensation, such regulations may take
21 into consideration the quantity and quality of the work performed
22 by such person, whether or not such work was performed during
23 regular working hours, the skill required for its performance, and
1 the economic value of similar work outside of correctional
2 facilities.

3 (3) Except as provided in section 83-183.01, wage
4 payments to a person committed to the department shall be set aside
5 by the chief executive officer of the facility in a separate fund.
6 The fund shall enable such person committed to the department to
7 contribute to the support of his or her dependents, if any, to make
8 necessary purchases from the commissary, and to set aside sums to
9 be paid to him or her at the time of his or her release from the
10 facility.

11 (4) The director may authorize the chief executive
12 officer to invest the earnings of a person committed to the
13 department. Any accrued interest thereon shall be credited to such
14 person's fund.

15 (5) The director may authorize the chief executive
16 officer to reimburse the state from the wage fund of a person
17 committed to the department for:

18 (a) The actual value of property belonging to the state
19 or any other person intentionally or recklessly destroyed by such
20 person committed to the department during his or her commitment;

21 (b) The actual value of the damage or loss incurred as a
22 result of unauthorized use of property belonging to the state or
23 any other person by such person committed to the department;

24 (c) The actual cost to the state for injuries or other
25 damages caused by intentional acts of such person committed to the
26 department; and

27 (d) The reasonable costs incurred in returning such
1 person committed to the department to the facility to which he or
2 she is committed in the event of his or her escape.

3 (6) No person committed to the department shall be
4 required to engage in excessive labor, and no such person shall be
5 required to perform any work for which he or she is declared unfit
6 by a physician designated by the director.

7 (7) The director may authorize that a portion of the
8 earnings of a person committed to the department be retained by
9 that person for personal use.

10 Sec. 7. Original section 83-183, Reissue Revised
11 Statutes of Nebraska, is repealed."

12 2. Renumber the remaining section accordingly.

The Dw. Pedersen amendment was adopted with 32 ayes, 0 nays, 13 present
and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 865A. Mr. Dw. Pedersen renewed his pending amendment, AM1894, found in this day's Journal.

The Dw. Pedersen amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 419. Title read. Considered.

Messrs. Landis, D. Pederson, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CUDABACK PRESIDING

The Standing Committee amendment, AM1677, found on page 2020, was considered.

Mr. Coordsen renewed his pending amendment, AM1814, found on page 2223, to the Standing Committee amendment.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Coordsen requested to have LB 419 passed over.

AMENDMENTS - Print in Journal

Messrs. Wehrbein and Byars filed the following amendment to LB 594:
AM1903

(Amendments to Final Reading copy)

- 1 1. Strike sections 66 to 69.
- 2 2. On page 1, line 8, after the last comma insert "and";

- 3 and in line 9 strike beginning with "and" through the last comma.
4 3. On page 2, line 14, strike beginning with
5 "transportation" through the comma.
6 4. On page 135, line 15, strike "70, and 73" and insert
7 "66, and 69"; and in line 28 before "71-7803" insert "and".
8 5. On page 136, line 1, strike "and 75-302 to
9 75-303.02,".
10 6. Renumber the remaining sections accordingly.

Mr. Smith filed the following amendment to LB 849:

(Amendment on file in the Clerk's Office - Room 2018 - AM1900.)

Messrs. Quandahl, Bourne, Preister, Dw. Pedersen, Hilgert, Jensen, Brashear, Chambers, Lynch, Mmes. Brown, Kiel, Suttle, Hudkins, and Ms. Redfield filed the following amendment to LB 32:

AM1867

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
2 "Sec. 2. Section 77-5017, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 77-5017. In resolving a contested case, the commission
5 may make such orders as are appropriate for resolving the dispute
6 but in no case shall the relief be excessive compared to the
7 problems addressed. The commission may make prospective orders
8 requiring changes in assessment practices which will improve
9 assessment practices or affect the general level of assessment or
10 the measures of central tendency in a positive way. If no other
11 relief is adequate to resolve disputes, the commission may order a
12 reappraisal of property within a county, an area within a county,
13 or classes or subclasses of property within a county. No order of
14 the commission requiring reappraisal shall be effective until the
15 commission first makes a finding that all other classes or
16 subclasses of property within the state are within the acceptable
17 range specified in section 77-5023.
18 Sec. 3. Section 77-5023, Revised Statutes Supplement,
19 1998, is amended to read:
20 77-5023. Pursuant to section 77-5022, the commission
21 shall have the power to increase or decrease the value of a class
22 or subclass of real property of any county or tax district or real
23 property valued by the state so that all classes or subclasses of
1 real property in all counties fall within the acceptable range. No
2 order of the commission requiring a decrease or increase in value
3 of a class or subclass of property in any county or tax district
4 shall be effective until the commission first makes a finding that
5 all other classes or subclasses of property within the state are
6 within the acceptable range specified in this section. For
7 agricultural land, the acceptable range shall be from seventy-four
8 percent to eighty percent of actual value of agricultural land; and
9 for nonagricultural real property, the acceptable range shall be

10 from ninety-two percent to one hundred percent of actual value of
 11 nonagricultural real property. Such increase or decrease shall be
 12 made by a percentage and shall result in an average level of
 13 assessment for the class or subclass adjusted at seventy-seven
 14 percent of actual value for agricultural land and ninety-six
 15 percent of actual value for nonagricultural real property.

16 Sec. 5. Sections 1, 4, and 6 of this act become
 17 operative three calendar months after adjournment of this
 18 legislative session. The other sections of this act become
 19 operative on their effective date.

20 Sec. 7. Original section 77-5017, Reissue Revised
 21 Statutes of Nebraska, and section 77-5023, Revised Statutes
 22 Supplement, 1998, are repealed.

23 Sec. 8. Since an emergency exists, this act takes effect
 24 when passed and approved according to law."

25 2. On page 1, line 2, before "and" insert ", 77-5017,";
 26 in line 3 before the semicolon insert ", and section 77-5023,
 27 Revised Statutes Supplement, 1998"; in line 4 after the semicolon
 1 insert "to change provisions relating to commission orders;"; and
 2 in line 5 strike "and" and after "sections" insert "; and to
 3 declare an emergency".

4 3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 870 and 870A.

Enrollment and Review Change to LB 870

The following changes, required to be reported for publication in the Journal, have been made:

ER9097

1. In the Beutler amendment, FA233, on page 1, "effectuate" has been struck and "adopt and promulgate" inserted and "above" has been struck and "in this subsection." inserted.

2. In the E & R amendments, AM7143:

a. On page 5, line 8, "to" has been struck and "into" inserted; and

b. On page 13, line 13, an underscored comma has been inserted after "Act".

3. On page 1, the matter beginning with "Livestock" in line 1 through the first semicolon in line 6 and all amendments thereto have been struck and "environment; to amend sections 46-656.29, 54-701.03, 54-725, 54-744, 54-2402 to 54-2404, 54-2406 to 54-2409, and 54-2411 to 54-2413, Reissue Revised Statutes of Nebraska; to change water well provisions; to prohibit certain disposal of liquified animal remains; to change livestock composting provisions; to define and redefine terms; to provide

exemptions from and requirements for permits under the Livestock Waste Management Act; to change report, fee, application, and review requirements relating to permits under the act; to state intent; to eliminate obsolete provisions;" inserted.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 661. Title read. Considered.

The Standing Committee amendment, AM1681, found on page 1938, was considered.

Messrs. Bruning and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 265. Introduced by Crosby, 29.

WHEREAS, Lincoln Southeast High School students recently completed work constructing a 900-square-foot Habitat for Humanity house; and

WHEREAS, more than 2,000 Southeast students raised over \$25,000 to finance construction of the house; and

WHEREAS, the new homeowner and her son, Dianna and Darnell Utley, spent 400 hours working on their new home alongside the Southeast students; and

WHEREAS, the pride of the students in this accomplishment can be seen in comments some made at a victory rally after construction was completed, "You never think you can do something this big"; "We set the standard for Southeast for years to come and high schools around the nation, we built a house".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Lincoln Southeast High School on the completion of the Habitat for Humanity house.

2. That a copy of this resolution be sent to Lincoln Southeast High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 661. Mrs. Bohlke renewed her pending amendment,

AM1028, found on page 1293.

Mrs. Bohlke withdrew her amendment.

Messrs. Quandahl and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen renewed his pending amendment, AM1827, found on page 2235.

Mr. Brashear requested a division of the question on the Kristensen amendment.

The Chair sustained the division of the question.

The first Kristensen amendment is as follows:

FA251

(Amendments to Standing Committee amendments, AM1681)

- 1 1. On page 1, strike lines 14 through 20 and insert the
- 2 following new subsection:
- 3 "(3) Computer date failure means the present or future
- 4 failure or inability of a computer, computer network, computer
- 5 program, computer software, computer chip, embedded chip, or other
- 6 information system to accurately process, including, but not
- 7 limited to, calculating, comparing, interpreting, generating,
- 8 receiving, or sequencing, date or time data in, from, into, and
- 9 between the years 1999 and 2000 and beyond, the twentieth and
- 10 twenty-first centuries, and leap-year calculations.";

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Kristensen amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The second Kristensen amendment is as follows:

FA252

(Amendments to Standing Committee amendments, AM1681)

in line 22

- 11 strike "shall be those general damages" and insert "or a complying
- 12 financial institution defendant"; in line 23 strike "and" and
- 13 "(1)"; and in line 24 strike "and (2) not include" and insert a
- 14 period.
- 15 2. On page 2, strike line 1.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Kristensen amendment was adopted with 26 ayes, 1 nay, 11

present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 3 nays, 10 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 816. E & R amendment, AM7141, printed separately and referred to on page 1937, was adopted.

Mrs. Bohlke offered the following amendment:

AM1888

(Amendments to E & R amendments, AM7141)

- 1 1. Insert the following new sections:
- 2 "Sec. 21. Sections 1, 21, 23, and 24 of this act become
- 3 operative on their effective date. The remaining sections of this
- 4 act become operative on September 1, 1999.
- 5 Sec. 23. Original section 85-408, Reissue Revised
- 6 Statutes of Nebraska, is repealed.
- 7 Sec. 24. Since an emergency exists, this act takes
- 8 effect when passed and approved according to law."
- 9 2. On page 32, line 14, strike "85-408,".
- 10 3. Renumber the remaining section accordingly.

The Bohlke amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

Mrs. Thompson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 816A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 730. E & R amendment, AM7147, found on page 2157, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 730A. Advanced to E & R for engrossment.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 828. E & R amendment, AM7150, found on page 2161, was adopted.

Mr. Jensen offered the following amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM1893.)

The Jensen amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 571. E & R amendment, AM7148, printed separately and referred to on page 2164, was adopted.

Mr. Brashear renewed his pending amendment, AM1762, found on page 2142.

The Brashear amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 863. E & R amendment, AM7152, found on page 2188, was adopted.

Mr. Schrock offered the following amendment:
AM1865

(Amendments to Standing Committee amendments, AM1724)

- 1 1. On page 8, line 13, strike "and" and insert "or".
- 2 2. On page 10, line 5, after "dwelling" and insert "or
3 child-occupied facility" and after "A" insert "certified".
- 4 3. On page 15, line 19, strike "persons" and insert
5 "individuals".
- 6 4. On page 17, line 2, strike "person" and show as
7 stricken; in line 3 strike "person", show as stricken, and insert
8 "individual"; and in line 10 strike "a person", show as stricken,
9 and insert "an individual".
- 10 5. On page 18, line 10; and page 21, lines 8 and 26,
11 strike "person", show as stricken, and insert "individual".
- 12 6. On page 19, line 20, strike "A person", show as
13 stricken, and insert "An individual".
- 14 7. On page 20, line 19, strike "A person or", show as
15 stricken, and insert "An individual or".
- 16 8. On page 22, line 4, strike "person or" and show as
17 stricken; and in line 7 strike "a person", show as stricken, and
18 insert "an individual".
- 19 9. On page 23, line 15, strike "person" and insert
20 "individual"; and in line 21 strike "persons" and insert
21 "individuals".

The Schrock amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Baker asked unanimous consent to have his name added as cointroducer to LR 174. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 266. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Redfield, 12; Schimek, 27; Smith, 48.

PURPOSE: The purpose of this study is to investigate the funding issues raised by the Volunteer Emergency Responders Recruitment and Retention Act (LB 849). Specifically, the study shall seek to develop a strategy for financing in a meaningful fashion the service award benefits called for in the legislation and to determine a stable, consistent revenue source for the benefits which would avoid the need for state General Fund financing of the program. The study shall include a review of similar programs in other states and how those programs are financed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 28 seventh and eighth grade students and teacher from Orchard Public School; and Don and Chris Kohout from Omaha.

The Doctor of the Day was Dr. Jeff Gotschall from Columbus.

ADJOURNMENT

At 6:29 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, May 20, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIFTH DAY – MAY 20, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****EIGHTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 20, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Father John Rooney, St. Gregory The Great Seminary, Seward, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, C. Peterson, Robak, Messrs. Brashear, Landis, Matzke, D. Pederson, Preister, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fourth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTIONS - Approve Appointments

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 2223: Fred Hlava, Richard Klauz, Keith Mueller, Florian Paskevic, and John Steinauer - Nebraska State Emergency Response Commission.

Ms. Schimek requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 2223: Richard Klauz, Keith Mueller, Florian Paskevic, and John Steinauer - Nebraska State Emergency Response Commission.

Voting in the affirmative, 27:

Baker	Connealy	Hilgert	Pedersen, Dw.	Schmitt
Beutler	Coordsen	Hudkins	Quandahl	Smith
Bourne	Crosby	Janssen	Raikes	Suttle
Bromm	Dierks	Jones	Redfield	Tyson
Brown	Engel	Kremer	Schimek	Vrtiska
Bruning	Hartnett			

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Byars	Dickey	Kristensen	Price	Stuhr
Cudaback	Jensen	Lynch	Schrock	Thompson

Excused and not voting, 11:

Bohlke	Landis	Pederson, D.	Preister	Wehrbein
Brashear	Matzke	Peterson, C.	Robak	Wickersham
Kiel				

The appointments were confirmed with 27 ayes, 1 nay, 10 present and not voting, and 11 excused and not voting.

Ms. Schimek requested to pass over the confirmation report on Fred Hlava - Nebraska State Emergency Response Commission.

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 2223: John Bergmeyer and Nancy Reckewey - Nebraska Accountability and Disclosure Commission.

Voting in the affirmative, 34:

Baker	Chambers	Engel	Jones	Pederson, D.
Bohlke	Connealy	Hartnett	Kremer	Price
Bourne	Coordsen	Hilgert	Landis	Quandahl
Bromm	Crosby	Hudkins	Lynch	Raikes
Brown	Dickey	Janssen	Matzke	Redfield
Bruning	Dierks	Jensen	Pedersen, Dw.	Schimek

Smith	Suttle	Thompson	Vrtiska
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Voting in the negative, 0.

Present and not voting, 8:

Beutler	Cudaback	Schmitt	Stuhr	Tyson
Byars	Kristensen	Schrock		

Excused and not voting, 7:

Brashear	Peterson, C.	Robak	Wehrbein	Wickersham
Kiel	Preister			

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Mr. Dw. Pedersen moved the adoption of the report of the Judiciary Committee for the following appointment found on page 2221: Scot Ford - Nebraska Crime Victims Reparation Committee.

Voting in the affirmative, 31:

Baker	Crosby	Jones	Price	Smith
Bohlke	Dickey	Kremer	Quandahl	Stuhr
Bourne	Dierks	Landis	Raikes	Suttle
Brown	Engel	Lynch	Redfield	Thompson
Bruning	Hilgert	Matzke	Schimek	Tyson
Connealy	Janssen	Pedersen, Dw.	Schmitt	Vrtiska
Coordsen				

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Beutler	Byars	Hartnett	Jensen	Pederson, D.
Bromm	Cudaback	Hudkins	Kristensen	Schrock

Excused and not voting, 7:

Brashear	Peterson, C.	Robak	Wehrbein	Wickersham
Kiel	Preister			

The appointment was confirmed with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 779. Title read. Considered.

Mr. Bromm renewed his pending amendment, AM1165, found on page 2236.

The Bromm amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Baker offered the following amendment:

AM0253

- 1 1. On page 6, strike beginning with the comma in line 11
- 2 through "board" in line 12, show as stricken, and insert ". The
- 3 compensation of the secretary and any deputy director or secretary
- 4 shall be fixed by the Legislature through the appropriations
- 5 process".

Mr. Baker withdrew his amendment.

Advanced to E & R for review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORT**Enrollment and Review**

LEGISLATIVE BILL 661. Placed on Select File as amended.

E & R amendment to LB 661:

AM7155

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. For purposes of this act:
- 4 (1) Complying financial institution defendant means a
- 5 federally insured financial institution that has substantially
- 6 complied with or received a satisfactory rating with regard to
- 7 examinations, guidelines, rules, or regulations of applicable
- 8 federal regulatory agencies to protect against a computer date
- 9 failure;
- 10 (2) Complying public defendant means the state or a
- 11 political subdivision of the state that has made reasonable efforts
- 12 to protect its computer systems, programs, or software from a
- 13 computer date failure; and
- 14 (3) Computer date failure means the present or future
- 15 failure or inability of a computer, computer network, computer
- 16 program, computer software, computer chip, embedded chip, or other
- 17 information system to accurately process, including, but not
- 18 limited to, calculating, comparing, interpreting, generating,
- 19 receiving, or sequencing, date or time data in, from, into, and
- 20 between the years 1999 and 2000 and beyond, the twentieth and
- 21 twenty-first centuries, and leap-year calculations.

22 Sec. 2. Damages recoverable in a civil action against a
23 complying public defendant or a complying financial institution
24 defendant which result from a computer date failure shall only be
1 based on a contract to which the plaintiff is a party.

2 Sec. 3. No action shall be brought under section 25-319
3 against a complying public defendant for damages resulting from a
4 computer date failure.

5 Sec. 4. No action shall be brought under section 25-319
6 against a complying financial institution defendant for damages
7 resulting from a computer date failure within one hundred eighty
8 days after the cause of action accrues.

9 Sec. 5. This act does not apply to any cause of action
10 for personal injuries.

11 Sec. 6. Since an emergency exists, this act takes effect
12 when passed and approved according to law."

13 2. On page 1, strike beginning with "provide" in line 1
14 through line 3 and insert "restrict certain damages and causes of
15 action for damages resulting from computer date failures; to define
16 terms; and to declare an emergency."

(Signed) Adrian M. Smith, Chairperson

COMMUNICATION

May 20, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 548A, 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:r

STANDING COMMITTEE REPORTS

Agriculture

The Agriculture Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dry Bean Commission
Dale Eirich

VOTE: Aye: Senators Cudaback, Dickey, Dierks, Janssen, Schrock, and Vrtiska. Nay: None. Present, Not Voting: Senator Chambers. Absent: Senator Hilgert.

The Agriculture Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Climate Assessment Response Committee

Barbara Cooksley

Elbert Dickey

Merwin Fricke

Mark Kuzila

VOTE: Aye: Senators Cudaback, Dickey, Dierks, Janssen, Schrock, and Vrtiska. Nay: None. Present, Not Voting: Senator Chambers. Absent: Senator Hilgert.

(Signed) Merton L. Dierks, Chairperson

MOTION - Suspend Rules

Mr. Schrock moved to suspend the rules, Rule 3, Section 13, to permit scheduling of a public hearing on the confirmation of gubernatorial appointments.

The Schrock motion to suspend the rules prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING
Natural Resources

Wednesday, May 26, 1999 (cancel)

1:00 p.m.

Environmental Quality Council

John Baker

Janet Bernard

Robert Blobaum

Fred Hlava

Norm Nelson

Steven Oltmans

Richard Sommer

Jodi Thompson

Tuesday, May 25, 1999 (reset)

1:00 p.m.

Environmental Quality Council

John Baker

Janet Bernard

Robert Blobaum

Fred Hlava

Norm Nelson
 Steven Oltmans
 Richard Sommer
 Jodi Thompson

(Signed) Ed Schrock, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 51.

A BILL FOR AN ACT relating to courts; to amend sections 29-901 and 33-126.05, Reissue Revised Statutes of Nebraska; to change provisions relating to bail and miscellaneous fees; 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:

Baker	Connealy	Janssen	Pedersen, Dw.	Schmitt
Beutler	Coordsen	Jensen	Pederson, D.	Schrock
Bohlke	Crosby	Jones	Preister	Smith
Bourne	Cudaback	Kiel	Price	Stuhr
Brashear	Dickey	Kremer	Quandahl	Suttle
Bromm	Dierks	Kristensen	Raikes	Thompson
Brown	Engel	Landis	Redfield	Tyson
Bruning	Hartnett	Lynch	Robak	Wehrbein
Byars	Hilgert	Matzke	Schimek	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 54.

A BILL FOR AN ACT relating to courts; to amend sections 20-159,

25-2406, and 29-2259, Reissue Revised Statutes of Nebraska; to provide requirements for interpreters; to provide for payment by the state of the cost of interpreters; 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, 45:

Baker	Chambers	Hilgert	Lynch	Schmitt
Beutler	Connealy	Hudkins	Matzke	Schrock
Bohlke	Coordsen	Janssen	Pedersen, Dw.	Smith
Bourne	Crosby	Jensen	Pederson, D.	Stuhr
Brashear	Cudaback	Jones	Preister	Suttle
Bromm	Dickey	Kiel	Price	Thompson
Brown	Dierks	Kremer	Raikes	Tyson
Bruning	Engel	Kristensen	Robak	Wehrbein
Byars	Hartnett	Landis	Schimek	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Quandahl Redfield Vrtiska

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 54A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 54, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Bruning	Cudaback	Hudkins	Kristensen
Beutler	Byars	Dickey	Janssen	Landis
Bohlke	Chambers	Dierks	Jensen	Lynch
Bourne	Connealy	Engel	Jones	Matzke
Brashear	Coordsen	Hartnett	Kiel	Pedersen, Dw.
Bromm	Crosby	Hilgert	Kremer	Pederson, D.

Preister	Robak	Schrock	Stuhr	Wehrbein
Price	Schimek	Smith	Thompson	Wickersham
Raikes	Schmitt			

Voting in the negative, 0.

Present and not voting, 6:

Brown	Redfield	Suttle	Tyson	Vrtiska
Quandahl				

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 67.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1503, 85-1536, and 85-1536.01, Revised Statutes Supplement, 1998; to redefine a term; to change provisions relating to calculation and distribution of state aid; 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:

Baker	Coordsen	Janssen	Pedersen, Dw.	Smith
Bohlke	Crosby	Jensen	Preister	Stuhr
Bourne	Cudaback	Jones	Price	Suttle
Brashear	Dickey	Kiel	Quandahl	Thompson
Bromm	Dierks	Kremer	Raikes	Tyson
Bruning	Engel	Kristensen	Robak	Vrtiska
Byars	Hartnett	Landis	Schimek	Wehrbein
Chambers	Hilgert	Lynch	Schmitt	Wickersham
Connealy	Hudkins	Matzke	Schrock	

Voting in the negative, 1:

Redfield

Present and not voting, 3:

Beutler	Brown	Pederson, D.
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Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 67A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 67, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Baker	Coordsen	Janssen	Pedersen, Dw.	Schrock
Bohlke	Crosby	Jensen	Preister	Smith
Bourne	Cudaback	Jones	Price	Stuhr
Brashear	Dickey	Kiel	Quandahl	Thompson
Bromm	Dierks	Kremer	Raikes	Tyson
Bruning	Engel	Kristensen	Robak	Vrtiska
Byars	Hartnett	Landis	Schimek	Wehrbein
Chambers	Hilgert	Lynch	Schmitt	Wickersham
Connealy	Hudkins	Matzke		

Voting in the negative, 1:

Redfield

Present and not voting, 4:

Beutler	Brown	Pederson, D.	Suttle
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Excused and not voting, 1:

Peterson, C.

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 76.

A BILL FOR AN ACT relating to criminal homicide; to amend sections 29-2521.02, 29-2528, and 81-1425, Reissue Revised Statutes of Nebraska; to provide for judicial notice of certain reports; to provide a moratorium on the execution of the death sentence; to provide duties for the executive director of the Nebraska Commission on Law Enforcement and Criminal

Justice; 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, 27:

Beutler	Chambers	Kiel	Pederson, D.	Schimek
Bohlke	Connealy	Kremer	Preister	Suttle
Bourne	Crosby	Landis	Price	Thompson
Brashear	Dierks	Lynch	Raikes	Vrtiska
Bromm	Hartnett	Pedersen, Dw.	Robak	Wehrbein
Brown	Hilgert			

Voting in the negative, 21:

Baker	Dickey	Jensen	Quandahl	Smith
Bruning	Engel	Jones	Redfield	Stuhr
Byars	Hudkins	Kristensen	Schmitt	Tyson
Coordsen	Janssen	Matzke	Schrock	Wickersham
Cudaback				

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 76A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 76, Ninety-sixth Legislature, First Session, 1999.

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, 33:

Beutler	Chambers	Hilgert	Pederson, D.	Stuhr
Bohlke	Connealy	Jensen	Preister	Suttle
Bourne	Crosby	Kiel	Price	Thompson
Brashear	Cudaback	Kristensen	Raikes	Vrtiska
Bromm	Dierks	Landis	Robak	Wehrbein
Brown	Engel	Lynch	Schimek	Wickersham
Bruning	Hartnett	Pedersen, Dw.		

Voting in the negative, 15:

Baker	Dickey	Jones	Quandahl	Schrock
Byars	Hudkins	Kremer	Redfield	Smith
Coorsen	Janssen	Matzke	Schmitt	Tyson

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 84.

A BILL FOR AN ACT relating to veterans; to authorize creation of a state veteran cemetery system; to create a fund; and to provide duties.

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:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coorsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Landis	Robak	Vrtiska
Bruning	Hartnett	Lynch	Schimek	Wehrbein
Byars	Hilgert	Matzke	Schmitt	Wickersham
Chambers	Hudkins	Pedersen, Dw.		

Voting in the negative, 0.

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 84A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 84, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kr�mer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Landis	Robak	Vrtiska
Bruning	Hartnett	Lynch	Schimek	Wehrbein
Byars	Hilgert	Matzke	Schmitt	Wickersham
Chambers	Hudkins	Pedersen, Dw.		

Voting in the negative, 0.

Excused and not voting, 1:

Peterson, C.

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 86 with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 86. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-501, 13-504, 13-506, 13-511, 18-2805, 23-131, 23-135, 23-910, and 23-1303, Reissue Revised Statutes of Nebraska, and sections 13-508, 13-518, and 13-520, Revised Statutes Supplement, 1998; to create a board; to change budget limitation provisions; to change and eliminate provisions relating to budget documents; to authorize development of funds transfer systems; to provide powers and duties for county officers; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 23-250.01, 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, 47:

Baker	Coordsen	Jensen	Pederson, D.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Bruning	Hartnett	Lynch	Robak	Vrtiska
Byars	Hilgert	Matzke	Schimek	Wehrbein
Chambers	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen			

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 1:

Peterson, C.

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 86A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 86, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Coordsen	Janssen	Pedersen, Dw.	Smith
Beutler	Crosby	Jensen	Pederson, D.	Stuhr
Bohlke	Cudaback	Jones	Preister	Suttle
Bourne	Dickey	Kiel	Price	Thompson
Brashear	Dierks	Kremer	Quandahl	Tyson
Bruning	Engel	Kristensen	Raikes	Vrtiska
Byars	Hartnett	Landis	Robak	Wehrbein
Chambers	Hilgert	Lynch	Schimek	Wickersham
Connealy	Hudkins	Matzke	Schmitt	

Voting in the negative, 0.

Present and not voting, 4:

Bromm Brown Redfield Schrock

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1901 to 60-1911, Reissue Revised Statutes of Nebraska; to change provisions relating to custody and disposition of abandoned motor vehicles; 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, 48:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Landis	Robak	Vrtiska
Bruning	Hartnett	Lynch	Schimek	Wehrbein
Byars	Hilgert	Matzke	Schmitt	Wickersham
Chambers	Hudkins	Pedersen, Dw.		

Voting in the negative, 0.

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 90A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Janssen	Pedersen, Dw.	Schrock
Beutler	Coordsen	Jensen	Pederson, D.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kiel	Price	Suttle
Brashear	Dickey	Kremer	Quandahl	Thompson
Bromm	Dierks	Kristensen	Raikes	Tyson
Brown	Engel	Landis	Redfield	Vrtiska
Bruning	Hartnett	Lynch	Robak	Wehrbein
Byars	Hilgert	Matzke	Schimek	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Present and not voting, 1:

Schmitt

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 92

Messrs. Schrock and Cudaback withdrew their amendment, AM1172, found on page 1380, to LB 92.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 92.

A BILL FOR AN ACT relating to water wells; to amend sections 46-601.01, 46-602, 46-606, and 46-1224, Reissue Revised Statutes of Nebraska; to define a term; to change registration and fee 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:

Baker	Connealy	Janssen	Pedersen, Dw.	Schrock
Beutler	Coordsen	Jensen	Pederson, D.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kiel	Price	Suttle
Brashear	Dickey	Kremer	Quandahl	Thompson
Bromm	Dierks	Kristensen	Raikes	Tyson
Brown	Engel	Landis	Redfield	Vrtiska
Bruning	Hartnett	Lynch	Robak	Wehrbein
Byars	Hilgert	Matzke	Schimek	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Present and not voting, 1:

Schmitt

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 92A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 92, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Jensen	Pederson, D.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Lynch	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Janssen			

Voting in the negative, 0.

Present and not voting, 1:

Coordsen

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 113. With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 77-912, 77-913, 81-1317, 81-1317.01, and 84-1601, Revised Statutes Supplement, 1998; to create the state purchasing card program; to authorize purchasing card programs for political subdivisions; to change funding provisions; to change employee benefit provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Beutler	Crosby	Jensen	Preister	Smith
Bohlke	Cudaback	Jones	Price	Stuhr
Bourne	Dickey	Kiel	Quandahl	Suttle
Brashear	Dierks	Kremer	Raikes	Thompson
Bromm	Engel	Kristensen	Redfield	Tyson
Brown	Hartnett	Landis	Robak	Vrtiska
Bruning	Hilgert	Lynch	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy				

Voting in the negative, 1:

Matzke

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Peterson, C.

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 113A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Coordsen	Janssen	Pederson, D.	Smith
Beutler	Crosby	Jensen	Preister	Stuhr
Bohlke	Cudaback	Jones	Price	Suttle
Bourne	Dickey	Kiel	Quandahl	Thompson
Brashear	Dierks	Kremer	Raikes	Tyson
Bromm	Engel	Kristensen	Redfield	Vrtiska
Bruning	Hartnett	Landis	Robak	Wehrbein
Byars	Hilgert	Lynch	Schimek	Wickersham
Connealy	Hudkins	Pedersen, Dw.	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Brown	Chambers	Matzke	Schmitt
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Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 119.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-1006.01, Revised Statutes Supplement, 1998; to change provisions relating to personal needs allowance for certain assistance recipients; 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:

Baker	Bourne	Brown	Chambers	Crosby
Beutler	Brashear	Bruning	Connealy	Cudaback
Bohlke	Bromm	Byars	Coordsen	Dickey

Dierks	Jones	Pedersen, Dw.	Robak	Suttle
Engel	Kiel	Pederson, D.	Schimek	Thompson
Hartnett	Kremer	Preister	Schmitt	Tyson
Hilgert	Kristensen	Price	Schrock	Vrtiska
Hudkins	Landis	Quandahl	Smith	Wehrbein
Janssen	Lynch	Raikes	Stuhr	Wickersham
Jensen	Matzke			

Voting in the negative, 0.

Present and not voting, 1:

Redfield

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 119A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 119, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Coordsen	Janssen	Pedersen, Dw.	Schrock
Beutler	Crosby	Jensen	Pederson, D.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Bourne	Dickey	Kiel	Price	Suttle
Brashear	Dierks	Kremer	Quandahl	Thompson
Bromm	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Robak	Vrtiska
Byars	Hilgert	Lynch	Schimek	Wehrbein
Chambers	Hudkins	Matzke	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 2:

Brown Redfield

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 127.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208, Reissue Revised Statutes of Nebraska; to change provisions relating to race meet taxes; 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, 40:

Baker	Connealy	Hudkins	Matzke	Smith
Beutler	Coordsen	Janssen	Pedersen, Dw.	Stuhr
Bohlke	Crosby	Jones	Pederson, D.	Suttle
Bourne	Cudaback	Kiel	Price	Thompson
Brashear	Dierks	Kremer	Quandahl	Tyson
Bromm	Engel	Kristensen	Robak	Vrtiska
Bruning	Hartnett	Landis	Schmitt	Wehrbein
Byars	Hilgert	Lynch	Schrock	Wickersham

Voting in the negative, 2:

Jensen Redfield

Present and not voting, 6:

Brown	Dickey	Preister	Raikes	Schimek
Chambers				

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 131.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1213, Reissue Revised Statutes of Nebraska, and section 28-1229, Revised Statutes Supplement, 1998; to change provisions relating to explosives; 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:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kiel	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Dickey	Kristensen	Raikes	Thompson
Bromm	Dierks	Landis	Redfield	Tyson
Brown	Engel	Lynch	Robak	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 131A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 131, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Chambers	Janssen	Pedersen, Dw.	Schrock
Beutler	Connealy	Jensen	Pederson, D.	Smith
Bohlke	Coordsen	Jones	Price	Stuhr
Bourne	Dickey	Kiel	Quandahl	Suttle
Brashear	Dierks	Kremer	Raikes	Thompson
Bromm	Engel	Kristensen	Redfield	Tyson
Brown	Hartnett	Landis	Robak	Vrtiska
Bruning	Hilgert	Lynch	Schimek	Wehrbein
Byars	Hudkins	Matzke	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Crosby Cudaback Preister

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 140. With Emergency.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5015, Reissue Revised Statutes of Nebraska, and sections 77-1504.01, 77-5007, 77-5016, 77-5019, and 77-5022, Revised Statutes Supplement, 1998; to change provisions for appeals to and from the commission; to authorize the use of videoconferencing at certain hearings and meetings; to provide for refunds of multiple filing fees; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Baker	Connealy	Janssen	Pedersen, Dw.	Schrock
Beutler	Coordsen	Jensen	Pederson, D.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Bourne	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Raikes	Thompson
Brown	Engel	Kristensen	Redfield	Tyson
Bruning	Hartnett	Landis	Robak	Vrtiska
Byars	Hilgert	Lynch	Schimek	Wehrbein
Chambers	Hudkins	Matzke	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Brashear Crosby Quandahl

Excused and not voting, 1:

Peterson, C.

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 140A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, Ninety-sixth Legislature, First Session, 1999; 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:

Baker	Connealy	Janssen	Pedersen, Dw.	Schrock
Beutler	Coordsen	Jensen	Pederson, D.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Bourne	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Raikes	Thompson
Brown	Engel	Kristensen	Redfield	Tyson
Bruning	Hartnett	Landis	Robak	Vrtiska
Byars	Hilgert	Lynch	Schimek	Wehrbein
Chambers	Hudkins	Matzke	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Brashear Crosby Quandahl

Excused and not voting, 1:

Peterson, C.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 142. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3003, Reissue Revised Statutes of Nebraska; to change allocation of the motor vehicle tax; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Baker	Coordsen	Jones	Preister	Smith
Beutler	Cudaback	Kiel	Price	Stuhr
Bohlke	Dickey	Kremer	Quandahl	Suttle
Bourne	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Bruning	Hartnett	Lynch	Robak	Vrtiska
Byars	Hilgert	Matzke	Schimek	Wehrbein
Chambers	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Jensen	Pederson, D.	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Brashear	Brown	Janssen
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Excused and not voting, 2:

Crosby	Peterson, C.
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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 142A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 142, Ninety-sixth Legislature, First Session, 1999; 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:

Baker	Coordsen	Jensen	Pederson, D.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Bromm	Dierks	Kristensen	Raikes	Thompson
Bruning	Engel	Landis	Redfield	Tyson
Byars	Hilgert	Lynch	Robak	Vrtiska
Chambers	Hudkins	Matzke	Schimek	Wehrbein
Connealy	Janssen	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Brashear Brown Hartnett

Excused and not voting, 1:

Peterson, C.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 144. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 39, Legislative Bill 880, Ninety-sixth Legislature, First Session, 1999; to change appropriations to the State Department of Education; to restate intent; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Baker	Coorsden	Jensen	Pederson, D.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Lynch	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Peterson, C.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Motion to LB 148

Mr. Wehrbein withdrew his motion, found on page 935, to LB 148.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 148.

A BILL FOR AN ACT relating to health care; to state findings; to establish the Nebraska Lifespan Respite Services Program; and to provide for community lifespan respite services programs.

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:

Baker	Connealy	Hudkins	Preister	Smith
Beutler	Coordsen	Janssen	Price	Stuhr
Bohlke	Crosby	Jensen	Quandahl	Suttle
Bourne	Cudaback	Jones	Raikes	Thompson
Brashear	Dickey	Kiel	Redfield	Tyson
Bromm	Dierks	Kremer	Robak	Vrtiska
Brown	Engel	Landis	Schimek	Wehrbein
Bruning	Hartnett	Lynch	Schmitt	Wickersham
Byars	Hilgert	Pedersen, Dw.	Schrock	

Voting in the negative, 1:

Kristensen

Present and not voting, 2:

Matzke Pederson, D.

Excused and not voting, 2:

Chambers Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 148A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 148, Ninety-sixth Legislature, First Session, 1999.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Baker	Coordsen	Hudkins	Pedersen, Dw.	Schrock
Beutler	Crosby	Janssen	Preister	Smith
Bohlke	Cudaback	Jensen	Price	Stuhr
Bourne	Dickey	Jones	Quandahl	Suttle
Brashear	Dierks	Kiel	Raikes	Thompson
Bromm	Engel	Kremer	Robak	Tyson
Bruning	Hartnett	Landis	Schimek	Wehrbein
Byars	Hilgert	Lynch	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 6:

Brown	Matzke	Pederson, D.	Redfield	Vrtiska
Kristensen				

Excused and not voting, 2:

Chambers Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 179.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507 to 77-3509 and 77-3513, Revised Statutes Supplement, 1998; to change homestead exemption provisions; 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, 47:

Baker	Byars	Hartnett	Kristensen	Quandahl
Beutler	Connealy	Hilgert	Landis	Raikes
Bohlke	Coordsen	Hudkins	Lynch	Redfield
Bourne	Crosby	Janssen	Matzke	Robak
Brashear	Cudaback	Jensen	Pedersen, Dw.	Schimek
Bromm	Dickey	Jones	Pederson, D.	Schmitt
Brown	Dierks	Kiel	Preister	Schrock
Bruning	Engel	Kremer	Price	Smith

Stuhr	Thompson	Vrtiska	Wehrbein	Wickersham
Suttle	Tyson			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 179A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 179, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Crosby	Jensen	Pederson, D.	Schrock
Beutler	Cudaback	Jones	Preister	Smith
Bourne	Dickey	Kiel	Price	Stuhr
Brashear	Dierks	Kremer	Quandahl	Suttle
Bromm	Engel	Kristensen	Raikes	Thompson
Brown	Hartnett	Landis	Redfield	Tyson
Bruning	Hilgert	Lynch	Robak	Vrtiska
Byars	Hudkins	Matzke	Schimek	Wehrbein
Connealy	Janssen	Pedersen, Dw.	Schmitt	Wickersham
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Bohlke

Excused and not voting, 2:

Chambers Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 202. With Emergency.

A BILL FOR AN ACT relating to the Partnerships for Economic Development Act; to amend section 81-1294, Revised Statutes Supplement, 1998; to extend a termination date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Baker	Chambers	Hilgert	Lynch	Smith
Beutler	Connealy	Hudkins	Matzke	Stuhr
Bohlke	Coordsen	Janssen	Price	Suttle
Bourne	Crosby	Jensen	Raikes	Thompson
Brashear	Cudaback	Jones	Robak	Tyson
Bromm	Dierks	Kiel	Schimek	Vrtiska
Bruning	Engel	Kremer	Schmitt	Wehrbein
Byars	Hartnett	Landis	Schrock	Wickersham

Voting in the negative, 5:

Brown	Pedersen, Dw.	Pederson, D.	Preister	Redfield
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Present and not voting, 3:

Dickey	Kristensen	Quandahl
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Excused and not voting, 1:

Peterson, C.

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 202A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 202, Ninety-sixth Legislature, First Session, 1999; 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, 38:

Baker	Connealy	Hudkins	Matzke	Smith
Bohlke	Coordsen	Janssen	Price	Stuhr
Bourne	Crosby	Jensen	Raikes	Thompson
Brashear	Cudaback	Jones	Robak	Tyson
Bromm	Dierks	Kiel	Schimek	Vrtiska
Bruning	Engel	Kremer	Schmitt	Wehrbein
Byars	Hartnett	Landis	Schrock	Wickersham
Chambers	Hilgert	Lynch		

Voting in the negative, 5:

Brown	Pedersen, Dw.	Pederson, D.	Preister	Redfield
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Present and not voting, 5:

Beutler	Dickey	Kristensen	Quandahl	Suttle
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Excused and not voting, 1:

Peterson, C.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 216 with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 216. With Emergency.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-115, 48-119, 48-120, 48-120.02, 48-121, 48-125, 48-126.01, 48-134.01, 48-145, 48-146, 48-147, 48-151, 48-156, 48-162.01, 48-163, 48-166, and 48-1,114, Reissue Revised Statutes of Nebraska; to change provisions relating to volunteer firefighters and ambulance personnel, dispute resolution, an annual report, quorum requirements, court term, medical and rehabilitation services, self-insurers, and rule adoption; to define and redefine terms; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Landis	Robak	Vrtiska
Bruning	Hartnett	Lynch	Schimek	Wehrbein
Byars	Hilgert	Matzke	Schmitt	Wickersham
Chambers	Hudkins	Pedersen, Dw.		

Voting in the negative, 0.

Excused and not voting, 1:

Peterson, C.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 51, 54, 54A, 67, 67A, 76, 76A, 84, 84A, 86, 86A, 90, 90A, 92, 92A, 113, 113A, 119, 119A, 127, 131, 131A, 140, 140A, 142, 142A, 144, 148, 148A, 179, 179A, 202, 202A, and 216.

REPORT OF THE EXECUTIVE BOARD

1999 Resolution calling for an Interim Study

LR 266 Interim study to examine issues raised by LB 849, the Volunteer Emergency Responders Recruitment and Retention Act Urban Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 147, 147A, 865, and 865A.

Enrollment and Review Change to LB 147

The following changes, required to be reported for publication in the Journal, have been made:

ER9099

1. The Stuhr-Thompson amendment, AM1787, has been incorporated into the E & R amendments, AM7146.
2. In the E & R amendment, AM7146, on page 11, line 20, "license" has been struck.

Enrollment and Review Change to LB 865

The following changes, required to be reported for publication in the Journal, have been made:

ER9100

1. In the Dw. Pedersen amendment, AM1588, section 12 has been renumbered as section 6.
2. In the Dw. Pedersen amendment, AM1897, sections 6 and 7 have been renumbered as sections 7 and 8, respectively.
3. In the E & R amendments, AM7151, on page 1, line 4, "systems" has been struck and "; to amend section 83-183, Reissue Revised Statutes of Nebraska" inserted; and in line 6 "to change provisions relating to inmate urinalysis testing and to work arrangements; to repeal the original section;" has been inserted after the semicolon.

(Signed) Adrian M. Smith, Chairperson

MESSAGE FROM THE GOVERNOR

May 20, 1999

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 331, 550, and 36 were received in my office on May 14, 1999.

These bills were signed by me on May 20, 1999, and delivered to the Secretary of State.

(Signed) Sincerely,
Mike Johanns
Governor

VISITORS

Visitors to the Chamber were Mary Ann Schockley, Vere Linz, Lupe Pina, Rosalind Rico, Rosa Gehlert, Alyce Maupin, and Linda Mai from Scottsbluff; Senator Lynch's daughters and grandchildren, Marriane Methema, and Maureen, Kay-Lee, and Condi-Daniel Burkheiser, from Omaha; 45 fourth grade students and teachers from Norris Elementary School, Omaha; and 77 third grade students, teachers, and sponsors from Morley Elementary School, Lincoln.

RECESS

At 11:59 a.m., on a motion by Mr. Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Bromm, Kristensen, Mmes. Kiel, and C. Peterson who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 232.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Reissue Revised Statutes of Nebraska; to exempt purchases by natural resources districts from sales and use taxes; to provide an operative date; 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, 45:

Baker	Byars	Engel	Landis	Redfield
Beutler	Chambers	Hartnett	Lynch	Robak
Bohlke	Connealy	Hilgert	Matzke	Schimek
Bourne	Coordsen	Hudkins	Pedersen, Dw.	Schmitt
Brashear	Crosby	Janssen	Pederson, D.	Schrock
Bromm	Cudaback	Jensen	Preister	Smith
Brown	Dickey	Jones	Price	Stuhr
Bruning	Dierks	Kremer	Raikes	Suttle

Thompson Tyson Vrtiska Wehrbein Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Quandahl

Excused and not voting, 3:

Kiel Kristensen Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 240.

A BILL FOR AN ACT relating to the Foster Care Review Act; to amend sections 43-1303, 43-1304, 43-1305, and 43-1314.01, Reissue Revised Statutes of Nebraska; to change provisions relating to reports and to membership on local boards; to eliminate duties of the Executive Board of the Legislative Council and provisions relating to additional employees; 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:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Dickey	Kristensen	Raikes	Thompson
Bromm	Dierks	Landis	Redfield	Tyson
Brown	Engel	Lynch	Robak	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Excused and not voting, 2:

Kiel Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 243. With Emergency.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 85-505, Revised Statutes Supplement, 1998; to change tuition reimbursement provisions; 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, 45:

Baker	Crosby	Jensen	Pederson, D.	Schrock
Beutler	Cudaback	Jones	Preister	Smith
Bohlke	Dickey	Kiel	Price	Stuhr
Brashear	Dierks	Kremer	Quandahl	Suttle
Bromm	Engel	Kristensen	Raikes	Thompson
Bruning	Hartnett	Landis	Redfield	Tyson
Byars	Hilgert	Lynch	Robak	Vrtiska
Connealy	Hudkins	Matzke	Schimek	Wehrbein
Coordsen	Janssen	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Bourne Brown

Excused and not voting, 1:

Peterson, C.

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 243A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, Ninety-sixth Legislature, First Session, 1999; 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, 44:

Baker	Crosby	Jensen	Preister	Smith
Beutler	Cudaback	Jones	Price	Stuhr
Bohlke	Dickey	Kiel	Quandahl	Suttle
Brashear	Dierks	Kremer	Raikes	Thompson
Bromm	Engel	Kristensen	Redfield	Tyson
Bruning	Hartnett	Landis	Robak	Vrtiska
Byars	Hilgert	Lynch	Schimek	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Coordsen	Janssen	Pederson, D.	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Bourne Brown Chambers Matzke

Excused and not voting, 1:

Peterson, C.

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 LB 271 to Select File

Mr. Wickersham moved to return LB 271 to Select File for the following specific amendment:

FA253

Strike the enacting clause.

Mr. Wickersham withdrew his motion to return.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 271.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 21-1927 and 60-3002, Reissue Revised Statutes of Nebraska, sections 77-202 and 77-202.09, Revised Statutes Supplement, 1998, and sections 77-123, 77-202.01, and 77-202.03, Revised Statutes Supplement, 1998, as amended by sections 6, 10, and 11, respectively, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999; to change a provision relating to rights of nonprofit corporations; to change provisions relating to property tax exemptions; to provide for tax treatment of leased and unleased public property as prescribed; 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, 43:

Beutler	Coordsen	Janssen	Pederson, D.	Schmitt
Bohlke	Crosby	Jensen	Preister	Schrock
Bourne	Cudaback	Kiel	Price	Stuhr
Brashear	Dickey	Kremer	Quandahl	Suttle
Bromm	Dierks	Kristensen	Raikes	Thompson
Brown	Engel	Landis	Redfield	Vrtiska
Bruning	Hartnett	Lynch	Robak	Wehrbein
Chambers	Hilgert	Matzke	Schimek	Wickersham
Connealy	Hudkins	Pedersen, Dw.		

Voting in the negative, 5:

Baker	Byars	Jones	Smith	Tyson
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Excused and not voting, 1:

Peterson, C.

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 272 with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 272.

A BILL FOR AN ACT relating to schools; to amend sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.02 to 23-1114.06, 23-2518, 23-3302, 23-3311, 23-3312, 32-570, 32-608, 32-609, 48-302, 48-303, 68-621, 79-205, 79-206, 79-208, 79-401, 79-414, 79-421, 79-425 to 79-427, 79-433, 79-435, 79-439, 79-448, 79-450, 79-452 to 79-455, 79-467, 79-470, 79-478, 79-480, 79-485, 79-487, 79-490, 79-495, 79-497 to 79-499, 79-4,103, 79-524, 79-537, 79-544, 79-575, 79-577 to 79-579, 79-588, 79-598, 79-605, 79-709, 79-724, 79-804, 79-818, 79-819, 79-960, 79-1037, 79-1039, 79-1044 to 79-1048, 79-1051 to 79-1053, 79-1076, 79-1077, 79-1083, 79-1094, and 79-1605, Reissue Revised Statutes of Nebraska, and sections 71-208, 71-212, 71-501, 79-203, 79-209, 79-413, 79-418, 79-419, 79-420, 79-424, 79-431, 79-441 to 79-447, 79-451, 79-458, 79-479, 79-528, 79-569, 79-611, 79-850, 79-902, 79-1024, 79-1033, 79-1035, 79-1036,

79-1078, 79-1089, and 79-1090, Revised Statutes Supplement, 1998; to eliminate the office of county superintendent of schools; to provide for county school administrators; to change and eliminate provisions relating to the change of boundaries of school districts, county committees, and the State Committee for the Reorganization of School Districts; to change powers and duties relating to school administration, truancy, and school finance; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 23-3301, 23-3303, 23-3304, 23-3306, 23-3307, 23-3308, 23-3310, 23-3313, 32-527, 79-460, 79-461, 79-464, 79-465, 79-466, 79-481, 79-483, and 79-484, Reissue Revised Statutes of Nebraska, and sections 23-3305, 79-437, 79-438, 79-438.01, 79-440, 79-462, 79-463, 79-482, and 79-10,112, Revised Statutes Supplement, 1998.

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:

Baker	Connealy	Hudkins	Matzke	Schimek
Beutler	Coordsen	Janssen	Pedersen, Dw.	Schrock
Bohlke	Crosby	Jensen	Pederson, D.	Smith
Bourne	Cudaback	Jones	Preister	Stuhr
Brashear	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Quandahl	Thompson
Brown	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Redfield	Vrtiska
Byars	Hilgert	Lynch	Robak	Wehrbein
Chambers				

Voting in the negative, 0.

Present and not voting, 2:

Schmitt Wickersham

Excused and not voting, 1:

Peterson, C.

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 272A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 272, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Janssen	Pedersen, Dw.	Schrock
Beutler	Crosby	Jensen	Pederson, D.	Smith
Bohlke	Cudaback	Jones	Preister	Stuhr
Bourne	Dickey	Kiel	Price	Suttle
Brashear	Dierks	Kremer	Quandahl	Thompson
Bromm	Engel	Kristensen	Raikes	Tyson
Brown	Hartnett	Landis	Redfield	Vrtiska
Bruning	Hilgert	Lynch	Robak	Wehrbein
Byars	Hudkins	Matzke	Schimek	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Chambers Coordsen Schmitt

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 280.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.09, Reissue Revised Statutes of Nebraska; to provide a sales and use tax exemption for mobility enhancing equipment; to provide an operative date; 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, 45:

Baker	Connealy	Hudkins	Matzke	Schrock
Beutler	Coordsen	Janssen	Pedersen, Dw.	Smith
Bohlke	Crosby	Jensen	Pederson, D.	Stuhr
Bourne	Cudaback	Jones	Preister	Suttle
Brashear	Dickey	Kiel	Price	Thompson
Bromm	Dierks	Kremer	Redfield	Tyson
Brown	Engel	Kristensen	Robak	Vrtiska
Bruning	Hartnett	Landis	Schimek	Wehrbein
Chambers	Hilgert	Lynch	Schmitt	Wickersham

Voting in the negative, 1:

Raikes

Present and not voting, 2:

Byars Quandahl

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 350 to Select File

Mr. Brashear moved to return LB 350 to Select File for the following specific amendment:

FA255

Add the emergency clause.

The Brashear motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 350. The Brashear specific amendment, FA255, found in this day's Journal, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 350A to Select File

Mr. Brashear moved to return LB 350A to Select File for the following specific amendment:

FA256

Add the emergency clause.

The Brashear motion to return prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 350A. The Brashear specific amendment, FA256,

found in this day's Journal, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 355.

A BILL FOR AN ACT relating to insurance; to amend section 44-4233, Reissue Revised Statutes of Nebraska; to state intent; to provide requirements for health insurance plans relating to coverage of mental health conditions and serious mental illness; to define terms; to provide duties and limitations; to change assessment provisions relating to the Comprehensive Health Insurance Pool; to provide a duty for the Revisor of Statutes; 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, 49:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Peterson, C.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kiel	Price	Suttle
Brashear	Dickey	Kremer	Quandahl	Thompson
Bromm	Dierks	Kristensen	Raikes	Tyson
Brown	Engel	Landis	Redfield	Vrtiska
Bruning	Hartnett	Lynch	Robak	Wehrbein
Byars	Hilgert	Matzke	Schimek	Wickersham
Chambers	Hudkins	Pedersen, Dw.	Schmitt	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 382. With Emergency.

A BILL FOR AN ACT relating to public buildings; to adopt the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Baker	Connealy	Janssen	Pedersen, Dw.	Schimek
Beutler	Coordsen	Jensen	Pederson, D.	Schmitt
Bohlke	Crosby	Kiel	Peterson, C.	Schrock
Bourne	Cudaback	Kremer	Preister	Smith
Brashear	Dierks	Kristensen	Price	Stuhr
Bromm	Engel	Landis	Quandahl	Suttle
Brown	Hartnett	Lynch	Redfield	Thompson
Bruning	Hilgert	Matzke	Robak	Wehrbein
Byars	Hudkins			

Voting in the negative, 6:

Chambers	Jones	Raikes	Tyson	Wickersham
Dickey				

Present and not voting, 1:

Vrtiska

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 386.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1225 and 79-1233, Reissue Revised Statutes of Nebraska, and sections 9-812, 79-1201, 79-1241.01, and 79-1310, Revised Statutes Supplement, 1998; to define terms; to appropriate funds for technology infrastructure; to eliminate a levy; 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, 48:

Baker	Byars	Engel	Kristensen	Price
Beutler	Chambers	Hartnett	Landis	Quandahl
Bohlke	Connealy	Hudkins	Lynch	Raikes
Bourne	Coordsen	Janssen	Matzke	Redfield
Brashear	Crosby	Jensen	Pedersen, Dw.	Robak
Bromm	Cudaback	Jones	Pederson, D.	Schimek
Brown	Dickey	Kiel	Peterson, C.	Schmitt
Bruning	Dierks	Kremer	Preister	Schrock

Smith	Suttle	Tyson	Wehrbein	Wickersham
Stuhr	Thompson	Vrtiska		

Voting in the negative, 0.

Present and not voting, 1:

Hilgert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 386A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 386, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Coordsen	Jones	Peterson, C.	Schrock
Beutler	Crosby	Kiel	Preister	Smith
Bohlke	Dickey	Kremer	Price	Stuhr
Bourne	Dierks	Kristensen	Quandahl	Suttle
Bromm	Engel	Landis	Raikes	Thompson
Brown	Hartnett	Lynch	Redfield	Tyson
Bruning	Hudkins	Matzke	Robak	Vrtiska
Byars	Janssen	Pedersen, Dw.	Schimek	Wehrbein
Chambers	Jensen	Pederson, D.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 3:

Brashear Cudaback Hilgert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 446. With Emergency.

A BILL FOR AN ACT relating to communication; to amend sections 81-2308, 81-2604, and 86-1506, Revised Statutes Supplement, 1998; to adopt the Nebraska Public Safety Wireless Communication System Act; to eliminate a task force; to harmonize provisions; to repeal the original

sections; to outright repeal sections 86-1801 and 86-1802, Revised Statutes Supplement, 1998; 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:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Bohlke	Crosby	Jensen	Peterson, C.	Smith
Bourne	Cudaback	Jones	Preister	Stuhr
Brashear	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Quandahl	Thompson
Brown	Engel	Kristensen	Raikes	Tyson
Bruning	Hartnett	Landis	Robak	Vrtiska
Byars	Hilgert	Lynch	Schimek	Wehrbein
Chambers	Hudkins	Matzke	Schmitt	Wickersham
Connealy				

Voting in the negative, 1:

Redfield

Present and not voting, 2:

Beutler 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 446A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 446, Ninety-sixth Legislature, First Session, 1999; to reduce appropriations; 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, 44:

Baker	Brown	Coordsen	Hartnett	Kiel
Bohlke	Bruning	Crosby	Hilgert	Kremer
Bourne	Byars	Cudaback	Hudkins	Kristensen
Brashear	Chambers	Dickey	Janssen	Landis
Bromm	Connealy	Dierks	Jones	Lynch

Matzke	Preister	Robak	Stuhr	Vrtiska
Pedersen, Dw.	Price	Schimek	Suttle	Wehrbein
Pederson, D.	Quandahl	Schmitt	Thompson	Wickersham
Peterson, C.	Raikes	Smith	Tyson	

Voting in the negative, 1:

Redfield

Present and not voting, 4:

Beutler	Engel	Jensen	Schrock
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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 519. With Emergency.

A BILL FOR AN ACT relating to disabled persons; to adopt the Community-Based Neurobehavioral Action Plan Act; to provide a termination date; 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:

Baker	Coordsen	Janssen	Pedersen, Dw.	Schrock
Bohlke	Crosby	Jensen	Pederson, D.	Smith
Bourne	Cudaback	Jones	Peterson, C.	Stuhr
Brashear	Dickey	Kiel	Preister	Suttle
Bromm	Dierks	Kremer	Price	Thompson
Brown	Engel	Kristensen	Quandahl	Tyson
Bruning	Hartnett	Landis	Raikes	Vrtiska
Byars	Hilgert	Lynch	Redfield	Wehrbein
Chambers	Hudkins	Matzke	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Robak	Schimek
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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 519A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 519, Ninety-sixth Legislature, First Session, 1999; 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:

Baker	Coordsen	Janssen	Pederson, D.	Schmitt
Bohlke	Crosby	Jensen	Peterson, C.	Schrock
Bourne	Cudaback	Jones	Preister	Stuhr
Brashear	Dickey	Kiel	Price	Suttle
Bromm	Dierks	Kremer	Quandahl	Thompson
Brown	Engel	Landis	Raikes	Tyson
Bruning	Hartnett	Lynch	Redfield	Vrtiska
Byars	Hilgert	Matzke	Robak	Wehrbein
Chambers	Hudkins	Pedersen, Dw.	Schimek	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 3:

Beutler Kristensen Smith

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 538. With Emergency.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-902 and 79-951, Revised Statutes Supplement, 1998; to change provisions relating to final average compensation, disability, contributing members, and substitute school employees; to define and redefine terms; to eliminate an obsolete reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Baker	Bohlke	Brashear	Brown	Byars
Beutler	Bourne	Bromm	Bruning	Chambers

Connealy	Hilgert	Lynch	Raikes	Stuhr
Coordsen	Hudkins	Matzke	Redfield	Suttle
Crosby	Janssen	Pedersen, Dw.	Robak	Thompson
Cudaback	Jones	Pederson, D.	Schimek	Tyson
Dickey	Kiel	Peterson, C.	Schmitt	Vrtiska
Dierks	Kremer	Preister	Schrock	Wehrbein
Engel	Kristensen	Price	Smith	Wickersham
Hartnett	Landis	Quandahl		

Voting in the negative, 0.

Present and not voting, 1:

Jensen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 232, 240, 243, 243A, 271, 272, 272A, 280, 355, 382, 386, 386A, 446, 446A, 519, and 519A.

SPEAKER KRISTENSEN PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 605.

A BILL FOR AN ACT relating to the Ethanol Development Act; to amend sections 66-1344 to 66-1345.02 and 66-1345.04, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate ethanol production credit provisions; to change provisions relating to the Ethanol Production Incentive Cash Fund and an excise tax on corn and grain sorghum; to eliminate provisions relating to written agreements and powers and duties of the board and department; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 66-1343 and 66-1347, 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, 47:

Baker	Bohlke	Brashear	Brown	Byars
Beutler	Bourne	Bromm	Bruning	Chambers

Connealy	Hudkins	Matzke	Raikes	Stuhr
Coordsen	Janssen	Pedersen, Dw.	Redfield	Suttle
Crosby	Jensen	Pederson, D.	Robak	Thompson
Cudaback	Jones	Peterson, C.	Schimek	Tyson
Dickey	Kiel	Preister	Schmitt	Vrtiska
Dierks	Kremer	Price	Schrock	Wehrbein
Engel	Kristensen	Quandahl	Smith	Wickersham
Hartnett	Lynch			

Voting in the negative, 1:

Landis

Present and not voting, 1:

Hilgert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 630.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1998; to provide a tax credit as prescribed; to adopt the Beginning Farmer Tax Credit Act; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Bohlke	Crosby	Jensen	Peterson, C.	Smith
Brashear	Dickey	Kiel	Price	Stuhr
Bruning	Dierks	Kremer	Robak	Thompson
Byars	Hartnett	Lynch	Schimek	Tyson
Connealy	Hudkins	Matzke	Schmitt	Vrtiska
Coordsen	Janssen	Pedersen, Dw.	Schrock	Wehrbein

Voting in the negative, 6:

Beutler	Landis	Pederson, D.	Redfield	Suttle
Chambers				

Present and not voting, 13:

Baker	Brown	Hilgert	Preister	Raikes
Bourne	Cudaback	Jones	Quandahl	Wickersham
Bromm	Engel	Kristensen		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 630A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 630, Ninety-sixth Legislature, First Session, 1999.

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, 35:

Bohlke	Crosby	Janssen	Pedersen, Dw.	Smith
Brashear	Cudaback	Jensen	Peterson, C.	Stuhr
Bromm	Dickey	Kiel	Price	Thompson
Bruning	Dierks	Kremer	Robak	Tyson
Byars	Engel	Kristensen	Schimek	Vrtiska
Connealy	Hartnett	Lynch	Schmitt	Wehrbein
Coordsen	Hudkins	Matzke	Schrock	Wickersham

Voting in the negative, 7:

Beutler	Chambers	Pederson, D.	Redfield	Suttle
Brown	Landis			

Present and not voting, 7:

Baker	Hilgert	Preister	Quandahl	Raikes
Bourne	Jones			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 683. With Emergency.

A BILL FOR AN ACT relating to tobacco; to amend section 77-2602, Revised Statutes Supplement, 1998; to change cigarette tax distribution; 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, 49:

Baker	Bohlke	Brashear	Brown	Byars
Beutler	Bourne	Bromm	Bruning	Chambers

Connealy	Hilgert	Landis	Quandahl	Stuhr
Coordsen	Hudkins	Lynch	Raikes	Suttle
Crosby	Janssen	Matzke	Redfield	Thompson
Cudaback	Jensen	Pedersen, Dw.	Robak	Tyson
Dickey	Jones	Pederson, D.	Schimek	Vrtiska
Dierks	Kiel	Peterson, C.	Schmitt	Wehrbein
Engel	Kremer	Preister	Schrock	Wickersham
Hartnett	Kristensen	Price	Smith	

Voting in the negative, 0.

Not voting, 0.

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 774.

A BILL FOR AN ACT relating to community development; to amend sections 18-2113, 18-2117.01, and 18-2153, Reissue Revised Statutes of Nebraska; to change provisions relating to cost-benefit analyses and reports; 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, 48:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Landis	Robak	Vrtiska
Bruning	Hartnett	Lynch	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 1:

Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 774A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 774, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Landis	Robak	Vrtiska
Bruning	Hartnett	Lynch	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 1:

Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 829.

A BILL FOR AN ACT relating to transportation; to adopt the Nebraska Transit and Rail Advisory Council Act; 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, 45:

Baker	Byars	Engel	Kremer	Price
Beutler	Chambers	Hartnett	Kristensen	Quandahl
Bohlke	Connealy	Hilgert	Landis	Raikes
Bourne	Coordsen	Hudkins	Lynch	Robak
Brashear	Crosby	Janssen	Matzke	Schimek
Bromm	Cudaback	Jensen	Pedersen, Dw.	Schmitt
Brown	Dickey	Jones	Peterson, C.	Schrock
Bruning	Dierks	Kiel	Preister	Smith

Stuhr Suttle Thompson Wehrbein Wickersham

Voting in the negative, 1:

Redfield

Present and not voting, 3:

Pederson, D. Tyson Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 835 to Select File

Mr. Dierks moved to return LB 835 to Select File for the following specific amendment:

FA257

Strike the enacting clause.

Mr. Dierks withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 835. With Emergency.

A BILL FOR AN ACT relating to livestock; to adopt the Competitive Livestock Markets Act; 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:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Landis	Robak	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 1:

Lynch

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 835A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Ninety-sixth Legislature, First Session, 1999; 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:

Baker	Connealy	Janssen	Pederson, D.	Schmitt
Beutler	Coordsen	Jensen	Peterson, C.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kiel	Price	Suttle
Brashear	Dickey	Kremer	Quandahl	Thompson
Bromm	Dierks	Kristensen	Raikes	Tyson
Brown	Engel	Landis	Redfield	Vrtiska
Bruning	Hartnett	Matzke	Robak	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schimek	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Present and not voting, 2:

Lynch Schrock

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 839.

A BILL FOR AN ACT relating to county judges; to amend section 24-513, Reissue Revised Statutes of Nebraska; to change salary 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:

Baker	Connealy	Janssen	Pederson, D.	Schrock
Beutler	Coordsen	Jensen	Peterson, C.	Smith
Bohlke	Crosby	Jones	Preister	Stuhr
Bourne	Cudaback	Kiel	Price	Suttle
Brashear	Dickey	Kremer	Quandahl	Thompson
Bromm	Dierks	Kristensen	Raikes	Tyson
Brown	Engel	Landis	Redfield	Vrtiska
Bruning	Hartnett	Matzke	Robak	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schimek	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Present and not voting, 2:

Lynch Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 839A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 839, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Hudkins	Pederson, D.	Schrock
Beutler	Coordsen	Janssen	Peterson, C.	Smith
Bohlke	Crosby	Jensen	Preister	Stuhr
Bourne	Cudaback	Kiel	Price	Suttle
Brashear	Dickey	Kremer	Quandahl	Thompson
Bromm	Dierks	Kristensen	Raikes	Tyson
Brown	Engel	Landis	Redfield	Vrtiska
Bruning	Hartnett	Matzke	Robak	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schimek	Wickersham
Chambers				

Voting in the negative, 0.

Present and not voting, 3:

Jones Lynch Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 11CA.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 10 to Article XVII:

XVII-10 "(1) The language in this Constitution shall be construed to be gender neutral.

(2) As soon as practicable after the adoption of this section to the Constitution, the Secretary of State shall revise and reprint this Constitution to implement subsection (1) of this section."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to state that the language in the Constitution shall be construed to be gender neutral and to direct the Secretary of State to revise and reprint the Constitution to implement such construction.

For

Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 44:

Beutler	Connealy	Hudkins	Pederson, D.	Schrock
Bohlke	Coordsen	Janssen	Peterson, C.	Smith
Bourne	Crosby	Jones	Preister	Stuhr
Brashear	Cudaback	Kiel	Price	Suttle
Bromm	Dickey	Kristensen	Raikes	Thompson
Brown	Dierks	Landis	Redfield	Vrtiska
Bruning	Engel	Lynch	Robak	Wehrbein
Byars	Hartnett	Matzke	Schimek	Wickersham
Chambers	Hilgert	Pedersen, Dw.	Schmitt	

Voting in the negative, 4:

Baker	Kremer	Quandahl	Tyson
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Present and not voting, 1:

Jensen

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: LBs 538, 605, 630, 630A, 683, 774, 774A, 829, 835, 835A, 839, 839A, and LR 11CA.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 1999, at 1:45 p.m., were the following bills: LBs 51, 54, 54A, 67, 67A, 76, 76A, 84, 84A, 86, 86A, 90, 90A, 92, 92A, 113, 113A, 119, 119A, 127, 131, 131A, 140, 140A, 142, 142A, 144, 148, 148A, 179, 179A, 202, 202A, and 216.

Presented to the Governor on May 20, 1999, at 3:15 p.m., were the following bills: LBs 232, 240, 243, 243A, 271, 272, 272A, 280, 355, 382, 386, 386A, 446, 446A, 519, and 519A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORT

Transportation

The Transportation Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Motor Carrier Advisory Council

David Lee Hale

VOTE: Aye: Senators Bromm, Thompson, Robak, Baker, Hudkins, Jones, and Dw. Pedersen. Nay: None. Absent: Senator C. Peterson.

(Signed) Curt Bromm, Chairperson

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LR 18CA:
AM1910

- 1 1. On page 1, line 3; page 5, line 19; and page 6, line
- 2 22, strike "the general election in November 2000" and insert "a
- 3 special election on May 9, 2000,".
- 4 2. On page 6, line 26, strike ", 5, and 7" and insert
- 5 "and 5".
- 6 3. On page 8, strike lines 18 through 28.
- 7 4. On page 9, strike lines 1 through 12.

UNANIMOUS CONSENT - Member Excused

Mrs. C. Peterson asked unanimous consent to be excused until she returns.
No objections. So ordered.

MOTION - Return LB 32 to Select File

Mr. Quandahl moved to return LB 32 to Select File for the Quandahl et al.
specific amendment, AM1867, found on page 2267.

MR. COORDSEN PRESIDING

Mrs. Thompson, Messrs. Dierks, and Dickey asked unanimous consent to be
excused until they return. No objections. So ordered.

Mrs. Kiel requested a roll call vote on the Quandahl motion to return.

Voting in the affirmative, 15:

Bourne	Chambers	Jensen	Pedersen, Dw.	Redfield
Brashear	Connealy	Kiel	Preister	Suttle
Brown	Hilgert	Lynch	Quandahl	Tyson

Voting in the negative, 29:

Baker	Coordsen	Janssen	Price	Stuhr
Beutler	Crosby	Jones	Raikes	Thompson
Bohlke	Cudaback	Kremer	Schimek	Vrtiska
Bromm	Engel	Kristensen	Schmitt	Wehrbein
Bruning	Hartnett	Matzke	Schrock	Wickersham
Byars	Hudkins	Pederson, D.	Smith	

Present and not voting, 1:

Robak

Excused and not voting, 4:

Dickey Dierks Landis Peterson, C.

The Quandahl motion to return failed with 15 ayes, 29 nays, 1 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 32.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend sections 77-5004 and 81-1174, Reissue Revised Statutes of Nebraska; to provide for reimbursement of certain commissioner expenses; 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, 45:

Baker	Connealy	Jensen	Pederson, D.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kiel	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Engel	Kristensen	Raikes	Thompson
Bromm	Hartnett	Landis	Redfield	Tyson
Brown	Hilgert	Lynch	Robak	Vrtiska
Bruning	Hudkins	Matzke	Schimek	Wehrbein
Byars	Janssen	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 1:

Chambers

Excused and not voting, 3:

Dickey Dierks Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 32A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 32, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Jensen	Pederson, D.	Schrock
Beutler	Coordsen	Jones	Preister	Smith
Bohlke	Crosby	Kiel	Price	Stuhr
Bourne	Cudaback	Kremer	Quandahl	Suttle
Brashear	Engel	Kristensen	Raikes	Thompson
Bromm	Hartnett	Landis	Redfield	Tyson
Brown	Hilgert	Lynch	Robak	Vrtiska
Bruning	Hudkins	Matzke	Schimek	Wehrbein
Byars	Janssen	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 1:

Chambers

Excused and not voting, 3:

Dickey Dierks Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 314A to Select File

Mrs. Bohlke moved to return LB 314A to Select File for her specific amendment, AM1413, found on page 1616.

The Bohlke motion to return prevailed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 314A. The Bohlke specific amendment, AM1413, found on page 1616, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 407

Mr. Kristensen withdrew his amendment, FA27, found on page 662, to LB 407.

MOTION - Return LB 407A to Select File

Mrs. Crosby moved to return LB 407A to Select File for her specific

amendment, AM1857, found on page 2221.

The Crosby motion to return prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 407A. The Crosby specific amendment, AM1857, found on page 2221, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 585 to Select File

Mr. Bromm moved to return LB 585 to Select File for his specific amendment, AM1853, found on page 2202.

The Bromm motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 585. The Bromm specific amendment, AM1853, found on page 2202, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 594 to Select File

Mr. Wehrbein moved to return LB 594 to Select File for the Wehrbein-Byars specific amendment, AM1903, found on page 2266.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein withdrew his motion to return.

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 594 with 33 ayes, 2 nays, 13 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 594. With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 42-371, 43-101, 43-102, 43-104, 43-104.01, 43-104.03 to 43-104.05, 43-104.11, 43-104.12, 43-104.22, 43-107, 43-109, 43-402, 43-1409, 43-2606, 43-2610, 43-2615, 43-2616, 43-2620, 43-3301, 43-3303, 43-3314, 43-3318, 43-3326, 43-3327, 71-1,132.09, 71-1,132.11, 71-1,132.20, 71-1,132.21, 71-1,132.27, 71-1,147, 71-1,147.09, 71-1,147.10, 71-1,147.33, 71-1,147.34, 71-2407, 71-2417, 71-7803, and 75-302 to 75-303.02, Reissue Revised Statutes of Nebraska, sections 28-405, 28-406, 28-414, 28-728, 68-1020, 71-1,132.13, 71-1,132.30, 71-1,132.37, 71-1,142, 71-1774, 71-1909, 71-1910, 71-1911, 71-1913, 71-1913.01, 71-1913.02, 71-1915, 71-1917, 71-5830.01, 71-8228, 71-8231, 71-8236, 71-8243, 81-502, and 81-2602, Revised Statutes Supplement, 1998, section 28-415, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 379, Ninety-sixth Legislature, First Session, 1999, and section 28-412, Revised Statutes Supplement, 1998, as amended by section 2, Legislative Bill 379, Ninety-sixth Legislature, First Session, 1999; to change provisions relating to controlled substances, child abuse and neglect teams, adoption, paternity, child custody, juvenile justice system goals, child care and school-age-care programs, the License Suspension Act, the medical assistance program, nursing, pharmacy interns, health care certificates of need, dialysis drug or device workers, hospice services, the statewide trauma system, transportation of certain persons needing assistance, and the Geographic Information System Steering Committee; to provide full faith and credit to foreign support orders; to provide for pharmacy technicians; to eliminate provisions relating to supportive pharmacy personnel; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1,147.37 and 71-1,147.38, 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, 44:

Baker	Chambers	Hudkins	Peterson, C.	Smith
Beutler	Connealy	Janssen	Preister	Stuhr
Bohlke	Coordsen	Jensen	Price	Suttle
Bourne	Crosby	Jones	Quandahl	Thompson
Brashear	Dickey	Kiel	Raikes	Tyson
Bromm	Dierks	Kristensen	Redfield	Vrtiska
Brown	Engel	Lynch	Schimek	Wehrbein
Bruning	Hartnett	Matzke	Schmitt	Wickersham
Byars	Hilgert	Pederson, D.	Schrock	

Voting in the negative, 3:

Cudaback Pedersen, Dw. Robak

Present and not voting, 1:

Landis

Excused and not voting, 1:

Kremer

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 bill was read and put upon final passage:

LEGISLATIVE BILL 594A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 594, Ninety-sixth Legislature, First Session, 1999; to provide for transfers; to reduce appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Baker	Connealy	Janssen	Peterson, C.	Smith
Beutler	Coordsen	Jensen	Preister	Stuhr
Bohlke	Crosby	Jones	Price	Suttle
Bourne	Dickey	Kiel	Quandahl	Thompson
Brashear	Dierks	Kristensen	Redfield	Tyson
Bromm	Engel	Lynch	Schimek	Vrtiska
Bruning	Hartnett	Matzke	Schmitt	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schrock	Wickersham
Chambers	Hudkins	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 5:

Brown Cudaback Landis Raikes Robak

Excused and not voting, 1:

Kremer

A constitutional two-thirds majority having voted in the affirmative, the

bill was declared passed with the emergency clause and the title agreed to.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 689 to Select File

Mr. Brashear moved to return LB 689 to Select File for his specific amendment, AM1873, found on page 2260.

The Brashear motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 689. The Brashear specific amendment, AM1873, found on page 2260, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 849

Mr. Smith withdrew his amendment, AM1900, on file and referred to on page 2267, to LB 849.

MOTION - Return LB 849 to Select File

Mr. Smith moved to return LB 849 to Select File for the following specific amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM1915.)

The Smith motion to return prevailed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 849. The Smith specific amendment, AM1915, on file and referred to in this day's Journal, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 267. Introduced by Raikes, 25.

WHEREAS, Debbie Anstine has served honorably and well as Mrs. Nebraska 1998; and

WHEREAS, Mrs. Anstine and her husband, Bill, are parents to Christina, Troy, and Jared; and

WHEREAS, as Mrs. Nebraska 1998, Debbie Anstine represented and promoted the State of Nebraska at the National Mrs. America Pageant; and

WHEREAS, throughout the past year, Debbie Anstine has served as an advocate for families through her statewide appearances, her fundraising work, her support for youth projects, her appearance as Mrs. Nebraska on radio and television, her participation in area programs, and her public speaking on "Building Stronger Families" and "Prioritizing Morals and Values for Nebraska's Children"; and

WHEREAS, Mrs. Anstine is Vice President of Marketing with The Gallup Organization, which has recognized her work by awarding her a Royal Associate's Honor; she is active in her church; she coordinates volunteers for the City of Lincoln Parks and Recreation Department; and she serves on the executive boards of the March of Dimes and the Lincoln Christian Women's Club.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Debbie Anstine is hereby recognized and commended for her service to the state as Mrs. Nebraska 1998.

2. That a copy of this resolution be sent to Mrs. Anstine.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 32, 32A, 594, and 594A.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 779. Placed on Select File as amended.

E & R amendment to LB 779:

AM7156

- 1 1. On page 1, line 1, strike "Board" through "Funds" and
- 2 insert "land"; in line 2 after the third comma insert "39-1713 to
- 3 39-1719,"; in line 9 after "to" insert "obtaining access to
- 4 isolated land,"; in line 10 strike "board duties" and insert
- 5 "duties of the Board of Educational Lands and Funds"; and in line
- 6 11 after "leases" insert "by the board".
- 7 2. On page 8, line 14, strike "schedule" and insert
- 8 "schedules".
- 9 3. On page 11, line 14, after the comma insert "shall".
- 10 4. On page 18, lines 21 and 22, strike the commas and
- 11 show as stricken.
- 12 5. On page 19, line 13, after "to" insert "be in".
- 13 6. On page 31, line 26, after the third comma insert
- 14 "39-1713 to 39-1719,".

15 7. On page 32, line 4, strike "to".

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 350 and 350A.

Correctly Engrossed

The following bills were correctly engrossed: LBs 571, 730, 730A, 816, 816A, and 863.

Enrollment and Review Change to LB 816

The following changes, required to be reported for publication in the Journal, have been made:

ER9101

1. In the Bohlke amendment, AM1888, on page 1, line 3, "remaining" has been struck and "other" inserted.

2. In the E & R amendments, AM7141:

a. On page 4, lines 6 and 7; and page 15, line 12, "effective date of this act" has been struck and "operative date of this section" inserted; and

b. On page 32, line 26, "and" has been struck and "to provide operative dates;" inserted and "; and to declare an emergency" has been inserted after "sections".

(Signed) Adrian M. Smith, Chairperson

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on May 20, 1999, at 4:00 p.m., was the following resolution: LR 11CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 1999, at 4:10 p.m., were the following bills: LBs 538, 605, 630, 630A, 683, 774, 774A, 829, 835, 835A, 839, and 839A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were Senator C. Peterson's husband, Ernie, and daughter, Anastacia, from Grand Island; and 43 fourth grade students and

teachers from West Lawn Elementary, Grand Island.

ADJOURNMENT

At 5:27 p.m., on a motion by Mr. Smith, the Legislature adjourned until 9:00 a.m., Friday, May 21, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SIXTH DAY – MAY 21, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****EIGHTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, May 21, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

PRAYER

The prayer was offered by Pastor Daryl Lauber, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Kiel and Robak who were excused; and Messrs. Brashear, Kremer, Landis, Lynch, D. Pederson, and Mrs. C. Peterson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2317, line 15, correct spelling of "Raikes".
The Journal for the eighty-fifth day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 1999, at 5:35 p.m., were the following bills: LBs 32, 32A, 594, and 594A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 21, 1999, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Boehm, John M. - Lincoln; R&F Hobbies, Inc. dba Prince of the Road
O'Hara & Associates, Inc.

O'Hara & Associates, Inc. - Lincoln; Anderson Excavating Co.

REPORTS

The following reports were received by the Legislature:

Ethanol Board, Nebraska

Ethanol Production Incentive Cash Fund Summary, Ethanol Production
Incentive Credit Summary, and EPIC Fund Cash Flow Projection

SELECT FILE

LEGISLATIVE BILL 637A. Mr. Wehrbein and Mrs. Brown offered the
following amendment:

AM1918

- 1 1. On page 2, line 8, strike "\$205,000" and insert
- 2 "\$187,400"; and in line 9 strike "\$55,000" and insert "\$72,600".

The Wehrbein-Brown amendment was adopted with 35 ayes, 0 nays, 6
present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 556A. E & R amendment, AM7153, found on page
2199, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 217. Title read. Considered.

The Standing Committee amendment, AM0438, found on page 666, was
adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and
not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not
voting, and 6 excused and not voting.

LEGISLATIVE BILL 592. Title read. Considered.

The Standing Committee amendment, AM0970, found on page 1189, lost
with 0 ayes, 33 nays, 12 present and not voting, and 4 excused and not
voting.

Messrs. Beutler, Connealy, and Schrock offered the following amendment:
AM1904

- 1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. Section 13-2042, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 13-2042. (1) A disposal fee of one dollar and
6 twenty-five cents is imposed for each six cubic yards of
7 uncompacted solid waste, one dollar and twenty-five cents for each
8 three cubic yards of compacted solid waste, or one dollar and
9 twenty-five cents per ton of solid waste disposed of at landfills
10 regulated by the department. Each operator of a landfill disposal
11 facility shall make the fee payment quarterly. The fee shall be
12 paid quarterly to the department on or before the forty-fifth day
13 following the end of each quarter. For purposes of this section,
14 landfill has the same definition as municipal solid waste landfill
15 unit in 40 C.F.R. part 258, subpart A, section 258.2.

16 (2) ~~The department shall exempt a landfill operator from~~
17 ~~the disposal fee imposed by this section for solid waste that is~~
18 ~~disposed pursuant to a contract shown to have been in effect on or~~
19 ~~before December 15, 1991, if such contract requires the landfill~~
20 ~~operator to dispose of solid waste without a mechanism for a price~~
21 ~~increase for a period of not less than one year. Such exemption~~
22 ~~shall terminate at the earlier of the following dates: (a) The date~~
23 ~~such contract allows for a price increase; (b) the expiration of~~
24 ~~such contract; or (c) July 1, 1994.~~

1 (3) Each fee payment shall be accompanied by a form
2 prepared and furnished by the department and completed by the
3 permitholder. The form shall state the total volume of solid waste
4 disposed of at that facility during the payment period and shall
5 provide any other information deemed necessary by the department.
6 The form shall be signed by the permitholder.

7 (4) (3) If a permitholder fails to make a timely payment
8 of the fee, he or she shall pay interest on the unpaid amount at
9 the rate specified in section 45-104.02, as such rate may from time
10 to time be adjusted.

11 (5) (4) This section shall not apply to a site used
12 solely for the reclamation of land through the introduction of
13 landscaping rubble or inert material.

14 (6) (5) Fifty percent of the total of such fees collected
15 in each quarter shall be remitted to the State Treasurer for credit
16 to the Integrated Solid Waste Management Cash Fund and shall be
17 used by the department to cover the direct and indirect costs of
18 regulating and monitoring facilities during and after operation of
19 facilities or performance of regulated activities under the
20 Integrated Solid Waste Management Act. Of the amount credited to
21 the Integrated Solid Waste Management Cash Fund, the department may
22 disburse amounts to political subdivisions for costs incurred in
23 response to and remediation of any solid waste disposed of or
24 abandoned at dump sites or discrete locations along public roadways
25 or ditches and on any contiguous area affected by such disposal or
26 abandonment. Such reimbursement shall be by application to the

27 department on forms prescribed by the department. The department
1 shall prepare and make available a schedule of eligible costs and
2 application procedures which may include a requirement of a
3 demonstration of preventive measures to be taken to discourage
4 future dumping. The department may not disburse to political
5 subdivisions an amount which in the aggregate exceeds five percent
6 of total revenue from the disposal fees collected pursuant to this
7 section in the preceding fiscal year. These disbursements shall be
8 made on a fiscal-year basis, and applications received after funds
9 for this purpose have been exhausted may be eligible during the
10 next fiscal year but are not an obligation of the state. Any
11 eligible costs incurred by a political subdivision which are not
12 funded due to a lack of funds shall not be considered an obligation
13 of the state. In disbursing funds under this section, the director
14 shall make efforts to ensure equal geographic distribution
15 throughout the state and may deny reimbursements in order to
16 accomplish this goal.

17 ~~(7)~~ (6) The remaining fifty percent of the total of such
18 fees collected per quarter shall be remitted to the State Treasurer
19 for credit to the Waste Reduction and Recycling Incentive Fund.
20 For purposes of determining the total fees collected, any amount of
21 fees rebated pursuant to section 13-2042.01 shall be included as if
22 the fees had not been rebated, and the amount of the fees rebated
23 pursuant to such section shall be deducted from the amount to be
24 credited to the Waste Reduction and Recycling Incentive Fund.

25 ~~(8)~~ (7) The council shall adopt and promulgate rules and
26 regulations for the distribution of grants under subsection ~~(7)~~ (6)
27 of this section from the proceeds of the fees imposed by this
1 section to counties, municipalities, and agencies for the purposes
2 of planning and implementing facilities and systems to further the
3 goals of the Integrated Solid Waste Management Act. The fees
4 collected pursuant to this section shall not be used as grant
5 proceeds to fund landfill closure site assessments, closure,
6 monitoring, or investigative or corrective action costs for
7 existing landfills or landfills already closed prior to July 15,
8 1992. The rules and regulations shall base the awarding of grants
9 on a project's reflection of the integrated solid waste management
10 policy and hierarchy established in section 13-2018, the proposed
11 amount of local matching funds, and community need.

12 Sec. 2. Section 81-1558, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-1558. There is hereby created within the state
15 treasury a fund to be known as the Nebraska Litter Reduction and
16 Recycling Fund. The proceeds of the fee imposed by sections
17 81-1559 to 81-1560.02, money received by the department as gifts,
18 donations, or contributions toward the goals stated in section
19 81-1535, and money received by the department for nonprofit
20 activities concerning litter reduction and recycling, including,
21 but not limited to, honoraria, literature furnished by the

22 department, and funds realized as reimbursement for expenses in
23 conducting educational forums, shall be remitted to the State
24 Treasurer for credit to such fund to be used for the administration
25 and enforcement of the Nebraska Litter Reduction and Recycling Act.
26 Any money in the fund available for investment shall be invested by
27 the state investment officer pursuant to the Nebraska Capital
1 Expansion Act and the Nebraska State Funds Investment Act. ~~On or~~
2 ~~before December 1, 1994, and each year thereafter, the director~~
3 ~~shall direct the State Treasurer to transfer all amounts remitted~~
4 ~~to the department pursuant to section 81-1561, raised in the~~
5 ~~previous fiscal year from the Nebraska Litter Reduction and~~
6 ~~Recycling Act, which are in excess of eight hundred thousand~~
7 ~~dollars to the Waste Reduction and Recycling Incentive Fund. If~~
8 ~~such transfer occurs, the Waste Reduction and Recycling Incentive~~
9 ~~Fund shall consist of such transfers in addition to amounts~~
10 ~~credited pursuant to section 81-15,160.~~

11 Sec. 3. Section 81-15,160, Revised Statutes Supplement,
12 1998, is amended to read:

13 81-15,160. (1) The Waste Reduction and Recycling
14 Incentive Fund is created. The department shall deduct from the
15 fund amounts sufficient to reimburse itself for its costs of
16 administration of the fund. The fund shall be administered by the
17 Department of Environmental Quality. The fund shall consist of
18 proceeds from the fees imposed pursuant to ~~sections 81-15,159 to~~
19 ~~81-15,165~~ the Waste Reduction and Recycling Incentive Act.

20 (2) The fund may be used for purposes which include, but
21 are not limited to:

22 (a) Technical and financial assistance to political
23 subdivisions for creation of recycling systems and for modification
24 of present recycling systems;

25 (b) Recycling and waste reduction projects, including
26 public education, planning, and technical assistance;

27 (c) Market development for recyclable materials separated
1 by generators, including public education, planning, and technical
2 assistance;

3 (d) Capital assistance for establishing private and
4 public intermediate processing facilities for recyclable materials
5 and facilities using recyclable materials in new products;

6 (e) Programs which develop and implement composting of
7 yard waste and composting with sewage sludge;

8 (f) Technical assistance for waste reduction and waste
9 exchange for waste generators;

10 (g) Programs to assist communities and counties to
11 develop and implement household hazardous waste management
12 programs;

13 (h) Incentive grants to political subdivisions to assist
14 and encourage the closure of landfills operating without a permit,
15 the regional consolidation of solid waste disposal facilities
16 operating with a permit, and the use of transfer stations. Grants

17 awarded for programs involving land disposal shall include
18 provisions for waste reduction and recycling; and

19 (i) Capital assistance for establishing private and
20 public facilities to manufacture combustible waste products and to
21 incinerate waste to generate and recover energy resources.

22 (3) No grant shall be made under section 81-15,161 to a
23 political subdivision which operates a landfill operating without a
24 permit unless the grant will be used to meet permit standards and
25 the landfill is issued a permit within two years after the award of
26 the grant.

27 ~~(4) Priority for grants made under section 81-15,161~~
1 ~~shall be given to grant proposals that will be used for the~~
2 ~~recycling of tires or tire waste reduction~~

3 (4) Priority for grants made under section 81-15,161
4 shall be given to grant proposals that will be used for the
5 recycling of tires or tire waste reduction, except that on or
6 before June 1, 2002, up to one million dollars will be available
7 for scrap tire projects only, if acceptable scrap tire project
8 applications are received. Eligible categories of disbursement may
9 include:

10 (a) Studies to determine economic and technical
11 feasibility of uses of scrap tires or tire-derived product, with
12 disbursements of up to one hundred percent of the cost of the
13 study;

14 (b) Reimbursement for the purchase of crumb rubber
15 generated and used in Nebraska, with disbursements not to exceed
16 fifty percent of the cost of the crumb rubber;

17 (c) Reimbursement for the purchase of tire-derived
18 product which utilizes a minimum of twenty-five percent recycled
19 tire content, with disbursements not to exceed twenty-five percent
20 of the product's retail cost;

21 (d) Participation in the capital costs of building,
22 equipment, and other capital improvement needs or startup costs for
23 scrap tire processing or manufacturing of tire-derived product,
24 with disbursements not to exceed fifty percent of such costs or
25 five hundred thousand dollars, whichever is less;

26 (e) Participation in the capital costs of building,
27 equipment, or other startup costs needed to establish collection
1 sites or to collect and transport scrap tires, with disbursements
2 not to exceed fifty percent of such costs;

3 (f) Cost-sharing for the manufacturing of tire-derived
4 product, with disbursements not to exceed twenty dollars per ton or
5 two hundred fifty thousand dollars, whichever is less, to any
6 person annually;

7 (g) Cost-sharing for the processing of scrap tires, with
8 disbursements not to exceed twenty dollars per ton or two hundred
9 fifty thousand dollars, whichever is less, to any person annually;
10 and

11 (h) Cost-sharing for the use of scrap tires for civil

12 engineering applications for specified projects, with disbursements
13 not to exceed twenty dollars per ton or two hundred fifty thousand
14 dollars, whichever is less, to any person annually.

15 The director shall give preference to projects which
16 utilize scrap tires generated and used in Nebraska.

17 (5) The department may disburse (a) to any person up to
18 one hundred percent of the costs incurred in cleaning up scrap tire
19 collection sites existing on June 11, 1997, if application for such
20 cleanup is submitted prior to June 1, 1999, and the cleanup is
21 completed by September 1, 2000, or (b) to a political subdivision
22 up to one hundred percent of costs incurred in cleaning up
23 collection sites if application for such cleanup is submitted prior
24 to June 1, 1999, and the cleanup is completed by September 1, 2000.

25 (6) Priority for grants made under section 81-15,161
26 shall be given to grant proposals demonstrating a formal
27 public/private partnership except for grants awarded from funds
1 collected under subsection (6) of section 13-2042.

2 (7) Grants awarded from fees collected under subsection
3 (6) of section 13-2042 may be renewed for up to a five-year grant
4 period. Such applications shall include an updated solid waste
5 management plan pursuant to section 13-2032. Annual disbursements
6 are subject to available funds and the grantee meeting established
7 grant conditions. Priority for such grants shall be given to grant
8 proposals showing regional participation and programs which address
9 the first waste management hierarchy as stated in section 13-2018
10 which shall include toxicity reduction. Disbursements for any one
11 year shall not exceed fifty percent of the total funds collected
12 after rebates under subsection (6) of section 13-2042 during that
13 year. ; except that on or before June 30, 1999, grant proposals
14 that will be used for the recycling of tires or tire waste
15 reduction shall be submitted and considered under section
16 81-15,162.02 and shall not be funded from the Waste Reduction and
17 Recycling Incentive Fund.

18 (5) (8) The Department of Environmental Quality may
19 receive gifts, bequests, and any other contributions for deposit in
20 the fund. Any money in the fund available for investment shall be
21 invested by the state investment officer pursuant to the Nebraska
22 Capital Expansion Act and the Nebraska State Funds Investment Act.

23 Sec. 4. Section 81-15,162, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 81-15,162. (1) Commencing October 1, 1990, there is
26 hereby imposed a fee of one dollar on each tire of every new motor
27 vehicle, trailer, or semitrailer sold at retail in this state.

1 Such fee shall be collected by the county treasurer at the time of
2 registration of the motor vehicle, trailer, or semitrailer and
3 remitted to the Department of Revenue.

4 (2) Commencing October 1, 1990, there is hereby imposed a
5 fee of one dollar on every tire sold at retail in this state,
6 including every farm tractor tire, which tires are not on a motor

7 vehicle, trailer, or semitrailer pursuant to subsection (1) of this
 8 section. Such fee shall be collected from the purchaser by the
 9 tire retailer at the time of purchase and shall be remitted to the
 10 Department of Revenue.

11 (3) For purposes of this section, tire shall have the
 12 definition found in section 81-15,159.02 and shall include a
 13 pneumatic and solid tire but shall not include a recapped or
 14 regrooved tire.

15 (4) Subject to section 81-15,165:

16 (a) On or before June 30, 1999, the fees remitted to the
 17 Department of Revenue under this section shall be remitted to the
 18 State Treasurer for credit to the Scrap Tire Reduction and
 19 Recycling Incentive Fund; and

20 (b) After June 30, 1999, the fees remitted to the
 21 Department of Revenue under this section along with any unobligated
 22 balance in the Scrap Tire Reduction and Recycling Incentive Fund
 23 shall be remitted to the State Treasurer for credit to the Waste
 24 Reduction and Recycling Incentive Fund. Fees collected in excess
 25 of one million dollars shall be available for grants to political
 26 subdivisions under rules and regulations adopted pursuant to
 27 subsection (7) of section 13-2042.

1 Sec. 5. Original sections 13-2042, 81-1558, and
 2 81-15,162, Reissue Revised Statutes of Nebraska, and section
 3 81-15,160, Revised Statutes Supplement, 1998, are repealed.

4 Sec. 6. Since an emergency exists, this act takes effect
 5 when passed and approved according to law."

The Beutler et al. amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORT **Natural Resources**

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Ethanol Board
 James Ziebarth

VOTE: Aye: Senators Bohlke, Bromm, Bruning, Hudkins, Jones, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 314A, 407A, 585, and 689.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Mr. Preister filed the following amendment to LB 592:
AM1905

(Amendments to AM1904)

- 1 1. On page 19, line 18, after "(8)" insert "Any person
2 who operates a scrap tire collection site in violation of state law
3 which is the subject of abatement or cleanup as provided in section
4 81-15,161.01 shall be liable to the State of Nebraska for the
5 reimbursement of expenses of such abatement or cleanup paid out of
6 the fund.
7 (9)".

Mr. Kristensen filed the following amendment to LB 637:
AM1921

(Amendments to Final Reading copy)

- 1 1. On page 3, line 4, "Any contract entered into by the
2 Title IV-D Division with the designated entity or officer for the
3 administration and operation of the State Disbursement Unit shall
4 not exceed one year." has been inserted after the period.

MR. COORDSEN PRESIDING**SELECT FILE**

LEGISLATIVE BILL 881. E & R amendment, AM7154, found on page 2241, was adopted.

Mr. Beutler offered the following amendment:
AM1908

(Amendments to E & R amendments, AM7154)

- 1 1. Insert the following new section:
2 "Sec. 10. The State Treasurer shall transfer from the
3 General Fund to the Cash Reserve Fund \$18,000,000 on or after June
4 15, 2000, but before June 30, 2000."
5 2. Renumber the remaining sections accordingly.

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment:

AM1916

(Amendments to E & R amendments, AM7154)

- 1 1. On page 10, strike lines 24 through 27 and insert the
- 2 following new subsection:
- 3 "(13) It is the intent of the Legislature that if
- 4 sufficient General Funds are not available to fully fund the Tax
- 5 Equity and Educational Opportunities Support Act for fiscal year
- 6 2001-02, then on or before August 1, 2001, all necessary dollars
- 7 shall be transferred from the Cash Reserve Fund to the General Fund
- 8 for the purpose of fully funding the Tax Equity and Educational
- 9 Opportunities Support Act."

Mr. D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 7:

Beutler	Pedersen, Dw.	Price	Schimek	Thompson
Connealy	Preister			

Voting in the negative, 20:

Baker	Coordsen	Hilgert	Kristensen	Tyson
Bohlke	Crosby	Hudkins	Raikes	Vrtiska
Bruning	Cudaback	Janssen	Redfield	Wehrbein
Byars	Engel	Kremer	Smith	Wickersham

Present and not voting, 18:

Bourne	Chambers	Jensen	Peterson, C.	Schrock
Brashear	Dickey	Jones	Quandahl	Stuhr
Bromm	Dierks	Lynch	Schmitt	Suttle
Brown	Hartnett	Matzke		

Excused and not voting, 4:

Kiel	Landis	Pederson, D.	Robak
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The Beutler amendment lost with 7 ayes, 20 nays, 18 present and not voting, and 4 excused and not voting.

Messrs. Wickersham and Kristensen offered the following amendment:

AM1922

(Amendments to E & R amendments, AM7154)

- 1 1. On page 2, line 4, after the first "valuation" insert
- 2 "of the parcel" and after the first "the" insert "total"; in line 7

- 3 after "the" insert "real"; in line 15 after "shall" insert
- 4 "immediately"; and in line 18 strike "1" and insert "15".
- 5 2. On page 3, line 18, strike "1" and insert "15".
- 6 3. On page 6, line 17, strike "When taxes" and insert
- 7 "Beginning with tax year 2000, when taxes on real property".

The Wickersham-Kristensen amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 881A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 661. E & R amendment, AM7155, found on page 2278, was adopted.

Mr. Kristensen offered the following amendment:
AM1919

(Amendments to E & R amendments, AM7155)

- 1 1. On page 2, line 9, before "This" insert "(1)"; in
- 2 line 10 after "injuries" insert "or wrongful death"; and after line
- 3 10 insert the following new subsection:
- 4 "(2) This act does not apply to any cause of action
- 5 accruing on or after January 31, 2002."

The Kristensen amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 105, 556A, 637A, 881, and 881A.

Enrollment and Review Change to LB 105

The following changes, required to be reported for publication in the Journal, have been made:

ER9102

1. Changes have been made to incorporate all adopted amendments.
2. On page 1, the matter beginning with "housing" in line 1 through line 7, and all amendments thereto have been struck and "housing; to amend sections 71-1510 and 76-1416, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Housing Agency Act; to eliminate the Housing Cooperation Law and the Nebraska Housing Authorities Law; to

harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 71-1501 to 71-1509, 71-1511, 71-1512, 71-1518 to 71-1535, and 71-1537 to 71-1554, Reissue Revised Statutes of Nebraska, section 71-1536, Revised Statutes Supplement, 1998, and section 71-1510, Reissue Revised Statutes of Nebraska, as amended by section 98, Legislative Bill 105, Ninety-sixth Legislature, First Session, 1999." inserted.

Enrollment and Review Change to LB 556A

The following changes, required to be reported for publication in the Journal, have been made:

ER9104

1. On page 1, line 4, "transfers" has been struck and "a transfer" inserted.

(Signed) Adrian M. Smith, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 268. Introduced by Stuhr, 24.

WHEREAS, the Heartland Community School's Future Business Leaders of America (FBLA) members won thirty-six state awards on April 8-10, 1999, in the Nebraska State Competition; and

WHEREAS, the Heartland Community School's FBLA competed with over 1,400 students from ninety-five schools of all classes across Nebraska; and

WHEREAS, the Heartland Community School's FBLA set a new state record by becoming the only school ever to sweep all eight awards in a competitive event; and

WHEREAS, six members, Andrew Watt, Shay Graves, Jordan Klute, Amanda Gray, Dustin Thorne, and Kami Hoffman, have earned the right to compete in the national competition in Chicago, Illinois, June 27-July 3, 1999; and

WHEREAS, the team members as well as Business Instructor Ken Schultz deserve special recognition for the teamwork, knowledge, and keen business sense they have displayed throughout the year which has contributed to the team's success.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the members of the Heartland Community School's Future Business Leaders of America and their advisor, Ken Schultz.

2. That a copy of this resolution be sent to the Heartland Community School's Future Business Leaders of America and their advisor, Ken Schultz.

Laid over.

LEGISLATIVE RESOLUTION 269. Introduced by Brown, 6.

WHEREAS, the Omaha Creighton Prep Boys' Soccer Team scored a tournament-record high of eight goals in the Class A Championship game to win 8-3; and

WHEREAS, the Omaha Creighton Prep Boys' Soccer Team captured its fourth Class A soccer title; and

WHEREAS, Coach Tom Hoover provided guidance, motivation, and strategy for the players and also served as a role model for the team; and

WHEREAS, the fans proved their loyalty and support by cheering the team on to their impressive victory; and

WHEREAS, the Omaha Creighton Prep Boys' Soccer Team displayed great skill and courage to achieve their goal and redefine the phrase "team work".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the Omaha Creighton Prep Boys' Soccer Team and Coach Tom Hoover for their success.

2. That copies of this resolution be sent to Coach Tom Hoover, Principal John Naatz, and Father Bob Hotz, SJ.

Laid over.

VISITORS

Visitors to the Chamber were Joel Fitts from Scottsbluff; Gary, Sally, and Jonathan Sayler from Coleridge; Senator Vrtiska's wife, Doris, from Table Rock; Senator Hilgert's wife and son, Cara and Jack, from Omaha; Senator Quandahl's parents, Paul and Barbara, from Ralston; and 44 fourth grade students and teachers from Ezra Millard Elementary School, Omaha.

ADJOURNMENT

At 11:36 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 10:00 a.m., Monday, May 24, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SEVENTH DAY – MAY 24, 1999

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
FIRST SESSION**

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 24, 1999

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rabbi Stanley Rosenbaum, Tifereth Israel Synagogue, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Engel, Ms. Price, and Mrs. Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-sixth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 217. Placed on Select File as amended.
E & R amendment to LB 217:
AM7157

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 72-1268, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 72-1268. (1) Notwithstanding any other provision of law,
- 6 every bank and building and loan association shall be eligible for
- 7 the maximum investment offered to all banks provided for in section
- 8 72-1263. The bank or building and loan association shall give a
- 9 bond or, in lieu of a bond, may give security for any investment
- 10 under the Nebraska Capital Expansion Act as provided in sections
- 11 72-1268.01 to 72-1268.04. Any bank or building and loan
- 12 association may apply for the privilege of keeping on deposit such

13 funds.

14 (2)(a) Every bank and building and loan association
15 shall, as a condition of accepting state funds, agree to cash free
16 of charge state warrants which are presented by payees of the state
17 without regard to whether or not such payee has an account with
18 such bank or building and loan association, and such bank or
19 building and loan association shall not require such payee to place
20 his or her fingerprint or thumbprint on the state warrant as a
21 condition to cashing such warrant.

22 (b) The condition of accepting state funds in subdivision
23 (2)(a) of this section shall not preclude any bank or building and
24 loan association from refusing to cash a state warrant presented to
1 the bank or building and loan association if (i) a stop-payment
2 order has been placed on the state warrant, (ii) the state warrant
3 has been reported as unregistered, voided, lost, stolen, destroyed,
4 or that a duplicate state warrant has been issued in its place,
5 (iii) the state warrant is incomplete or is forged or altered in
6 any manner, (iv) the state warrant lacks any necessary indorsement
7 or an indorsement is illegible, unauthorized, or forged, (v) the
8 state warrant is stale-dated, or (vi) the bank or building and loan
9 association has a reasonable belief that the individual presenting
10 the state warrant is not the payee named on the state warrant.

11 Sec. 2. Section 77-2301, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 77-2301. (1) The State Treasurer shall deposit, and at
14 all times keep on deposit for safekeeping, in the state or national
15 banks, or some of them doing business in this state and of approved
16 standing and responsibility, the amount of money in his or her
17 hands belonging to the several current funds in the state treasury.
18 Any bank may apply for the privilege of keeping on deposit such
19 funds or some part thereof.

20 (2)(a) Every bank shall, as a condition of keeping on
21 deposit state funds, agree to cash free of charge state warrants
22 which are presented by payees of the state without regard to
23 whether or not such payee has an account with such bank, and such
24 bank shall not require such payee to place his or her fingerprint
25 or thumbprint on the state warrant as a condition to cashing such
26 warrant.

27 (b) The condition of keeping on deposit state funds in
1 subdivision (2)(a) of this section shall not preclude any bank from
2 refusing to cash a state warrant presented to the bank if (i) a
3 stop-payment order has been placed on the state warrant, (ii) the
4 state warrant has been reported as unregistered, voided, lost,
5 stolen, destroyed, or that a duplicate state warrant has been
6 issued in its place, (iii) the state warrant is incomplete or is
7 forged or altered in any manner, (iv) the state warrant lacks any
8 necessary indorsement or an indorsement is illegible, unauthorized,
9 or forged, (v) the state warrant is stale-dated, or (vi) the bank
10 has a reasonable belief that the individual presenting the state

11 warrant is not the payee named on the state warrant.

12 (3) All deposits shall be subject to payment when
13 demanded by the State Treasurer on his or her check and shall be
14 subject also to such regulations as are imposed by law and rules
15 adopted by the State Treasurer in receiving and holding such
16 deposits.

17 Sec. 3. Original sections 72-1268 and 77-2301, Reissue
18 Revised Statutes of Nebraska, are repealed."

19 2. On page 1, strike beginning with "the" in line 1
20 through line 4 and insert "state funds; to amend sections 72-1268
21 and 77-2301, Reissue Revised Statutes of Nebraska; to change
22 provisions relating to eligibility for the keeping on deposit and
23 investment of state funds; and to repeal the original sections."

LEGISLATIVE BILL 592. Placed on Select File as amended.

E & R amendment to LB 592:

AM7158

1 1. In the Beutler amendment, AM1904:

2 a. On page 8, line 27, strike "funds" and insert "fees";

3 and

4 b. On page 9, line 4, after "updated" insert
5 "integrated"; in line 9 after "first" insert "integrated solid";
6 and in line 11 strike "funds" and insert "fees".

7 2. On page 1, strike beginning with "solid" in line 1
8 through line 7 and insert "waste management; to amend sections
9 13-2042, 81-1558, and 81-15,162, Reissue Revised Statutes of
10 Nebraska, and section 81-15,160, Revised Statutes Supplement, 1998;
11 to change provisions relating to landfill disposal fees; to change
12 grant provisions; to provide powers and duties; to eliminate
13 transfers from a fund; to harmonize provisions; to repeal the
14 original sections; and to declare an emergency."

Correctly Reengrossed

The following bill was correctly reengrossed: LB 849.

Correctly Engrossed

The following bills were correctly engrossed: LBs 661 and 828.

Enrollment and Review Change to LB 828

The following changes, required to be reported for publication in the Journal, have been made:

ER9103

1. In the E & R amendments, AM7150:

a. On page 1, line 23, "the special" has been struck, shown as stricken, and "such" inserted; and

b. On page 2, line 4, "special" has been struck and shown as stricken.

2. On page 1, lines 2 through 15 and all amendments thereto have been struck and "33-151, 33-152, 43-2606, 44-2847, 59-1617, 71-105, 71-107, 71-111, 71-112, 71-112.01, 71-112.03, 71-113, 71-114, 71-115.01, 71-116, 71-117, 71-118, 71-119, 71-120, 71-122, 71-123, 71-124, 71-124.01, 71-128, 71-129, 71-131, 71-132, 71-133, 71-138, 71-139, 71-139.01, 71-140, 71-143, 71-144, 71-161.03, 71-161.04, 71-161.07, 71-161.09, 71-161.13, 71-161.14, 71-161.15, 71-161.19, 71-161.20, 71-168.01, 71-170, 71-171.01, 71-175, 71-175.01, 71-176.01, 71-176.03, 71-179, 71-179.01, 71-180, 71-183.01, 71-185, 71-185.01, 71-185.02, 71-186, 71-193.04, 71-193.14, 71-193.18, 71-193.20, 71-193.22, 71-1,104, 71-1,104.06, 71-1,105, 71-1,106, 71-1,107.01, 71-1,107.02, 71-1,107.04, 71-1,107.05, 71-1,107.09, 71-1,107.10, 71-1,107.11, 71-1,107.13, 71-1,107.14, 71-1,107.16, 71-1,107.25, 71-1,136.02, 71-1,136.03, 71-1,136.09, 71-1,137, 71-1,139.01, 71-1,140, 71-1,144.01, 71-1,144.04, 71-1,145, 71-1,146, 71-1,147.02, 71-1,147.10, 71-1,147.11, 71-1,147.18, 71-1,147.19, 71-1,147.20, 71-1,147.21, 71-1,147.22, 71-1,147.24, 71-1,147.25, 71-1,147.29, 71-1,147.30, 71-1,147.31, 71-1,147.38, 71-1,152.01, 71-1,171, 71-1,186, 71-1,191, 71-1,192, 71-1,199, 71-1,200, 71-1,201, 71-1,206.02, 71-1,206.11, 71-1,227, 71-1,238, 71-1,278, 71-1,281, 71-1,281.01, 71-1,286, 71-1,298, 71-1,335, 71-1,337, 71-1301, 71-1305, 71-1333.01, 71-1731, 71-1735, 71-1736, 71-1737, 71-1740, 71-1743, 71-1758, 71-2407, 71-2408, 71-2409, 71-2413, 71-2416, 71-2803, 71-2804, 71-2807, 71-2809, 71-4715, 71-6228, and 71-7405, Reissue Revised Statutes of Nebraska, sections 28-407, 71-101, 71-108, 71-110, 71-121, 71-121.01, 71-141, 71-155, 71-161.10, 71-162, 71-168, 71-171.02, 71-174.01, 71-1,103, 71-1,135, 71-1,135.02, 71-1,135.03, 71-1,135.04, 71-1,136.01, 71-1,139, 71-1,142, 71-1,147.45, 71-1,154, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-1730, 71-2601, and 71-5403, Revised Statutes Supplement, 1998, and section 71-1,107.30, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 379, Ninety-sixth Legislature, First Session, 1999; to change provisions relating to controlled substances registration requirements, child care and school-age-care programs, credentials issued under the Uniform Licensing Law, department records, boards of examiners, disciplinary action, liability, confidentiality, physician assistants, and reports by insurers; to provide, change, and eliminate definitions; to state intent; to provide powers and duties; to provide and change penalty provisions; to eliminate obsolete fee disbursement provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 33-150, 71-1741, and 71-1742, Reissue Revised Statutes of Nebraska." inserted.

Enrollment and Review Change to LB 849

The following changes, required to be reported for publication in the Journal, have been made:

ER9105

1. In the Smith amendment, AM1915:

- a. On page 18, lines 26 and 27 have been struck;
- b. On page 19, lines 1 through 12 have been struck; in line 13 "(3)" has been struck and "(2)" inserted; and in line 24 "(4)" has been struck and "(3)" inserted;
- c. On page 26, line 2, "benefits" has been struck and "benefit" inserted; and in line 20 "board" has been struck and "Public Employees Retirement Board" inserted; and
- d. On page 27, line 10, "board" has been struck and "Public Employees Retirement Board" inserted.

(Signed) Adrian M. Smith, Chairperson

MOTIONS - Approve Appointments

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointment found on page 2279: Dale Eirich - Dry Bean Commission.

Voting in the affirmative, 34:

Baker	Connealy	Kiel	Quandahl	Smith
Beutler	Crosby	Kremer	Raikes	Suttle
Bourne	Dickey	Lynch	Redfield	Thompson
Bromm	Dierks	Matzke	Robak	Tyson
Brown	Hudkins	Pedersen, Dw.	Schimek	Vrtiska
Bruning	Janssen	Pederson, D.	Schmitt	Wehrbein
Byars	Jensen	Peterson, C.	Schrock	

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Bohlke	Cudaback	Hilgert	Kristensen	Preister
Coordsen	Hartnett	Jones	Landis	Wickersham

Excused and not voting, 4:

Brashear	Engel	Price	Stuhr
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The appointment was confirmed with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointments found on page 2280: Barbara Cooksley, Elbert Dickey, Merwin Fricke, and Mark Kuzila - Climate Assessment Response Committee.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointment found on page 2280: Barbara Cooksley - Climate Assessment Response Committee.

Voting in the affirmative, 38:

Bourne	Dickey	Kremer	Price	Schrock
Bromm	Dierks	Kristensen	Quandahl	Smith
Bruning	Hilgert	Lynch	Raikes	Suttle
Byars	Hudkins	Matzke	Redfield	Thompson
Chambers	Janssen	Pedersen, Dw.	Robak	Tyson
Connealy	Jensen	Pederson, D.	Schimek	Vrtiska
Coordsen	Jones	Peterson, C.	Schmitt	Wehrbein
Crosby	Kiel	Preister		

Voting in the negative, 0.

Present and not voting, 8:

Baker	Bohlke	Cudaback	Landis	Wickersham
Beutler	Brown	Hartnett		

Excused and not voting, 3:

Brashear	Engel	Stuhr
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The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The second division is as follows:

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointments found on page 2280: Elbert Dickey, Merwin Fricke, and Mark Kuzila - Climate Assessment Response Committee.

Voting in the affirmative, 35:

Baker	Coordsen	Jensen	Pedersen, Dw.	Schrock
Bourne	Crosby	Jones	Pederson, D.	Smith
Bromm	Dickey	Kiel	Preister	Suttle
Brown	Dierks	Kremer	Price	Thompson
Bruning	Hilgert	Kristensen	Quandahl	Tyson
Byars	Hudkins	Landis	Redfield	Vrtiska
Connealy	Janssen	Matzke	Schmitt	Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Beutler	Cudaback	Lynch	Raikes	Schimek
Bohlke	Hartnett	Peterson, C.	Robak	Wickersham

Excused and not voting, 3:

Brashear Engel Stuhr

The appointments were confirmed with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

Mr. Bromm moved the adoption of the report of the Transportation Committee for the following appointment found on page 2331: David Lee Hale - Motor Carrier Advisory Council.

Voting in the affirmative, 34:

Baker	Byars	Hudkins	Pedersen, Dw.	Schrock
Beutler	Connealy	Janssen	Peterson, C.	Smith
Bohlke	Crosby	Jensen	Price	Suttle
Bourne	Dickey	Jones	Quandahl	Thompson
Brashear	Dierks	Kremer	Raikes	Tyson
Bromm	Hartnett	Landis	Schimek	Wehrbein
Bruning	Hilgert	Matzke	Schmitt	

Voting in the negative, 0.

Present and not voting, 13:

Brown	Cudaback	Lynch	Redfield	Vrtiska
Chambers	Kiel	Pederson, D.	Robak	Wickersham
Coordsen	Kristensen	Preister		

Excused and not voting, 2:

Engel Stuhr

The appointment was confirmed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 18CA. Mr. Kristensen renewed his pending amendment, AM1910, found on page 2332.

The Kristensen amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Messrs. Beutler and Kristensen offered the following amendment:
FA258

1 1. On page 6, line 10, strike "eight" and insert "nine".

MRS. CROSBY PRESIDING

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler requested a roll call vote on the Beutler-Kristensen amendment.

Voting in the affirmative, 29:

Beutler	Connealy	Kiel	Pedersen, Dw.	Robak
Bourne	Crosby	Kremer	Pederson, D.	Smith
Brashear	Cudaback	Kristensen	Peterson, C.	Thompson
Brown	Hartnett	Landis	Preister	Vrtiska
Bruning	Janssen	Lynch	Price	Wehrbein
Chambers	Jensen	Matzke	Raikes	

Voting in the negative, 13:

Baker	Coordsen	Jones	Schimek	Tyson
Bromm	Dierks	Quandahl	Suttle	Wickersham
Byars	Hilgert	Redfield		

Present and not voting, 4:

Bohlke	Dickey	Schmitt	Schrock
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Excused and not voting, 3:

Engel	Hudkins	Stuhr
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The Beutler-Kristensen amendment was adopted with 29 ayes, 13 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

PRESIDENT MAURSTAD PRESIDING

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks requested a record vote on the advancement of the resolution.

Voting in the affirmative, 30:

Beutler	Chambers	Kiel	Pederson, D.	Schrock
Bohlke	Connealy	Kristensen	Peterson, C.	Suttle
Bourne	Cudaback	Landis	Preister	Thompson
Brashear	Hartnett	Lynch	Price	Vrtiska
Brown	Hilgert	Matzke	Raikes	Wehrbein
Bruning	Janssen	Pedersen, Dw.	Schimek	Wickersham

Voting in the negative, 15:

Baker	Crosby	Jensen	Quandahl	Smith
Bromm	Dickey	Jones	Redfield	Stuhr
Byars	Dierks	Kremer	Schmitt	Tyson

Present and not voting, 1:

Robak

Excused and not voting, 3:

Coordsen	Engel	Hudkins
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Advanced to E & R for engrossment with 30 ayes, 15 nays, 1 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 779. E & R amendment, AM7156, found on page 2339, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 217. E & R amendment, AM7157, found in this day's Journal, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 592. E & R amendment, AM7158, found in this day's Journal, was adopted.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Preister renewed his pending amendment, AM1905, found on page 2351.

The Preister amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 637 to Select File

Mr. Kristensen moved to return LB 637 to Select File for his specific amendment, AM1921, found on page 2351.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen withdrew his motion to return.

ANNOUNCEMENT

Mr. Schrock announced that the Natural Resources Committee will conduct its hearing on Tuesday, May 25, 1999, in Room 1524 instead of Room 1525.

VISITORS

Visitors to the Chamber were 52 fourth grade students and teacher from Sandoz Elementary School, Omaha; Jeff Tidyman from Curtis; Senator Vrtiska's daughter, Dr. Terri Vrtiska, from Rochester, Minnesota; Ray Edelmaier from Watsonville, California; Angie and Emily Eberspacher from Beaver Crossing; Senator Kremer's daughter and grandchildren, Sheila, Ashley, Karrah, Rachel, and Zach Miller, from Aurora; 30 fourth grade students and teachers from Cody Elementary School, Millard/Omaha; Senator Coordsen's son, Kevin Coordsen, from Hollywood, California; 96 fourth grade students and teachers from St. Wenceslaus School, Omaha; and 30 fourth grade students and teachers from Oak Valley Elementary School, Omaha.

RECESS

At 11:56 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Engel, Landis, Matzke, Tyson, Mmes. C. Peterson, and Robak who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 217, 592, 779, and LR 18CA.

Enrollment and Review Change to LB 592

The following changes, required to be reported for publication in the Journal, have been made:

ER9107

1. In the Preister amendment, AM1905, on page 1, line 1, "19" has been struck and "9" inserted.

Enrollment and Review Change to LB 779

The following changes, required to be reported for publication in the Journal, have been made:

ER9106

1. On page 1, line 1, "the" has been struck.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Member Excused

Ms. Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 176 to Select File

Mr. Beutler moved to return LB 176 to Select File for the following specific amendment:

AM1906

(Amendments to E & R amendments, AM7144)

- 1 1. Strike sections 1, 26, 27, and 28.
- 2 2. On page 19, line 8, strike "13-2042,"; and strike
- 3 beginning with "37-1291" in line 10 through line 12 and insert "and
- 4 37-1291, Reissue Revised Statutes of Nebraska, are repealed."
- 5 3. Renumber the remaining sections and correct internal
- 6 references accordingly.

The Beutler motion to return prevailed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 176. The Beutler specific amendment, AM1906,

found in this day's Journal, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 585 to Select File

Ms. Schimek moved to return LB 585 to Select File for the following specific amendment:

AM1924

(Amendments to Second Final Reading copy)

- 1 1. On page 8, after line 14, insert the following new
- 2 subsection:
- 3 "(4) This section does not apply to persons who are
- 4 passengers of, but not operators of, a limousine or bus being used
- 5 in a charter or special party service as defined by Public Service
- 6 Commission rules and regulations and subject to Chapter 75, article
- 7 3, and such persons may possess open alcoholic beverage containers
- 8 and may consume alcoholic beverages while such vehicle or vehicles
- 9 are in a public parking area or on any highway in this state."

SPEAKER KRISTENSEN PRESIDING

Ms. Schimek withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 147.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 60-495, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Reissue Revised Statutes of Nebraska, as amended by sections 5, 29, and 41, respectively, Legislative Bill 704, Ninety-sixth Legislature, First Session, 1999; to create the Organ and Tissue Donor Awareness and Education Fund; to provide for contributions to and use of the fund; 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, 46:

Baker	Brashear	Byars	Cudaback	Hartnett
Beutler	Bromm	Connealy	Dickey	Hilgert
Bohlke	Brown	Coordsen	Dierks	Hudkins
Bourne	Bruning	Crosby	Engel	Janssen

Jensen	Matzke	Price	Schmitt	Thompson
Jones	Pedersen, Dw.	Quandahl	Schrock	Tyson
Kiel	Pederson, D.	Raikes	Smith	Vrtiska
Kremer	Peterson, C.	Robak	Stuhr	Wehrbein
Kristensen	Preister	Schimek	Suttle	Wickersham
Lynch				

Voting in the negative, 1:

Redfield

Excused and not voting, 2:

Chambers Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 147A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 147, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Crosby	Jensen	Pederson, D.	Schrock
Beutler	Cudaback	Jones	Peterson, C.	Smith
Bohlke	Dickey	Kiel	Preister	Stuhr
Bourne	Dierks	Kremer	Price	Suttle
Brashear	Engel	Kristensen	Quandahl	Thompson
Bromm	Hartnett	Landis	Raikes	Tyson
Brown	Hilgert	Lynch	Robak	Vrtiska
Bruning	Hudkins	Matzke	Schimek	Wehrbein
Byars	Janssen	Pedersen, Dw.	Schmitt	Wickersham
Connealy				

Voting in the negative, 1:

Redfield

Present and not voting, 1:

Coordsen

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. COORDSEN PRESIDING

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 350. With Emergency.

A BILL FOR AN ACT relating to judges; to amend section 24-201.01, Revised Statutes Supplement, 1998; to increase salary amounts; 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, 41:

Baker	Connealy	Hilgert	Matzke	Schimek
Beutler	Coordsen	Janssen	Pedersen, Dw.	Smith
Bohlke	Crosby	Jensen	Pederson, D.	Stuhr
Bourne	Cudaback	Jones	Peterson, C.	Suttle
Brashear	Dickey	Kiel	Price	Thompson
Bromm	Dierks	Kremer	Quandahl	Tyson
Brown	Engel	Landis	Raikes	Wehrbein
Bruning	Hartnett	Lynch	Robak	Wickersham
Byars				

Voting in the negative, 0.

Present and not voting, 6:

Hudkins	Redfield	Schmitt	Schrock	Vrtiska
Preister				

Excused and not voting, 2:

Chambers Kristensen

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 350A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid

in carrying out the provisions of Legislative Bill 350, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Beutler	Crosby	Jensen	Pederson, D.	Schrock
Bohlke	Cudaback	Jones	Peterson, C.	Smith
Bourne	Dickey	Kiel	Preister	Stuhr
Brashear	Dierks	Kremer	Price	Suttle
Bromm	Engel	Landis	Quandahl	Thompson
Bruning	Hartnett	Lynch	Raikes	Tyson
Byars	Hilgert	Matzke	Robak	Vrtiska
Connealy	Janssen	Pedersen, Dw.	Schimek	Wehrbein
Coordsen				

Voting in the negative, 0.

Present and not voting, 6:

Baker	Hudkins	Redfield	Schmitt	Wickersham
Brown				

Excused and not voting, 2:

Chambers Kristensen

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 KRISTENSEN PRESIDING

LEGISLATIVE BILL 571.

A BILL FOR AN ACT relating to elections; to amend sections 19-3051, 32-607, 32-808, 32-810, 32-813, 32-815, 32-938, 32-947, 32-1005, 32-1007, 32-1008, and 32-1033, Reissue Revised Statutes of Nebraska; to change provisions relating to ballot arrangement, certification of candidates, certificates of registration, absentee voting, and write-in campaigns and voting; 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:

Baker	Coordsen	Jensen	Pederson, D.	Schrock
Beutler	Crosby	Jones	Peterson, C.	Smith
Bohlke	Cudaback	Kiel	Preister	Stuhr
Bourne	Dickey	Kremer	Price	Suttle
Brashear	Dierks	Kristensen	Quandahl	Thompson
Bromm	Engel	Landis	Raikes	Tyson
Brown	Hartnett	Lynch	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen			

Voting in the negative, 1:

Redfield

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 730. With Emergency.

A BILL FOR AN ACT relating to agriculture; to create the Agricultural Structure Assessment Task Force; to provide duties; to provide a termination date; 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:

Baker	Coordsen	Janssen	Pedersen, Dw.	Schrock
Beutler	Crosby	Jensen	Pederson, D.	Smith
Bohlke	Cudaback	Jones	Peterson, C.	Stuhr
Bourne	Dickey	Kiel	Preister	Suttle
Brashear	Dierks	Kremer	Price	Thompson
Bromm	Engel	Kristensen	Raikes	Tyson
Brown	Hartnett	Landis	Robak	Vrtiska
Bruning	Hilgert	Lynch	Schimek	Wehrbein
Byars	Hudkins	Matzke	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 2:

Quandahl Redfield

Excused and not voting, 1:

Chambers

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 730A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 730, Ninety-sixth Legislature, First Session, 1999; to reduce an appropriation; 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, 44:

Beutler	Coordsen	Janssen	Pederson, D.	Smith
Bohlke	Crosby	Jensen	Peterson, C.	Stuhr
Bourne	Cudaback	Jones	Preister	Suttle
Brashear	Dickey	Kiel	Price	Thompson
Bromm	Dierks	Kremer	Raikes	Tyson
Brown	Engel	Kristensen	Robak	Vrtiska
Bruning	Hartnett	Landis	Schimek	Wehrbein
Byars	Hilgert	Matzke	Schmitt	Wickersham
Connealy	Hudkins	Pedersen, Dw.	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Baker Lynch Quandahl Redfield

Excused and not voting, 1:

Chambers

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 816. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-408, 85-1101, 85-1102, 85-1104, 85-1105, 85-1108, 85-1109, 85-1401, 85-1402, 85-1409, 85-1410, 85-1412, 85-1413, 85-1414, 85-1416, 85-1420, and 85-1423, Reissue Revised Statutes of Nebraska; to change provisions relating to capital construction projects, out-of-state institutions, new private college establishment, and the Coordinating Commission for Postsecondary Education; to define a term; to provide penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Baker	Coordsen	Jensen	Pederson, D.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Lynch	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen			

Voting in the negative, 0.

Present and not voting, 1:

Peterson, C.

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT MAURSTAD PRESIDING

LEGISLATIVE BILL 816A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 816, Ninety-sixth Legislature, First Session, 1999; 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:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Beutler	Crosby	Jensen	Preister	Smith
Bohlke	Cudaback	Jones	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Lynch	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy				

Voting in the negative, 0.

Present and not voting, 2:

Kiel Peterson, C.

Excused and not voting, 1:

Chambers

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 LB 863 to Select File

Mr. Preister moved to return LB 863 to Select File for the following specific amendment:

FA259

Strike the enacting clause.

Mr. Preister withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 863. With Emergency.

A BILL FOR AN ACT relating to the Environmental Lead Hazard Control Act; to amend sections 71-6318, 71-6320, 71-6321, 71-6322, 71-6323, 71-6327, 71-6328, 71-6329, 71-6330, and 71-6331, Reissue Revised Statutes of Nebraska, and section 71-6326, Revised Statutes Supplement, 1998; to rename the act; to provide for certification of residential lead-based paint

professions; to state intent; to define and redefine terms and to eliminate definitions; to eliminate regulation of environmental lead hazard occupations; to eliminate an operative date; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 71-6319, 71-6324, 71-6325, 71-6332, and 71-6333, 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, 48:

Baker	Coordsen	Jensen	Peterson, C.	Schrock
Beutler	Crosby	Jones	Preister	Smith
Bohlke	Cudaback	Kiel	Price	Stuhr
Bourne	Dickey	Kremer	Quandahl	Suttle
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Tyson
Brown	Hartnett	Lynch	Robak	Vrtiska
Bruning	Hilgert	Matzke	Schimek	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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 865. With Emergency.

A BILL FOR AN ACT relating to criminal justice; to amend section 83-183, Reissue Revised Statutes of Nebraska; to provide for a substance abuse treatment task force; to provide powers and duties; to change provisions relating to inmate urinalysis testing and to work arrangements; 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, 46:

Baker	Bourne	Brown	Connealy	Cudaback
Beutler	Brashear	Bruning	Coordsen	Dickey
Bohlke	Bromm	Byars	Crosby	Dierks

Engel	Kiel	Pederson, D.	Redfield	Stuhr
Hartnett	Kremer	Peterson, C.	Robak	Suttle
Hilgert	Kristensen	Preister	Schimek	Thompson
Hudkins	Landis	Price	Schmitt	Tyson
Janssen	Matzke	Quandahl	Schrock	Wehrbein
Jensen	Pedersen, Dw.	Raikes	Smith	Wickersham
Jones				

Voting in the negative, 0.

Present and not voting, 2:

Lynch Vrtiska

Excused and not voting, 1:

Chambers

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 865A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 865, Ninety-sixth Legislature, First Session, 1999; 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:

Baker	Coordsen	Jensen	Pederson, D.	Schrock
Beutler	Crosby	Jones	Peterson, C.	Smith
Bohlke	Cudaback	Kiel	Preister	Stuhr
Bourne	Dickey	Kremer	Price	Suttle
Brashear	Dierks	Kristensen	Quandahl	Thompson
Bromm	Engel	Landis	Raikes	Tyson
Brown	Hartnett	Lynch	Redfield	Vrtiska
Bruning	Hilgert	Matzke	Robak	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Janssen			

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 1:

Chambers

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 870. With Emergency.

A BILL FOR AN ACT relating to the environment; to amend sections 46-656.29, 54-701.03, 54-725, 54-744, 54-2402 to 54-2404, 54-2406 to 54-2409, and 54-2411 to 54-2413, Reissue Revised Statutes of Nebraska; to change water well provisions; to prohibit certain disposal of liquified animal remains; to change livestock composting provisions; to define and redefine terms; to provide exemptions from and requirements for permits under the Livestock Waste Management Act; to change report, fee, application, and review requirements relating to permits under the act; to state intent; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Beutler	Crosby	Jensen	Peterson, C.	Smith
Bourne	Cudaback	Jones	Price	Stuhr
Brashear	Dickey	Kiel	Quandahl	Thompson
Bromm	Dierks	Kremer	Raikes	Tyson
Brown	Engel	Kristensen	Redfield	Vrtiska
Bruning	Hartnett	Lynch	Robak	Wehrbein
Byars	Hilgert	Matzke	Schimek	Wickersham
Connealy	Hudkins	Pedersen, Dw.	Schmitt	

Voting in the negative, 2:

Landis Suttle

Present and not voting, 2:

Bohlke Preister

Excused and not voting, 1:

Chambers

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 870A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 870, Ninety-sixth Legislature, First Session, 1999; 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:

Baker	Connealy	Hudkins	Pedersen, Dw.	Schmitt
Beutler	Coordsen	Janssen	Pederson, D.	Schrock
Bohlke	Crosby	Jensen	Peterson, C.	Smith
Bourne	Cudaback	Jones	Price	Stuhr
Brashear	Dickey	Kiel	Quandahl	Thompson
Bromm	Dierks	Kremer	Raikes	Tyson
Brown	Engel	Kristensen	Redfield	Vrtiska
Bruning	Hartnett	Lynch	Robak	Wehrbein
Byars	Hilgert	Matzke	Shimek	Wickersham

Voting in the negative, 2:

Landis Suttle

Present and not voting, 1:

Preister

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 147, 147A, 350, 350A, 571, 730, 730A, 816, 816A, 863, 865, 865A, 870, and 870A.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 176 and 176A.

Enrollment and Review Change to LB 176

The following changes, required to be reported for publication in the Journal, have been made:

ER9108

1. Changes have been made as necessary to incorporate all adopted amendments.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORT
Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Commissioner, Industrial Relations
Jeffrey L. Orr

VOTE: Aye: Senators Dierks, Hilgert, Preister, Redfield, and Vrtiska. Nay: None. Absent: Senators Chambers and Schimek.

(Signed) Floyd P. Vrtiska, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 270. Introduced by Suttle, 10.

WHEREAS, the Omaha Marian High School soccer team won the state championship title, marking its second championship in two years; and

WHEREAS, the Omaha Marian High School track team won its record fourth straight Class A championship for the girls' 3,200 relay; and

WHEREAS, the Omaha Marian High School girls' soccer team had an 18-0 season, and its 4-0 victory matched a previous record for the largest goal margin in a girls' state final; and

WHEREAS, the Omaha Marian High School relay team's season-best time of 9 minutes, 33.03 seconds, earned them fourth place on the Omaha World-Herald's all-time chart; and

WHEREAS, the Omaha Marian High School soccer and track teams have exhibited sportsmanship, courage, and grace under pressure throughout their championship seasons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature congratulate the Omaha Marian High School soccer and track teams and their coaches, families, and supporters on the teams' outstanding 1999 athletic season.

2. That a copy of this resolution be sent to Omaha Marian High School on behalf of the soccer and track teams and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 271. Introduced by Thompson, 14.

WHEREAS, the Papillion-LaVista girls' track team entered the 1999 season as the two-time defending Class A State Champions; and

WHEREAS, on May 22, 1999, they won their third consecutive Class A State Championship; and

WHEREAS, Head Coach Bob Williams and the members of the

Papillion-LaVista girls' track team achieved their goal of a third consecutive championship due to their hard work, determination, and team play.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Papillion-LaVista Monarchs for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Papillion-LaVista girls' track team and Head Coach Bob Williams.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 592. No objections. So ordered.

VISITORS

Visitors to the Chamber were 17 third and fourth grade students and teacher from Logan View Public School, Hooper.

The Doctor of the Day was Dr. Cheryl Roth from Lincoln.

ADJOURNMENT

At 3:02 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, May 25, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-EIGHTH DAY – MAY 25, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****EIGHTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 25, 1999

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Pastor Fred Mueller, Immanuel Lutheran Church, Ceresco, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Jensen, Landis, Mmes. Kiel, and Stuhr who were excused until they arrive.

MRS. C. PETERSON PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-seventh day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 1999, at 3:40 p.m., were the following bills: LBs 147, 147A, 350, 350A, 571, 730, 730A, 816, 816A, 863, 865, 865A, 870, and 870A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

May 24, 1999

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018

Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 822, 87A, and 267 were received in my office on May 18, 1999.

These bills were signed by me on May 24, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 272. Introduced by Coordsen, 32; Baker, 44; Beutler, 28; Bohlke, 33; Bourne, 8; Brashear, 4; Bromm, 23; Brown, 6; Bruning, 3; Byars, 30; Chambers, 11; Connealy, 16; Crosby, 29; Cudaback, 36; Dickey, 18; Dierks, 40; Engel, 17; Hartnett, 45; Hilgert, 7; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kiel, 9; Kremer, 34; Kristensen, 37; Landis, 46; Lynch, 13; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Preister, 5; Price, 26; Quandahl, 31; Raikes, 25; Redfield, 12; Robak, 22; Schimek, 27; Schmitt, 41; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10; Thompson, 14; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49.

WHEREAS, Harland Johnson is retiring after twenty-two years of service to the Nebraska Legislature; and

WHEREAS, during Harland's twenty-two-year tenure, in addition to his regular duties as Coordinator of Legislative Services, he served as an officer of the Legislature as Chaplain Coordinator for eleven years. He also coordinated the United Way Campaigns and food drives for the Legislature; and

WHEREAS, Harland has exemplified the spirit of citizenship and volunteerism through his service to many causes, including the American Red Cross, YMCA, Y-Pals, Rotary Club, his church, United Way, and many others; and

WHEREAS, Harland's service to the Legislature and volunteer service to Nebraska have had a significant impact and deserve special recognition upon his retirement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Nebraska Legislature congratulate Harland Johnson and extend their thanks for his years of service, in addition they extend their best wishes to Harland and his wife, Eulah, as Harland begins his retirement.

2. That the Clerk of the Legislature prepare a copy of this resolution for presentation to Harland.

Laid over.

MOTION - Approve Appointment

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 2350: James Ziebarth - Nebraska Ethanol Board.

Voting in the affirmative, 39:

Baker	Crosby	Janssen	Price	Stuhr
Beutler	Cudaback	Jones	Quandahl	Suttle
Bohlke	Dickey	Kremer	Raikes	Thompson
Brown	Dierks	Kristensen	Redfield	Tyson
Bruning	Engel	Matzke	Schimek	Vrtiska
Byars	Hartnett	Pedersen, Dw.	Schmitt	Wehrbein
Connealy	Hilgert	Pederson, D.	Schrock	Wickersham
Coordsen	Hudkins	Peterson, C.	Smith	

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Bourne	Lynch	Preister	Robak
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Excused and not voting, 5:

Brashear	Bromm	Jensen	Kiel	Landis
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The appointment was confirmed with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 4CA. Mr. Kristensen offered the following amendment:

AM1927

- 1 1. Strike section 1 and insert the following new
- 2 section:
- 3 "Section 1. At a special election on May 9, 2000, the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article III, section 7:
- 8 III-7 "At the general election to be held in November
- 9 1964, one-half the members of the Legislature, or as nearly thereto
- 10 as may be practicable, shall be elected for a term of four years

11 ~~and the remainder for a term of two years, and thereafter all~~
 12 ~~members~~ All members of the Legislature shall be elected for a term
 13 of four years, with the manner of such election to be determined by
 14 the Legislature. When the Legislature is redistricted, the members
 15 elected prior to the redistricting shall continue in office, and
 16 the law providing for such redistricting shall ~~where~~ when necessary
 17 specify the newly established district which they shall represent
 18 for the balance of their term. Each member shall be nominated and
 19 elected in a nonpartisan manner and without any indication on the
 20 ballot that he or she is affiliated with or endorsed by any
 21 political party or organization.

22 Until changed by the Commission on Legislative
 23 Compensation, each ~~Each~~ member of the Legislature shall receive a
 24 salary of not to exceed one thousand dollars per month during the
 1 term of his or her office. In addition to his or her salary, each
 2 member shall receive an amount equal to his or her actual expenses
 3 in traveling by the most usual route once to and returning from
 4 each regular or special session of the Legislature. As soon as the
 5 same may be legally paid under the Constitution of Nebraska, each
 6 member of the Legislature shall receive such salary and expenses as
 7 are determined by the Commission on Legislative Compensation, which
 8 is hereby created. The commission shall consist of seven members
 9 appointed by the Governor and shall meet each two years to
 10 establish such salary and expenses. The terms of the members of
 11 the commission shall be staggered and shall be fixed by the
 12 Legislature. The Legislature shall establish, by law, procedures
 13 to be followed by such commission. No serving member of the
 14 Legislature shall be on the commission. Members of the commission
 15 shall be disqualified from being elected or appointed to the
 16 Legislature for a period of four years after the termination of
 17 their service on the commission. Members of the Legislature shall
 18 receive no pay nor perquisites other than ~~his or her salary~~ their
 19 salaries and expenses, and employees of the Legislature shall
 20 receive no compensation other than their ~~salary~~ salaries or per
 21 diem diems."

The Kristensen amendment was adopted with 46 ayes, 0 nays, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 5CA. Mr. Kristensen offered the following amendment:

AM1926

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. At a special election on May 9, 2000, the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval

6 or rejection:

7 To amend Article III, section 7:

8 III-7 'At the general election to be held in November
9 1964, one-half the members of the Legislature, or as nearly thereto
10 as may be practicable, shall be elected for a term of four years
11 and the remainder for a term of two years; and thereafter all
12 members All members of the Legislature shall be elected for a term
13 of four years, with the manner of such election to be determined by
14 the Legislature. When the Legislature is redistricted, the members
15 elected prior to the redistricting shall continue in office, and
16 the law providing for such redistricting shall ~~where~~ when necessary
17 specify the newly established district which they shall represent
18 for the balance of their term. Each member shall be nominated and
19 elected in a nonpartisan manner and without any indication on the
20 ballot that he or she is affiliated with or endorsed by any
21 political party or organization. Each member of the Legislature
22 shall receive a salary of ~~not to exceed one thousand two thousand~~
23 dollars per month during the term of his or her office. In
24 addition to his or her salary, each member shall receive an amount
1 equal to his or her actual expenses in traveling by the most usual
2 route once to and returning from each regular or special session of
3 the Legislature. Members of the Legislature shall receive no pay
4 nor perquisites other than ~~his or her salary~~ their salaries and
5 expenses, and employees of the Legislature shall receive no
6 compensation other than their ~~salary~~ salaries or per ~~diem~~ diems.'

7 Sec. 2. The proposed amendment shall be submitted to the
8 electors in the manner prescribed by the Constitution of Nebraska,
9 Article XVI, section 1, with the following ballot language:

10 'A constitutional amendment to change the salary for
11 members of the Legislature.
12 For
13 Against'.

Mr. Jones offered the following amendment to the Kristensen amendment:
AM1929

(Amendments to AM1926)

- 1 1. On page 1, line 22, strike "two thousand" and insert
- 2 "one thousand five hundred".

PRESIDENT MAURSTAD PRESIDING

Mrs. C. Peterson asked unanimous consent to be excused until she returns.
No objections. So ordered.

Mr. Jones withdrew his amendment.

The Kristensen amendment was adopted with 42 ayes, 0 nays, 5 present and
not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

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 105 with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 105.

A BILL FOR AN ACT relating to housing; to amend sections 71-1510 and 76-1416, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Housing Agency Act; to eliminate the Housing Cooperation Law and the Nebraska Housing Authorities Law; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 71-1501 to 71-1509, 71-1511, 71-1512, 71-1518 to 71-1535, and 71-1537 to 71-1554, Reissue Revised Statutes of Nebraska, section 71-1536, Revised Statutes Supplement, 1998, and section 71-1510, Reissue Revised Statutes of Nebraska, as amended by section 98, Legislative Bill 105, Ninety-sixth Legislature, First Session, 1999.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Baker	Crosby	Janssen	Pedersen, Dw.	Schrock
Bohlke	Cudaback	Jones	Pederson, D.	Smith
Bourne	Dickey	Kiel	Peterson, C.	Stuhr
Bromm	Dierks	Kremer	Price	Suttle
Brown	Engel	Kristensen	Raikes	Thompson
Bruning	Hartnett	Landis	Robak	Vrtiska
Byars	Hilgert	Lynch	Schimek	Wehrbein
Connealy	Hudkins	Matzke	Schmitt	Wickersham
Coordsen				

Voting in the negative, 4:

Beutler	Quandahl	Redfield	Tyson
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Present and not voting, 1:

Preister

Excused and not voting, 3:

Brashear Chambers Jensen

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 314. With Emergency.

A BILL FOR AN ACT relating to schools; to create the Hardship Fund; to provide for distribution of the fund for unexpected occurrences as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Baker	Cudaback	Kiel	Preister	Schrock
Bohlke	Dickey	Kremer	Price	Smith
Bourne	Dierks	Kristensen	Quandahl	Stuhr
Bromm	Engel	Landis	Raikes	Suttle
Bruning	Hartnett	Lynch	Redfield	Thompson
Byars	Hilgert	Matzke	Robak	Vrtiska
Connealy	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Coordsen	Janssen	Pederson, D.	Schmitt	Wickersham
Crosby	Jones	Peterson, C.		

Voting in the negative, 2:

Beutler Tyson

Present and not voting, 1:

Brown

Excused and not voting, 3:

Brashear Chambers Jensen

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 314A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 314, Ninety-sixth Legislature, First Session, 1999; to provide for a transfer of funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Baker	Cudaback	Kiel	Preister	Schrock
Bohlke	Dickey	Kremer	Price	Smith
Bourne	Dierks	Kristensen	Quandahl	Stuhr
Bromm	Engel	Landis	Raikes	Suttle
Bruning	Hartnett	Lynch	Redfield	Thompson
Byars	Hilgert	Matzke	Robak	Vrtiska
Connealy	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Coordsen	Janssen	Pederson, D.	Schmitt	Wickersham
Crosby	Jones	Peterson, C.		

Voting in the negative, 2:

Beutler Tyson

Present and not voting, 1:

Brown

Excused and not voting, 3:

Brashear Chambers Jensen

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 407. With Emergency.

A BILL FOR AN ACT relating to child support; to establish and provide duties for the Child Support Commission; 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, 44:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Beutler	Crosby	Jones	Peterson, C.	Smith
Bohlke	Cudaback	Kiel	Preister	Stuhr
Bourne	Dickey	Kremer	Price	Suttle
Bromm	Dierks	Kristensen	Quandahl	Thompson
Brown	Engel	Landis	Raikes	Vrtiska
Bruning	Hartnett	Lynch	Robak	Wehrbein
Byars	Hilgert	Matzke	Schimek	Wickersham
Connealy	Hudkins	Pedersen, Dw.	Schmitt	

Voting in the negative, 0.

Present and not voting, 2:

Redfield Tyson

Excused and not voting, 3:

Brashear Chambers Jensen

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 407A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 407, Ninety-sixth Legislature, First Session, 1999; 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, 44:

Baker	Coordsen	Janssen	Peterson, C.	Smith
Beutler	Crosby	Jones	Preister	Stuhr
Bohlke	Cudaback	Kiel	Price	Suttle
Bourne	Dickey	Kremer	Quandahl	Thompson
Bromm	Dierks	Kristensen	Raikes	Tyson
Brown	Engel	Landis	Robak	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Connealy	Hudkins	Pederson, D.	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Lynch Redfield

Excused and not voting, 3:

Brashear Chambers Jensen

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 556.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-309, 60-311, 60-311.01, 60-311.02, and 60-311.11, Reissue Revised Statutes of Nebraska; to authorize the Department of Motor Vehicles to determine license plate fees as prescribed; to provide for an alphanumeric system of registration as prescribed; to change provisions relating to dealer license plates and personalized message license plates; 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, 36:

Baker	Crosby	Kiel	Pederson, D.	Smith
Bohlke	Cudaback	Kremer	Peterson, C.	Stuhr
Bourne	Engel	Kristensen	Preister	Suttle
Bromm	Hilgert	Landis	Quandahl	Thompson
Brown	Hudkins	Lynch	Redfield	Vrtiska
Bruning	Janssen	Matzke	Robak	Wehrbein
Byars	Jones	Pedersen, Dw.	Schimek	Wickersham
Connealy				

Voting in the negative, 7:

Beutler	Dickey	Price	Schrock	Tyson
Coordsen	Dierks			

Present and not voting, 3:

Hartnett	Raikes	Schmitt
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Excused and not voting, 3:

Brashear	Chambers	Jensen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 556A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, Ninety-sixth Legislature, First Session, 1999; and to provide for a transfer.

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, 36:

Baker	Crosby	Kiel	Pederson, D.	Smith
Bohlke	Cudaback	Kremer	Peterson, C.	Stuhr
Bourne	Engel	Kristensen	Preister	Suttle
Bromm	Hartnett	Landis	Quandahl	Thompson
Brown	Hudkins	Lynch	Redfield	Vrtiska
Bruning	Janssen	Matzke	Robak	Wehrbein
Byars	Jones	Pedersen, Dw.	Schimek	Wickersham
Connealy				

Voting in the negative, 6:

Coordsen	Dierks	Price	Schrock	Tyson
Dickey				

Present and not voting, 4:

Beutler	Hilgert	Raikes	Schmitt
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Excused and not voting, 3:

Brashear	Chambers	Jensen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 585.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-186, 60-601, 60-6196, and 60-6197, Reissue Revised Statutes of Nebraska, and section 60-4118, Reissue Revised Statutes of Nebraska, as amended by section 18, Legislative Bill 704, Ninety-sixth Legislature, First Session, 1999; to change provisions relating to restricted motor vehicle operators' licenses; to prohibit possession of open alcoholic beverage containers and consumption of alcoholic liquor in public places as prescribed; to define terms; to change provisions relating to driving under the influence; to provide for immobilization of motor vehicles and installation of ignition interlock devices; 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, 46:

Baker	Crosby	Jones	Peterson, C.	Schrock
Beutler	Cudaback	Kiel	Preister	Smith
Bohlke	Dickey	Kremer	Price	Stuhr
Bourne	Dierks	Kristensen	Quandahl	Suttle
Bromm	Engel	Landis	Raikes	Thompson
Brown	Hartnett	Lynch	Redfield	Tyson
Bruning	Hilgert	Matzke	Robak	Vrtiska
Byars	Hudkins	Pedersen, Dw.	Schimek	Wehrbein
Connealy	Janssen	Pederson, D.	Schmitt	Wickersham
Coordsen				

Voting in the negative, 0.

Excused and not voting, 3:

Brashear Chambers Jensen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 637. With Emergency.

A BILL FOR AN ACT relating to child support; to define terms; to create a State Disbursement Unit; to provide for a study; to provide for reimbursement of certain costs; to require use of a statewide system for support orders; to create a fund; to provide for rules and regulations; 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, 40:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Kiel	Preister	Smith
Bohlke	Crosby	Kremer	Price	Stuhr
Bourne	Cudaback	Kristensen	Quandahl	Suttle
Bromm	Dickey	Landis	Raikes	Thompson
Brown	Engel	Lynch	Redfield	Vrtiska
Bruning	Hartnett	Pedersen, Dw.	Robak	Wehrbein
Byars	Hudkins	Pederson, D.	Schimek	Wickersham

Voting in the negative, 2:

Matzke Tyson

Present and not voting, 4:

Dierks Hilgert Jones Schmitt

Excused and not voting, 3:

Brashear Chambers Jensen

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 637A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 637, Ninety-sixth Legislature, First Session, 1999; 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:

Beutler	Crosby	Kristensen	Price	Smith
Bohlke	Dickey	Landis	Quandahl	Stuhr
Bourne	Engel	Lynch	Raikes	Suttle
Bromm	Hartnett	Pedersen, Dw.	Redfield	Thompson
Brown	Hudkins	Pederson, D.	Robak	Vrtiska
Bruning	Janssen	Peterson, C.	Schimek	Wehrbein
Byars	Kiel	Preister	Schrock	Wickersham
Coordsen	Kremer			

Voting in the negative, 1:

Tyson

Present and not voting, 8:

Baker Cudaback Hilgert Matzke Schmitt
Connealy Dierks Jones

Excused and not voting, 3:

Brashear Chambers Jensen

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.

A BILL FOR AN ACT relating to court procedure; to amend sections 25-2301 to 25-2307, 25-2309, 25-2310, 29-2306, 30-2620.01, and 30-2643, Reissue Revised Statutes of Nebraska, and section 25-1912, Revised Statutes Supplement, 1998; to change and eliminate in forma pauperis provisions; to define terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 25-2308, 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, 45:

Baker	Coordsen	Janssen	Pederson, D.	Schmitt
Beutler	Crosby	Jones	Peterson, C.	Schrock
Bohlke	Cudaback	Kiel	Preister	Smith
Bourne	Dickey	Kremer	Price	Stuhr
Bromm	Dierks	Kristensen	Quandahl	Suttle
Brown	Engel	Landis	Raikes	Thompson
Bruning	Hartnett	Lynch	Redfield	Tyson
Byars	Hilgert	Matzke	Robak	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schimek	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 3:

Brashear Chambers Jensen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 881. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518, 77-1704.01, and 84-612, Revised Statutes Supplement, 1998, and section 77-1701, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999; to adopt the Relief to Property Taxpayers Act; to create funds; to provide for transfers of funds; to change provisions relating to tax statements and notices; to provide for allocation of certain funds to community college areas; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Baker	Crosby	Jones	Peterson, C.	Schrock
Bohlke	Cudaback	Kiel	Preister	Smith
Bourne	Dickey	Kremer	Price	Stuhr
Bromm	Dierks	Kristensen	Quandahl	Suttle
Brown	Engel	Landis	Raikes	Thompson
Bruning	Hartnett	Lynch	Redfield	Vrtiska
Byars	Hilgert	Matzke	Robak	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schmitt	Wickersham
Coordsen	Janssen	Pederson, D.		

Voting in the negative, 3:

Beutler	Schimek	Tyson
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Excused and not voting, 3:

Brashear	Chambers	Jensen
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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 881A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 881, Ninety-sixth Legislature, First Session, 1999; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Baker	Crosby	Kiel	Peterson, C.	Schrock
Bohlke	Cudaback	Kremer	Preister	Smith
Bourne	Dickey	Kristensen	Price	Stuhr
Bromm	Dierks	Landis	Quandahl	Suttle
Brown	Engel	Lynch	Raikes	Thompson
Bruning	Hartnett	Matzke	Redfield	Vrtiska
Byars	Hudkins	Pedersen, Dw.	Robak	Wehrbein
Connealy	Janssen	Pederson, D.	Schmitt	Wickersham
Coordsen	Jones			

Voting in the negative, 3:

Beutler Schimek Tyson

Present and not voting, 1:

Hilgert

Excused and not voting, 3:

Brashear Chambers Jensen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 105, 314, 314A, 407, 407A, 556, 556A, 585, 637, 637A, 689, 881, and 881A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 228. Read. Considered.

LR 228 was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 235. Read. Considered.

LR 235 was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 268. Read. Considered.

LR 268 was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 269. Read. Considered.

LR 269 was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 270. Read. Considered.

LR 270 was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 271. Read. Considered.

LR 271 was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following resolutions were correctly engrossed: LRs 4CA and 5CA.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 463. Placed on General File as amended.

Standing Committee amendment to LB 463:

AM0602

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 12 of this act shall be known
- 4 and may be cited as the Organic Agriculture Act.
- 5 Sec. 2. For purposes of the Organic Agriculture Act:
- 6 (1) Advertise means to present a commercial message in
- 7 any medium, including print, radio, television, computer, sign
- 8 display, label, tag, or articulation;
- 9 (2) Agricultural commodity includes livestock, annual and
- 10 perennial crops, fiber, or food, such as vegetables, nuts, seeds,
- 11 honey, eggs, or milk existing in an unprocessed state, which is
- 12 produced on a farm and marketed for human or livestock consumption;
- 13 (3) Agricultural processed product means an agricultural
- 14 commodity that has been processed;
- 15 (4) Agricultural product means an agricultural commodity
- 16 or an agricultural processed product;
- 17 (5) Board means the Organic Standards Board established
- 18 in section 3 of this act;
- 19 (6) Certification agency means an agency that provides
- 20 independent, impartial, third-party certification of agricultural
- 21 products and producers, handlers, and processors as organic;
- 22 (7) Department means the Department of Agriculture;
- 23 (8) Director means the Director of Agriculture;
- 24 (9) Farm means a site where agricultural commodities are
- 1 produced;
- 2 (10) Food means an agricultural product which is used or
- 3 intended for use in whole or in part for human consumption;
- 4 (11) Food service establishment means a place where food
- 5 is prepared and intended for individual portion service and
- 6 includes the site at which individual portions are provided. The
- 7 term includes any such place regardless of whether consumption is

8 on or off the premises and regardless of whether there is a charge
9 for the food. The term also includes delicatessen-type operations
10 that prepare sandwiches intended for individual portion service and
11 food service operations in schools and summer camps. The term does
12 not include private homes where food is prepared or stored for
13 individual family consumption, the location of food vending
14 machines, supply vehicles, and retail food stores except grocery
15 stores and convenience stores which include delicatessen-type
16 operations or otherwise prepare food which is intended for
17 individual portion service. The term does not include child day
18 care facilities and food service facilities subject to inspection
19 by other agencies of the state and located in nursing homes, health
20 care facilities, or hospitals;

21 (12) Handler means a person engaged in the business of
22 handling agricultural products, including distributors,
23 wholesalers, brokers, and repackers. Handler does not include a
24 person selling agricultural products to consumers on a retail
25 basis, including a food service establishment, retail grocery, meat
26 market, or bakery, if the person does not process the agricultural
27 product;

1 (13) Label means a commercial message in a printed medium
2 which is affixed by any method to a product or to a receptacle
3 including a container or package;

4 (14) Livestock means an animal belonging to the bovine,
5 caprine, equine, ovine, or porcine species; ostriches, rheas, or
6 emus; domesticated cervine animals as defined in section 54-701.03;
7 or domesticated fowl;

8 (15) Processing means turning an agricultural commodity
9 into an agricultural processed product by physical or chemical
10 modification, including baking, brewing, canning, churning,
11 cooking, cutting, dehydrating, drying, eviscerating, extracting,
12 fermenting, freezing, grinding, heating, jarring, mixing,
13 packaging, powdering, preserving, pressing, repacking, separating,
14 or slaughtering;

15 (16) Processor means a person who processes an
16 agricultural commodity;

17 (17) Produce means to grow, raise, collect, or harvest an
18 agricultural commodity;

19 (18) Producer means a person who produces an agricultural
20 commodity;

21 (19) Retailer means a person, other than an operator of a
22 food service establishment, who is engaged in the business of
23 selling food at retail to the ultimate customer; and

24 (20) Sale or sell means a commercial transfer or offer
25 for sale and distribution in any manner.

26 Sec. 3. (1) The Organic Standards Board is created. The
27 board shall consist of eleven members appointed by the Governor.
1 The Governor shall accept nominations from persons or organizations
2 representing persons who qualify for service on the board.

3 (2) The members shall serve staggered terms of four
4 years. The appointment of the initial members may be for less than
5 four years to ensure members serve staggered terms. The Governor
6 shall appoint the initial members of the board not later than
7 ninety days after the operative date of this act. Members
8 appointed under this section shall have knowledge regarding the
9 production, handling, processing, and retailing of organic
10 agricultural products. Except for the initial appointments under
11 subdivisions (2)(a) through (2)(c) of this section, members
12 appointed under such subdivisions shall be certified under the
13 Organic Agriculture Act. The members of the board shall be
14 appointed as follows:

15 (a) Five individuals who operate farms producing organic
16 agricultural products, at least one of whom is a producer of
17 livestock, and at least one of whom is a producer of an
18 agricultural commodity other than livestock. To qualify for
19 appointment, an individual must have derived a substantial portion
20 of his or her income, wages, or salary from the production of
21 organic agricultural products for three years prior to appointment;

22 (b) Two individuals who operate businesses which process
23 organic agricultural products. To qualify for appointment, an
24 individual must have derived a substantial portion of his or her
25 income, wages, or salary from processing organic agricultural
26 products for three years prior to appointment;

27 (c) One individual who is either:

1 (i) An individual who operates a business handling
2 organic agricultural products. To qualify for appointment, an
3 individual must have derived a substantial portion of his or her
4 income, wages, or salary from handling organic agricultural
5 products for three years prior to appointment; or

6 (ii) An individual who operates a business selling
7 organic agricultural products. To qualify for appointment, an
8 individual must have derived a substantial portion of his or her
9 income, wages, or salary from selling organic agricultural products
10 on a retail basis for three years prior to appointment;

11 (d) Two individuals who have an educational degree and
12 experience in agricultural or food science. To qualify for
13 appointment, an individual must not have a financial interest in
14 the production, handling, processing, or selling of organic
15 agricultural products; and

16 (e) One individual who represents the public interest,
17 the environment, or consumers. To qualify for appointment, the
18 individual must be a member of an organization representing the
19 public interest, consumers, or the environment. The individual
20 must not have a financial interest in the production, handling,
21 processing, or selling of organic agricultural products.

22 (3) A vacancy on the board shall be filled in the same
23 manner as an original appointment. An individual appointed to fill
24 a vacancy shall serve only for the unexpired portion of the term.

25 A member is eligible for reappointment. The Governor may remove a
26 member based on the member's misfeasance, malfeasance, or willful
27 neglect of duty or other just cause, after notice and hearing
1 unless the notice and hearing is expressly waived in writing.

2 (4) Six members of the board constitute a quorum and the
3 affirmative vote of a majority of the members present is necessary
4 for any substantive action to be taken by the board. The member
5 who has a conflict of interest shall not participate in any action
6 by the board relating to the conflict, and a statement by a member
7 that the member has a conflict of interest is conclusive for this
8 purpose. The fact that a member is regulated under the act does
9 not constitute a conflict of interest. A vacancy in the membership
10 does not impair the right of a quorum to exercise all rights and
11 perform all duties of the board.

12 (5) The members shall be reimbursed for all actual
13 expenses incurred in the performance of their duties as members as
14 provided in sections 81-1174 to 81-1177.

15 (6) If a member has an interest, either direct or
16 indirect, in a contract to which the board is or is to be a party,
17 the member shall disclose the interest to the board in writing.
18 The writing stating the conflict shall be set forth in the minutes
19 of the board. The member having the interest shall not participate
20 in any action by the board relating to the contract.

21 (7) The board shall meet on a regular basis and at the
22 call of the chairperson or upon the written request to the
23 chairperson of two or more members. The department shall provide
24 administrative support to the board.

25 Sec. 4. The Organic Standards Board shall:

26 (1) Assist the department in the development and
27 interpretation of requirements of the Organic Agriculture Act;

1 (2) Designate one or more accreditors to monitor and
2 provide oversight of organic certification agencies. Only
3 certification agencies who are accredited by a designated
4 accreditor will be allowed to certify organic agricultural
5 products, producers, handlers, and processors of organic
6 agricultural products; and

7 (3) Establish procedures pursuant to rules and
8 regulations adopted and promulgated by the department governing the
9 appeals of decisions made by the accredited certification agencies,
10 the board, or the department under the act. Such appeals shall be
11 according to the Administrative Procedure Act.

12 Sec. 5. The department, upon approval by the board,
13 shall adopt and promulgate all rules and regulations necessary to
14 administer the Organic Agriculture Act. The rules and regulations
15 shall include requirements for disciplinary action and the issuance
16 of stop-sale orders as provided in the act. The department shall
17 also adopt and promulgate rules and regulations regarding the
18 qualifications of departmental personnel responsible for
19 implementing and administering the act. The rules and regulations

20 adopted under this section shall be consistent with federal
21 regulations adopted pursuant to the federal Organic Foods
22 Production Act of 1990, 7 U.S.C. 6501 et seq.

23 Sec. 6. (1) Except as provided in subsection (2) of this
24 section, a person shall not sell or advertise an agricultural
25 product as an organic agricultural product unless the agricultural
26 product or the producer, handler, or processor of the agricultural
27 product is certified by a certification agency accredited under the
1 Organic Agriculture Act and the product is produced and handled in
2 accordance with standards established by such accredited
3 certification agency.

4 (2) Certification prior to the sale or advertising of an
5 agricultural product as an organic agricultural product is not
6 required for:

7 (a) A retailer who is not also the producer, handler, or
8 processor of the agricultural commodity being sold or advertised as
9 an organic agricultural product; and

10 (b) A producer, handler, or processor of an organic
11 agricultural commodity who receives five thousand dollars or less
12 in gross income per year from the sale of agricultural products.

13 (3) If a retailer who is not required to be certified
14 under subsection (2) of this section sells bulk products or
15 products susceptible to contamination, such retailer shall
16 participate in an annual one-day training session for maintaining
17 the integrity of the organic agricultural product. For purposes of
18 this subsection, the sale of bulk products means the sale of
19 agricultural commodities that are open to selection by the
20 consumer, and products susceptible to contamination means organic
21 agricultural products which are packaged in permeable or
22 semipermeable membranes.

23 Sec. 7. (1) A person certified by a certification agency
24 accredited under the Organic Agriculture Act shall label or mark
25 organic agricultural products with the label or seal of the
26 accredited certification agency identifying such products as
27 organic agricultural products if such products are produced and
1 handled in accordance with standards established by such accredited
2 certification agency.

3 (2) The contents of a label advertising an organic
4 agricultural product and the requirements for the seal shall meet
5 the requirements established by the accredited certification
6 agency.

7 Sec. 8. The department and the Attorney General shall
8 enforce the Organic Agriculture Act. The Attorney General may
9 commence legal proceedings in the district court of the county
10 where the agricultural product is being produced, handled,
11 processed, or sold at the request of the department or the board or
12 upon the Attorney General's own initiative in order to enforce the
13 act and the rules and regulations adopted and promulgated pursuant
14 to the act. The Attorney General and the department are not

15 required to institute a proceeding for a minor violation if the
16 Attorney General or department concludes that the public interest
17 will be best served by a suitable notice of warning in writing.

18 Sec. 9. Any person may file a complaint with the
19 department regarding a violation of the Organic Agriculture Act.
20 The department shall adopt procedures for filing complaints and for
21 processing complaints including requiring minimum information to
22 determine the verifiability of a complaint. During the
23 investigation of a complaint the department may conduct:

24 (1) An investigation to determine if a person is
25 complying with the requirements of the Organic Agriculture Act and
26 the accredited certification agency;

27 (2) Inspections at times and places and to an extent that
1 the department determines necessary in order to conclude whether an
2 organic agricultural product is being produced, handled, processed,
3 or sold in accordance with the act and the accredited certification
4 agency requirements. The department may inspect records required
5 to be maintained by the accredited certification agency. The
6 department may enter upon any public or private premises during
7 regular business hours in a manner consistent with the laws of this
8 state and the United States; and

9 (3) Examinations of organic agricultural products in
10 order to determine if the products are produced, handled,
11 processed, and sold in compliance with the act and the accredited
12 certification agency requirements.

13 Sec. 10. (1) If a person sells an agricultural product
14 as an organic agricultural product in violation of the Organic
15 Agriculture Act or any rule or regulation adopted and promulgated
16 under the act, the department may issue a written order to stop the
17 sale of the agricultural product by a person in control of the
18 agricultural product. The person named in the order shall not sell
19 the item until the department determines that there is compliance
20 with the act.

21 (2) The department may require that the agricultural
22 product be held at a designated place until released by the
23 department.

24 (3) The department or the Attorney General may enforce
25 the order by petitioning the district court of the county where the
26 agricultural product is being sold.

27 (4) The department shall release the agricultural product
1 when the department issues a release order upon satisfaction that
2 legal requirements compelling the issuance of the order are
3 satisfied. The board must approve a delay in issuing a release
4 order within three months after requiring that the agricultural
5 product be held. If the person is found by the court to have
6 violated the act, the person shall pay all expenses incurred by the
7 department in connection with the agricultural product's removal.

8 Sec. 11. The Attorney General, the department, a
9 political subdivision, or any other person may bring an action in

10 district court of the county where the agricultural product is
11 being produced, handled, processed, or sold to restrain a producer,
12 processor, handler, or retailer from selling an agricultural
13 product by false or misleading advertising claiming that the
14 agricultural product is organic. A petitioner is not required to
15 allege facts necessary to show, or tending to show, a lack of
16 adequate remedy at law, or that irreparable damage or loss will
17 result if the action is brought at law or that unique or special
18 circumstances exist.

19 Sec. 12. A person who violates the Organic Agriculture
20 Act or any rule or regulation adopted and promulgated pursuant to
21 the act is subject to a civil penalty of not more than five
22 thousand dollars. Civil penalties shall be assessed by the
23 district court in an action initiated by the Attorney General.
24 Each day that the offense continues constitutes a separate offense.
25 Civil penalties collected under this section shall be remitted to
26 the State Treasurer for credit to the permanent school fund.

27 Sec. 13. This act becomes operative on January 1, 2000.

1 Sec. 14. The following sections are outright repealed:
2 Sections 81-2,233 to 81-2,235, Reissue Revised Statutes of
3 Nebraska."

(Signed) Merton L. Dierks, Chairperson

MESSAGE FROM THE GOVERNOR

May 25, 1999

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 51, 67, 67A, 84, 84A, 86, 86A, 90, 90A, 92, 92A, 113, 113A, 119, 119A, 127, 140, 140A, 142, 142A, 179, 179A, 216, 232, 240, 271, 272, 272A, 280, 355, 382, 446, 446A, 519, 519A, 538, 605, 683, 774, 774A, 839, 839A, 32, 32A, 594, and 594A were received in my office on May 20, 1999.

These bills were signed by me on May 25, 1999, and delivered to the Secretary of State.

(Signed) Sincerely,
Mike Johanns
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 1999, at 11:10 a.m., were the following bills: LBs 105, 314, 314A, 407, 407A, 556, 556A, 585, 637, 637A, 689, 881, and 881A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Print in Journal

Mr. Kristensen filed the following motion:

Suspend the rules, Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation: LBs 73, 164, 215, 229, 292, 307, 327, 328, 332, 393, 485, 493, 518, 518A, 542, 543, 575, 616, 622, 654, 654A, 656, 693, 698, 706, 712, 719, 799, 809, 810, 820, 820A, 821, and 827.

RESOLUTION

LEGISLATIVE RESOLUTION 273. Introduced by Kristensen, 37.

WHEREAS, the University of Nebraska at Kearney softball team, the Lopers, finished a great season with a 39-4 record, after competing in the NCAA Division II softball national championship tournament in Salem, Virginia; and

WHEREAS, this was the fourth consecutive year the Lopers have competed in the national championship; and

WHEREAS, the team consists of Karla Simmons, Kelly Moats, Tina McCaslin, Terrisa Eckmann, Laura Espenmiller, Darcie Berry, Chris Rollman, Erin Perry, Shawna Young, Sarah Anderson, Becky Sintek, Holly Waller, Amanda Kelly, and Jenne Averill, and coaches, Dan Simmons, head coach, Jim Holm, assistant coach, and Lisa Graff and Michelle Brodersen, student assistant coaches; and

WHEREAS, throughout the year the team has complemented their talents with sportsmanship, motivation, and hard work.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the University of Nebraska at Kearney Lopers and Coach Dan Simmons for their success.

2. That copies of this resolution be sent to Coach Dan Simmons at the University of Nebraska at Kearney.

Laid over.

VISITORS

Visitors to the Chamber were Senator C. Peterson's niece and great-nephew, Kim and Carson Kaufmann; and 20 sixth grade students and teachers from St. Isidore Elementary School, Columbus.

ADJOURNMENT

At 11:16 a.m., on a motion by Mr. Byars, the Legislature adjourned until 10:00 a.m., Thursday, May 27, 1999.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY – MAY 27, 1999**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
FIRST SESSION****EIGHTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 27, 1999

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Maurstad presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 2379, after line 34, insert:

Enrollment and Review Change to LB 176

The following changes, required to be reported for publication in the Journal, have been made:
ER9108

1. Changes have been made as necessary to incorporate all adopted amendments.

The Journal for the eighty-seventh day was approved as corrected.
The Journal for the eighty-eighth day was approved.

MESSAGES FROM THE GOVERNOR

May 26, 1999

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 54, 131, 148, 243, 243A, 386, 386A, 630, 630A, 829, 835, and 835A were received in my office on May 20; Engrossed Legislative Bills 147, 147A, 350, 571, 730, 730A, 816, 816A, 863, 865, 865A, 870, and 870A were received on May 24; and Engrossed Legislative Bills 105, 314, 314A, 407, 407A, 585, 637, 637A, 689, 881, and 881A were received on May 25, 1999.

These bills were signed by me on May 26, 1999, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 1999

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 556 and LB 556A without my signature and with my objections.

I disagree with the requirement that Douglas, Lancaster, and Sarpy Counties use an alpha-numeric license plate system. This would be inconsistent with the system used for the rest of the State. Citizens wishing to retain a county designation instead of alpha-numeric license plates would be required to pay a \$30.00 per year, personalized message plate fee.

I urge you to sustain my vetoes of LB 556 and LB 556A.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker and Members of the Legislature:

I am returning LB 350A with my signature and with a line-item reduction.

I am reducing the General Fund appropriation by \$60,000 in FY 1999-00 based on updated cost estimates received from the Supreme Court.

I urge you to sustain this reduction.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker and Members of the Legislature:

I am returning legislative bills 202 and 202A without my signature and with my objections.

LB 202 would extend the sunset date of the Partnerships for Economic Development Act from June 30, 1999 to June 30, 2003. LB 202A would provide \$250,000 General Funds for both FY 2000 and FY 2001 for grants authorized by the act.

The act is a temporary mechanism for stimulating economic development partnerships. Extending the sunset transforms it into a potential ongoing local subsidy. In light of our mutual responsibility to slow spending growth, I ask that you sustain my veto and let the act conclude consistent with existing law.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 1999

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 148A with my signature and with line-item reductions.

The General Fund appropriation for fiscal years 1999-2000 and 2000-2001

is reduced by \$235,000 each year. It is my belief that the respite program as envisioned by LB 148 can be implemented with the amount of General Fund remaining, as it appears that those funds can be supplemented with federal matching funds. I am asking the Department of Health and Human Services to take any necessary administrative action to secure additional federal funds to enable the respite services program to move forward as planned.

I urge you to sustain these reductions.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 1999

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 144 with my signature and with certain line-item reductions. These reductions serve to harmonize LB 144 with the line-item reductions sustained by the Legislature in the Department of Education appropriations contained within LB 880.

I urge you to sustain these reductions.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker and Members of the Legislature:

I am returning LB 131A with my signature and with a line-item reduction.

I am reducing the General Fund appropriation by \$7,500 for FY 1999-00. The remaining appropriation in LB 131A and appropriations provided for in LB 880 are sufficient to meet the costs associated with implementation of LB 131.

I urge you to sustain this reduction.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 76 and LB 76A without my signature and with my objections.

The reasons for my veto of this legislation are two-fold: first, I believe that the two-year moratorium provision contained within the bill is poor public policy and, second, I believe that the legal issues surrounding enactment of this legislation would, at a minimum, be utilized to advance further unnecessary criminal appeals by those currently sentenced to death row in Nebraska.

In reaching my decision, I have given careful consideration to arguments asserted by sponsors of the legislation, ardent supporters and opponents of the death penalty, church leaders, the legal opinions issued by the Attorney General and the Chairman of the Judiciary Committee, and input from Nebraska citizens.

My policy and legal concerns center upon the moratorium provisions of LB 76 which would bar the Nebraska Supreme Court from setting, within the next two years, a date for execution of a death sentence which has already been imposed upon any current inmate. The rationale for this moratorium is that a study of all criminal homicide cases which have occurred within the past 26 years could be completed. In theory, this study would provide some sort of analysis as to whether the death penalty has been fairly imposed. I am not convinced that such a study is warranted. Furthermore, even if a study were to be conducted, there is no necessary coupling of a moratorium requirement to that study.

Questions as to the constitutionality of a moratorium requirement are also significant. While the ultimate resolution of those questions would be made by the courts, I firmly believe that the moratorium provisions of LB 76 would serve to bolster further criminal appeals. Our State allows unlimited post-conviction appeals. Therefore, these cases are reviewed over and over again for years. A moratorium of two years would simply add further delay to a system that is already filled with seemingly endless appeals. Further, I believe

this legislation would create additional legal uncertainty in our criminal justice system.

Finally, I focus on the families of the victims and the victims themselves. The death penalty is the law of our State. I feel strongly that part of my role as Governor is to do all that I can to carry out the law for the benefit of the victims and their families. The moratorium would be just one more roadblock to bringing closure for them.

(Signed) Sincerely,
Mike Johanns
Governor

May 26, 1999

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker and Members of the Legislature:

I am returning LB 54A with my signature and with line-item reductions.

Twelve-month funding is not needed in the first year because LB 54 does not contain the emergency clause. In addition, the provisions of the legislation can be successfully implemented at a lower cost than provided for in LB 54A.

Accordingly, I am reducing the General Fund appropriation by \$141,793 in FY 1999-00 and \$67,241 in FY 2000-01.

I urge you to sustain these reductions.

(Signed) Sincerely,
Mike Johanns
Governor

REPORTS

The following reports was received by the Legislature:

Health and Human Services System

Office of the System Advocate Quarterly Report

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for April 16,
1999

STANDING COMMITTEE REPORTS**Education**

The Education Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Coordinating Commission for Postsecondary Education
Earl Rademacher

State College Board of Trustees
Sheryl Lindau

VOTE: Aye: Senators Wickersham, Raikes, Bohlke, Stuhr, Suttle, Coordsen, and Price. Nay: None. Absent: Senator Brashear.

(Signed) Ardyce L. Bohlke, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Environmental Quality Council
John Baker
Janet Bernard
Robert Blobaum
Fred Hlava
Norm Nelson
Steve Oltmans
Richard Sommer
Jodi Thompson

VOTE: Aye: Senators Bohlke, Bromm, Hudkins, Jones, Preister, Schrock, and Stuhr. Nay: None. Absent: Senator Bruning.

(Signed) Ed Schrock, Chairperson

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Board of Emergency Medical Services

Shawn Baumgartner

State Foster Care Review Board

Kay Lynn Goldner

James Ganz

VOTE: Aye: Senators Byars, Suttle, Thompson, Price, and Dickey. Nay: None. Absent: Senators Jensen and Tyson.

(Signed) Dennis M. Byars, Vice Chairperson

MOTIONS - Approve Appointments

Mr. Vrtiska moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 2380: Jeffrey L. Orr - Commissioner, Industrial Relations.

Voting in the affirmative, 39:

Baker	Connealy	Hudkins	Pederson, D.	Smith
Beutler	Coordsen	Janssen	Peterson, C.	Stuhr
Bourne	Crosby	Jensen	Price	Suttle
Brashear	Dickey	Jones	Quandahl	Thompson
Bromm	Dierks	Kiel	Raikes	Tyson
Brown	Engel	Kremer	Redfield	Vrtiska
Bruning	Hartnett	Matzke	Schmitt	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schrock	

Voting in the negative, 2:

Chambers Kristensen

Present and not voting, 7:

Bohlke	Lynch	Robak	Schimek	Wickersham
Cudaback	Preister			

Excused and not voting, 1:

Landis

The appointment was confirmed with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointments found in this day's Journal: Earl Rademacher - Coordinating Commission for Postsecondary Education; and Sheryl Lindau - State College Board of Trustees.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointment found in this day's Journal: Earl Rademacher - Coordinating Commission for Postsecondary Education.

Voting in the affirmative, 41:

Baker	Coordsen	Hudkins	Peterson, C.	Smith
Beutler	Crosby	Jensen	Price	Stuhr
Bohlke	Cudaback	Jones	Quandahl	Suttle
Bourne	Dickey	Kiel	Raikes	Thompson
Bromm	Dierks	Kremer	Redfield	Tyson
Brown	Engel	Matzke	Robak	Vrtiska
Bruning	Hartnett	Pedersen, Dw.	Schmitt	Wehrbein
Byars	Hilgert	Pederson, D.	Schrock	Wickersham
Connealy				

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Brashear	Kristensen	Lynch	Preister	Schimek
Janssen				

Excused and not voting, 1:

Landis

The appointment was confirmed with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The second division is as follows:

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointment found in this day's Journal: Sheryl Lindau - State College Board of Trustees.

Voting in the affirmative, 39:

Baker	Connealy	Hudkins	Peterson, C.	Smith
Beutler	Coordsen	Janssen	Price	Stuhr
Bohlke	Crosby	Jones	Quandahl	Thompson
Bourne	Dickey	Kiel	Raikes	Tyson
Bromm	Dierks	Kremer	Redfield	Vrtiska
Bruning	Engel	Matzke	Robak	Wehrbein
Byars	Hartnett	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hilgert	Pederson, D.	Schrock	

Voting in the negative, 1:

Brashear

Present and not voting, 8:

Brown	Jensen	Lynch	Schimek	Suttle
Cudaback	Kristensen	Preister		

Excused and not voting, 1:

Landis

The appointment was confirmed with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found in this day's Journal: John Baker, Janet Bernard, Robert Blobaum, Fred Hlava, Norm Nelson, Steve Oltmans, Richard Sommer, and Jodi Thompson - Environmental Quality Council.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found in this day's Journal: Janet Bernard and Jodi Thompson - Environmental Quality Council.

Voting in the affirmative, 39:

Baker	Connealy	Jensen	Price	Smith
Bohlke	Coordsen	Jones	Quandahl	Stuhr
Bourne	Crosby	Kiel	Raikes	Suttle
Brashear	Dickey	Kremer	Redfield	Thompson
Bromm	Engel	Matzke	Robak	Tyson
Bruning	Hilgert	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hudkins	Pederson, D.	Schmitt	Wickersham
Chambers	Janssen	Peterson, C.	Schrock	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Cudaback	Hartnett	Lynch	Vrtiska
Brown	Dierks	Kristensen	Preister	

Excused and not voting, 1:

Landis

The appointments were confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

The second division is as follows:

Mr. Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found in this day's Journal: John Baker, Robert Blobaum, Fred Hlava, Norm Nelson, Steve Oltmans, and Richard Sommer - Environmental Quality Council.

Voting in the affirmative, 40:

Baker	Connealy	Hilgert	Pederson, D.	Smith
Beutler	Coordsen	Hudkins	Peterson, C.	Stuhr
Bohlke	Crosby	Janssen	Price	Suttle
Bourne	Cudaback	Jensen	Quandahl	Thompson
Brashear	Dickey	Jones	Redfield	Tyson
Bromm	Dierks	Kiel	Schimek	Vrtiska
Bruning	Engel	Kremer	Schmitt	Wehrbein
Byars	Hartnett	Matzke	Schrock	Wickersham

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Brown	Lynch	Preister	Raikes	Robak
Kristensen	Pedersen, Dw.			

Excused and not voting, 1:

Landis

The appointments were confirmed with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found in this day's Journal: Shawn Baumgartner - Board of Emergency Medical Services; and Kay Lynn Goldner and James Ganz - State Foster Care Review Board.

Mr. Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found in this day's Journal: Kay Lynn Goldner - State Foster Care Review Board.

Voting in the affirmative, 42:

Baker	Connealy	Janssen	Pederson, D.	Schmitt
Bohlke	Coordsen	Jensen	Peterson, C.	Smith
Bourne	Crosby	Jones	Price	Stuhr
Brashear	Cudaback	Kiel	Quandahl	Suttle
Bromm	Dickey	Kremer	Raikes	Thompson
Brown	Engel	Lynch	Redfield	Tyson
Bruning	Hartnett	Matzke	Robak	Vrtiska
Byars	Hilgert	Pedersen, Dw.	Schimek	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Kristensen	Preister	Schrock	Wehrbein
Dierks				

Excused and not voting, 1:

Landis

The appointment was confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

The second division is as follows:

Mr. Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found in this day's Journal: Shawn Baumgartner - Board of Emergency Medical Services; and James Ganz - State Foster Care Review Board.

Voting in the affirmative, 41:

Baker	Coordsen	Hudkins	Pederson, D.	Schmitt
Beutler	Crosby	Janssen	Peterson, C.	Smith
Bohlke	Cudaback	Jensen	Price	Stuhr
Bourne	Dickey	Jones	Quandahl	Suttle
Brashear	Dierks	Kiel	Raikes	Thompson
Bromm	Engel	Kremer	Redfield	Tyson
Bruning	Hartnett	Matzke	Robak	Vrtiska
Byars	Hilgert	Pedersen, Dw.	Schimek	Wickersham
Connealy				

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Brown	Lynch	Preister	Schrock	Wehrbein
Kristensen				

Excused and not voting, 1:

Landis

The appointments were confirmed with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 263, LR 264, LR 265, and LR 267 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 263, 265, 267, 264, 228, 235, 268, 269, 270, and 271.

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 176 with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 176. With Emergency.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-110, 37-201, 37-202, 37-209, 37-226, 37-227, 37-229, 37-239, 37-246, 37-248, 37-303, 37-314, 37-323, 37-327, 37-404 to 37-406, 37-408 to 37-410, 37-415, 37-416, 37-422, 37-426, 37-427, 37-429 to 37-431, 37-434 to 37-436, 37-438 to 37-440, 37-443 to 37-447, 37-452, 37-457, 37-458, 37-462 to 37-464, 37-466 to 37-469, 37-471, 37-475 to 37-483, 37-495, 37-503, 37-504, 37-506, 37-508, 37-514, 37-525, 37-527, 37-536, 37-540, 37-543, 37-545, 37-546, 37-547 to 37-550, 37-556, 37-560, 37-601, 37-602, 37-604, 37-607, 37-613, 37-614, 37-617, 37-619, 37-622, 37-623, 37-706, 37-724, 37-726, 37-728, 37-811, 37-1001, 37-1202, 37-1213, 37-1214, 37-1224, 37-1225, 37-1226, 37-1228, 37-1231, 37-1241, 37-1248 to 37-1250, 37-1254.02, 37-1264, 37-1268, 37-1270, 37-1271, and 37-1291, Reissue Revised Statutes of Nebraska, and sections 37-411 and 37-465, Reissue Revised Statutes of Nebraska, as amended by sections 23 and 24, respectively, Legislative Bill 404, Ninety-sixth Legislature, First Session, 1999; to change and eliminate provisions relating to the Game Law, the Trail Development Assistance Act, and the State Boat Act; to provide penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 37-472 to 37-474, 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, 48:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Lynch	Robak	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Landis

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 176A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 176, Ninety-sixth Legislature, First Session, 1999.

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:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Lynch	Robak	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 217.

A BILL FOR AN ACT relating to state funds; to amend sections 72-1268 and 77-2301, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for the keeping on deposit and investment of state funds; 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, 46:

Baker	Connealy	Hudkins	Peterson, C.	Schrock
Beutler	Coordsen	Janssen	Preister	Smith
Bohlke	Crosby	Jensen	Price	Stuhr
Bourne	Cudaback	Jones	Quandahl	Suttle
Brashear	Dickey	Kiel	Raikes	Thompson
Bromm	Dierks	Kremer	Redfield	Tyson
Brown	Engel	Kristensen	Robak	Vrtiska
Bruning	Hartnett	Lynch	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers				

Voting in the negative, 0.

Present and not voting, 2:

Matzke Pederson, D.

Excused and not voting, 1:

Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 592. With Emergency.

A BILL FOR AN ACT relating to waste management; to amend sections 13-2042, 81-1558, and 81-15,162, Reissue Revised Statutes of Nebraska, and section 81-15,160, Revised Statutes Supplement, 1998; to change provisions relating to landfill disposal fees; to change grant provisions; to provide powers and duties; to eliminate transfers from a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Baker	Bromm	Connealy	Dierks	Janssen
Beutler	Brown	Coordsen	Engel	Jensen
Bohlke	Bruning	Crosby	Hartnett	Jones
Bourne	Byars	Cudaback	Hilgert	Kiel
Brashear	Chambers	Dickey	Hudkins	Kremer

Kristensen	Peterson, C.	Redfield	Smith	Tyson
Lynch	Preister	Robak	Stuhr	Vrtiska
Matzke	Price	Schimek	Suttle	Wehrbein
Pedersen, Dw.	Quandahl	Schmitt	Thompson	Wickersham
Pederson, D.	Raikes	Schrock		

Voting in the negative, 0.

Excused and not voting, 1:

Landis

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 661. With Emergency.

A BILL FOR AN ACT relating to civil procedure; to restrict certain damages and causes of action for damages resulting from computer date failures; to define terms; 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:

Baker	Coordsen	Janssen	Pederson, D.	Schrock
Bohlke	Crosby	Jensen	Peterson, C.	Smith
Brashear	Cudaback	Jones	Price	Stuhr
Bromm	Dickey	Kiel	Quandahl	Suttle
Brown	Dierks	Kremer	Raikes	Thompson
Bruning	Engel	Kristensen	Redfield	Tyson
Byars	Hartnett	Lynch	Robak	Vrtiska
Chambers	Hilgert	Matzke	Schimek	Wehrbein
Connealy	Hudkins	Pedersen, Dw.	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Bourne	Preister
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Excused and not voting, 1:

Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 779 with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 779.

A BILL FOR AN ACT relating to land; to amend sections 31-601, 31-602, 33-104, 39-1713 to 39-1719, 72-201, 72-202, 72-204 to 72-205.04, 72-222.02, 72-229, 72-231, 72-232, 72-233, 72-234, 72-235 to 72-239, 72-240.02, 72-240.03, 72-240.05, 72-240.07, 72-240.10, 72-240.21 to 72-240.23, 72-241, 72-246, 72-253, 72-255, 72-302, 72-304, 72-305, 72-308, and 72-907, Reissue Revised Statutes of Nebraska, and section 72-303, Revised Statutes Supplement, 1998; to change provisions relating to obtaining access to isolated land, appraisals, leases, and duties of the Board of Educational Lands and Funds; to eliminate provisions relating to contracts of sale and leases by the board; to harmonize provisions; to repeal the original sections; and to outright repeal sections 72-209, 72-210, 72-211, 72-232.01, and 72-240.24, 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:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Lynch	Robak	Vrtiska
Bruning	Hartnett	Matzke	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Landis

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 828 with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 828.

A BILL FOR AN ACT relating to health and human services; to amend sections 33-151, 33-152, 43-2606, 44-2847, 59-1617, 71-105, 71-107, 71-111, 71-112, 71-112.01, 71-112.03, 71-113, 71-114, 71-115.01, 71-116, 71-117, 71-118, 71-119, 71-120, 71-122, 71-123, 71-124, 71-124.01, 71-128, 71-129, 71-131, 71-132, 71-133, 71-138, 71-139, 71-139.01, 71-140, 71-143, 71-144, 71-161.03, 71-161.04, 71-161.07, 71-161.09, 71-161.13, 71-161.14, 71-161.15, 71-161.19, 71-161.20, 71-168.01, 71-170, 71-171.01, 71-175, 71-175.01, 71-176.01, 71-176.03, 71-179, 71-179.01, 71-180, 71-183.01, 71-185, 71-185.01, 71-185.02, 71-186, 71-193.04, 71-193.14, 71-193.18, 71-193.20, 71-193.22, 71-1,104, 71-1,104.06, 71-1,105, 71-1,106, 71-1,107.01, 71-1,107.02, 71-1,107.04, 71-1,107.05, 71-1,107.09, 71-1,107.10, 71-1,107.11, 71-1,107.13, 71-1,107.14, 71-1,107.16, 71-1,107.25, 71-1,136.02, 71-1,136.03, 71-1,136.09, 71-1,137, 71-1,139.01, 71-1,140, 71-1,144.01, 71-1,144.04, 71-1,145, 71-1,146, 71-1,147.02, 71-1,147.10, 71-1,147.11, 71-1,147.18, 71-1,147.19, 71-1,147.20, 71-1,147.21, 71-1,147.22, 71-1,147.24, 71-1,147.25, 71-1,147.29, 71-1,147.30, 71-1,147.31, 71-1,147.38, 71-1,152.01, 71-1,171, 71-1,186, 71-1,191, 71-1,192, 71-1,199, 71-1,200, 71-1,201, 71-1,206.02, 71-1,206.11, 71-1,227, 71-1,238, 71-1,278, 71-1,281, 71-1,281.01, 71-1,286, 71-1,298, 71-1,335, 71-1,337, 71-1301, 71-1305, 71-1333.01, 71-1731, 71-1735, 71-1736, 71-1737, 71-1740, 71-1743, 71-1758, 71-2407, 71-2408, 71-2409, 71-2413, 71-2416, 71-2803, 71-2804, 71-2807, 71-2809, 71-4715, 71-6228, and 71-7405, Reissue Revised Statutes of Nebraska, sections 28-407, 71-101, 71-108, 71-110, 71-121, 71-121.01, 71-141, 71-155, 71-161.10, 71-162, 71-168, 71-171.02, 71-174.01, 71-1,103, 71-1,135, 71-1,135.02, 71-1,135.03, 71-1,135.04, 71-1,136.01, 71-1,139, 71-1,142, 71-1,147.45, 71-1,154, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-1730, 71-2601, and 71-5403, Revised Statutes Supplement, 1998, and section 71-1,107.30, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 379, Ninety-sixth Legislature, First Session, 1999; to change provisions relating to controlled substances registration requirements, child care and school-age-care programs, credentials issued under the Uniform Licensing Law, department records, boards of examiners, disciplinary action, liability, confidentiality, physician assistants, and reports by insurers; to provide, change, and eliminate definitions; to state intent; to provide powers and duties; to provide and change penalty provisions; to eliminate obsolete fee disbursement provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 33-150, 71-1741, and 71-1742, 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:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Lynch	Robak	Vrtiska
Bruning	Hartnett	Matzke	Schimiek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers	Hudkins	Pederson, D.		

Voting in the negative, 0.

Excused and not voting, 1:

Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 849 to Select File

Mrs. Stuhr moved to return LB 849 to Select File for the following specific amendment:

AM1928

(Amendments to Second Final Reading copy)

- 1 1. On page 24, after line 21 insert the following new
- 2 subsection:
- 3 "(4) The Public Employees Retirement Board shall not be
- 4 liable for actions taken or not taken by the entities responsible
- 5 for remitting contributions, maintaining custody of funds, or
- 6 investing the funds under the act."

Mrs. Stuhr withdrew her motion to return.

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 849 with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 849. With Emergency.

A BILL FOR AN ACT relating to emergency services; to amend sections 35-508 and 35-513, Reissue Revised Statutes of Nebraska, and section 84-1503, Revised Statutes Supplement, 1998; to adopt the Volunteer Emergency Responders Recruitment and Retention Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Baker	Connealy	Janssen	Peterson, C.	Schrock
Beutler	Coordsen	Jensen	Preister	Smith
Bohlke	Crosby	Jones	Price	Stuhr
Bourne	Cudaback	Kiel	Quandahl	Suttle
Brashear	Dickey	Kremer	Raikes	Thompson
Bromm	Dierks	Kristensen	Redfield	Tyson
Brown	Engel	Lynch	Robak	Vrtiska
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wehrbein
Byars	Hilgert	Pederson, D.	Schmitt	Wickersham
Chambers	Hudkins			

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 1:

Landis

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 bill was read and put upon final passage:

LEGISLATIVE BILL 849A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 849, Ninety-sixth Legislature, First Session, 1999; 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:

Baker	Connealy	Hudkins	Peterson, C.	Schrock
Beutler	Coordsen	Janssen	Preister	Smith
Bohlke	Crosby	Jensen	Price	Stuhr
Bourne	Cudaback	Jones	Quandahl	Suttle
Brashear	Dickey	Kiel	Raikes	Thompson
Bromm	Dierks	Kremer	Redfield	Tyson
Brown	Engel	Kristensen	Robak	Vrtiska
Bruning	Hartnett	Lynch	Schimek	Wehrbein
Byars	Hilgert	Pedersen, Dw.	Schmitt	Wickersham
Chambers				

Voting in the negative, 0.

Present and not voting, 2:

Matzke Pederson, D.

Excused and not voting, 1:

Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 18CA.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election on May 9, 2000, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 4, and Article XVI, section 1, and add a new section 3 to Article XVI:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be is for the enactment of a law, it shall be signed by seven percent of the registered voters of the state. If; and if the petition be is for the amendment of the this Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of

each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures which propose the enactment of a law submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. If conflicting measures which propose a constitutional amendment submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject."

III-4 "The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated which proposes the enactment of a law shall become a law ~~or part of the Constitution, as the case may be;~~ when a majority of the votes cast thereon, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. A measure initiated which proposes a constitutional amendment shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution, when a majority of the votes cast thereon, and not less than thirty-five percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting ~~and adopting~~ amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition. The ballot for a measure initiated which proposes a constitutional amendment shall include a notice that the measure is subject to a vote for ratification."

XVI-1 "The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear. The ballot shall include a notice that the measure is subject to a vote for ratification. If a majority of the electors voting on any such amendment adopt the same, it shall ~~become a part of this Constitution;~~ provided be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution if the votes cast in favor of such amendment ~~shall not be~~ are not less than thirty-five percent percent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately."

XVI-3 "(1) Before an amendment to this Constitution takes effect, there shall be two votes by the electors. The first vote for adoption of the amendment may be made pursuant to initiative as provided by Article III, sections 2 and 4, of this Constitution or pursuant to the Legislature proposing an amendment as provided by Article XVI, section 1, of this Constitution. The second vote shall be for ratification and shall be made pursuant to subsection (2) of this section.

(2) The proposed amendment shall, without change, be published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendment to the electors for ratification. At such election the proposed amendment shall be submitted to the electors for ratification. If a majority of the electors voting on any such amendment ratify the adoption of the same, it shall become a part of this Constitution if the votes cast in favor of such amendment at the election are not less than thirty-five percent of the total votes cast at such election."

Sec. 2. At a special election on May 9, 2000, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition ~~be~~ is for the enactment of a law, it shall be signed by seven percent of the registered voters of the state. ~~If ; and if the petition be is~~ for the amendment of the this Constitution, the petition ~~therefor~~ shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition

shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than ~~four~~ nine months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be are approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject."

Sec. 3. At a special election on May 9, 2000, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 1 and 5, and Article V, section 25:

III-1 ~~"The Commencing with the regular session of the Legislature to be held in January, nineteen hundred and thirty-seven, the legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves; however, the power to propose laws; and amendments to the constitution; Constitution and to enact or reject the same at the polls, independent of the Legislature, and which power shall be called the power of initiative. The people also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum. All authority vested by the constitution or laws of the state in the Senate, House of Representatives, or joint session thereof, in so far as applicable, shall be and hereby is vested in said Legislature of one chamber. All provisions in the constitution and laws of the state relating to the Legislature, the Senate, the House of Representatives, joint sessions of the Senate and House of Representatives, Senator, or member of the House of Representatives, shall, in so far as said provisions are applicable, apply to and mean said Legislature of one chamber hereby created and the members thereof. All references to Clerk of House of Representatives or Secretary of Senate shall mean, when applicable, the Clerk of the Legislature of one chamber. All references to Speaker of the House of Representatives or temporary president of the Senate shall mean Speaker of the Legislature. Whenever any provision of the constitution requires submission of any matter to, or action by, the House of Representatives, the Senate, or joint session thereof, or the members of either body or both bodies, it shall after January first, nineteen hundred and thirty-seven, be construed to mean the Legislature herein provided for."~~

III-5 ~~"The~~ At the regular session of the Legislature held in the year ~~nineteen hundred and thirty-five~~ the Legislature shall by law determine the number of members to be elected and divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the

Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature."

V-25 "For the effectual administration of justice and the prompt disposition of judicial proceedings, the supreme court may promulgate rules of practice and procedure for all courts, uniform as to each class of courts, and not in conflict with laws governing such matters. To the same end, the court may, and when requested by the Legislature by ~~joint~~ resolution; shall, certify to the Legislature; its conclusions as to desirable amendments or changes in the general laws governing such practice and proceedings."

Sec. 4. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.

For

Against".

"A constitutional amendment to change filing requirements for initiative petitions.

For

Against".

"A constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.

For

Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 33:

Beutler	Chambers	Janssen	Peterson, C.	Schrock
Bohlke	Connealy	Kiel	Preister	Suttle
Bourne	Cudaback	Kristensen	Price	Thompson
Brashear	Dickey	Lynch	Raikes	Vrtiska
Brown	Engel	Matzke	Robak	Wehrbein
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wickersham
Byars	Hilgert	Pederson, D.		

Voting in the negative, 15:

Baker	Crosby	Jensen	Quandahl	Smith
Bromm	Dierks	Jones	Redfield	Stuhr
Coordsen	Hudkins	Kremer	Schmitt	Tyson

Excused and not voting, 1:

Landis

Having failed to receive a constitutional four-fifths majority voting in the affirmative, the resolution failed to pass for the primary election. The question is, "Shall the resolution pass for the general election"?

Voting in the affirmative, 33:

Beutler	Chambers	Janssen	Peterson, C.	Schrock
Bohlke	Connealy	Kiel	Preister	Suttle
Bourne	Cudaback	Kristensen	Price	Thompson
Brashear	Dickey	Lynch	Raikes	Vrtiska
Brown	Engel	Matzke	Robak	Wehrbein
Bruning	Hartnett	Pedersen, Dw.	Schimek	Wickersham
Byars	Hilgert	Pederson, D.		

Voting in the negative, 15:

Baker	Crosby	Jensen	Quandahl	Smith
Bromm	Dierks	Jones	Redfield	Stuhr
Coordsen	Hudkins	Kremer	Schmitt	Tyson

Excused and not voting, 1:

Landis

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Override Veto on LB 556

Mr. Kristensen moved that LB 556 becomes law notwithstanding the objections of the Governor.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Baker	Bourne	Bromm	Bruning	Chambers
Bohlke	Brashear	Brown	Byars	Connealy

Crosby	Jensen	Matzke	Quandahl	Suttle
Cudaback	Kiel	Pedersen, Dw.	Robak	Thompson
Engel	Kremer	Peterson, C.	Schimek	Wehrbein
Hilgert	Kristensen	Preister	Smith	Wickersham
Janssen	Lynch			

Voting in the negative, 13:

Beutler	Dierks	Price	Schrock	Tyson
Coordsen	Jones	Raikes	Stuhr	Vrtiska
Dickey	Pederson, D.	Redfield		

Present and not voting, 2:

Hartnett	Schmitt
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Excused and not voting, 2:

Hudkins	Landis
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 556A

Mr. Kristensen moved that LB 556A becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 36:

Baker	Chambers	Janssen	Pedersen, Dw.	Smith
Bohlke	Connealy	Jensen	Pederson, D.	Stuhr
Bourne	Crosby	Kiel	Peterson, C.	Suttle
Brashear	Cudaback	Kremer	Preister	Thompson
Bromm	Engel	Kristensen	Quandahl	Vrtiska
Brown	Hartnett	Lynch	Robak	Wehrbein
Bruning	Hilgert	Matzke	Schimek	Wickersham
Byars				

Voting in the negative, 3:

Dickey	Price	Tyson
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Present and not voting, 8:

Beutler	Coordsen	Dierks	Jones	Raikes
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Redfield Schmitt Schrock

Excused and not voting, 2:

Hudkins Landis

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 18CA.

(Signed) Adrian M. Smith, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 18CA.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 4, and Article XVI, section 1, and add a new section 3 to Article XVI:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition ~~be~~ is for the enactment of a law, it shall be signed by seven percent of the registered voters of the state. ~~If ; and if the petition be is~~ for the amendment of the this Constitution, the petition ~~therefor~~ shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures which propose the enactment of a law submitted to the people at the same election ~~be are~~ approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. If conflicting measures

which propose a constitutional amendment submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject."

III-4 "The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated which proposes the enactment of a law shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five per cent percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. A measure initiated which proposes a constitutional amendment shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution, when a majority of the votes cast thereon, and not less than thirty-five percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting ~~and adopting~~ amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition. The ballot for a measure initiated which proposes a constitutional amendment shall include a notice that the measure is subject to a vote for ratification."

XVI-1 "The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the

names of candidates appear. The ballot shall include a notice that the measure is subject to a vote for ratification. If a majority of the electors voting on any such amendment adopt the same, it shall become a part of this Constitution, provided be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution if the votes cast in favor of such amendment shall not be are not less than thirty-five per cent percent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately."

XVI-3 "(1) Before an amendment to this Constitution takes effect, there shall be two votes by the electors. The first vote for adoption of the amendment may be made pursuant to initiative as provided by Article III, sections 2 and 4, of this Constitution or pursuant to the Legislature proposing an amendment as provided by Article XVI, section 1, of this Constitution. The second vote shall be for ratification and shall be made pursuant to subsection (2) of this section.

(2) The proposed amendment shall, without change, be published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendment to the electors for ratification. At such election the proposed amendment shall be submitted to the electors for ratification. If a majority of the electors voting on any such amendment ratify the adoption of the same, it shall become a part of this Constitution if the votes cast in favor of such amendment at the election are not less than thirty-five percent of the total votes cast at such election."

Sec. 2. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

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as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject."

Sec. 3. At the general election in November 2000 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 1 and 5, and Article V, section 25:

III-1 ~~"The Commencing with the regular session of the Legislature to be held in January, nineteen hundred and thirty-seven, the legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves, however, the power to propose laws; and amendments to the constitution; Constitution and to enact or reject the same at the polls, independent of the Legislature, and which power shall be called the power of initiative. The people also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum. All authority vested by the constitution or laws of the state in the Senate, House of Representatives; or joint session thereof, in so far as applicable, shall be and hereby is vested in said Legislature of one chamber. All provisions in the constitution and laws of the state relating to the Legislature, the Senate, the House of Representatives; joint sessions of the Senate and House of Representatives; Senator, or member of the House of Representatives; shall, in so far as said provisions are applicable, apply to and mean said Legislature of one chamber hereby created and the members thereof. All references to Clerk of House of Representatives or Secretary of Senate shall mean, when applicable, the Clerk of the Legislature of one chamber. All references to Speaker of the House of Representatives or temporary president of the Senate shall mean Speaker of the Legislature. Whenever any provision of the constitution requires submission of any matter to, or action by, the House of Representatives, the Senate, or joint session thereof, or the members of either body or both bodies; it shall after January first, nineteen hundred and thirty-seven, be construed to mean the Legislature herein provided for."~~

III-5 ~~"The At the regular session of the Legislature held in the year nineteen hundred and thirty-five the Legislature shall by law determine the number of members to be elected and divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature."~~

V-25 "For the effectual administration of justice and the prompt disposition of judicial proceedings, the supreme court may promulgate rules of practice and procedure for all courts, uniform as to each class of courts, and not in conflict with laws governing such matters. To the same end, the court may,

and when requested by the Legislature by joint resolution; shall, certify to the Legislature, its conclusions as to desirable amendments or changes in the general laws governing such practice and proceedings."

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"A constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.

For

Against".

"A constitutional amendment to change filing requirements for initiative petitions.

For

Against".

"A constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.

For

Against".

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 881.

(Signed) Jim Jensen

RESOLUTIONS

LEGISLATIVE RESOLUTION 274. Introduced by Robak, 22.

WHEREAS, the Columbus-Scotus Central Catholic High School girls' volleyball team was undefeated in Class C-1; and

WHEREAS, the Columbus-Scotus Central Catholic High School girls' volleyball team repeated for the fourth time as state champions in Class C-1; and

WHEREAS, John Petersen has coached the team for all four state crowns.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a copy of this resolution be sent to Coach John Petersen and the Columbus-Scotus Central Catholic High School girls' volleyball team.

Laid over.

LEGISLATIVE RESOLUTION 275. Introduced by Schrock, 38.

WHEREAS, the Loomis boys track team won the 1999 Class D Boys State Track Championship, beating the defending champions 58-38; and

WHEREAS, this was the Loomis Wolves' second state championship in three years; and

WHEREAS, throughout the year the members of the team have

complemented their talents with sportsmanship, motivation, and hard work.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Loomis boys track team.
2. That a copy of this resolution be sent to the team.

Laid over.

LEGISLATIVE RESOLUTION 276. Introduced by Kristensen, 37.

WHEREAS, the Kearney Catholic girls track team won the 1999 Class C Girls State Track Championship, their first-ever state title; and

WHEREAS, Senior Jaime Volkmer won three all-class gold medals in the competition; and

WHEREAS, throughout the year the members of the Stars team have complemented their talents with sportsmanship, motivation, and hard work; and

WHEREAS, the team consists of Jaime Volkmer, Lesley Liebig, Lyndsey Finney, Mandi Little, Jennifer Nikkila, Bridget Torson, Lisa Calleroz, Bre Sorenson, Allie Eickhoff, and Erin Gudmundson and coach Dwaine Schmitt.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Kearney Catholic girls track team.
2. That a copy of this resolution be sent to the Kearney Catholic High School.

Laid over.

LEGISLATIVE RESOLUTION 277. Introduced by Kristensen, 37.

WHEREAS, the Kearney High School boys track team won the 1999 Class A Boys State Track Championship, their sixth straight Class A title; and

WHEREAS, throughout the year the members of the Bearcats team have complemented their talents with sportsmanship, motivation, and hard work; and

WHEREAS, the team consists of Nick Artz, Matt Demmel, Drew Anderson, Broc Howard, Mark Demmel, Kyle Larson, Kevin Johnson, Scott Romatzke, Ryan Black, and Luke Garringer and Coach Roger Mathiesen.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Kearney High School boys track team.
2. That a copy of this resolution be sent to Kearney High School.

Laid over.

LEGISLATIVE RESOLUTION 278. Introduced by Connealy, 16.

WHEREAS, the Blair Bears girls soccer team upset top-ranked Columbus

Scotus in overtime to win the 1999 Class B Girls State Soccer Championship; and

WHEREAS, the Blair Bears boys soccer team successfully defended their Class B title to win the 1999 Class B Boys State Soccer Championship; and

WHEREAS, the girls team is coached by Scott Flynn and Jon Small, and the boys team is coached by Todd Wick.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to the Blair Bears girls and boys soccer teams and their coaches.
2. That a copy of this resolution be sent to Blair High School.

Laid over.

LEGISLATIVE RESOLUTION 279. Introduced by Brown, 6; Jensen, 20.

WHEREAS, the Omaha Westside baseball team became the first team in history to win a state title after overcoming a loss during state tournament play; and

WHEREAS, the Omaha Westside baseball team won its first title since 1972 by defeating the two-time defending champions 5-0 and 6-1; and

WHEREAS, Coach Bob Greco provided the team with motivation, guidance, and the will to win and also proved to be a role model for the team; and

WHEREAS, the fans proved their loyalty and support by cheering on the team to their impressive victory; and

WHEREAS, the Omaha Westside baseball team displayed great skill, determination, and courage in a hard-fought victory and achieved success against tough odds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the Omaha Westside baseball team, Coach Bob Greco, and the Westside fans for their wonderful success.
2. That copies of this resolution be sent to Coach Bob Greco, Principal Phyllis Uchtman, and Superintendent Ken Bird.

Laid over.

LEGISLATIVE RESOLUTION 280. Introduced by Brown, 6.

WHEREAS, the University of Nebraska-Lincoln Cornhusker baseball team finished the season with an all-time best record of 41-16; and

WHEREAS, the UNL Cornhusker baseball team was victorious over the Baylor University Bears to win their first-ever Big Twelve Conference Championship; and

WHEREAS, the UNL Cornhusker baseball team will reach the regional tournament for the first time since 1985; and

WHEREAS, Coach Dave Van Horn provided the team with motivation, guidance, and the will to win and also proved to be a role model for the team;

and

WHEREAS, the fans proved their loyalty and support by cheering on the team to their impressive victory; and

WHEREAS, the UNL Cornhusker baseball team displayed great skill, determination, and courage in a hard-fought victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature, on behalf of the citizens of Nebraska, commends the UNL Cornhusker baseball team, Coach Dave Van Horn, the UNL coaching and training staff, and the Cornhusker fans for their wonderful success.

2. That copies of this resolution be sent to Coach Van Horn, Athletic Director Bill Byrne, and President L. Dennis Smith.

Laid over:

LEGISLATIVE RESOLUTION 281. Introduced by Thompson, 14.

WHEREAS, the Papillion-LaVista boys golf team won the school's first Class A State Golf Championship on May 26, 1999; and

WHEREAS, The Monarchs recorded a school record score of 13-over 297 on the second day of play to maintain their lead; and

WHEREAS, the Monarchs were led by State Champion Ryan Anderson, Chris Anderson, Chris Dahl, Chris Shives, and Chris Berve; and

WHEREAS, Head Coach Mike Logan and the members of the Papillion-LaVista boys golf team achieved this outstanding accomplishment as a result of their hard work, determination, and team play.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Papillion-LaVista Monarchs for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Papillion-LaVista boys golf team and Head Coach Mike Logan.

Laid over...

LEGISLATIVE RESOLUTION 282. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27.

PURPOSE: To initiate a study of the regulation of the immigrant workforce through federal programs operated by the Immigration and Naturalization Service (INS). Recently, concerns have arisen in Nebraska as to the impact of these programs on the meat packing industry, cattle and pork industries, and local communities where these industries are located.

Additionally, Nebraska's involvement concerning immigrant workers and their productive integration into the community and labor force in this state should be reviewed.

This study shall consider the following areas and related issues:

1. Consideration of the state's role in assisting immigrant workers into the community and labor force;
2. Consideration of the impact that integration of immigrant workers into communities has in the delivery of human services; and
3. Consideration of the impact federal enforcement programs have on the operation of livestock slaughtering facilities, cattle and pork industries, and the state's economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REPORT OF THE EXECUTIVE BOARD

1999 Resolution calling for an Interim Study

LR 282 Interim study of the regulation of the immigrant workforce through federal programs operated by the Immigration and Naturalization Service
Business and Labor

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: LBs 176, 176A, 217, 592, 661, 779, 828 849, 849A, and LR 18CA.

COMMUNICATION

May 27, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 556

and LB 556A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 556 and LB 556A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 556 and Legislative Bill 556A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this 27th day of May 1999.

(Signed) David I. Maurstad
President of the Legislature

VISITORS

Visitors to the Chamber were Mrs. Willett from Lincoln; and 50 fourth grade students and teachers from Middle Minne Lusa School, Omaha.

RECESS

At 12:00 noon, on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cudaback, Landis, Mmes. Hudkins, and Robak who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 27, 1999, at 12:05 p.m., were the following bills: LBs 176, 176A, 217, 592, 661, 779, 828, 849, and 849A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on May 27, 1999, at 12:50 p.m., was the following resolution: LR 18CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

May 27, 1999

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 176, 176A, 217, 592, 661, 779, 828, 849, and 849A were received in my office on May 27, 1999.

These bills were signed by me on May 27, 1999, and delivered to the Secretary of State.

(Signed) Sincerely,
Mike Johanns
Governor

MOTION - Override Veto on LB 76

Messrs. Brashear and Chambers moved that LB 76 becomes law notwithstanding the objections of the Governor.

Mr. Brashear withdrew the Brashear-Chambers motion.

MOTION - Override Veto on LB 76A

Messrs. Chambers and Brashear moved that LB 76A becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 43:

Beutler	Bromm	Connealy	Dierks	Janssen
Bohlke	Brown	Coordsen	Engel	Jensen
Bourne	Bruning	Crosby	Hartnett	Jones
Brashear	Chambers	Dickey	Hilgert	Kiel

Kremer	Pederson, D.	Raikes	Schrock	Thompson
Kristensen	Peterson, C.	Redfield	Smith	Tyson
Lynch	Preister	Robak	Stuhr	Wehrbein
Matzke	Price	Schimek	Suttle	Wickersham
Pedersen, Dw.	Quandahl	Schmitt		

Voting in the negative, 0.

Present and not voting, 3:

Baker	Byars	Vrtiska
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Excused and not voting, 3:

Cudaback	Hudkins	Landis
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

UNANIMOUS CONSENT - Member Excused

Mrs. Suttle asked unanimous consent to be excused. No objections. So ordered.

MOTION - Suspend Rules

Mr. Kristensen moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 274, LR 275, LR 276, LR 277, LR 278, LR 279, LR 280, and LR 281.

The Kristensen motion to suspend the rules prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 273. Read. Considered.

LEGISLATIVE RESOLUTION 274. Read. Considered.

LEGISLATIVE RESOLUTION 275. Read. Considered.

LEGISLATIVE RESOLUTION 276. Read. Considered.

LEGISLATIVE RESOLUTION 277. Read. Considered.

LEGISLATIVE RESOLUTION 278. Read. Considered.

LEGISLATIVE RESOLUTION 279. Read. Considered.

LEGISLATIVE RESOLUTION 280. Read. Considered.

LEGISLATIVE RESOLUTION 281. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 273, 274, 275, 276, 277, 278, 279, 280, and 281 were adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

REPORT OF THE EXECUTIVE BOARD

1999 Resolutions calling for an Interim Study

The following legislative study resolutions were rereferenced:

- LR 55 Rereferred from Judiciary to Health and Human Services
- LR 123 Rereferred from Natural Resources to a joint study between Natural Resources and General Affairs
- LR 131 Rereferred from Agriculture to Natural Resources
- LR 209 Rereferred from Agriculture to a joint study between Agriculture and Natural Resources
- LR 250 Rereferred from Urban Affairs to a joint study between Natural Resources and Urban Affairs
- LR 222 Rereferred from Revenue to a joint study between Revenue and Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MOTION - Notify Governor

Mrs. Crosby moved that a committee of five be appointed to notify the Governor that the Ninety-Sixth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Mrs. Crosby, Messrs. Preister, Dierks, Engel, and Quandahl to serve on said Committee.

The Committee returned and escorted Governor Mike Johanns to the rostrum where he delivered a message to the members.

COMMUNICATIONS

May 27, 1999

The Honorable Scott Moore

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 Johanns of LB 54A, 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:r

May 27, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 76, and consistent with our rules, I am delivering the bill for filing in the form as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

May 27, 1999

The Honorable Scott Moore
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 Johanns of LB 131A, 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:r

May 27, 1999

The Honorable Scott Moore
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 Johanns of LB 144, 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:r

May 27, 1999

The Honorable Scott Moore
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 Johanns of LB 148A, 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:r

May 27, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Johanns of LB 202 and LB 202A, and consistent with our rules, I am

delivering the bills for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

May 27, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item veto by Governor Johanns of LB 350A, 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:r

May 27, 1999

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 76A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 76A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 76A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 27th day of May 1999.

(Signed) David I. Maurstad
President of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 273, 274, 275, 276, 277, 278, 279, 280, and 281.

WITHDRAW - Motion

Mr. Kristensen withdrew his motion, found on page 2406, to suspend the rules, Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation: LBs 73, 164, 215, 229, 292, 307, 327, 328, 332, 393, 485, 493, 518, 518A, 542, 543, 575, 616, 622, 654, 654A, 656, 693, 698, 706, 712, 719, 799, 809, 810, 820, 820A, 821, and 827.

MOTION - Suspend Rules

Mr. Kristensen moved to suspend the rules, Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation: LBs 73, 164, 215, 229, 292, 307, 327, 328, 332, 393, 485, 493, 518, 518A, 542, 543, 575, 616, 622, 656, 693, 698, 706, 712, 719, 799, 809, 810, 820, 820A, 821, and 827.

The Kristensen motion to suspend the rules prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 272. Read. Considered.

LR 272 was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 272.

MOTION - Journal, Session Laws, and Index

Mr. Coordsen moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

VISITORS

Visitors to the Chamber were 50 fourth grade students and teachers from Minne Lusa Elementary School, Omaha; and 18 sixth through eighth grade students and sponsor from Panhandle Visual Arts Program from six counties.

MOTION - Adjourn Sine Die

Speaker Kristensen moved that the Journal for the Eighty-Ninth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Sixth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 3:21 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature