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by

PATRICK J. O'DONNELL, CLERK

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RULES

of the

NEBRASKA

UNICAMERAL

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RULES OF THE NEBRASKA UNICAMERAL

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RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers to Be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from Legislative Districts 1, 2, 15, 16, 21, 23 through 30, 32, 34, 35, and 46; two from Legislative Districts 3 through 14, 20, 31, 39, and 45; and two from Legislative Districts 17 through 19, 22, 33, 36 through 38, 40 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 7(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by secret ballot a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the

respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 2. Officers to Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

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

Officers and employees recommended by the Executive Board. RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the constitution of the State of Nebraska, and to discharge faithfully the duties of his or her office according to the best of his or her ability.

B. Presiding Officer

Sec. 5. President of the Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Legislative Council
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services
Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the chair. Rule 2, Section 7.
Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He or she shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these Rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he or she shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the house.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter chamber. Rule 2, Section 3.

Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his or her hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting, When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

Distribution of material by Clerk. Rule 2, Section 3g.
Excuse attendance at committee hearing. Rule 2, Section 4.
Power to refer bill back to committee. Rule 6, Section 3g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker, with the approval of the Executive Board, shall report to the Legislature the order in which bills and resolutions shall be considered on General File. The Speaker's orders, as approved, are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the Legislature not less than one day prior to the day for which the agenda was prepared.

Sec. 17. Speaker's Major Proposals. The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a senator priority and approved by a vote of two-thirds of the Executive Board.

(b) Require each committee to which a major proposal has been referred to:

(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

D. Clerk of the Legislature

Sec. 18. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of bills. Rule 5, Section 3.

(c) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(d) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Executive Board Chairperson.

General duties. RRS 50-114.
Distribute material, when authorized. Rule 2, Section 3g.
Fiscal notes, attach to bills. Rule 5, Section 6d.

Sec. 19. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of business. Rule 7, Section 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, or other paper presented for the consideration of the Legislature.

Constitutional amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) All amendments and motions filed with the Clerk prior to the day a bill or resolution is considered shall be recorded in the daily Journal with the name of the introducer or introducers. The text of any amendment whose length is no more than ten pages shall be printed in the daily Journal. All amendments which are approximately ten pages or more shall be noted in the daily Journal as on file in the bill room or the Clerk's office.

(f) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(g) The bound Journal of the session shall be prepared from the corrected daily Journal.

(h) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(i) A list of lobbyists who are registered shall be set forth in the Journal.

On registration of lobbyists. RRS 49-1480 through 49-1492.

Sec. 20. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 21. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance. Rule 2, Section 4.

Sec. 22. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the legislative session.

Sec. 23. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill.

RRS 50-112.

RULE 2--RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. (a) These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Overruling the chair. Rule 1, Section 12.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable or divisible. These rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) With the permission of the chair, members may invite guests to the legislative chamber to sit in those specially designated areas located in the rear of the chamber. When exercising this privilege, members should be sensitive to the matter under discussion on the floor and not have guests seated within the chamber who have a direct interest in the matter being discussed.

Any member may object to the presence of a guest within the chamber on the grounds that the guest has an interest in the matter being debated. If the chair concurs with this judgment, the guest shall be asked to leave the chamber.

No registered lobbyist shall be admitted to the chamber.

(d) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Section 14.

(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office or as provided in Section 3(h) of this rule.

(f) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(g) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the legislative chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(h) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

(i) No individual, other than a senator or officer of the Legislature, shall be allowed to address the Legislature except from the podium.

(j) The smoking of any tobacco product by any member or any other individual within the Legislative Chamber is prohibited. The Senate Lounge (Room 2026) shall be a designated smoking area.

(k) The use of any mobile, portable, or wireless communication device that emits an audible signal, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in the Chamber while the Legislature is in session.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the legislative chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he or she is a member, unless excused by the Legislature, the Speaker, or the committee chairperson. Members who have been excused by the Legislature or the Speaker shall notify their committee chairperson that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he or she may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his or her discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of

the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3--COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's office.

Sec. 2. Appointment of Committees. (a) Beginning on February 1, 1998, at the commencement of each biennium, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number 1, 2, 15, 21, 22, 24 through 30, 33 through 35, and 46; four from Districts Number 3 through 14, 20, 31, 39, and 45; and four from Districts Number 16 through 19, 23, 32, 36 through 38, 40 through 44, and 47 through 49.

(b) Immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to Committee for further action.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	8 members
Health and Human Services	7 members
Judiciary	8 members
Natural Resources	8 members
Nebraska Retirement Systems	6 members
Revenue	8 members
Transportation	8 members
Urban Affairs	7 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	6 members

(b) The Speaker of the Legislature shall serve as one of the six members and shall be an ex officio member of the Rules Committee. Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

(E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause shown by a majority vote of the members assigned to the committee conducting the hearing.

The committee shall prepare a report either approving or rejecting the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

(v) Any appointment letter received by the Clerk of the Legislature during the last eight calendar days of any regular legislative session shall not be acted upon. Acknowledgment of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building Maintenance. RRS 81-185	6 members
Education Commission of the States. RRS 79-2504	3 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Legislative Program Evaluation. RRS 50-1204	5 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.

(ii) The Executive Board is authorized to exercise jurisdiction over legislative bills and resolutions and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one of general import to the Legislature and its operations as a whole. Such legislative hearings shall comply with the provisions in Rule 3, Sec. 13.

(iii) The Legislative Program Evaluation Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 13.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at

1:30 p.m. on weekdays, unless otherwise approved by the Legislature, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Conduct During Committee Hearing. (a) No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

(b) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in legislative hearing rooms during a meeting of a legislative committee.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees.

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

Sec. 13. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing canceled within seven calendar days of the date set for said public hearing.

Sec. 14. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 15. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of a majority of the committee members to advance a bill to General File with or without committee amendments or an affirmative vote of a majority of the committee members to indefinitely postpone the bill. A committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Sec. 17. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;

(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 19. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated on the motion by the Legislature, shall take precedence over such motion. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Sec. 20. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may, in the same manner, issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances, the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry, and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may, by a majority vote of all its members, authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of a committee; or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature, would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the district court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to RRS 50-105 and 50-106 during the session, or to RRS 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature, other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing, shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The Speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4--RESOLUTIONS

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.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1. Cannot appropriate funds by resolution. Const. Art. III, Sec. 25.

Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results. (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd number years and the 50th legislative day in even number years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the highest prioritized interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the Legislative Research Division, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Nine copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the Legislative Research Division, and copies of such studies will be indexed and filed with the Legislative Reference Library.

RRS 50-404.

Sec. 4. Enrollment and Review, Amended Resolutions. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. Vote Required for Adoption. 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.

RRS 85-404, 85-408.

Sec. 6. Resolutions, Lay Over Requirement. Resolutions shall lay over for consideration at least one legislative day after introduction.

Sec. 7. Engrossed Resolutions. Only those resolutions specified in Sections 2 and 3 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

Sec. 10. Committee Statement. A committee, when reporting out a resolution, shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

RULE 5--BILLS--GENERAL PROVISIONS

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill _____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution.

(d) Appropriations bills and "A" bills shall contain the following elements:

(1) the phrase "there is hereby appropriated";

(2) a specific fund type shall be identified and the fund shall be appropriated;

(3) the amount to be appropriated from such fund shall be identified;

(4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and

(5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the

senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as cointroducer of a bill but only if the principal introducer has concurred, in writing, to that request.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;

2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The fiscal note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's budget message. Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all of the members elected to the Legislature vote not to read the bill and all amendments at large.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Sec. 11. Withdrawal of Bills. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his or her cointroducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Section 13.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

Sec. 14. Public Retirement Plans and Actuarial Studies. (a) Commencing with the 1997 legislative session, any bill proposing a structural change which impacts the benefits or funding status provided under a public retirement plan, or any bill proposing the creation of a new public retirement plan, shall be introduced only during the first ten days of a 90 day session.

(b) No bill for which an actuarial study is necessary to determine the cost of such proposed changes shall be enacted until an actuarial study has been conducted and the results reported to the Legislature.

(c) (i) The Nebraska Retirement Systems Committee may introduce amendments to an appropriations bill to fund actuarial studies for only those retirement systems which are or would be administered by the state. If such amendments are enacted, the results of the actuarial studies shall be reported to the Legislature by November 15 of that calendar year.

(ii) Actuarial studies required for changes to other public systems under the jurisdiction of the Nebraska Retirement Systems Committee but not administered by the state shall not be funded by the state.

RULE 6--BILLS--STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then be considered. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Section 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is

carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event, such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or any motion to amend an amendment shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members, unless proposed as part of a committee amendment.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

MEM--Majority of Elected Members;
MTV--Majority of Those Voting.

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	**MTV**	**5-11**
On consideration of bill on General File		
Move to pass over	**MTV**	**6-3d**

Move to change order	**3/5**	**1-16**
Move to indefinitely postpone before bill is read	**MEM**	**6-3f**
Move to indefinitely postpone after bill is read	**MTV**	
Move to advance to E & R for review	**MEM**	**6-4**
Move to return to committee	**MEM**	
Move to reconsider		
(within one legislative day thereafter)	**MEM**	**7-7a**
(if after one legislative day, by suspension of the rules only)	**3/5**	**7-7a**
Move to amend	**MEM**	**6-3h**
Move to amend the amendment	**MEM**	**6-3h**
Move to withdraw bill by first introducer	**MTV**	**5-11**
If returned from Select File		
Motion to amend	**MEM**	**6-5e**
Motion to advance	**MEM**	**6-4**
Defeated bill, motion to reconsider	**MEM**	**7-7**

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to postpone indefinitely.

(e) Motions made pursuant to subsections b, c, and d hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(f) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(g) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(h) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for engrossing if machine vote requested	**MEM**	**2-1**
Motion to act on E & R amendment	**MTV**	**6-5a**
Motion to amend	**MEM**	**6-5b**
Motion to recommit to a standing committee	**MEM**	**6-5c**
Motion to indefinitely postpone	**MEM**	**6-5d**
On bill returned from E & R for engrossing & Final Reading		
Motion to return for specific amendment	**MEM**	**6-6**
Motion to adopt specific amendment	**MEM**	**6-6**

Sec. 6. Return to Select File. (a) On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority vote of the elected members, except an amendment which is substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

(b) A point of order to determine the germaneness of a specific amendment may be considered during a motion to return a bill to Select File for specific amendment.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) One legislative day after its reference to Final Reading.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. (a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate on the published agenda which bills will be considered for a vote without an at large reading. This vote shall be taken on each bill individually without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be taken with voting being held open for three minutes. If the motion on any bill fails to receive the support of three-fifths of the elected members of the Legislature, then such bill and all amendments thereto will be read at large prior to the vote being taken.

(b) At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(1) To recommit the bill to Enrollment and Review to correct an error and for reengrossment.

(2) To recommit the bill to the proper standing committee, with or without instructions.

(3) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(4) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Section 3h.
No one to be seated beside member during Final Reading. Rule 2, Section 3e.

The following votes shall be required to adopt the following motions affecting bills on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	**MEM**	**6-8**
To return to E & R to correct an error	**MEM**	**6-8**
To return to Select File for specific amendment	**MEM**	**6-6**
To pass on Final Reading	**MEM**	**6-9**
With emergency clause attached	**2/3**	**6-10**
Creation of state office	**2/3**	
Const. Art. IV, Sec. 27		
Motion to reconsider (when failed on Final Reading)	**3/5**	**7-7**
Override Governor's veto	**3/5**	**6-11**
"A" bills considered		**5-6**

Sec. 9. Question on Final Reading. The question after the Final Reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' " If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Required. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto, Further Legislative Action. (a) Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. The Legislature shall decide upon the motion no later than five legislative days, in the same annual session, after receipt of the message from the Governor announcing his or her veto of the bill, whereupon the question shall be, "Shall the bill pass notwithstanding the objections of the Governor?" No bill vetoed by the Governor shall be taken up by the Legislature for any purpose other than

passage of the bill notwithstanding the objections of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

(b) On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk shall transmit to the Secretary of State all vetoed bills and line-item vetoed bills wherein no motion to override has been offered, or upon which a motion to override has been unsuccessful.

Sec. 12. Bills, Passed Over Governor's Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line-item veto, on any bill as provided for in Article IV, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overridden by section, page, and line.

In addition to such certificate, the Clerk of the Legislature shall note on each line, when the Legislature votes to override, a stamp reading "line-item veto overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

(b) If such motion fails or is not offered, the Chairperson of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line-item veto.

Sec. 15. Constitutional Amendments, Votes Required. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?"

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

Const. Art. III, Sec. 10.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Section 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.' "

(b) If a machine vote is called for or if the presiding officer is in doubt, he or she shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the house while the house is under call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes. All roll call votes of the comprised membership shall be taken in alphabetical order starting with the first name that begins with the letter "A" or the letter closest to "A," except that any member may request a roll call vote in reverse alphabetical order unless the introducer of the motion under consideration objects. A roll call in reverse alphabetical order shall start with the member's name that begins with "Z" or the letter closest to "Z."

(e) Only senators physically in the legislative chamber may vote.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To recess
b. To adjourn
c. For cloture
d. To reconsider
e. For the previous question
f. To postpone to a time certain
g. To recommit to a committee
h. To amend
i. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged except as provided for in Rule 1, Section 17. Motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to place on General File pursuant to Rule 3, Section 19(b).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a

natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

(g) At any stage of debate, the Speaker, primary introducer of a bill or resolution, and the chairperson of the committee to which the bill or resolution has been referenced, may jointly move that the bill or resolution be designated for structured debate. Approval of a structured debate designation shall require a two-thirds majority vote of the elected members of the Legislature and is not debatable. For each measure given such status, the Speaker, after consultation with the primary introducer, chairperson, and all senators who notify the Speaker of an interest, shall determine the scheduling of the bill or resolution, and the order of amendments and motions to be considered, and the time after which cloture may be invoked on the bill or resolution. The motion to designate a bill or resolution for structured debate shall take priority over every motion or amendment pending on such measure. The designation for structured debate shall apply during the stage of debate at which the motion is made; another motion for structured debate may be offered at subsequent stages of debate. The decision on how to structure debate shall be treated as a ruling of the Chair.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and

until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

Sec. 5. Call of the House. (a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. The President may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote would be insufficient to change a result of the vote.

(b) When a member is recognized to close on a motion and requests a call of the house, the time spent waiting for the members to record their presence shall be counted against the member's closing time.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Section 14.
Voice vote while house under call. Rule 7, Section 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to recess, to adjourn, or for cloture.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override of a line-item veto, then a three-fifths vote shall be required for adoption.

iv Where such motion be to reconsider the vote on a motion to suspend the rules, then a three-fifths vote shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance

two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motions to Adjourn or Recess. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn or recess has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions. Successive motions to adjourn or recess are never in order for dilatory purposes.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is

successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

An unsuccessful motion for cloture shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred.

Rule 7, Section 3(g) shall also apply if a motion for cloture is made pursuant to Rule 7, Section 3, prior to eight hours of debate or twelve hours of debate for an appropriations bill.

Sec. 11. Motions and Amendments for Dilatory Purposes. Motions and amendments shall not be filed for dilatory purposes. If more than two amendments and/or motions are offered to a bill or resolution, the principal introducer of the bill or resolution may raise a point of order stating that he or she believes the amendments and/or motions are being used for dilatory purposes. If, in the opinion of the Speaker, the motions and/or amendments are not dilatory, debate on the pending measure shall continue. If the Speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the Speaker shall consult with the principal introducer of the original bill or resolution and the principal introducers of the amendment and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. For that purpose, the Speaker may temporarily remove the entire bill or resolution from the agenda. After consultation, the Speaker shall forthwith decide which, if any, amendments and/or motions are dilatory and shall rule such amendments and/or motions out of order. A motion to overrule the chair on any decision made pursuant to this section is not in order except that a ruling of the chair may be challenged by an introducer of amendments and/or motions ruled to be dilatory in which instance the challenge shall be to all amendments and/or motions included in the Speaker's ruling. The consultation and the Speaker's ruling subsequent to consultation provided for in this section, shall in no case result in a bill or resolution being removed from the agenda for more than the current legislative day. Any amendment and/or motion ruled out of order by the Speaker shall not in any form, version, or substance be in order if again offered by any member at the same stage of debate. A motion to overrule the chair after a ruling is out of order.

RULE 8--APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations.

(b) Standing committee amendments, if any, must be filed by the sixth legislative day following the placement of appropriations bills on General File. Standing committee amendments shall be printed in the Journal and shall be considered by the Legislature no sooner than the eighth legislative day following the placement of the appropriations bills on General File. Standing committee amendments shall be considered by the Legislature after Appropriations Committee amendments but before all other

amendments. Standing committee amendments shall be considered in the order of filing.

(c) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

RULE 9--SPECIAL SESSIONS

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. This rule recognizes the necessity of the Legislature to address the business for which it is called together in an expeditious and fair fashion and provides that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills shall be introduced only during the first three days of the session. Resolutions which are not considered and adopted in the same manner as bills may be introduced at any time during the session.

Sec. 3. Resolution Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Sec. 4. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, or pronouncement of a gubernatorial appointment, the Reference Committee shall review each bill, resolution, and gubernatorial appointment and refer the matter to the appropriate standing committee. The committee to which the bill, resolution, or gubernatorial appointment is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill, resolution, or gubernatorial appointment has been referred to the committee.

Sec. 5. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of twenty-four hours from the time final action was taken, the chairperson

has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 6. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 7. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 8. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 9. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

RULE 10--ELECTION CONTESTS AND QUALIFICATIONS CHALLENGES

Section 1. Election Contests and Qualifications Challenges. (a) An election contest shall place in issue only the validity of the results of an election of a member to the Unicameral Legislature. An election contest shall only determine which candidate was properly elected to the Legislature and shall be seated.

(b) A qualifications challenge shall place in issue only the qualifications of a person elected as a member of the Legislature under the Constitution. A qualifications challenge shall only determine whether a person elected to the Legislature is qualified to hold or retain the seat.

(c) Election contests and qualifications challenges shall be brought and conducted as provided in these rules.

(d) Each election contest and qualifications challenge filed with the Clerk shall be referred by the Clerk to the Reference Committee, who in turn shall refer the matter to a specially created committee to consider such contest or challenge. The committee shall consist of an odd number of members, shall have a minimum of five members and shall consist of members appointed by the Executive Board. The chairperson of such committee shall be appointed by the Executive Board.

(e) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules must be consistent with these rules, must be filed with the Clerk within twenty-four hours of adoption, and must be made available to all parties and to the public.

Sec. 2. Initiating Election Contests. (a) Election contests may be brought only by an unsuccessful candidate.

(b) Election contests may be brought only by the procedures and within the time limits established by the Nebraska statutes. Notice of intention to contest shall be served on the person certified as elected to the Legislature from the representative district within the time limits established by law.

(c) Within forty days following the general election contested, each contestant shall file with the Clerk of the Legislature a petition of election contest and shall serve such petition on the purported winner. A petition of election contest shall allege the contestant's qualifications to bring the contest and to serve as a member of the Legislature, that he/she alleges that a mistake, violation of election laws, or fraud was committed in specified precincts in the counting, return or canvass of the votes or that some other specified irregularity occurred in the conduct of the election in specified precincts. A petition of election contest shall contain a prayer specifying the relief requested and the precincts in which a recount or

other inquiry is desired. A petition of election contest shall be verified by affidavit swearing to the belief that the allegations are true, and shall be accompanied by proof of service on all respondents.

(d) A petition of contest may not be amended to cure a defect under the statutory requirements. A petition of election contest, if filed and served subsequent to the notice of intention to contest, may not raise points not expressed in the notice.

Sec. 3. Initiating Qualifications Challenges. (a) Qualifications challenges may be brought only by an unsuccessful candidate.

(b) Qualifications challenges must be brought within forty days following the general election contested.

(c) A qualifications challenge shall be brought by filing a petition of qualifications challenge with the Clerk, and by serving a copy of the petition on the purported winner. The petition must be accompanied by proof of personal service upon the respondent member and must be verified by affidavit swearing to the truth of the allegations or based upon information and belief. A petition of qualifications challenge shall set forth the grounds on which the respondent member is alleged to be constitutionally unqualified, the qualifications of the petitioner to bring the challenge, and a prayer for relief.

Sec. 4. Contests and Challenges - Due Process. (a) Election contests and qualifications challenges shall be heard and determined as expeditiously as possible under adversary procedures wherein each party to the proceedings has a reasonable opportunity to present his claim, any defense and arguments, and to respond to those of his opponents. All parties may be represented by counsel.

(b) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

(c) The committee shall give notice of all rules, timetables or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt, or by certified mail (return receipt requested) addressed to the party at his or her place of residence and to his or her attorney of record at his or her office if so requested by the party.

Sec. 5. Committee Proceedings and Powers in Contests and Challenges. (a) All proceedings of the committee concerning election contests and qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(b) The committee may dismiss an election contest or qualifications challenge, or may determine to proceed to a recount or other inquiry. The committee may limit the issues to be determined in a contest or challenge, except that where a recount is conducted in an election contest, any precinct timely requested by any party to be recounted shall be recounted by the committee.

(c) In conducting inquiries, investigations and recounts in election contests and qualifications challenges, the committee shall have the power to compel the attendance of witnesses and the production of books, papers, ballots, documents and records, by subpoena signed by the chairperson of the committee as provided by Rule 3, Section 20. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 20.

(d) The committee may allow any person authorized to take depositions of any necessary witnesses, as may be permitted by law. In recounting the ballots in any election contest, however, no person other than a member of the committee or officer of the Legislature shall handle any ballots, tally sheets, or other election materials without the consent of the committee. The responsibility for the actual recounting of ballots may not be delegated.

(e) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the Clerk's office.

(f) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff and other personnel as deemed necessary.

Sec. 6. Adoption of Reports in Contests and Challenges. (a) All final decisions of the committee regarding an election contest or qualification challenge shall be reported in writing to the Legislature, and approved by a majority of the members of the committee. Reports shall include a

specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge." The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and re-refer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are non-amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

(e) Each party to a contest or challenge may file with the Clerk of the Legislature within 15 days of the filing of the final report a detailed statement of attorney's fees and expenses incurred by said party in connection with the case. The committee shall make recommendations to the Legislature concerning reimbursement of attorney's fees and the expenses of the parties. Such recommendation shall not exceed a sum that is reasonable, just and proper.

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

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.

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 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

STATE OF NEBRASKA)
) ss.
County of Lancaster)

"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

of Kate Witek, resigned. The term beginning January 5, 1999, shall continue until January 3, 2001, or such time as he 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 Fifth day of January in the year of our Lord, one thousand nine hundred and ninety-nine.

(SEAL) Scott Moore, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
County of Lancaster)

"I, Mark Quandahl, 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 31 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) Mark Quandahl

Subscribed in my presence and sworn to before me this 5th day of January, 1999.

(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.

MOTION - Committee on Credentials

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 - Escort Chief Justice

Mr. Jones 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 members of the Legislature.

The motion prevailed.

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

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

Do you and each of you solemnly swear (or affirm) that you will support the Constitution of the United States, and the Constitution of the State of Nebraska, and that you will faithfully discharge the duties of member of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you 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 you may give or withhold on any bill, resolution, or appropriation)."*

Thomas C. Baker
Chris Beutler
Patrick J. Bourne
Kermit Brashear
Pam Brown
Dennis M. Byars
Matt Connealy
George Coordsen
Jim D. Cudaback
Merton L. Dierks
Jim Jensen
Bob Kremer
David M. Landis
Don Pederson
Marian L. Price
Ronald E. Raikes
Pam Redfield
Jennie Robak
Stan Schellpeper
Ed Schrock
Adrian Smith
Elaine Stuhr
Deborah S. Suttle
Nancy Thompson
Roger R. Wehrbein

The Committee escorted the Chief Justice from the Chamber.

MOTION - Adopt Temporary Rules

Mr. Matzke moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 6, 1999.

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	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Lynne Haas
Chaplain Coordinator	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	Douglas A. Kristensen
Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Lynne Haas
Chaplain Coordinator	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	16
	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	17
	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	23
	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	27
	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	13
	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	20
	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	25
	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	19
	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	11
	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	21
	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	28
	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	28
	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

printed on recycled paper

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 Paskevic, 2803 So. 105th Avenue, Omaha, NE 68124
Fred Hlava, Gordon, NE 69343

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) 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.

Sincerely,
(Signed) 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.

Sincerely,
(Signed) 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. Merill 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	Jones
Bromm	Preister
Bruning	Stuhr
Hudkins	

Nebraska Retirement Systems - Stuhr (C)

Bourne	Peterson, C.
Bruning	Wickersham
Crosby	

Revenue - Wickersham (C)

Coordsen	Raikes
Hartnett	Redfield
Landis	Schellpeper
Peterson, C.	

Transportation - Bromm (C)

Baker	Pedersen, Dw.
Hudkins	Peterson, C.
Janssen	Thompson
Jones	

Urban Affairs - Hartnett (C)

Connealy	Schimek
Preister	Schrock
Redfield	Smith

Enrollment and Review - Smith (C)

Intergovernmental Cooperation - Raikes (C)

Kremer	Tyson
Lynch	Speaker Kristensen (ex officio)
Pedersen, Dw.	Lt. Gov. Maurstad (ex officio)

Rules - Hudkins (C)

Beutler	Brown
Bromm	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

printed on recycled paper

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
Cudaback
Hilgert
Robak
Schellpeper
Schrock
Vrtiska

Appropriations - Wehrbein (C)

Beutler
Brown
Crosby
Engel
Kiel
Lynch
Matzke
Pederson, D.

Banking, Commerce and Insurance - Landis (C)

Bourne
Bruning
Byars
Jensen
Kremer
Schmitt
Tyson

Business and Labor - Vrtiska (C)

Chambers
Dierks
Hilgert
Preister
Redfield
Schimek

Education - Bohlke (C)

Brashear
Coordsen
Price
Raikes
Stuhr
Suttle
Wickersham

General Affairs - Schellpeper (C)

Connealy
Cudaback
Hartnett
Quandahl
Robak
Schrock
Smith

Government, Military and Veterans Affairs - Schimek (C)

Cudaback
Janssen
Kremer
Quandahl
Schmitt
Smith
Vrtiska

Health and Human Services - Jensen (C)

Byars
Dierks
Price
Suttle
Thompson
Tyson

Judiciary - Brashear (C)

Baker
Bourne
Chambers
Connealy
Hilgert
Pedersen, Dw.
Robak

Natural Resources - Schrock (C)

Bohlke	Jones
Bromm	Preister
Bruning	Stuhr
Hudkins	

Nebraska Retirement Systems - Stuhr (C)

Bourne	Peterson, C.
Bruning	Wickersham
Crosby	

Revenue - Wickersham (C)

Coordsen	Raikes
Hartnett	Redfield
Landis	Schellpeper
Peterson, C.	

Transportation - Bromm (C)

Baker	Pedersen, Dw.
Hudkins	Peterson, C.
Janssen	Thompson
Jones	

Urban Affairs - Hartnett (C)

Connealy	Redfield
Preister	Schimek
Quandahl	Smith

Enrollment and Review - Smith (C)

Intergovernmental Cooperation - Raikes (C)

Kremer	Tyson
Lynch	Speaker Kristensen (ex officio)
Pedersen, Dw.	Lt. Gov. Maurstad (ex officio)

Rules - Hudkins (C)

Beutler	Brown
Bromm	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.

Sincerely,
(Signed) 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 1CA. 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 66-490 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

printed on recycled paper

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.
Bredenkamp, 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 Incorporate

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 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 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

printed on recycled paper

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, demutualizaton 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 empaneling 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~~ persists 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; Bohlke, 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

printed on recycled paper

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
195	Education
196	General Affairs
197	Judiciary
198	Agriculture
199	Health and Human Services
200	Judiciary

201	Judiciary
202	Banking, Commerce and Insurance
203	Judiciary
204	Judiciary
205	Judiciary
206	Government, Military and Veterans Affairs
207	Transportation
208	Government, Military and Veterans Affairs
209	Health and Human Services
210	Judiciary
211	Health and Human Services
212	Government, Military and Veterans Affairs
213	Agriculture
214	Revenue
215	Business and Labor
216	Business and Labor
217	Banking, Commerce and Insurance
218	Judiciary
219	Judiciary
220	Health and Human Services
221	Revenue
223	Judiciary
224	Judiciary
225	Judiciary
226	Health and Human Services
227	Government, Military and Veterans Affairs
228	Judiciary
229	Transportation
230	Government, Military and Veterans Affairs
231	Revenue
232	Revenue
233	Government, Military and Veterans Affairs
234	Government, Military and Veterans Affairs
235	Transportation
236	Natural Resources
237	Natural Resources
238	Government, Military and Veterans Affairs
239	Appropriations
240	Health and Human Services
241	Health and Human Services
242	Health and Human Services
243	Government, Military and Veterans Affairs
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; Jones, 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

printed on recycled paper

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 293	Thursday, January 21, 1999	1:30 p.m.

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

printed on recycled paper

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 it 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~~ 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 irrepealable 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

printed on recycled paper

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	Tuesday, January 26, 1999	1:30 p.m.
LB 359	Tuesday, January 26, 1999	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 ~~, 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 irrepealable 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

printed on recycled paper

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. On page 37, line 8, after "estimate" insert "of the necessary funding level for the next school fiscal year under the 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, 79-4,108, 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, 79-10,110, 79-10,124, 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, 79-11,109, 79-11,110, 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, 79-11,112, 79-11,116, 79-11,117, 79-11,118, 79-11,120, and 90-118, Reissue Revised Statutes of Nebraska, and sections 79-1134, 79-1198, 79-11,111, 79-11,113, 79-11,114, 79-11,115, and 79-11,119, 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

printed on recycled paper

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. Strike original section 1 and insert the following new section:

"Section 1. Section 17-207, Reissue Revised Statutes of Nebraska, is amended to read:

17-207. The board of trustees shall have power to pass ordinances to prevent and remove nuisances; ~~to prevent, restrain, and suppress bawdy houses, gambling houses, and other disorderly houses; to license, regulate, or prohibit billiard halls, pool halls, or bowling alleys within the limits of such village;~~ to restrain and prohibit gambling; to provide for licensing and regulating theatrical and other amusements within such village; ~~to establish night watches; to provide pest houses;~~ to prevent the introduction and spread of contagious diseases; to establish and regulate markets; to erect and repair bridges; to erect, repair, and regulate wharves and the rates of wharfage; to regulate the landing of ~~steamboats, rafts, and other~~ watercraft; to provide for the inspection of ~~lumber,~~ building materials~~; and provisions~~ to be used or offered for sale in such village; to govern ; ~~or to be exported therefrom; to require and regulate~~ the planting and protection of shade trees in the streets, the building of ~~stairways, railways, doorways, awnings, hitching posts and rails, lampposts, awning posts, and all other~~ structures projecting upon or over and adjoining, and all excavations through and under, the sidewalks of such village; and in addition to the special powers herein conferred and granted, to maintain the peace, good

government, and welfare of the town or village; and its trade, commerce, and manufactories, and to enforce all ordinances by inflicting penalties upon inhabitants or other persons, for the violation thereof, not exceeding ~~one~~ five hundred dollars for any one offense, recoverable with costs, together with judgment of imprisonment until the amount of the judgment and costs shall be paid. Nothing in this section shall be construed to apply to bingo, lotteries, lotteries by the sale of pickle cards, or raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the 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

printed on recycled paper

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. 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. On page 7, line 2, after "except" insert "that".
2. On page 8, line 1, strike "with", show as stricken, and insert "within"; in line 19, strike "retirement" and show as 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. Strike section 1 and insert the following new section:

"Section 1. Section 79-1022, Revised Statutes Supplement, 1998, is amended to read:

79-1022. (1) On or before December 1 of each year, the department shall determine the amounts to be distributed to each local system and each district pursuant to the Tax Equity and Educational Opportunities Support Act based on estimated funding levels provided by the Legislative Fiscal Analyst and shall certify the amounts to the Director of Administrative Services, the Auditor of Public Accounts, and each district. The Legislative Fiscal Analyst shall provide such estimated funding level not later than November 1 of each year. The amount to be distributed to each district from the amount certified for a local system shall be proportional based on the weighted formula students attributed to each district in the local system.

(2) Except as provided in subsection (7) of section 79-1016, the amounts certified pursuant to subsection (1) of this section shall be distributed in ten as nearly as possible equal payments on the last business day of each month beginning in September of each ensuing school fiscal year and ending in June of the following year, except when a school district is to receive a monthly payment of less than one thousand dollars, in which case

the payment shall be one lump-sum payment on or before the last business day of December of the ensuing school fiscal year. Such certified state aid amounts shall be shown as budgeted non-property-tax receipts and deducted prior to calculating the property tax request in the district's general fund budget statement as provided to the Auditor of Public Accounts pursuant to 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. Strike original sections 3 to 5 and insert the following new sections:

"Sec. 3. Section 60-315.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-315.01. The owner of a vehicle bearing personalized message license plates may make application to the county treasurer or designated county official as provided in section 60-302 to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. Application for such transfer shall be accompanied by a fee of three dollars. The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 4. This act becomes operative January 1, 2000.

Sec. 5. Original sections 60-311.22, 60-311.23, and 60-315.01, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 3, line 17, after "plate" insert "for a farm truck with a gross weight of over sixteen tons or".

3. On page 4, line 22, after the period insert "Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash 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.

(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.

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 State Fire Marshal:

APPOINTEE:
Ken Winters, 15420 Copper Corral Dr., Plattsmouth, NE 68048

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 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.

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 Natural Resources Commission:

APPOINTEE:
Dayle E. Williamson, 5315 Thies Dr., 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 Finance & Support-HHSS:

APPOINTEE:
Jeffrey J. Elliott, 6524 Rockwood Lane, 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 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.

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

to the Nebraska Highway Commission:

APPOINTEE:
Doug Leafgreen, 1625 Aspen St., Gering, NE 69341

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 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.

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 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.

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 Regulation & Licensure-HHSS:

APPOINTEE:
Richard P. Nelson, 1519 Circle Dr., 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 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.

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 reappointed Director of Corrections:

APPOINTEE:
Harold W. Clarke, 2510 Norman Cr., Lincoln, NE 68512

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 Motor Vehicles:

APPOINTEE:
Edward D. Wimes, 2719 A, Lincoln, NE 68502

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 reappointed Director of Veterans Affairs:

APPOINTEE:
Keith E. Fickenscher, 5400 Carlisle Ct., 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 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.

Sincerely,
(Signed) 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. Strike original section 5 and insert the following new section:

"Sec. 8. The following section is outright repealed: Section 66-740, Reissue Revised Statutes of Nebraska.".

2. On page 8, line 18, strike "7" and insert "6"; and in line 23 strike ", 66-738, and 66-740" and insert "and 66-738".

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. Insert the following new section:
"Sec. 10. This act becomes operative on January 1, 2000.".
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. On page 2, line 27; and page 3, line 16, after "thereof" insert ". Any person who violates this section shall be guilty of a Class IV misdemeanor.".

2. On page 2, strike beginning with the comma in line 27 through line 28 and show as stricken.

3. On page 3, strike line 1 through the period in line 2 and show as stricken; and strike beginning with the comma in line 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

printed on recycled paper

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 Maurstad presiding.

PRAYER

The prayer was offered by Pastor Dayne Zachrison, 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. In the Standing Committee amendments, AM0015, on page 1, line 20, strike the comma, show as stricken, and insert "and".
2. On page 1, line 4, after the semicolon insert "to 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. On page 1, strike lines 2 through 5 and insert "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".

(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. On page 2, line 19; page 3, line 14; page 4, line 21; page 6, lines 15 and 24; and page 10, line 10, strike "2004" and 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. Strike section 1 and insert the following new sections:

"Section 1. (1) The state purchasing card program is created. The State Treasurer and the Director of Administrative Services shall determine the type of purchasing card or cards utilized in the state purchasing card program. The State Treasurer and the Director of Administrative Services shall contract with one or more financial institutions; card-issuing banks, credit card, charge card, or debit card companies; or third-party merchant banks

capable of operating the state purchasing card program on behalf of the state and those political subdivisions that participate in the state contract for such services. Expenses associated with the state purchasing card program shall be considered, for purposes of this section, as an administrative expense.

(2) Any state official, state agency, or any political subdivision may utilize the state purchasing card program for the purchase of goods and services for and on behalf of the State of Nebraska.

(3) Vendors accepting the state's purchasing card shall obtain authorization for all transactions. Authorization shall be from the financial institution; card-issuing bank, credit card, charge card, or debit card company; or third-party merchant bank contracted to provide such service to the State of Nebraska. The authorization process shall authorize each transaction in accordance with the instructions provided by the State of Nebraska for each state official, state agency, or any political subdivision.

Sec. 2. (1) A political subdivision may create its own purchasing card program and determine the type of purchasing card or cards utilized in its purchasing card program. The political subdivision may contract with one or more financial institutions, card-issuing banks, credit card, charge card, or debit card companies, or third-party merchant banks capable of operating its purchasing card program on behalf of the political subdivision. Expenses associated with the political subdivision's purchasing card program shall be considered, for purposes of this section, as an administrative expense.

(2) Any political subdivision may utilize its purchasing card program for the purchase of goods and services for and on behalf of the political subdivision.

(3) Vendors accepting the political subdivision's purchasing card shall obtain authorization for all transactions. Authorization shall be from the financial institution, card-issuing bank, credit card, charge card, or debit card company, or third-party merchant bank contracted to provide such service to the political subdivision. The authorization process shall authorize each transaction in accordance with the instructions provided by the political subdivision.".

LEGISLATIVE BILL 298. Placed on General File as amended.
Standing Committee amendment to LB 298:
AM0027

1. Strike original section 3 and insert the following new section:

"Sec. 3. (1) The Government, Military and Veterans Affairs Committee of the Legislature may randomly select and conduct an evaluation of any board, commission, or similar entity. An evaluation conducted by the Government, Military and Veterans

Affairs Committee shall include, but not be limited to, the following:

(a) A review of the basic assumptions underlying the creation of the board, commission, or entity;

(b) A statement of the impact and effectiveness of the programs, policies, services, or activities administered by, or under the supervision of, the board, commission, or entity; and

(c) A recommendation as to whether the board, commission, or entity should be terminated, continued, or modified.

(2) If the Government, Military and Veterans Affairs Committee believes that a more extensive program evaluation of a board, commission, or entity is necessary, the chairperson of the committee, on the committee's behalf, may request the Legislative Program Evaluation Committee to conduct a program evaluation pursuant to the Legislative Program Evaluation Act. Nothing in this section shall be construed to give requests for program evaluations under this act priority over other requests under consideration by the Legislative Program Evaluation Committee.".

2. On page 3, strike beginning with "The" in line 10 through line 11 and insert "A brief summary of the accomplishments of the board, commission, or entity for the past two years.".

3. On page 4, strike beginning with "use" in line 5 through the first "of" in line 6 and insert "request assistance 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 Zachrison 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

printed on recycled paper

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

LEGISLATIVE 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. Insert the following new section:

"Sec. 2. The Water Well Decommissioning Trust Fund is created. The Nebraska Natural Resources Commission shall adopt and promulgate rules and regulations that provide for the collection of a fee for each water well registered under section 46-602. The fee shall not exceed one hundred dollars per water well per year and shall not be imposed unless a water well has been in inactive status, as defined in section 46-1207.02, for two years or longer. The fee shall be in addition to the fees collected under sections 46-606 and 46-1224. The commission shall remit such fees to the State Treasurer for credit to the fund. The fund shall be used by the commission for the purpose of decommissioning water wells if the owner is financially unable to properly decommission the water 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.

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. On page 3, line 15, strike "three" and insert "seven".

(Signed) David M. Landis, Chairperson

Revenue

LEGISLATIVE BILL 287. Placed on General File as amended.
Standing Committee amendment to LB 287:
AM0051

1. On page 3, line 24, strike "educational service 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. On page 2, strike lines 8 and 9 and insert "joinder or substitution of the real party in interest. Joinder"; and in line 10 strike "joinder".

LEGISLATIVE BILL 72. Placed on General File as amended.
Standing Committee amendment to LB 72:
AM0034

1. Insert the following new section:
"Sec. 4. Since an emergency exists, this act takes 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. Insert the following new section:
"Sec. 4. This act becomes operative on January 1, 2000.".
2. On page 6, line 16, after "active" insert "and shall be processed according to the rules and regulations of the department".
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. On page 1, line 2 strike "and 60-311.23," and insert ", 60-311.23, and 60-315.01,"; in line 4 after the first semicolon 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

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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. Insert the following new section:

"Section 1. Old tanks means tanks installed prior to

January 1, 1990.".

2. On page 2, line 18; page 6, line 23; and page 10, line 9, after "release" insert "from old tanks".

3. On page 3, line 13; page 4, line 20; and page 6, line 15; after "releases" insert "from old tanks".

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. Insert the following new sections:

"Sec. 2. Section 44-211, Reissue Revised Statutes of Nebraska, is amended to read:

44-211. The business and affairs of an insurance corporation shall be managed by the incorporators until the first meeting of shareholders or members and then and thereafter by a board of directors elected by the shareholders or members and as otherwise provided by law. The board of directors shall consist of not less than five ~~nor more than twenty-one~~ persons, and one of them shall be a resident of the State of Nebraska. Commencing January 1, 1993, not less than one-fifth of the directors of an insurance company which is not subject to section 44-2135 shall be persons who are not officers or employees of such company. A person convicted of a felony may not be a director, and all directors shall be of good moral character and known professional, administrative, or business ability, such business ability to include a practical knowledge of insurance, finance, or investment. No person shall hold the office of director unless he or she is a policyholder if the company is a mutual company or assessment association. Unless otherwise provided in the articles of incorporation, the board of directors shall make all bylaws.

Sec. 4. Section 44-1992, Reissue Revised Statutes of Nebraska, is amended to read:

44-1992. (1) When a title insurance commitment includes an offer to issue an owner's title insurance policy covering the resale of owner-occupied residential property, the title insurance commitment shall be furnished to the purchaser-mortgagor or its representative as soon as reasonably possible prior to closing. If the title insurance commitment cannot be delivered prior to the day of closing, the title insurer shall document the reasons for the delay. The title insurance commitment furnished to the purchaser-mortgagor shall incorporate the following statement on the first page in bold type:

PLEASE READ THE EXCEPTIONS AND THE TERMS SHOWN OR REFERRED TO HEREIN CAREFULLY. THE EXCEPTIONS ARE MEANT TO PROVIDE YOU WITH NOTICE OF MATTERS WHICH ARE NOT COVERED UNDER THE TERMS OF THE TITLE INSURANCE POLICY AND SHOULD BE CAREFULLY CONSIDERED.

IT IS IMPORTANT TO NOTE THAT THIS FORM IS A GUARANTEE OF TITLE AND NOT A WRITTEN REPRESENTATION AS TO THE CONDITION OF TITLE AND MAY NOT LIST ALL LIENS, DEFECTS, AND ENCUMBRANCES AFFECTING TITLE TO THE LAND.

(2) A title insurer issuing a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the real estate securing the loan, when no owner's title insurance policy has been requested, shall give written notice, on a form prescribed or approved by the director, to the purchaser-mortgagor at the time the title insurance commitment is prepared. The notice shall explain that a lender's title insurance policy is to be issued protecting the mortgage lender and that the lender's title insurance policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased. The notice shall explain what a title insurance policy insures against and what possible exposures exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's title insurance policy. The notice shall also explain that the purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost if the proposed coverages or amount of title insurance is not then known. A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least five years after the effective date of the lender's title insurance policy.".

2. On page 30, line 1, after the first comma insert "44-211," and after the second comma insert "44-1992,".

3. Renumber the remaining sections and correct internal 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. In the Standing Committee amendment, AM0015, on page 2, line 6, after "costs" insert an underscored period and strike beginning with the second comma in line 6 through the period in line 8 and show as stricken.

2. On page 3, line 17, after "costs" insert an underscored period and strike beginning with the second comma in 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.

(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. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that a driver's safety training program can offer a person cited with a minor traffic violation an alternative to traditional criminal justice proceedings if the program permits participation by such person on a voluntary basis, occurs prior to adjudication, and results in the dismissal of the violation if the person successfully completes the driver's safety training program.

Sec. 2. For purposes of this act, minor traffic violation does not include leaving the scene of an accident, driving under the influence of alcohol or drugs, reckless or willful reckless driving, participating in a speed contest, fleeing to avoid arrest, refusing a breath or blood test, driving on a suspended or revoked operator's license, any injury accident, exceeding the speed limit by more than twenty miles per hour over the speed limit, driving a motor vehicle in violation of the Motor Vehicle Safety Responsibility Act, or driving a motor vehicle that is not registered.

Sec. 3. The county attorney of every county in this state shall establish a driver's safety training program pursuant to section 4 of this act.

Sec. 4. (1) A driver's safety training program shall be offered to any eligible person cited for a minor traffic violation before adjudication of the citation. Such person shall be eligible for a driver's safety training program only once every three years.

(2) The program shall be eight hours in length and shall be held at such times as to be reasonably convenient.

(3) The fee for the program shall be fifty dollars. If a person cited for a minor traffic violation registers for the program on or before the fifth business day after receipt of the citation, he or she shall not be required to pay court costs. If such person registers for the program after the fifth business day after receipt of the citation, he or she shall pay the court costs.

(4) A person attending a driver's safety training program shall bring with him or her the citation issued and his or her

valid operator's license. The person shall also provide his or her social security number.

(5) Upon successful completion of the driver's safety training program, the citation issued against the person shall be dismissed.".

Mr. Brashear filed the following amendment to LB 47:
AM0083

1. Insert the following new section:

"Sec. 2. Section 84-1411, Revised Statutes Supplement, 1998, is amended to read:

84-1411. (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty counties in this state, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, or governing body is present at each site of the videoconference or telephone conference; and

(e) No more than one-half of the state entity's, advisory committee's, or governing body's meetings in a calendar year are held by videoconference or telephone conference.

Videoconferencing or telephone conferencing shall not be used to circumvent any of the public government purposes established in sections 84-1408 to 84-1414.

(3) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(4) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (3) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(5) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

~~(6) It is the intent of the Legislature that on or before January 1, 1997, the Government, Military and Veterans Affairs Committee of the Legislature review the effects of subsections (2) and (5) of this section on openness of meetings, effectiveness of public access arrangements, costs and cost-savings, and any tendency observed to abuse or circumvent the open meeting provisions of sections 84-1408 to 84-1414. The committee shall develop and propose any corrective legislation it deems necessary.~~".

2. On page 2, line 21, after "year" insert "and the telephone conference shall conform to the requirements of subsection (2) of section 84-1411"; in line 22 strike "section 24-1204" and insert "sections 24-1204 and 84-1411"; and in line 23 strike "is" and insert "are".

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. On page 1, line 7, after the second semicolon insert "to provide an operative date;".

2. On page 3, lines 1 and 2, 5 and 6, and 13, strike 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. On page 2, line 12, strike "their" and insert "such 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. Insert the following new section:

"Section 1. Section 81-1559, Revised Statutes Supplement, 1998, is amended to read:

81-1559. (1) To aid in defraying the cost of administration of the Nebraska Litter Reduction and Recycling Act and the Waste Reduction and Recycling Incentive Fund, there shall be collected an annual litter fee equal to one hundred ~~seventy-five~~ dollars for each one million dollars of gross proceeds of products manufactured and the sales of which are consummated within this state, including byproducts, in the case of manufacturers and equal to one hundred ~~seventy-five~~ dollars for each one million dollars of the gross proceeds of the sales consummated within this state in the case of wholesalers. The litter fee provided by this section shall not be applied to gross proceeds of the sales of any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom if the person performs only the growing or raising function of such animal, bird, or insect. Such fee shall be collected and administered by the Department of Revenue. The fee imposed by this section shall be due on or before October 1 each year, based upon the gross proceeds for the immediately preceding July 1 to June 30 period. The collection and penalty provisions of the Nebraska Revenue Act of 1967 shall be applicable to the administration and collection of the fee imposed by this section.

(2) No manufacturer or wholesaler in the state shall produce or sell any product which falls within the categories enumerated in this section and section 81-1560 without having first

obtained a license issued in the same manner as permits issued pursuant to section 77-2705. If the applicant is an individual, the application for the license shall include the applicant's social security number. Failure to obtain such license shall be a Class IV misdemeanor. Except as provided in section 81-1560.03, any manufacturer or wholesaler who fails to pay the fee imposed pursuant to subsection (1) of this section may have such license revoked in the same manner as permits are revoked pursuant to section 77-2705.".

2. On page 2, line 4, after the comma insert "and section 81-1559, Revised Statutes Supplement, 1998,".

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. Insert the following new section:

"Sec. 9. Section 35-1206, Reissue Revised Statutes of Nebraska, is amended to read:

35-1206. (1) Rural and suburban fire protection districts or mutual finance organizations which qualify for assistance under section 35-1205 shall receive ten dollars times the assumed population of the fire protection district or mutual finance organization as calculated in subsection (3) of such section plus the population of any city of the first class that is part of the district or mutual finance organization, not to exceed three hundred thousand dollars for any one district or mutual finance organization. If the district or mutual finance organization is located in more than one county and meets the threshold for qualification in subsection (1) or (2) of section 35-1205 in one of such counties, the district or mutual finance organization shall receive assistance under this section for all of its assumed population, including that which is assumed population in counties for which the threshold is not reached by the district or mutual finance organization.

(2) If a mutual finance organization qualifies for

assistance under this section and one or more rural or suburban fire protection districts or cities or villages fail to levy a tax rate equal to the other districts or cities or villages as required under the mutual finance agreement, the mutual finance organization shall be disqualified for assistance in the following year and each subsequent year until the year following any year for which all districts and cities and villages in the mutual finance organization levy the same tax rate as required by a mutual finance organization agreement.".

2. On page 9, line 23, after "boundaries" insert "(a) an assumed population of thirty thousand or more or (b)".

3. On page 10, line 3, after "members" insert "(i) an assumed population of thirty thousand or more or (ii)".

4. On page 22, strike beginning with "There" in line 26 through line 28, show as stricken, and insert "Only one election may be held in any one calendar year pursuant to a petition initiated under this section.".

5. On page 28, line 4, after the third comma insert "35-1206,".

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. Strike the original sections and insert the following new sections:

"Section 1. Section 60-1901, Reissue Revised Statutes of Nebraska, is amended to read:

60-1901. (1) A motor vehicle ~~shall be deemed to be~~ is an abandoned vehicle: ~~if left unattended:~~

(a) If left unattended, with no license ~~(1) With no number~~ plates affixed thereto, for more than six hours on any public property;

(b) If left unattended for ~~(2) For~~ more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;

(c) If left unattended for ~~(3) For~~ more than forty-eight hours, after the parking of such vehicle ~~shall have~~ has become illegal, if left on a portion of ~~a~~ any public property on which parking is legally permitted; ~~or~~

(d) If left unattended for ~~(4) For~~ more than seven days on private property if left initially without permission of the owner, or after permission of the owner ~~shall be~~ is terminated; or

(e) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under section 4 of this act.

(2) For purposes of this section:

(a) Public ~~public~~ property ~~shall mean~~ means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and

(b) Private ~~private~~ property ~~shall mean~~ means any privately owned property which is not included within the definition of public property.

(3) No motor vehicle subject to forfeiture under section 28-431 shall be an abandoned vehicle under this section.

Sec. 2. Section 60-1902, Reissue Revised Statutes of Nebraska, is amended to read:

60-1902. If an abandoned vehicle, at the time of abandonment, has no ~~number~~ license plates of the current year affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of ~~one hundred~~ two hundred fifty dollars or less, title shall immediately vest in the local authority or state agency having jurisdiction thereof as provided in section 60-1904. Any certificate of title issued under this section to the local authority ~~as defined in section 60-1904~~ or state agency shall be issued at no cost to such authority or agency.

Sec. 3. Section 60-1903, Reissue Revised Statutes of Nebraska, is amended to read:

60-1903. (1) Except for vehicles governed by section 60-1902, the local authority or state agency having custody of an abandoned vehicle shall make an inquiry concerning the last-registered owner of such vehicle as follows:

(a) Abandoned vehicle with ~~number~~ license plates affixed, to the jurisdiction which issued such ~~number~~ license plates; or

(b) Abandoned vehicle with no ~~number~~ license plates affixed, to the Department of Motor Vehicles.

(2) ~~Such~~ The local authority or state agency shall notify the last-registered owner, if any, that the vehicle in question has been ~~recovered~~ ~~as~~ determined to be an abandoned vehicle and that, if unclaimed, either (a) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (b) title will vest in the local authority or state agency thirty days after the date such notice was mailed. If the agency described in ~~subsection (1)~~ subdivision (1)(a) or (b) of this section also notifies ~~such~~ the local authority or state agency that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(3) Title to ~~such~~ an abandoned ~~vehicles~~ vehicle, if unclaimed, shall vest in ~~such~~ the local authority or state agency (a) five days ~~from~~ after the date ~~such~~ the notice is mailed if the vehicle will be sold or offered at public auction under subdivision

(2)(a) of this section, (b) thirty days after the date the notice is mailed if the local authority or state agency will retain the vehicle, or (c) if the last-registered owner cannot be ascertained, when notice of such fact is received.

(4) After title to the abandoned vehicle vests pursuant to subsection (3) of this section, the local authority or state agency may retain for use, sell, or auction the abandoned vehicle. If the local authority or state agency has determined that the vehicle should be retained for use, the local authority or state agency shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the local authority or state agency intends to retain the abandoned vehicle for its use and that title will vest in the local authority or state agency thirty days after the publication.

Sec. 4. A state or local law enforcement agency which has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody shall send a certified letter to the last-registered owner stating that the vehicle is in the custody of the law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after thirty days the agency will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under section 28-431.

Sec. 5. Section 60-1904, Reissue Revised Statutes of Nebraska, is amended to read:

60-1904. ~~For the purposes of this section, the~~ If a state agency caused an abandoned vehicle described in subdivision (1)(e) of section 60-1901 to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in subdivision (1)(a), (b), (c), or (d) of section 60-1901 to be removed from public property, the state agency shall deliver the vehicle to the local authority which shall have custody. The local authority entitled to custody of an abandoned vehicle shall be the county in which the vehicle was abandoned~~,~~ or, if abandoned in a city or village, the city or village in which the vehicle was abandoned.

Sec. 6. Section 60-1905, Reissue Revised Statutes of Nebraska, is amended to read:

60-1905. Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the local authority or state agency shall be held by the local authority or state agency without interest, for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, ~~such~~ the proceeds shall be paid into the general fund of ~~such~~ the local authority entitled to custody under section 60-1904 or the state General Fund if a state agency is entitled to custody under section 60-1904.

Sec. 7. Section 60-1906, Reissue Revised Statutes of

Nebraska, is amended to read:

60-1906. Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle ~~shall be~~ is removed, nor the state, ~~any~~ city, ~~or~~ village, or ~~any~~ county, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the state, ~~such county or~~ city, ~~or~~ village, or county or its contractual agent; or as a result of any subsequent disposition.

Sec. 8. Section 60-1907, Reissue Revised Statutes of Nebraska, is amended to read:

60-1907. No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (1)(a), (b), (c), or (d) of section 60-1901.

Sec. 9. Section 60-1908, Reissue Revised Statutes of Nebraska, is amended to read:

60-1908. No person other than one authorized by the appropriate local authority or state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without ~~number~~ license plates affixed or which is abandoned. Anyone violating ~~the provisions of~~ this section shall be guilty of a Class V misdemeanor.

Sec. 10. Section 60-1909, Reissue Revised Statutes of Nebraska, is amended to read:

60-1909. The last-registered owner of an abandoned vehicle shall be liable to the local authority or state agency for the costs of removal and storage of such vehicle.

Sec. 11. Section 60-1910, Reissue Revised Statutes of Nebraska, is amended to read:

60-1910. The Director of Motor Vehicles shall ~~prescribe by regulation~~ adopt and promulgate rules and regulations providing for such forms and procedures as are necessary or desirable to effectuate the provisions of sections 60-1901 to 60-1911 and section 4 of this act. Such rules and regulations may include procedures for the removal and disposition of vehicle identification numbers of abandoned vehicles, ~~and~~ forms for local records for abandoned vehicles, and inquiries relating to ownership of such vehicles.

Sec. 12. Section 60-1911, Reissue Revised Statutes of Nebraska, is amended to read:

60-1911. ~~Any~~ Except as provided in section 60-1908, any person violating the provisions of sections 60-1901 to 60-1911 and section 4 of this act shall be guilty of a Class II misdemeanor.

Sec. 13. Original sections 60-1901 to 60-1911, Reissue 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

printed on recycled paper

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. Insert the following new section:

"Section 1. Section 14-512, Reissue Revised Statutes of Nebraska, is amended to read:

14-512. The council shall provide and maintain a sinking fund for the payment of the general bonds of the city and the

interest thereon. Such sinking fund shall be maintained from the following sources of revenue: (1) Amounts raised by taxation for that purpose; (2) ~~interest received from deposit of funds;~~ ~~(3)~~ balances transferred at the end of each fiscal year from the several funds provided for in sections 14-501 and 14-502; and ~~(4)~~ (3) such other amounts and sums as may be transferred thereto by the council. Money and credits in the sinking fund shall be held inviolate, shall not be transferred to any other fund, and shall be used for the purpose of paying (a) the interest on the general bonds of the city, (b) maturing bonds of the city, and (c) bonds of the city which may be paid before maturity. The money and credits thereof when not used or needed for the purposes specified in this section may temporarily be invested in registered general warrants of the city or of the school district situated within the city under such conditions as will enable the same to be obtained and available at any time desired for the purposes specified in this section.".

2. On page 2, line 19, strike "section" and insert "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. Strike the original sections and insert the following new sections:

"Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is amended to read:

79-254. Sections 79-254 to 79-294 and section 2 of this

act shall be known and may be cited as the Student Discipline Act.

Sec. 2. If a student has been expelled from a public school in any school district in any state or from a private, denominational, or parochial school in any state and the student has not completed the terms of the expulsion, the student shall not be permitted to enroll in a public school in any school district until the school board of the district in which enrollment is sought approves, by a majority vote, the enrollment of the student. As a condition of enrollment, the school board may require attendance in an alternative school, class, or educational program pursuant to section 79-266 until the terms of the expulsion are completed. A student expelled from a private, denominational, or parochial school may not be prohibited from enrolling in a public school district in which the student resides or in which the student has been accepted pursuant to the enrollment option program for any period of time beyond the time limits placed on expulsion pursuant to the Student Discipline Act or for any expulsion for an offense for which expulsion is not authorized for a public school student under the act.

Sec. 3. Original section 79-254, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 268. Placed on General File as amended.
Standing Committee amendment to LB 268:
AM0047

1. Insert the following new section:

"Section 1. Section 79-217, Reissue Revised Statutes of Nebraska, is amended to read:

79-217. Except as provided in sections 79-221, ~~and~~ 79-222, and 79-1601, the school board ~~or board of education~~ of each school district and the governing authority of each private, denominational, or parochial school in this state shall require each student to be protected against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, and tetanus by immunization prior to enrollment. Any student who does not comply with this section shall not be permitted to continue in school until he or she so complies, except as provided by section 79-222 or 79-1601. Each school district shall make diligent efforts to inform families prior to the date of school registration of the immunization requirements of this section.

Except as provided in the Childhood Vaccine Act, the cost of such immunization shall be borne by the parent or guardian of each student who is immunized or by the Department of Health and Human Services for those students whose parent or guardian is financially unable to meet such cost.".

2. On page 4, line 22, strike "section 79-217" and insert "sections 79-217 to 79-223"; and in line 26 after "requirements" insert ". Each such school shall not be required to comply with the immunization requirements in sections 79-217 to

79-223 if the statement signed by the parents or legal guardians indicate sincerely held religious beliefs as the reason pursuant to subdivision (3)(a)(i) of this section for the student attending a private, denominational, or parochial school which elects not to meet state accreditation or approval requirements".

3. On page 6, line 21, strike "section" and insert "sections 79-217 and"; and in line 22, strike "is" and insert "are".

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. Strike original section 1 and insert the following new section:

"Section 1. Section 76-723, Reissue Revised Statutes of Nebraska, is amended to read:

76-723. The appraisers shall each receive a reasonable fee for their services, to be fixed by the county judge or clerk magistrate, and the same shall be taxed as costs. The fee shall not exceed ~~two hundred fifty~~ four hundred twenty-five dollars for each appraiser exclusive of mileage for each day actually employed in attendance on the board of appraisers. The condemner may appeal from the allowance of any fee so fixed to the district court. Such an appeal shall be docketed apart from and shall be considered separately and independently from the rights between the condemnee and condemner. All costs of the first appraisement shall be paid by the condemner. In addition, the appraiser shall receive mileage at the rate provided in section 81-1176 for each mile necessarily 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. On page 6, line 22, strike "and".

2. On page 14, line 8, after "practice" insert "or teaching"; in line 9 strike "teaching," and show as stricken; in lines 10 and 13 before "after" insert "on or"; and in lines 10 and 11 strike "or nail technology instruction".

3. On page 27, line 15, strike "technician" and insert "technicians"; and in line 16 strike "instructor" and insert

"instructors".

4. On page 45, line 15, after "any" insert "school".

5. On page 48, lines 21 and 22, strike "students or".

6. On page 50, line 23, after "cosmetology" insert "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. In the Standing Committee amendment, AM0005:

a. On page 1, lines 8, 9, 21, and 22, strike the semicolon and insert a comma; and

b. On page 1, line 15; and page 2, line 2, strike "any".

2. On page 1, line 2, after "program" insert "; and to 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. Strike the original sections and insert the following new sections:

"Section 1. Section 84-710, Reissue Revised Statutes of Nebraska, is amended to read:

84-710. It shall be unlawful for any executive department, state institution, board, or officer acting under or by virtue of any statute or authority of the state, including the State Racing Commission, to receive any fees, proceeds from the sale of any public property, or any money belonging to the state or

due for any service rendered by virtue of state authority without paying the same into the state treasury within ~~ten~~ three business days of the receipt thereof when the aggregate amount is five hundred dollars or more and within seven days of the receipt thereof when the aggregate amount is less than five hundred dollars. The State Treasurer may, upon a written request from an executive department, state institution, board, or officer stating that the applicable time period cannot be met, grant additional time to remit the funds to the state treasury. Funds received by an executive department, state institution, board, or officer for a good or service which may or may not be delivered contingent upon a selection process shall not be subject to this section until the selection period is over.

The provisions of ~~sections 84-710 and~~ this section and section 84-711 shall not apply to money received as proceeds of any fair, exposition, or exhibition held by any state board or society or of membership contributions to or receipts from miscellaneous sales by the Nebraska State Historical Society.

Such money so paid into the treasury shall be withdrawn therefrom or paid out only upon proper voucher and warrant.

The head of any institution receiving, from any source, funds to be held in trust and expended for the benefit of any inmate thereof shall not be required to pay such trust funds into the state treasury as provided ~~herein,~~ in this section but shall, at the end of each month, file with the Director of Administrative Services a detailed and attested statement of all such money received and expended by him or her.

Sec. 2. Section 84-711, Reissue Revised Statutes of Nebraska, is amended to read:

84-711. ~~Any person or persons of any executive department, state institution or board, acting under or by virtue of any statute or authority of the state, who shall fail or refuse~~ The failure or refusal of an employee or officer of an executive department, state institution, or board to pay over the public money, or any part thereof, belonging to the state~~,~~ or ~~who shall fail~~ to account to~~,~~ or to make settlement ~~within a reasonable time after notice so to do, with any proper and legal authority, of the official accounts of such officer or person,~~ with the State Treasurer upon demand shall be ~~held and taken as~~ prima facie evidence of embezzlement, and such person ~~or persons~~ shall be punished, as ~~now~~ provided by law, for the embezzlement of public funds.

Sec. 3. Original sections 84-710 and 84-711, Reissue 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. On page 2, line 13, strike "two hundred fifty" and 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

printed on recycled paper

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. On page 1, line 4, after the first semicolon insert "to eliminate obsolete provisions;".

LEGISLATIVE BILL 403. Placed on Select File as amended.
E & R amendment to LB 403:
AM7010
1. On page 3, line 10, strike "shall,", show as stricken, and insert an underscored comma; and in line 11 strike "include", show as stricken, and insert "includes".

LEGISLATIVE BILL 298. Placed on Select File as amended.
E & R amendment to LB 298:
AM7012
1. In the Standing Committee amendments, AM0027:
a. On page 1, lines 6 and 7 and 16 and 17, strike "Government, Military and Veterans Affairs Committee" and insert "committee"; and in line 23 strike "act" and insert "section"; and
b. On page 2, line 4, after "with" insert "the second".
2. On page 4, strike beginning with "Government" in line 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; Sodexho 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. Strike Standing Committee amendment, AM0023.
2. Insert the following new section:
"Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.".
3. On page 2, line 20; and page 3, line 7, strike "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. On page 9, line 5, strike "or under any", show as 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. On page 22, strike beginning with "Arrest" in line 14 through "(6)" in line 17 and show as stricken; in line 19 strike "(7)", show as stricken, and insert "(6)"; and in line 27 strike "(8)", show as stricken, and insert "(7)".

2. On page 23, line 1, strike "(9)", show as stricken, and insert "(8)"; in line 5 strike "(10)" and insert "(9)"; and in line 12 strike "(11)" and insert "(10)".

LEGISLATIVE BILL 474. Placed on General File as amended.
Standing Committee amendment to LB 474:
AM0107

1. On page 3, line 23, strike the new matter; and in lines 26 through 28 strike the new matter and reinstate the stricken matter.

2. On page 4, lines 1 and 2, reinstate the stricken 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. Insert the following new section:

"Sec. 2. Section 84-1411, Revised Statutes Supplement, 1998, is amended to read:

84-1411. (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty counties in this state, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, or governing body is present at each site of the videoconference or telephone conference; and

(e) No more than one-half of the state entity's, advisory

committee's, or governing body's meetings in a calendar year are held by videoconference or telephone conference.

Videoconferencing or telephone conferencing shall not be used to circumvent any of the public government purposes established in sections 84-1408 to 84-1414.

(3) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(4) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (3) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(5) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

~~(6) It is the intent of the Legislature that on or before January 1, 1997, the Government, Military and Veterans Affairs Committee of the Legislature review the effects of subsections (2) and (5) of this section on openness of meetings, effectiveness of public access arrangements, costs and cost-savings, and any tendency observed to abuse or circumvent the open meeting provisions of sections 84-1408 to 84-1414. The committee shall develop and propose any corrective legislation it deems necessary.~~".

2. On page 2, line 21, after "year" insert "and the telephone conference shall conform to the requirements of subsection (2) of section 84-1411, and the commission shall only determine whether a judicial vacancy exists in the affected district and make no other determinations"; in line 22 strike "section 24-1204" and insert "sections 24-1204 and 84-1411"; and in line 23 strike "is" and insert "are".

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

printed on recycled paper

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; Sodexho 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. On page 4, line 13, strike "shall mean", show as stricken, and insert "means".
2. On page 5, line 28, after "Insurers" insert "and Health Organizations".
3. On page 6, line 12, strike "shall also include", show as stricken, and insert "also includes".

LEGISLATIVE BILL 260. Placed on Select File as amended.
E & R amendment to LB 260:
AM7016
1. On page 2, lines 10 and 16, after "requirements" insert an underscored comma; in line 16 strike the second "or", show as stricken, and insert an underscored comma; and in line 21 after "fee" insert an underscored comma.
2. On page 8, line 5, after "if" insert "the".
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. On page 11, line 24, strike the third comma.
2. On page 18, line 7, after "Fraud" insert "Prevention".

LEGISLATIVE BILL 287. Placed on Select File as amended.
E & R amendment to LB 287:
AM7014
1. On page 1, line 1, strike "educational service units" and insert "political subdivisions"; and in line 5 strike "allocation of tax levies" and insert "the collection and distribution of tax proceeds; to provide duties".
2. On page 2, line 22, strike "or", show as stricken, and insert an underscored comma; in line 24 strike the second "or", show as stricken, and insert an underscored comma; and in line 25 strike "and school district", show as stricken, and insert ", 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"
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 1:30 p.m.
Commissioner of Labor
Fernando Lecuona III

(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. On page 1, line 18, after "school" insert "or from a 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 "Class III"; and in line 27 strike "Class III" and insert "Class

IIIA".

2. On page 3, line 14, after "class" insert "other than a Class IV felony.

(f) Accessory to felony is a Class I misdemeanor if the actor violates subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor knows of the conduct of the other, and the 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. On page 2, strike beginning with "if" in line 3 through line 5 and insert ", except that no autopsy needs to be performed if (a) the death was caused by a readily recognizable disease or the death occurred due to trauma resulting from an accident and (b) the death did not occur under suspicious circumstances.".

LEGISLATIVE BILL 49. Placed on General File as amended.
Standing Committee amendment to LB 49:
AM0094

1. On page 2, line 15, after "services" insert ", is not the operator of a bookmobile or other such vehicle operated by the state or a political subdivision and used for informing, educating, organizing, or transporting children, is not a paid employee of, or a volunteer for, a nonprofit or religious organization which provides activities for children,".

LEGISLATIVE BILL 511. Placed on General File as amended.
Standing Committee amendment to LB 511:
AM0132

1. On page 2, line 8, after "Administration" insert ", which includes, but is not limited to, individuals working in central administration of the department, individuals working under contract with the department, and any individual to whom the department has authorized or delegated control over inmates or 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. Strike original section 1 and insert the following new section:

"Section 1. Section 77-2704.09, Reissue Revised Statutes of Nebraska, is amended to read:

77-2704.09. (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of insulin and the following when sold for a patient's use under a prescription written by a person licensed under Chapter 71, article 1, or sections 71-4701 to 71-4719: Prescription medicines; durable medical equipment; home medical supplies; prosthetic devices; orthotic devices; oxygen; and oxygen equipment.

(2) For purposes of this section:

(a) Durable medical equipment shall mean equipment which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is appropriate for use in the home or on a motor vehicle;

(b) Home medical supplies shall mean supplies primarily and customarily used to serve a medical purpose which are appropriate for use in the home and are generally not useful to a person in the absence of illness or injury;

(c) Orthotic devices shall mean devices which are used to support, or limit the movement of, parts of the body to serve a medical purpose and generally are not useful to a person in the absence of illness or injury;

(d) Oxygen equipment shall mean oxygen cylinders, cylinder transport devices including sheaths and carts, cylinder studs and support devices, regulators, flowmeters, tank wrenches, oxygen concentrators, liquid oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing, nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and accessories; and

(e) Prosthetic devices shall mean devices which permanently or temporarily replace a missing part or a nonfunctioning part of the human body and shall include any supplies used with such devices.".

2. On page 2, line 18, strike "77-2704.21" and insert "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. On page 1, line 4, after the second semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 259. Placed on Select File as amended.
E & R amendment to LB 259:
AM7020

1. On page 1, line 1, strike "44-787" and insert "44-211, 44-787, 44-1992"; and in line 4 after "change" insert "and provide" and after the second semicolon insert "to change provisions relating to incorporation;".
2. On page 17, line 3, strike the underscored comma.
3. On page 18, line 14, after "77-913" insert an underscored comma.
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. 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. Insert the following new sections:

"Section 1. Section 53-101, Reissue Revised Statutes of Nebraska, is amended to read:

53-101. Sections 53-101 to 53-1,121 and section 6 of this act shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 6. In order to further the public policy of deterring minors from obtaining or consuming alcoholic liquor, persons under twenty-one years of age may be authorized to assist duly authorized law enforcement officers to determine compliance with sections 53-180 and 53-180.02. Such compliance checks shall be conducted by, in conjunction with, or under the direction of the Nebraska State Patrol and shall be conducted pursuant to guidelines adopted and promulgated by the Nebraska State Patrol with input from the commission. Such guidelines shall include, but need not be limited to, requirements that the person provide truthful identification and truthful responses to inquiries and present an appearance which is consistent with the person's chronological age. The Nebraska State Patrol shall maintain records of such compliance

checks and shall make a report to the commission on or before December 1 of each year, indicating the outcome of such compliance checks. Compliance checks not conducted pursuant to this section shall not be considered by the commission for purposes of suspension, cancellation, or revocation of a license pursuant to section 53-1,104.".

2. On page 2, line 4, before "have" insert "knowingly"; in line 5 strike "or physical control" and show as stricken; strike beginning with the last comma in line 16 through the last comma in line 17, show as stricken, and insert "or knowingly possessing"; and after line 20 insert the following new paragraph:

"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.".

3. On page 6, line 10, after "(5)" insert "Upon the expiration of any license suspension ordered pursuant to subsection (4) of this section, the person may have his or her license reinstated upon payment of a fee of ninety-five dollars. The fees paid pursuant to this section shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.

(6)"; in line 26 strike "fifty", show as stricken, and insert "one hundred"; and in line 28 strike "one", show as stricken, and insert "two" and strike "second" and insert "third".

4. On page 7, line 1, strike "the same type of" and after "violation" insert "of section 53-180 or 53-180.02"; in line 5 after "time" insert "not to exceed five days"; in line 6 after "penalty" insert "for that period of time"; and in line 22 after "sections" insert "53-101,".

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. In the E & R amendments, AM7012, strike beginning with the colon in line 1 through "on" in line 5 and insert ", on".
2. In the Standing Committee amendments, AM0027, strike amendment 1 and renumber the remaining amendments accordingly.
3. Strike original section 3 and renumber the remaining 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

printed on recycled paper

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. On page 1, line 2, after "35-1205," insert "35-1206,"; in line 7 after "to" insert "change and"; in line 8 strike "property"; and strike lines 9 and 10 and insert "change appeal provisions; to harmonize".

2. On page 15, line 7, strike "(q)", show as stricken, and insert "(s)".

3. On page 18, line 13, after "subdivisions" insert an underscored comma; and in line 18 after "section" insert an underscored comma.

4. On page 21, strike beginning with "Reissue" in line 6 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. On page 1, line 2, strike "section" and insert "sections 14-512 and"; and in line 5 strike "section" and insert "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. On page 1, line 1, strike "section 84-710" and insert "sections 84-710 and 84-711"; and in line 4 after the semicolon insert "to harmonize provisions;" and strike "section" and insert "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 1 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. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that medical records contain personal and sensitive information that if improperly used or released may do significant harm to a patient's interests. Patients need access to their own medical records as a matter of fairness to enable them to make informed decisions about their health care and correct inaccurate or incomplete information about themselves.

Sec. 2. For purposes of sections 1 to 7 of this act:

(1) Medical records means a provider's record of a patient's health history and treatment rendered;

(2) Patient includes a patient or former patient;

(3) Patient request or request of a patient includes the request of a patient's guardian or other authorized representative; and

(4) Provider means a physician, psychologist, chiropractor, dentist, hospital, clinic, and any other licensed or certified health care practitioner or entity.

Sec. 3. (1) A patient may request a copy of the patient's medical records or may request to examine or copy such records. Access to such records shall be provided upon request pursuant to sections 1 to 7 of this act unless such access would be inconsistent with the patient's condition and sound therapeutic treatment. The request and any authorization shall be in writing and shall be valid for one hundred eighty days after the date of delivery to the provider.

(2) Upon receiving a request for a copy of the patient's medical records under subsection (1) of this section, the provider shall furnish the person making the request a copy of such records

within thirty days after the written request is received.

(3) Upon receiving a request to examine or copy the patient's medical records, the provider shall, as promptly as required under the circumstances but no later than ten days after receiving the request: (1) Make the medical records available for examination during regular business hours and provide a copy, if requested, to the patient; (2) inform the patient if the information does not exist or cannot be found; (3) if the provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the provider who maintains the information; or (4) if the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one days after receiving the request, when the information will be available for examination or copying.

(4) This section does not require the retention of records or impose liability for the destruction of records in the ordinary course of business prior to receipt of a request made under subsection (1) of this section. The provider may delete confidential information in any medical record concerning another patient or family member who has not consented to the release of the record.

Sec. 4. Except as provided in sections 5 and 7 of this act, for medical records provided under section 3 of this act or under subpoena by a patient or his or her authorized representative the provider may charge up to twenty dollars as a handling fee and may charge up to fifty cents per page as a copying fee. An estimate of the number of pages that comprise the medical record is sufficient to set the copying fee to be paid in advance of delivery of such record by the provider. The provider may charge for the reasonable cost of all duplications of medical records which cannot routinely be copied or duplicated on a standard photocopy machine. The provider may charge the amount necessary to cover the cost of labor and materials for furnishing a copy of an X-ray or similar special medical record and may charge the amount necessary to cover the cost of furnishing records which are more than two years old and are not stored onsite and in paper form. If the provider does not have the ability to reproduce X-rays or other records requested, the person making the request may arrange, at his or her expense, for the reproduction of such records.

Sec. 5. (1) A provider shall not charge a fee for medical records requested by a patient for use in supporting an application for disability or other benefits or assistance or an appeal relating to the denial of such benefits or assistance under:

(a) Sections 43-501 to 43-536 regarding assistance for certain children;

(b) Sections 68-1018 to 68-1025 relating to the medical assistance program;

(c) Title II of the federal Social Security Act, as amended, 42 U.S.C. 401 et seq.;

(d) Title XVI of the federal Social Security Act, as amended, 42 U.S.C. 1382 et seq.; or

(e) Title XVIII of the federal Social Security Act, as amended, 42 U.S.C. 1395 et seq.

(2) Unless otherwise provided by law, a provider may charge a fee as provided in section 4 of this act for the medical records of a patient requested by a state or federal agency in relation to the patient's application for benefits or assistance or an appeal relating to denial of such benefits or assistance under subsection (1) of this section.

(3) A request for medical records under this section shall include a statement or document from the department or agency that administers the issuance of the assistance or benefits which confirms the application or appeal.

Sec. 6. The transfer or submission of information to the patient's medical record done in good faith shall not render the provider liable to the patient or any other person for any consequences that have resulted or may result from the disclosure of the patient's medical record as provided in sections 1 to 7 of this act.

Sec. 7. Sections 1 to 7 of this act do not apply to the release of medical records under the Nebraska Workers' Compensation Act.".

LEGISLATIVE BILL 333. Placed on General File as amended.
Standing Committee amendment to LB 333:
AM0148

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. On page 2, line 8, after "boundaries" insert "upon the affirmative vote of at least two-thirds of all the members of the board of the district"; and in lines 8 through 10 strike the 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. On page 2, line 4, after "law" insert "and shall exercise such option in a cost-neutral manner relative to the 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. On page 33, line 12, after the stricken semicolon insert "For filing a notice to establish an automatic teller machine, fifteen dollars;"; in line 13 reinstate the stricken matter; and in lines 15, 17, 21, 24, and 26 strike the new matter 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

printed on recycled paper

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. On page 1, line 4, strike "sections 77-3442 and 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. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $2,339 from the General Fund and $3,661 from federal funds for FY1999-00 and (2) $2,817 from the General Fund Fund and $4,383 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 119, 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.".

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. On page 9, line 18, after "(a)" insert "for state aid calculated for school fiscal year 1998-99, each district's, and for state aid calculated for school fiscal year 1999-2000 and each school fiscal year thereafter,".

2. On page 10, line 5, after "(b)" insert "for state aid calculated for school fiscal year 1998-99, for each district, and for state aid calculated for school fiscal year 1999-2000 and each school fiscal year thereafter,".

3. On page 14, lines 21 and 22, strike the new matter; and in line 24 after the period insert "For the calculation of state aid for school fiscal year 1999-2000 and for each school fiscal year thereafter, the average formula cost per student in each cost grouping shall not be recalculated for the final 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. On page 2, line 6, strike "thirty", show as stricken, and insert "fifty"; and in line 11 strike "thirty" and insert "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

printed on recycled paper

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. On page 3, line 12, strike the new matter and reinstate the stricken matter beginning with "with" through "less"; in line 15 after the first stricken "and" insert "or to"; reinstate

the stricken matter beginning with "fertilizer" in line 15 through the period in line 18; and in line 18 after "less" insert "if the equipment is not required to be placarded pursuant to section 75-364".

2. On page 6, line 23, reinstate the stricken matter and strike the new matter.

LEGISLATIVE BILL 514. Placed on General File as amended.
Standing Committee amendment to LB 514:
AM0172

1. Strike section 2 and insert the following new section:

"Sec. 2. (1) The Legislature finds that the Public Service Commission confronts issues of unusual technical and legal complexity in its duties with regard to the regulation of telecommunications. Such issues require members to consult with commission staff and agents, including expert consultants hired by the commission, for the purposes of education, gathering of technical information, and informed debate within the context of an executive staff session. Meetings of this nature need to be held in closed sessions for the protection of the public interest. If an executive staff session is convened pursuant to this section, the requirements of sections 84-1408 to 84-1414 shall be deemed to have been satisfied.

(2) In addition to the reasons set forth in section 84-1410, a meeting may be closed for purposes of an executive staff session upon a finding that at least two of the following conditions are met:

(a) The commission has allowed or required sworn testimony in the hearing prior to the point at which the vote to move to a closed executive staff session has been proposed;

(b) The matter under consideration by the commission involves a technical, economic, or scientific issue on which the commission has received or requires testimony from experts that are beyond the expertise of members of the commission or general members of the public;

(c) Any party participating in the hearing filed written testimony at or prior to the time of the hearing; or

(d) The matter under consideration by the commission involves an issue of unusual legal complexity.

(3) An executive staff session convened pursuant to this section may be continued from time to time without public notice, however, no formal action shall be taken except in an open session pursuant to section 84-1410. For purposes of this subsection, 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. On page 1, line 2, strike beginning with "60-1906" through "to"; in line 3 after the second "to" insert "custody and disposition of"; and strike beginning with "to" in line 4 through the first semicolon in line 5.

LEGISLATIVE BILL 268. Placed on Select File as amended.
E & R amendment to LB 268:
AM7030

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. On page 1, lines 6 and 7, strike "a term" and insert "terms"; and in line 7 strike "increase fees" and insert "provide, change, and eliminate powers and duties of the Director of Agriculture".
2. On page 5, line 5, strike "shall include", show as stricken, and insert "includes".
3. On page 19, line 9, after "actions" insert an underscored comma.

LEGISLATIVE BILL 474. Placed on Select File as amended.
E & R amendment to LB 474:
AM7028

1. On page 2, line 23, insert an underscored comma after "(53)".
2. On page 9, line 25, before "(3)" insert "subsection".
3. On page 14, line 7, strike "agency" and insert "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.

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

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

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

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. In the E & R amendments, AM7012, Strike amendment 2.
2. On page 3, line 28, strike "the" and insert "any standing committee".
3. On page 4, line 1, strike "Government" through "Committee"; in line 2 strike the second occurrence of "the" and insert "its"; and strike beginning with "as" in line 2 through "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

Sommermeyer, 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. On page 2, line 27, after "year" insert ", and the amount of tuition credits granted shall not exceed the state appropriation available for the tuition assistance program".

Messrs. Bromm and Beutler filed the following amendment to LB 270:
AM0151

1. Insert the following new section:

"Section 1. Section 66-1518, Revised Statutes Supplement, 1998, is amended to read:

66-1518. (1) The Environmental Quality Council shall adopt and promulgate rules and regulations governing reimbursements authorized under the Petroleum Release Remedial Action Act. Such rules and regulations shall include:

(a) Procedures regarding the form and procedure for application for payment or reimbursement from the fund, including the requirement for timely filing of applications;

(b) Procedures for the requirement of submitting cost estimates for phases or stages of remedial actions, procurement requirements to be followed by responsible persons, and requirements for reuse of fixtures and tangible personal property by responsible persons during a remedial action;

(c) Procedures for investigation of claims for payment or reimbursement;

(d) Procedures for determining the amount and type of costs that are eligible for payment or reimbursement from the fund;

(e) Procedures for auditing persons who have received payments from the fund;

(f) Procedures for reducing reimbursements made for a remedial action for failure by the responsible person to comply with applicable statutory or regulatory requirements. Reimbursement may be reduced as much as one hundred percent; and

(g) Other procedures necessary to carry out the act.

(2) Such rules and regulations shall take into account the recommendations for rules and regulations developed by the

technical advisory committee established pursuant to section 81-15,189.

(3) The Director of Environmental Quality shall (a) estimate the cost to complete remedial action at each petroleum contaminated site where the responsible party has been ordered by the department to begin remedial action, and, based on such estimates, determine the total cost that would be incurred in completing all remedial actions ordered; (b) determine the total estimated cost of all approved remedial actions; (c) determine the total dollar amount of all pending claims for payment or reimbursement; (d) determine the total of all funds available for reimbursement of pending claims; and (e) include the determinations made pursuant to this subsection in the department's annual report to the Legislature.

(4) The Department of Environmental Quality shall make available to the public a current schedule of reasonable rates for equipment, services, material, and personnel commonly used for remedial action. The department shall consider the schedule of reasonable rates in reviewing all costs for the remedial action which are submitted in a plan. The rates shall be used to determine the amount of reimbursement for the eligible and reasonable costs of the remedial action, except that (a) the reimbursement for the costs of the remedial action shall not exceed the actual eligible and reasonable costs incurred by the responsible person or his or her designated representative and (b) reimbursement may be made for costs which exceed or are not included on the schedule of reasonable rates if the application for such reimbursement is accompanied by sufficient evidence for the department to determine and the department does determine that such costs are reasonable.

(5) The Department of Environmental Quality and the Department of Insurance, in consultation with interested parties, shall report to the Legislature on or before October 1, ~~1998~~ 1999, on the availability and cost of private insurance to insure the damages for which payment may be made from the fund.".

2. On page 11, line 11, after "sections" insert "66-1518,".

3. Renumber the remaining sections accordingly.

Mr. Bourne filed the following amendment to LB 323:
AM0175

1. Strike beginning with "(a)" on page 2, line 24, through "(5)" on page 3, line 2.

2. On page 3, line 6, strike "(6)" and insert "(5)"; and strike beginning with "In" in line 19 through line 23.

3. On page 4, line 5, strike the first comma and insert "and"; and strike beginning with the second comma in line 5 through "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. Insert the following new sections:

"Sec. 18. Pursuant to a request by an elected county fair board, the county board of any county may levy an additional levy of three and five-tenths cents on each one hundred dollars of taxable valuation, or any part thereof, for the purpose of capital construction on and renovation, repair, improvement, and maintenance of the county fairgrounds, over and above the operational tax levy authorized in section 2-229. Such levy shall not exceed the amount actually required for such work. In counties having a population of more than sixty thousand inhabitants but not more than three hundred fifty thousand inhabitants and also containing a city of the primary class, such additional levy or any part thereof may be levied for the purpose of capital construction on and renovation, repair, improvement, and maintenance of the county fairgrounds.

Sec. 23. Section 2-256, Reissue Revised Statutes of Nebraska, is amended to read:

2-256. (1) The board of directors shall annually elect from its membership a chairperson and such other officers as may be necessary. The term of office for members of the board shall be for three years, except that the term of the members of the board first taking office shall be for one, two, or three years as determined by lot.

(2) The bylaws adopted by a county agricultural society shall state whether the board of directors of the county agricultural society will nominate candidates for membership on the board from districts or from the county at large. The members of the board shall be elected by the registered voters of the entire county whether the candidates are nominated from districts or from the county at large. If nominating districts are used, the board of directors shall divide the county into districts of substantially equal population. Such districts shall be consecutively numbered. The boundaries and numbering of such districts shall be designated at least three months prior to the annual meeting.

(3) If the county agricultural society replaces an existing county fair board as provided in section 19 of this act, the county fair board shall remain in existence until the county agricultural society has its first annual meeting. After the first annual meeting of the county agricultural society, any existing county fair board shall cease to exist.".

2. On page 12, line 9, strike "county agricultural society" and insert "previous board".
3. On page 20, line 22, before "and" insert "2-256,".
4. Renumber the remaining sections and correct internal 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. On page 5, line 19, after the second comma insert "consumers,".

(Signed) Jim Jensen, Chairperson

Education

LEGISLATIVE BILL 152. Placed on General File as amended.
Standing Committee amendment to LB 152:
AM0123
1. On page 2, lines 3 and 4 and 14 through 16, strike the new matter; in line 6 after "child" insert "who is"; in line 7 after "age" insert "or who is younger than seven years of age and is enrolled in any public school"; and in line 12 after the period insert "Any person with legal or actual charge or control of a child younger than seven years of age who is enrolled in a public school may discontinue the enrollment of such child pursuant to the policy of the school board. All school boards shall adopt policies allowing discontinuation of the enrollment of students younger than 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. On page 4, strike beginning with line 1 through "days" in line 3 and insert "series of two or more water wells completed and pumped into a common carrier as part of a single site plan for irrigation purposes".

2. On page 6, strike line 28 and show the old matter as stricken.

3. On page 7, strike lines 1 through 8 and insert

"(5)(a) For a series of two or more water wells completed and pumped into a common carrier as part of a single site plan for irrigation purposes, the director shall collect in advance a registration fee of thirty dollars and the fee required by section 46-1224 for each of the first two such wells registered under section 46-602.

(b) Any additional water wells which are part of a series registered under this subsection shall not have to pay a new well registration fee.".

4. On page 9, strike beginning with line 4 through the period in line 10 and insert "series of two or more water wells completed and pumped into a common carrier, as defined in section 46-601.01, as part of a single site plan for irrigation purposes, the fee set pursuant to this subsection shall be collected for each 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

printed on recycled paper

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. On page 6, line 7, strike "subsection" and insert "subdivision".
2. On page 10, line 9, reinstate the stricken matter and after the reinstated matter insert "or the".
3. On page 28, line 27, strike "the".
4. On page 33, line 11, strike "reserve"; and in line 19 strike "of each year" and show as stricken.
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. On page 1, line 4, strike "sections" and insert "section".

LEGISLATIVE BILL 46. Placed on Select File as amended.
E & R amendment to LB 46:
AM7034
1. On page 1, line 1, strike "28-1820" and insert "23-1820".
2. On page 2, line 24, strike the comma and show as stricken.

LEGISLATIVE BILL 49. Placed on Select File as amended.
E & R amendment to LB 49:
AM7032
1. On page 1, line 3, strike "a"; and in line 4 strike "penalty" and insert "penalties; to harmonize provisions".
2. On page 3, line 5, strike "he or she" and insert "such person".

LEGISLATIVE BILL 511. Placed on Select File as amended.
E & R amendment to LB 511:
AM7033
1. In the Standing Committee amendment, AM0132, on page 1, lines 2 and 3, strike "individuals" and insert "any individual".
2. On page 1, line 4, after the semicolon insert "to harmonize provisions;".

LEGISLATIVE BILL 280. Placed on Select File as amended.
E & R amendment to LB 280:
AM7035
1. On page 1, line 2, strike "77-2704.21" and insert "77-2704.09"; and strike lines 3 and 4 and insert "redefine durable medical equipment for purposes of sales and use tax exemption; to 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. On page 2, line 1, strike "1999-00" and insert "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. Insert the following new sections:

"Sec. 10. Section 77-202.01, Revised Statutes Supplement, 1998, is amended to read:

77-202.01. (1) Any organization or society seeking a tax exemption provided in subdivisions (1)(b) and (1)(c) 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 ~~organization or society~~ 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. 32. Section 77-1802, Reissue Revised Statutes of

Nebraska, is amended to read:

77-1802. (1) The county treasurer shall, not less than four nor more than six weeks prior to the first Monday of March in each year, make out a list of all real property subject to sale and the amount of all delinquent taxes against each item, describing the property as it is described on the tax list, with an accompanying notice stating that so much of such property described in the list as may be necessary for that purpose will, on the first Monday of March next thereafter, be sold by such county treasurer at public auction at his or her office for the taxes, interest, and costs thereon.

(2) In lieu of publication, beginning January 1, 2000, the county treasurer may notify by mail any taxpayer whose real estate taxes are delinquent not less than four nor more than six weeks prior to the first Monday in March. Such notice shall be sent to the last-known address of the record owner of each parcel on which the taxes are delinquent. The notice shall describe the property on which the taxes are delinquent, state the rate at which interest is accruing, and state that such property will be sold by the county treasurer at public auction at his or her office for taxes, interest, and costs on the following first Monday in March.

Sec. 33. Section 77-5007, Revised Statutes Supplement, 1998, is amended to read:

77-5007. The commission has the power and duty to hear and determine appeals of:

(1) Decisions of any county board of equalization equalizing the value of individual tracts, lots, or parcels of real property so that all real property is assessed uniformly and proportionately;

(2) Decisions of any county board of equalization granting or denying tax-exempt status for real or personal property or an exemption from motor vehicle taxes and fees;

(3) Decisions of the Property Tax Administrator determining the taxable property of a railroad company, car company, public service entity, or air carrier within the state;

(4) Decisions of the Property Tax Administrator determining adjusted valuation pursuant to section 79-1016;

(5) Decisions of any county board of equalization on the valuation of personal property or any penalties imposed under sections 77-1233.04 to 77-1233.06;

(6) Decisions of any county board of equalization on claims that a levy is or is not for an unlawful or unnecessary purpose or in excess of the requirements of the county;

(7) Decisions of any county board of equalization granting or rejecting an application for a homestead exemption;

(8) Decisions of the Department of Motor Vehicles determining the taxable value of motor vehicles pursuant to section 60-3005;

(9) Decisions of the Property Tax Administrator made

under section 77-1330;

(10) Any other decision of any county board of equalization; and

(11) ~~(10)~~ Any other decision of the Property Tax Administrator.".

2. On page 7, strike line 12 and insert "list of all real property and the taxable tangible personal property in a".

3. On page 8, lines 17 and 18, strike "such organization or society", show as stricken, and insert "the property"; and in line 21 after the period insert "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.".

4. On page 22, line 2, strike "manuals and".

5. On page 28, line 19, strike "August 1", show as stricken, and insert "July 26".

6. On page 33, line 7, strike "and" and after the last comma insert "and 77-1802,"; in line 8 after the last comma insert "77-202.01,"; and in line 11 strike "and" and after the third comma insert "and 77-5007,".

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

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

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. On page 2, strike beginning with "may" in line 15 through "state" in line 16 and insert "shall provide an exemption for the same distance, up to fifty miles, into each state party to an agreement".

Mr. Beutler filed the following amendment to LB 286:
AM0233

1. Insert the following new section:

"Section 1. Section 2-3214, Reissue Revised Statutes of Nebraska, is amended to read:

2-3214. (1) District directors shall be elected as provided in section 32-513. Elections shall be conducted as provided in the Election Act. Registered voters residing within the district shall be eligible for nomination as candidates for any at-large position or, in those districts that have established subdistricts, as candidates from the subdistrict within which they reside.

(2) The board of directors may choose to: (a) Nominate candidates from subdistricts and from the district at large who shall be elected by the registered voters of the entire district; (b) nominate and elect each candidate from the district at large; or (c) nominate and elect candidates from subdistricts ~~of substantially equal population~~ except that any at-large candidate would be nominated and elected by the registered voters of the entire district. Unless the board of directors determines that the nomination and election of all directors will be at large, the board shall ~~strive to~~ divide the district into subdistricts of ~~substantially~~ equal population. ~~; except that no subdistrict shall have a population greater than three times the population of any other subdistrict within the district.~~ Such subdistricts shall be consecutively numbered and shall be established with due regard to all factors including, but not limited to, the location of works of improvement and the distribution of population and taxable values within the district. The boundaries and numbering of such subdistricts shall be designated at least six months prior to the primary election. Unless the district has been divided into subdistricts, ~~with substantially equal population,~~ all directors shall be elected by the registered voters of the entire district and all registered voters shall vote on the candidates representing

each subdistrict and any at-large candidates. If a district has been divided into subdistricts, ~~with substantially equal population,~~ the board of directors may determine that directors shall be elected only by the registered voters of the subdistrict except that an at-large director may be elected by registered voters of the entire district.

(3) Except in districts which have chosen to have a single director serve from each subdistrict, the number of subdistricts for a district shall equal a number which is one less than a majority of directors for the district. In districts which have chosen to have a single director serve from each subdistrict, the number of subdistricts shall equal a number which is equal to the total number of directors of the district or which is one less than the total number of directors for the district if there is an at-large candidate. If the number of directors to be elected exceeds the number of subdistricts or if the term of the at-large director expires in districts which have chosen to have a single director serve from each subdistrict, candidates may file as a candidate from the district at large. Registered voters may each cast a number of votes not larger than the total number of directors to be elected.

(4) Elected directors shall take their oath of office in the same manner provided for county officials.

(5) At least six months prior to the primary election, the board of directors may choose to have a single director serve from each subdistrict.

(6) The board of directors shall certify to the Secretary of State and the election commissioners or county clerks the number of directors to be elected at each election and the length of their terms as provided in section 32-404.".

2. On page 2, line 28, after "Original" insert "section 2-3214, Reissue Revised Statutes of Nebraska, and".

3. On page 3, line 1, strike "is" and insert "are".

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. Strike original sections 1 and 4 and insert the following new section:

"Sec. 3. <u>There is hereby created the Community Redevelopment Analysis Fund. The fund shall be under the direction of the Department of Economic Development. The department shall, from the fund, reimburse applying cities or villages for the fees paid by them for the use of the cost-benefit analysis model, developed and approved as provided in sections 77-5101 to 77-5105,</u>

for projects using funds authorized by section 18-2147. 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 11, line 9, strike "4" and insert "3"; and in line 21 strike "18-2103,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE RESOLUTION 21CA. Placed on General File as amended.
Standing Committee amendment to LR 21CA:
AM0210

1. On page 2, line 25, after the first occurrence of "by" insert "charitable".

2. On page 3, line 5, after "property" insert "of the 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. On page 3, line 4, strike "displayed and being" and show as stricken.

Mr. Bourne filed the following amendment to LB 323:
AM0220
1. On page 3, strike beginning with "In" in line 19 through line 23.
2. On page 4, line 5, strike the first comma and insert "and"; and strike beginning with the second comma in line 5 through "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. Strike the original sections and insert the following new sections:
"Section 1. The Biopower Steering Committee is established. The committee may study the feasibility of generating

electricity from the use of biomass and agricultural crops and of supporting a demonstration project which may include a gasification component. The project would include, but not be limited to, use of biomass fuel which is farm-grown biomass or residue from agricultural or wood-product activities. The committee may collect information which may be used by all of Nebraska's public utilities to develop biopower electricity projects, including, but not limited to, the exploration of how the use of instate resources for electricity production might benefit the rural economy, an economic analysis of benefits to Nebraska from the use of instate rather than out-of-state resources, and the potential to reduce gaseous emissions.

The committee shall be appointed by September 15, 1999, and shall consist of: (1) Three representatives from the Nebraska Power Association, one public interest representative, and one environmental interest representative, all appointed by the chairperson of the Committee on Natural Resources; (2) two agricultural representatives appointed by the chairperson of the Committee on Agriculture; (3) a representative of the State Energy Office appointed by the Governor; (4) the Director of Economic Development or his or her designee; (5) a representative of the Game and Parks Commission appointed by the Governor; (6) the chairperson of the Committee on Agriculture; and (7) the chairperson of the Committee on Natural Resources.

The Biopower Steering Committee shall seek federal and other grant funds and resources from Nebraska's public utilities and from other public and private sources to carry out any study and to implement any demonstration project which may be undertaken. The Biopower Development Cash Fund is created. Funds received by the committee shall be remitted to the State Treasurer for credit to the Biopower Development Cash Fund. 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.

The committee shall report its findings to the Committee on Natural Resources by December 1 each year.

The Biopower Steering Committee terminates on December 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

printed on recycled paper

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. On page 3, after line 18 insert the following new subsection:

"(c) Nothing in this section affects or prevents any proceeding to enforce any mortgage, pledge, or other lien upon the 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. On page 2, line 21, after "all" insert "investigative"; and strike beginning with "but" in line 22 through "deliberations" in line 23, show the old matter as stricken, and insert ". Alternate grand jurors shall be permitted to question witnesses, review evidence, and participate in all discussions, deliberations, and voting of the grand jury which occur prior to the conclusion of presentation of evidence. When the grand jury has determined that no additional evidence is necessary for its investigation, the alternate grand jurors shall be separated from the regular grand jurors and shall not participate in any further 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 1:30 p.m.
Nebraska Department of Insurance
Tim Wagner

(Signed) David M. Landis, Chairperson

Transportation

Tuesday, February 23, 1999 1:00 p.m.
Nebraska Information Technology Commission
Dr. Douglas Christensen
Senator J. Robert Kerrey
Hod Kosman
Gary Kuck
Lt. Governor Dave Maurstad
Dr. Dennis Smith
Joyce Wrenn

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. 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. In lieu of the Tyson amendment, FA12, on page 2, strike line 17 and insert the following new subsection:
"(3) No person shall smoke in any state building.".
2. On page 1, lines 2 and 3, strike "the State Capitol" 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. On page 2, lines 2 and 3, strike "which includes" and insert "consisting of"; in line 17 after the period insert "Section 12-501 does not apply to the state veteran cemetery system."; and in line 23 after the period insert "The rules and regulations shall include requirements for proof of residency, cost of burial if any,

and standards for cemeteries, including decorations and headstones.".

LEGISLATIVE BILL 297. Placed on General File as amended.
Standing Committee amendment to LB 297:
AM0221

1. On page 3, lines 22 and 28, strike "shall" and insert "may".

LEGISLATIVE BILL 461. Placed on General File as amended.
Standing Committee amendment to LB 461:
AM0222

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. On page 2, strike beginning with "Candidates" in line 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. Strike original section 11.
2. On page 2, line 13, after "meetings" insert an underscored period; and strike beginning with "at" in line 13 through line 16 and show the old matter as stricken.
3. On page 17, line 8, after the second comma insert "and"; and in lines 8 and 9 strike "and 46-656.66,".
4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 566. Placed on General File as amended.
Standing Committee amendment to LB 566:
AM0161

1. Insert the following new section:

"Section 1. Section 18-2442, Reissue Revised Statutes of Nebraska, is amended to read:

18-2442. Before any agency shall enter into any contract for the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any

project, power plant or system, or irrigation works, or any part or section thereof, for the use of the agency, or for the purchase of any materials, machinery, or apparatus to be used in such construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement, such agency shall cause estimates of the cost thereof to be made by some competent engineer or engineers. If such estimated cost shall exceed the sum of ~~fifty~~ one hundred thousand dollars, no such contract shall be entered into without advertising for sealed bids, except that with respect to contracts entered into by an agency in the exercise of its rights and powers, relating to radioactive material or the energy therefrom or to any technologically complex or unique equipment contracts, or relating to any maintenance or repair contracts, if such engineer or engineers shall certify that by reason of the nature of the subject matter of the contract compliance with this section would be impractical and not in the public interest, and the engineer's certification is approved by a two-thirds vote of the board, then sections 18-2442 to 18-2444 shall not apply, and the agency shall advertise notice of its intention to enter into such contract, the general nature of the proposed work, and the name of the person to be contacted for additional information by anyone interested in contracting for such work. Any contract for which the board has approved such engineer's certificate shall be advertised in three issues not less than seven days between issues in one or more newspapers of general circulation in the municipality or county where the principal office or place of business of the agency is located, or if no newspaper is so published then in a newspaper qualified to carry legal notices having general circulation therein, and in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of its intention to enter into such contract, and any such contract shall not be entered into prior to twenty days after the last advertisement. With respect to contracts in excess of ~~fifty~~ one hundred thousand dollars entered into for the purchase of any materials, machinery, or apparatus to be used in the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, or irrigation works, or any part or section thereof when the contract does not include onsite labor for the installation thereof, if, after advertising for sealed bids, no responsive bids are received or if the board of directors of such agency determines that all bids received are in excess of the fair market value of the subject matter of such bids, then the provisions of sections 18-2442 to 18-2444 shall not apply. Notwithstanding any other provision of sections 18-2442 to 18-2444, an agency may purchase used equipment and materials on a negotiated basis without advertising or sealed bidding upon certification by an engineer that such equipment is or such materials are in compliance with standards established by the

board. A written statement containing such certification shall be submitted to the board by the engineer for the board's approval.".

2. On page 4, line 22, after "section" insert "18-2442, Reissue Revised Statutes of Nebraska, and section"; and in line 23 strike "is" and insert "are".

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

printed on recycled paper

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

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. Insert the following new sections:

"Section 1. Section 81-1289, Revised Statutes Supplement, 1998, is amended to read:

81-1289. The Legislature finds that there is a need to:

(1) Stimulate local economic development efforts statewide;

(2) Build an environment to engage in more effective economic development;

(3) Encourage entrepreneurship and business expansion;

(4) Create employment and employment opportunities; ~~and~~

(5) Help create and develop local conditions to encourage and enable people to remain in communities and to provide a labor pool of properly trained and educated employees; and

(6) Assist neighborhood associations and small communities continue their positive impacts on the vitality, cohesiveness, and continued viability of urban and rural communities throughout the state.

Sec. 2. Section 81-1290, Revised Statutes Supplement, 1998, is amended to read:

81-1290. The purposes of the Partnerships for Economic Development Act are to:

(1) Strengthen neighborhoods, rural communities, and counties by enhancing their ability to develop community and economic development plans through self-defined regions and multicommunity cooperation;

(2) Encourage collaboration within local areas of the state among neighborhoods, communities, counties, agencies, economic development providers, and the private sector to further enhance their collective community and economic development efforts; ~~and~~

(3) Coordinate the use of existing programs and funds more efficiently and effectively in support of new programs and initiatives; and

(4) Revitalize declining neighborhoods and rural communities, maintain the integrity of stable, viable neighborhoods and rural communities, and strengthen existing neighborhoods and

rural communities.

Sec. 3. Section 81-1291, Revised Statutes Supplement, 1998, is amended to read:

81-1291. The Department of Economic Development shall provide grants of up to twenty-five thousand dollars to entities for the purposes specified in section 81-1290. The department may provide grants to the types of entities specified in the rules and regulations which shall include communities, counties, agencies, economic development providers, and not-for-profit corporations and entities. To be eligible for a grant, the applicant must (1) demonstrate that the grant funds will be used for a multi-area or multicommunity project, (2) document a match equivalent in money or in kind equal to twenty-five percent of the grant funds requested, and (3) document goals for the project for which grant funds are requested. Grant funds may only be administered by an entity eligible to receive grants.

The Department of Economic Development shall provide neighborhood and community development grants of up to ten thousand dollars to entities for the purposes specified in section 81-1290. The department may provide grants to the types of entities specified in the rules and regulations which shall include neighborhood associations and small communities. To be eligible for a grant, the applicant shall:

(1) Demonstrate that the grant funds will be used for a neighborhood or community project;

(2) Document goals for the project for which grant funds are requested; and

(3) Document a match equivalent in money or in kind of:

(a) Twenty-five percent for a maximum grant of five thousand dollars;

(b) Twenty-six to forty-nine percent for a maximum grant of seven thousand five hundred dollars; and

(c) Fifty percent or more for a maximum grant of ten thousand dollars.

A recipient of a grant shall not use the grant funds to replace other funding for administrative support of the recipient or for the planning of a project or administrative costs relating to the planning of a project. A recipient may not use more than ten percent of the grant funds for expenses incurred in administering the grant. A recipient of a grant may not receive more than one grant under this section for the same project, and a project may not receive more than one grant in any one year.

For purposes of this section, project means any activity designed to promote neighborhood and community development and the capacity of areas or communities to engage in competition for economic development generally or for categories of economic development and does not include any activity primarily designed to contribute to only one specific proposed business enterprise.".

2. On page 2, line 5, strike "section" and insert

"sections 81-1289 to 81-1291 and"; and in line 6 strike "is" and insert "are".

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

Absent and not voting, 1:

Redfield

Excused and not voting, 2:

Brashear Landis

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

Excused and not voting, 2:

Brashear Landis

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. Insert the following new sections:

"Sec. 18. Pursuant to a request by an elected county fair board, the county board of any county may levy an additional levy of three and five-tenths cents on each one hundred dollars of taxable valuation, or any part thereof, for the purpose of capital construction on and renovation, repair, improvement, and maintenance of the county fairgrounds, over and above the operational tax levy authorized in section 2-229. Such levy shall not exceed the amount actually required for such work. In counties having a population of more than sixty thousand inhabitants but not more than three hundred fifty thousand inhabitants and also containing a city of the primary class, such additional levy or any part thereof may be levied for the purpose of capital construction on and renovation, repair, improvement, and maintenance of the county fairgrounds. The additional levy shall be subject to section 77-3443.

Sec. 23. Section 2-256, Reissue Revised Statutes of Nebraska, is amended to read:

2-256. (1) The board of directors shall annually elect from its membership a chairperson and such other officers as may be necessary. The term of office for members of the board shall be for three years, except that the term of the members of the board first taking office shall be for one, two, or three years as determined by lot.

(2) The bylaws adopted by a county agricultural society

shall state whether the board of directors of the county agricultural society will nominate candidates for membership on the board from districts or from the county at large. The members of the board shall be elected by the registered voters of the entire county whether the candidates are nominated from districts or from the county at large. If nominating districts are used, the board of directors shall divide the county into districts of substantially equal population. Such districts shall be consecutively numbered. The boundaries and numbering of such districts shall be designated at least three months prior to the annual meeting.

(3) If the county agricultural society replaces an existing county fair board as provided in section 19 of this act, the county fair board shall remain in existence until the county agricultural society has its first annual meeting. After the first annual meeting of the county agricultural society, any existing county fair board shall cease to exist.

Sec. 24. Section 2-259, Reissue Revised Statutes of Nebraska, is amended to read:

2-259. Pursuant to a request by a county agricultural society, the county board of any county may levy an additional levy of three and five-tenths cents on each one hundred dollars of taxable valuation, or any part thereof, for the purpose of capital construction on and renovation, repair, improvement, and maintenance of the county fairgrounds, over and above the operational tax levy authorized in section 2-257. Such levy shall not exceed the amount actually required for such work. In counties having a population of more than sixty thousand inhabitants but not more than three hundred fifty thousand inhabitants and also containing a city of the primary class, such additional levy or any part thereof may be levied for the purpose of capital construction on and renovation, repair, improvement, and maintenance of the county fairgrounds or the Nebraska State Fairgrounds. The additional levy shall be subject to section 77-3443.".

2. On page 12, line 9, strike "county agricultural society" and insert "previous board".

3. On page 20, line 22, before "and" insert "2-256, 2-259,".

4. Renumber the remaining sections and correct internal 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. On page 4, line 9, after "to" insert "each of" and strike "owner" and insert "owners"; in line 14 after the period insert "No fees for the storage of a motor vehicle held in custody for investigatory purposes shall be assessed against the registered owner of the vehicle for any period before the certified letter is mailed pursuant to this section. However, the state or local law enforcement agency may petition the court for restitution of the reasonable cost of storage incurred prior to the time the certified letter was sent if a registered owner of the vehicle is convicted of any felony or misdemeanor for which the law enforcement agency 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. On page 1, line 13, after "(2)" insert "Mental health medical records means medical records or parts thereof created by or under the direction or supervision of a licensed psychiatrist, a licensed psychologist, or a mental health practitioner licensed or certified pursuant to sections 71-1,295 to 71-1,338;
(3)"; in line 14 strike "(3)" and insert "(4)"; and in line 17 strike "(4)" and insert "(5)".

2. Strike beginning with "unless" on page 1, line 23, through "treatment" on page 2, line 1, and insert ", except that mental health medical records may be withheld if any treating physician, psychologist, or mental health practitioner determines in his or her professional opinion that release of the records would not be in the best interest of the patient unless the release 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. On page 10, line 25, strike the first occurrence of "prescription" and insert "prescriptions".

LEGISLATIVE BILL 17. Placed on Select File as amended.
E & R amendment to LB 17:
AM7040

1. In the Standing Committee amendment, AM0040, on page 2, line 11, strike "(1)" and insert "(a)"; in line 13 strike "(2)" and insert "(b)"; in line 14 strike "(3)" and insert "(c)"; and in line 17 strike "(4)" and insert "(d)".

LEGISLATIVE BILL 333. Placed on Select File as amended.
E & R amendment to LB 333:
AM7042

1. On page 1, line 4, strike "to create a penalty;".
2. On page 3, line 7, strike "subsection" and insert "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. Strike section 2 and insert the following new sections:

"Section 1. Section 85-1503, Revised Statutes Supplement, 1998, is amended to read:

85-1503. For purposes of sections 85-1501 to 85-1540, unless the context otherwise requires:

(1) Community college shall mean an educational institution operating and offering programs pursuant to such sections;

(2) Community college area shall mean an area established by section 85-1504;

(3) Board shall mean the Community College Board of Governors for each community college area;

(4) Full-time equivalent student shall mean, in the aggregate, the equivalent of a registered student who in a twelve-month period is enrolled in (a) thirty semester credit hours or forty-five quarter credit hours of classroom, laboratory, clinical, practicum, or independent study course work or

cooperative work experience or (b) nine hundred contact hours of classroom or laboratory course work for which credit hours are not offered or awarded. Avocational and recreational community service programs or courses shall not be included in determining full-time equivalent students or student enrollment;

(5) Contact hour shall mean an educational activity consisting of sixty minutes minus break time and required time to change classes;

(6) Credit hour shall mean the unit used to ascertain the educational value of course work offered by the institution to students enrolling for such course work, earned by such students upon successful completion of such course work, and for which tuition is charged. A credit hour may be offered and earned in any of several instructional delivery systems, including, but not limited to, classroom hours, laboratory hours, clinical hours, practicum hours, cooperative work experience, and independent study. A credit hour shall consist of a minimum of: (a) Ten quarter or fifteen semester classroom contact hours per term of enrollment; (b) twenty quarter or thirty semester academic transfer and academic support laboratory hours per term of enrollment; (c) thirty quarter or forty-five semester vocational laboratory hours per term of enrollment; (d) thirty quarter or forty-five semester clinical or practicum contact hours per term of enrollment; or (e) forty quarter or sixty semester cooperative work experience contact hours per term of enrollment. An institution may include in a credit hour more classroom, laboratory, clinical, practicum, or cooperative work experience hours than the minimum required in this subdivision. The institution shall publish in its catalog, or otherwise make known to the student in writing prior to the student enrolling or paying tuition for any courses, the number of credit or contact hours offered in each such course. Such published credit or contact hour offerings shall be used to determine whether a student is a full-time equivalent student pursuant to subdivision (4) of this section;

(7) Classroom hour shall mean a minimum of fifty minutes of formalized instruction on campus or off campus in which a qualified instructor applying any combination of instructional methods such as lecture, directed discussion, demonstration, or the presentation of audiovisual materials is responsible for providing an educational experience to students;

(8) Laboratory hour shall mean a minimum of fifty minutes of educational activity on campus or off campus in which students conduct experiments, perfect skills, or practice procedures under the direction of a qualified instructor;

(9) Clinical hour shall mean a minimum of fifty minutes of educational activity on campus or off campus during which the student is assigned practical experience under constant supervision at a health-related agency, receives individual instruction in the performance of a particular function, and is observed and critiqued

in the repeat performance of such function. Adjunct professional personnel, who may or may not be paid by the college, may be used for the directed supervision of students and for the delivery of part of the didactic phase of the experience;

(10) Practicum hour shall mean a minimum of fifty minutes of educational activity on campus or off campus during which the student is assigned practical experiences, receives individual instruction in the performance of a particular function, and is observed and critiqued by an instructor in the repeat performance of such function. Adjunct professional personnel, who may or may not be paid by the college, may be used for the directed supervision of the students;

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

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

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

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

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

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

(17) Class 1 course shall mean an applied technology or occupational course offering which requires the use of equipment, facilities, or instructional methods easily adaptable for use in a

general academic transfer program classroom or laboratory;

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

(19) Reported aid equivalent student shall mean a full-time equivalent student subject to the following limitations:

(a) The number of credit hours which can be counted for each student per semester or quarter shall be limited to eighteen credit hours;

(b) For students enrolled for more than eighteen credit hours, credit hours for each course shall be prorated as the eighteen-credit-hour limit is to the student's total credit hours for the semester or quarter;

(c) The credit-hour limit for a special instructional term shall be prorated on the same ratio that a fifteen-week term is to eighteen semester credit hours or a ten-week term is to eighteen quarter credit hours; and

(d) The number of credit and contact hours which shall be counted by any community college area in which a tribally controlled community college is located shall include credit and contact hours awarded by such tribally controlled community college to students for which such institution received no federal reimbursement pursuant to the Tribally Controlled Community College Assistance Act, Public Law 95-471 as reauthorized by Public Law 99-428;

(20) Reported aid equivalent total shall mean the total of all reported aid equivalents accumulated in a community college area in any fiscal year;

(21) Reimbursable educational unit shall mean a reported aid equivalent student multiplied by (a) for a general academic transfer course or an academic support course, a factor of one, (b) for a Class 1 course, a factor of one and fifty-hundredths, (c) for a Class 2 course, a factor of one and eight-tenths for fiscal year 1995-96 and for the three-year averages, a factor of one and nine-tenths for fiscal year 1996-97 and for the three-year averages, and a factor of two for fiscal year 1997-98 and each fiscal year thereafter and for the three-year averages, (d) for a tribally controlled community college general academic transfer course or academic support course, a factor of two, (e) for a tribally controlled community college Class 1 course, a factor of three, and (f) for a tribally controlled community college Class 2 course, a factor of three and six-tenths for fiscal year 1995-96 and for the three-year averages, a factor of three and eight-tenths for fiscal year 1996-97 and for the three-year averages, and a factor of four for fiscal year 1997-98 and each fiscal year thereafter and for the three-year averages;

(22) Reimbursable educational unit total shall mean the

total of all reimbursable educational units accumulated in a community college area in any fiscal year;

(23) Special instructional term shall mean any term which is less than fifteen weeks for community colleges using semesters or ten weeks for community colleges using quarters;

(24) Tribally controlled community college shall mean an educational institution operating and offering programs pursuant to the Tribally Controlled Community College Assistance Act, Public Law 95-471 as reauthorized by Public Law 99-428; and

(25) Tribally controlled community college state aid amount shall mean the quotient of the amount of state aid to be distributed pursuant to sections 85-1536 and 85-1537 for the current fiscal year to a community college area in which a tribally controlled community college is located divided by the average of the reimbursable educational unit totals for such community college area for the immediately preceding three fiscal years, with such quotient then multiplied by the average reimbursable educational units derived pursuant to subdivision (19)(d) of this section for the immediately preceding three fiscal years.

Sec. 3. Section 85-1536.01, Revised Statutes Supplement, 1998, is amended to read:

85-1536.01. (1) The Community College Property Tax Relief and Equalization Program is created. The Legislature recognizes the need for a state and local partnership for the funding of community colleges. The Legislature also understands that some community college areas have a better ability than other areas to raise revenue through property taxes because of larger and growing valuation bases.

(2) It is the intent of the Legislature to appropriate funds beginning with fiscal year 1998-99 to provide property tax relief to those areas that (a) have levied the maximum allowable property tax levy as described in subsection (1) of section 85-1517 and cannot generate forty percent of their operating revenue or (b) do not receive forty percent of their operating revenue from state aid pursuant to subdivisions (1)(a) and (b) of section 85-1536 and levy the maximum allowable property tax levy as described in subsection (1) of section 85-1517 or the greater of a minimum levy of six and three-tenths cents per one hundred dollars of valuation for fiscal year 1998-99 and fiscal year 1999-00 and five and three-tenths cents per one hundred dollars of valuation for fiscal year 2000-01 and all subsequent fiscal years or a levy that raises forty percent of its operating revenue.

(3) Each eligible community college area which qualifies pursuant to subdivision (2)(a) of this section shall receive funds equal to the difference between the property tax revenue raised and forty percent of its operating revenue. Each eligible community college area which qualifies pursuant to subdivision (2)(b) of this section shall receive funds equal to the difference between state aid pursuant to subdivisions (1)(a) and (b) of section 85-1536 and

forty percent of its operating revenue, and any community college area which raises in excess of forty percent of its operating revenue from property tax shall have such excess serve as an offset to payments received from this program. Any community college area which qualifies under both subdivisions (2)(a) and (b) of this section shall receive funds as calculated for both subdivisions. The base year for calculating forty percent of operating revenue shall be fiscal year 1997-98, with future adjustments reflecting increases equal to two percent plus the percentage increase, if any, in full-time equivalent students eligible for state aid from the second year to the first year preceding the year for which the aid is being determined.

Any community college area which had an operational property tax levy that was one hundred thirty-five percent or more of the statewide average operational community college property tax levy for fiscal year 1997-98 shall, for purposes of state aid distribution beginning in fiscal year 1999-2000 and for each fiscal year thereafter, have added to its fiscal year 1997-98 base year revenue three-fourths of its unused budget authority as established under section 13-521 for fiscal year 1998-99. Each community college area shall submit its levy and valuation certification to the Department of Administrative Services by September 20 each year. After verifying valuations and general fund revenue amounts established from FTE-REU audits, which general fund revenue amounts are derived from the uniform budget form, the department shall distribute funds to those community college areas that have qualified for property tax relief and equalization. If the Legislature fails to appropriate adequate funds for the program, the funds appropriated shall be apportioned on a pro rata basis to the areas that qualify.

(4) The department shall distribute the total of such appropriated and allocated funds to the boards in nine as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in October of each year.

Sec. 4. Original sections 85-1503, 85-1536, and 85-1536.01, Revised Statutes Supplement, 1998, are repealed.".

2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 596. Placed on General File as amended.
Standing Committee amendment to LB 596:
AM0282

1. On page 2, line 21, after "County" insert "as such 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. On page 1, line 3, strike "state building" and insert "building owned or controlled by the state unless authorized by the governing body or agency having jurisdiction over the building, except that smoking shall be prohibited in the State Capitol building".

Mr. Hartnett filed the following amendment to LB 362:
AM0289
1. On page 6, line 9, strike "counties" and insert "local governing authorities"; and in line 24 strike "county 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

printed on recycled paper

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. On page 1, line 8; and page 67, line 6, after "8-101.01," insert "8-355,".

2. On page 1, line 11, after "banks" insert "and building and loan associations"; in line 14 after the first occurrence of "to" insert "extending"; and in line 16 strike "banker's banks," and after the second comma insert "banker's banks,".

3. On page 6, line 6, strike "2" and insert "5".

4. On page 18, line 13, strike "days" and insert "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.

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 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.

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 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.

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 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.

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 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.

Sincerely,
(Signed) 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. Insert the following new sections:

"Sec. 6. Section 24-710.10, Revised Statutes Supplement, 1998, is amended to read:

24-710.10. The minimum accrual rate is thirty-five dollars until adjusted pursuant to this section. Commencing June 30, 1999, the retirement board shall annually adjust the minimum accrual rate to reflect the cumulative change in the National Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics of the United States Department of Labor from the last adjustment of the minimum accrual rate.

Sec. 15. Section 79-947.04, Revised Statutes Supplement, 1998, is amended to read:

79-947.04. The minimum accrual rate is eighteen dollars until adjusted pursuant to this section. Commencing June 30, 1999, the retirement board shall annually adjust the minimum accrual rate to reflect the cumulative change in the National Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics of the United States Department of Labor from the last adjustment of the minimum accrual rate.

Sec. 17. Section 81-2027.06, Revised Statutes Supplement, 1998, is amended to read:

81-2027.06. The minimum accrual rate is thirty dollars until adjusted pursuant to this section. Commencing June 30, 1999, the retirement board shall annually adjust the minimum accrual rate to reflect the cumulative change in the National Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics of the United States Department of Labor from the last adjustment of the minimum accrual rate.".

2. On page 15, line 2; page 26, line 22; and page 28, line 12, before "Consumer" insert "National".

3. On page 15, line 4, after the period insert "If the consumer price index used in this section and section 24-710.10 is discontinued or replaced, a substitute index published by the United States Department of Labor shall be selected by the board which shall be a reasonable representative measurement of the cost of living for retired employees."; and in line 21 strike "Service" and insert "Code".

4. On page 16, strike beginning with "Existing" in line 1 through line 2 and show as stricken.

5. On page 26, line 24, after the period insert "If the consumer price index used in this section and section 79-947.04 is discontinued or replaced, a substitute index published by the United States Department of Labor shall be selected by the board which shall be a reasonable representative measurement of the cost of living for retired employees.".

6. On page 28, line 14, after the period insert "If the consumer price index used in this section and section 81-2027.06 is discontinued or replaced, a substitute index published by the United States Department of Labor shall be selected by the board which shall be a reasonable representative measurement of the cost of living for retired employees.".

7. On page 46, line 14, before "24-710.11" insert "24-711.10,"; and in line 15 before "79-947.05" insert "79-447.04," and before "81-2027.07" insert "81-2027.06,".

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. On page 2, line 27, strike "if" and insert "after taking into account such additional factors as whether (1)"; and in line 28 after the comma insert "(2)".

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. On page 2, line 11; and page 5, line 19, after

"height" insert "unless such building or structure, or the remodeling or repairing thereof, provides for the employment, 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. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Community-Based Neurobehavioral Action Plan Act.

Sec. 2. It is the intent of the Legislature that the planning and implementation of community-based neurobehavioral rehabilitation programs which provide behavior management services, associated neurobehavioral services, independent living services, caregiver support services, activity and vocational services, and psychosocial rehabilitation services for individuals with disabilities whose primary disability results from brain or head injuries, regardless of age, is necessary to promote the health and welfare of such individuals and their families.

Sec. 3. For purposes of the Community-Based Neurobehavioral Action Plan Act:

(1) Activity and vocational services means services which are intended to provide routine structure and activity in a vocational setting to enhance the adaptive behavioral capability of individuals with disabilities whose primary disability results from brain or head injuries and who as a consequence of the disabilities are unable to pursue competitive employment. Activity and vocational services shall include such services provided and coordinated through appropriately structured adult day care, work activity, vocational training, and sheltered employment settings with an intended goal of enhancing the individual's long-term potential for vocational activity;

(2) Associated neurobehavioral services means any service necessary or essential to enhance the adaptive capability of a person with a history of brain or head injuries. Examples of such services include but are not limited to behavior management, visual rehabilitation, occupational therapy, epilepsy treatment and control, and use of assistive technology devices;

(3) Behavior management services means behavioral manipulation or modification of the behavior of individuals with disabilities whose primary disability results from brain or head injuries which (a) enhances behavioral capabilities to acquire or demonstrate psychosocial adaptive behavior, (b) teaches such individuals to learn or acquire new skills or information, (c) provides systematic observation and supervision to sustain the safety, health, or well-being of such individuals, and (d) enhances other sensory, cognitive, or behavioral capabilities which enable

such individuals to compensate for their functional limitations. Behavior management services may be provided individually or to groups. Assistive technology devices may be used;

(4) Community-based neurobehavioral rehabilitation means the provision of behavior management and associated neurobehavioral services to provide independent living services, activity and vocational services, and psychosocial rehabilitation services in community-based settings to individuals with disabilities whose primary disability results from brain or head injuries;

(5) Department means the State Department of Education;

(6) Independent living services means the behavioral manipulation or modification of the environment and includes the use of assistive technology devices and assistive technology services to enhance the independent living capability of individuals with disabilities whose primary disability results from brain or head injuries;

(7) Individuals with disabilities whose primary disability results from brain or head injuries means individuals:

(a) Who have acquired brain or head injuries resulting directly or indirectly from closed or penetrating brain or head trauma, infection, febrile condition, anoxia, vascular lesion, toxin, metabolic condition, or spinal cord injury and whose brain or head injuries are not primarily related to congenital or degenerative conditions, chemical dependency, or aging processes; and

(b) Who have permanent or temporary impairment of mental, cognitive, behavioral, or physical functioning which directly or indirectly results in impairment in attention, cognition, language function, memory, conduct, behavior, motor function, or any other neuropsychological or cognitive behavioral function that did not occur as a result of perinatal factors or developmental anomaly;

(8) Neurobehavioral rehabilitation case counselors means credentialed individuals who have no less than a master's degree in vocational rehabilitation counseling, counseling psychology, school psychology, or guidance and counseling, who are responsible for developing and implementing planned, systematic behavior management services for individuals with disabilities whose primary disability results from brain or head injuries, and who have received additional specialized training for such responsibilities; and

(9) Psychosocial rehabilitation services means the community-based psychosocial rehabilitation services intended (a) to reduce the likelihood that individuals with disabilities whose primary disability results from brain or head injuries will develop aberrant or otherwise undesirable behavioral adaptations, (b) to reduce inactivity, and (c) to provide age-appropriate psychosocial interactions and activities.

Sec. 4. The Community-Based Neurobehavioral Rehabilitation Advisory Board is created to provide, in an advisory capacity, advice and recommendations to the State Department of

Education in applying for federal grants, the completion of a statewide needs and resource assessment, and the development of a statewide action plan and reports as required by the Community-Based Neurobehavioral Action Plan Act. In developing recommendations, the board shall consult with federal, state, and local governmental agencies, with citizen groups, and with other private entities. The board shall be composed of at least nine and not more than fifteen members including:

(1) The Administrator of the Special Populations Office of the State Department of Education or his or her designee;

(2) The director of the Division of Rehabilitation or his or her designee;

(3) The Administrator of the Department of Health and Human Services, maternal and child health, children with special health care needs program;

(4) Representatives of public and nonprofit private health-related organizations;

(5) Representatives of other disability advisory or planning groups in the state;

(6) Members of an organization or foundation representing traumatic brain injury survivors in the state;

(7) Representatives of injury control programs at the state or local level if such programs exist; and

(8) A substantial number of individuals who are survivors of traumatic brain injury or the family members of such individuals.

The members of the board shall be appointed by the Commissioner of Education within sixty days after the effective date of this act. Any vacancy occurring on the board shall be filled from the same category and in the same manner as the original appointment was made.

Members of the board shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177 from the funds appropriated under section 7 of this act. The board shall select a chairperson and such other officers as it deems necessary to perform its functions and shall establish rules and regulations to govern its procedures.

Sec. 5. The statewide needs and resource assessment shall include, but not be limited to, an assessment of the full spectrum of care and services from initial acute treatment through community reintegration for individuals of all ages having traumatic brain injury. The statewide action plan shall include, but not be limited to, the development of a comprehensive, community-based system of care that encompasses physical, psychological, educational, vocational, and social aspects of traumatic brain injury services and addresses the needs of the individual having traumatic brain injury as well as family members. A report of the statewide needs and resources assessment and the statewide action plan shall be made to the Legislature, the State

Department of Education, and the Department of Health and Human Services by December 31, 1999.

Sec. 6. To carry out section 5 of this act, the department shall have the power and authority to enter into contract for the completion of the needs and resource assessment, the development of the statewide action plan, and technical and administrative assistance necessary to ensure the completion of both. The department shall take into consideration the recommendation of the advisory board prior to entering into contract under this section. The total amount of funds expended shall be limited to the total amount of federal grant and state matching funds received under the Community-Based Neurobehavioral Action Plan Act.

Sec. 7. It is the intent of the Legislature to make a one-time appropriation of $37,500 of general funds in FY1999-00 for the completion of the statewide needs and resource assessment, development of the statewide action plan, and technical and administrative support for the completion of both, to be treated as state funds for the purpose of applying for and accepting federal grant funds made available on a two-to-one, federal-to-state, matching basis.

Sec. 8. The Community-Based Neurobehavioral Action Plan Act terminates on July 31, 2000.

Sec. 9. Since an emergency exists, this act takes effect 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. Strike section 32.
2. On page 5, strike beginning with "line" in line 1 through "in" in line 2.
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

printed on recycled paper

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.

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.

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.

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. Strike the original sections and insert the following new sections:

"Section 1. Section 9-1,101, Reissue Revised Statutes of Nebraska, is amended to read:

9-1,101. (1) The Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section 9-701 shall be administered and enforced by the Charitable Gaming Division of the Department of Revenue, which division is hereby created. The Department of Revenue shall make annual reports to the Governor, Legislature, Auditor of Public Accounts, and Attorney General on all tax revenue received, expenses incurred, and other activities relating to the administration and enforcement of such acts.

(2) The Charitable Gaming Operations Fund is hereby created. 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.

(3) Forty percent of the taxes collected pursuant to sections ~~9-239,~~ 9-344~~, 9-429,~~ and 9-648 shall be available to the Charitable Gaming Division for administering and enforcing the acts listed in subsection (1) of this section and section 81-8,128. The remaining sixty percent, along with any portion of the forty percent not used by the division in its administration and enforcement of such acts or section 81-8,128, shall be transferred to the General Fund.

(4) The Tax Commissioner shall employ investigators who shall be vested with the authority and power of a law enforcement officer to carry out the laws of this state administered by the Tax Commissioner or the Department of Revenue.

(5) The Charitable Gaming Division may charge a fee for publications and listings it produces. The fee shall not exceed the cost of publication and distribution of such items. The division may also charge a fee for making a copy of any record in its possession equal to the actual cost per page. The division shall remit the fees to the State Treasurer for credit to the Charitable Gaming Operations Fund.

Sec. 2. Section 9-217, Reissue Revised Statutes of Nebraska, is amended to read:

9-217. Profit shall mean the gross receipts collected from one or more bingo games, less reasonable sums necessarily and actually expended for prizes, ~~taxes,~~ license and permit fees, bingo equipment, the cost of renting or leasing a premises for the conduct of bingo, and other allowable expenses.

Sec. 3. Section 9-230.01, Reissue Revised Statutes of Nebraska, is amended to read:

9-230.01. (1) A qualifying nonprofit organization may apply to the department for a permit to conduct a special event bingo in conjunction with a special event at which bingo is not the primary function. Such special event bingo shall be exempt from (a) the licensing requirements found in the Nebraska Bingo Act for Class I and Class II licenses~~;~~ and (b) the record-keeping and reporting requirements found in the act for licensed organizations. ~~; and (c) any tax on the gross receipts derived from the conduct of bingo as provided in the act for licensed organizations.~~

(2) A qualifying nonprofit organization may apply for and obtain two special event bingo permits per calendar year, not to exceed a total of four days in duration. An application for a permit shall be made, on a form prescribed by the department, at least ten days prior to the desired starting date of the special event bingo. The form shall be accompanied by a permit fee of fifteen dollars and shall contain:

(a) The name and address of the nonprofit organization applying for the permit;

(b) Sufficient facts relating to the nature of the organization to enable the department to determine if the organization is eligible for the permit;

(c) The date, time, place, duration, and nature of the special event at which the special event bingo will be conducted;

(d) The name, address, and telephone number of the individual who will be in charge of the special event bingo; and

(e) Any other information which the department deems necessary.

(3) An organization must have a permit issued by the department before it can conduct a special event bingo. The permit shall be clearly posted and visible to all participants at the special event bingo.

(4) Special event bingo shall be subject to the following restrictions:

(a) Special event bingo shall be conducted only within the county in which the qualifying nonprofit organization has its principal office;

(b) Only reusable hard bingo cards or shutter cards shall be sold, rented, leased, or used at a special event bingo. Disposable paper bingo cards may not be used at a special event bingo. The cards as well as other bingo equipment necessary to

conduct bingo may be obtained from any source;

(c) No bingo card used at a special event bingo shall be sold, rented, or leased for more than twenty-five cents per card;

(d) No single prize shall be offered or awarded at a special event bingo which exceeds twenty-five dollars in value;

(e) A special event bingo shall be conducted by individuals who are at least eighteen years of age. The qualifying nonprofit organization may permit individuals under eighteen years of age to play special event bingo when no alcoholic beverages are served, sold, or consumed in the immediate vicinity of where the special event bingo is conducted;

(f) No wage, commission, or salary shall be paid to any person in connection with the conduct of a special event bingo; and

(g) The gross receipts from the conduct of a special event bingo shall be used solely for the awarding of prizes and reasonable and necessary expenses associated with the conduct of the special event bingo such as the permit fee and the purchase or rental of bingo cards or other equipment needed to conduct bingo. The remaining receipts shall be used solely for a lawful purpose.

Sec. 4. Section 9-239, Reissue Revised Statutes of Nebraska, is amended to read:

9-239. ~~(1) The department shall collect a state tax of three percent on the gross receipts received from the conducting of bingo within the state. The tax shall be remitted to the department. The department shall remit the tax to the State Treasurer for credit to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days after the close of the preceding quarter, together with any other reports as may be required by the department.~~

~~(2) Until January 1, 1999, any city or village is hereby directed to impose a tax of one percent on the gross receipts received from the conducting of bingo within such city or village. Until January 1, 1999, where bingo is conducted on an excursion or dinner train or outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of one percent on the gross receipts from the conducting of bingo on an excursion or dinner train or outside the corporate limits of such city or village. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236. Such tax shall be remitted to the clerk of the political subdivision imposing the tax, and the clerk shall remit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days after the close of the preceding quarter, together with such reports as may be required by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.~~

~~(3)~~ Unless otherwise provided in the act, no occupation

tax on any receipts derived from the conduct of bingo shall be levied, assessed, or collected from any licensee under the act by any county, township, district, city, village, or other governmental subdivision or body having power to levy, assess, or collect such tax.

Sec. 5. Section 9-255.04, Reissue Revised Statutes of Nebraska, is amended to read:

9-255.04. (1) No expense shall be incurred or amounts paid in connection with the conduct of bingo by a licensed organization except those which are reasonable and necessary.

(2) A licensed organization shall not spend more than fourteen percent of its bingo gross receipts to pay the expenses of conducting bingo. The actual cost of (a) license and local permit fees, (b) ~~any taxes authorized by the Nebraska Bingo Act,~~ ~~(c)~~ bingo prizes other than promotional prizes, ~~(d)~~ (c) the purchase, rental, or lease of bingo equipment, and ~~(e)~~ (d) the rental or lease of a premises for the conduct of bingo as prescribed by the department in rules and regulations shall not be included in determining compliance with the expense limitation contained in this section.

(3) A licensed organization which is also licensed to conduct a lottery by the sale of pickle cards pursuant to the Nebraska Pickle Card Lottery Act may allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions. Such allocation shall be based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the previous annual period July 1 through June 30. An organization licensed to conduct bingo that has not been previously licensed shall determine such allocation based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the initial three consecutive calendar months of operation.

(4) The total amount of expenses that may be allocated to the organization's lottery by the sale of pickle cards shall be subject to the limitations on bingo expenses as provided for in the Nebraska Bingo Act with respect to the fourteen-percent expense limitation and the fair-market-value limitation on the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo. No portion of the eight percent of the definite profit of a pickle card unit as allowed by section 9-347 to pay the allowable expenses of operating a lottery by the sale of pickle cards shall be used to pay any expenses associated with the sale of pickle cards at a bingo occasion.

(5) All persons paid for working at a bingo occasion, including pickle card sellers but excluding concession workers,

shall be paid only by a check written from the licensed organization's bingo checking account and shall not receive any other compensation or payment for working at a bingo occasion from any other source. Such wages shall be at an hourly or occasion rate and shall be included in the amount allowed by the expense limitation provided in subsection (2) of this section. No person shall receive any compensation or payment from a licensed organization based upon a percentage of the organization's bingo gross receipts or profit.

(6) No expenses associated with the conduct of bingo may be paid directly from the licensed organization's pickle card checking account. A licensed organization may transfer funds from its pickle card checking account to its bingo checking account as permitted by subsection (3) of this section by a check drawn on the pickle card checking account or by electronic funds transfer as provided only by section 9-347.

Sec. 6. Section 9-404, Reissue Revised Statutes of Nebraska, is amended to read:

9-404. Allowable expenses shall mean:

(1) All costs associated with the purchasing, printing, or manufacturing of any items to be used or distributed to participants such as tickets;

(2) All office expenses;

(3) All promotional expenses;

(4) ~~The tax on gross proceeds prescribed in section 9-429;~~

~~(5)~~ All license and permit fees prescribed by the Nebraska Lottery and Raffle Act;

~~(6)~~ (5) Any tax or fee imposed pursuant to section 9-433; and

~~(7)~~ (6) Any fee paid to any person associated with the operation of any lottery or raffle.

Sec. 7. Original sections 9-1,101, 9-217, 9-230.01, 9-239, 9-255.04, and 9-404, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 8. The following sections are outright repealed: 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 Maurstad 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

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. Strike original section 4 and insert the following new sections:

"Section 1. The Nebraska Budget Act Advisory Board is created. The board consists of not less than seven and not more than eleven members appointed by the Governor for a term comprising the period of the board's existence. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Members of the board shall represent local government governing bodies, professional public administrators, and private sector accountants whose practice includes performing financial audits of local governments. At least one member shall represent schools, one shall represent municipalities, one shall represent counties, and one shall represent other types of political subdivisions which are required to file annual budgets under the act.

The board shall hold hearings and offer advice to the auditor in administering compliance with the Nebraska Budget Act, developing forms for submission of budget information to the auditor, including forms prescribed in section 13-504, and developing uniform financial reporting standards and electronic filing of budgets and audits sufficient to enable statewide analysis of public spending and taxes.

The board terminates on July 1, 2000.

Sec. 2. Section 13-501, Reissue Revised Statutes of Nebraska, is amended to read:

13-501. Sections 2-958, 3-504, 12-914, 13-501 to 13-512, 13-515, 16-702, 16-706, 16-718, 17-702, 17-703, 17-708, 17-711, 17-715, 17-718, 18-1006, 19-1302, 23-132, 23-904, 23-920, 23-3519, 23-3552, 31-513, 35-509, 39-1621, 39-1634, 46-543, 46-544, 71-1611, 79-1083, 79-10,126, and 79-1225 and section 1 of this act shall be known and may be cited as the Nebraska Budget Act.

Sec. 3. Section 13-504, Reissue Revised Statutes of Nebraska, is amended to read:

13-504. (1) Each governing body shall prepare in writing and file with its secretary or clerk, in the year of its organization and each year thereafter, not later than the first day of August of each year on forms prescribed and furnished by the

auditor. ~~following consultation with representatives of such governing bodies or as otherwise authorized by state law,~~ a proposed budget statement containing the following information, except as provided by state law:

(a) For the immediate two prior fiscal years, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to each of the several funds and separately stated as to each such source, and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation of personal and real property allocated to each fund; and the amount of actual expenditure for each fund;

(b) For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to each of the several funds and separately stated as to each such source, and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from personal and real property taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable. ~~For fiscal year 1997-98 only, the estimated receipts for motor vehicle taxes shall be no less than seventy percent of the receipts from motor vehicle taxes in the prior fiscal year.~~ Such statement shall contain the cash reserve for each such fund for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed fifty percent of the total budget adopted for such fund exclusive of capital outlay items;

(c) For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source, to be allocated to each of the several funds, and for each fund: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed fifty percent of the total budget adopted exclusive of capital outlay items;

(d) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property (i) for the purpose of paying the principal or interest on bonds issued by the governing body and (ii) for all other purposes;

(e) A uniform summary of the proposed budget statement which shall include a separate total for each fund, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the governing body; and

(f) For municipalities, a list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budget statement which is approved by the city council or village board as provided in the Municipal Proprietary Function Act.

(2) Any governing body required by a final order of a court, the State Board of Equalization and Assessment, the Tax Commissioner, the Tax Equalization and Review Commission, or the Property Tax Administrator from which no appeal is taken to reimburse property taxes to a taxpayer may certify to the county clerk of the county in which any part of the political subdivision is situated, not later than September 10, an itemized estimate of the amount necessary to be expended to reimburse the property taxes. Such amounts shall be levied by the county board of equalization. The taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and, when collected, shall be paid to the treasurer of the political subdivision and used to cover the reimbursement of the property taxes.

Any governing body which submits an itemized estimate shall establish a property tax reimbursement fund. Taxes collected pursuant to this section shall be credited to such fund to cover the reimbursement of the property taxes.

The authority conferred by this section shall apply only to reimbursements made during fiscal years 1993-94 through 1999-2000.

(3) The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the political subdivision as well as any funds held by the county treasurer for the political subdivision and shall be accurately stated on the proposed budget statement.

(4) The political subdivision shall correct any material errors in the budget statement detected by the auditor or by other sources.

Sec. 7. Section 13-518, Revised Statutes Supplement, 1998, is amended to read:

13-518. For purposes of sections 13-518 to 13-522:

(1) Allowable growth means (a) for governmental units other than community colleges, the percentage increase in taxable valuation in excess of the base limitation established under section 77-3446, if any, due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year and (b) for community colleges, the percentage increase in excess of the base limitation, if any, in full-time equivalent students from the second year to the first year preceding the year for which the

budget is being determined;

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

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

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

(5) Qualified sinking fund means a fund or funds maintained separately from the general fund to pay for acquisition or replacement of tangible personal property with a useful life of five years or more which is to be undertaken in the future but is to be paid for in part or in total in advance using periodic payments into the fund. The term includes sinking funds under subdivision (13) of section 35-508 for firefighting and rescue 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) motor vehicle taxes, (e) state aid, ~~(e)~~ (f) 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)~~ (g) 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, 60-3001 to 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;

(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. 8. Section 13-520, Revised Statutes Supplement, 1998, is amended to read:

13-520. The limitations in section 13-519 shall not apply to (1) restricted funds budgeted for capital improvements, (2) restricted funds expended from a qualified sinking fund for acquisition or replacement of tangible personal property with a useful life of five years or more, (3) restricted funds pledged to retire bonded indebtedness or used to pay other financial instruments that are approved and agreed to before July 1, 1999, in the same manner as bonds by a governing body created under section 35-501, (4) restricted funds budgeted in support of a service which is the subject of an interlocal cooperation agreement or a modification of an existing agreement whether operated by one of the parties to the agreement or an independent joint entity, (5) restricted funds budgeted to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act, or (6) restricted funds budgeted to pay for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a governmental unit which require or obligate a governmental unit to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a governmental unit.

Sec. 9. Section 18-2805, Reissue Revised Statutes of Nebraska, is amended to read:

18-2805. (1) At least thirty days prior to the start of the fiscal year of each proprietary function, a proposed proprietary budget statement shall be prepared in writing and filed with the municipal clerk containing the following information:

(a) For the immediate two prior fiscal years, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and the amount of actual expenditure;

(b) For the current fiscal year, actual and estimated revenue from all sources separately stated as to each such source, the actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, and the amount of actual and estimated expenditure, whichever is applicable;

(c) For the immediately ensuing fiscal year, an estimate of revenue from all sources separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever is applicable, to be available at the beginning of the year, the amounts proposed to be expended during the fiscal year, and the amount of cash reserve based on actual experience of prior years; and

(d) A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function.

(2) Such statement shall contain the estimated cash reserve for each fiscal year and shall note whether or not such reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years.

(3) ~~Within three years after June 10, 1993, each~~ Each proprietary budget statement shall be filed on forms prescribed and furnished by the Auditor of Public Accounts following consultation with representatives of such governing bodies as operate proprietary functions subject to the provisions of the Municipal Proprietary Function Act.

Sec. 14. Sections 1, 2, 7, 8, 14, 16, and 18 of this act become operative on their effective date. The other sections of this act become operative on July 1, 1999.

Sec. 16. Original section 13-501, Reissue Revised Statutes of Nebraska, and sections 13-518 and 13-520, Revised Statutes Supplement, 1998, are repealed.

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

2. On page 3, strike lines 14 through 25 and insert the following new subsection:

"(2) Upon approval by the governing body, the budget shall be filed with the auditor. The auditor may review the budget for errors in mathematics, improper accounting, and noncompliance with the provisions of the Nebraska Budget Act or sections 13-518 to 13-522. If the auditor detects such errors, he or she shall immediately notify the governing body of such errors. The governing body shall correct any such error as provided in section 13-511. Warrants for the payment of expenditures provided in the budget adopted under this section shall be valid notwithstanding any errors or noncompliance for which the auditor has notified the governing body.".

3. On page 6, strike lines 26 through 28 and insert:

"(4) Within thirty days after the adoption of the budget under section 13-506, a governing body may, or within thirty days after notification of an error by the auditor, a governing body shall,".

4. On page 14, line 12, after "sections" insert "13-504," and strike "13-522" and insert "18-2805".

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. On page 4, line 3, strike "county" and show as stricken; and in line 4 strike "school administrator or" and show the old matter as stricken.

2. On page 12, reinstate the stricken matter beginning with "the" in line 23 through "with" in line 25.

3. On page 19, strike beginning with "county" in line 22 through "the" in line 23 and show the old matter as stricken; and in line 23 strike "schools of" and show as stricken and before "school" insert "primary high".

4. On page 25, line 2, after the last "the" insert "primary high"; in line 21 strike "in a Class I district" and show as stricken; and in line 22 strike "administrator of the school" and insert "superintendent of the primary high school district".

5. On page 26, line 1, strike "or administrator of a", show the old matter as stricken, and insert "of the primary high"; and strike beginning with "for" in line 20 through "districts" in line 21 and show as stricken.

6. On page 39, line 14, strike "superintendent", show as stricken, and insert "clerk".

7. On page 69, line 8, after "clerk" insert ", county assessor,".

8. On page 74, line 25, strike "may, at its option," show as stricken, and insert "shall".

9. On page 81, line 8, strike "book" and show as stricken; and in line 9 before "in" insert "record".

10. On page 83, line 6, reinstate the stricken "superintendent" and after the reinstated "superintendent" insert "of the primary high school district"; and in line 7 strike the new matter.

11. On page 84, lines 17 and 19, after "committee" insert "or designee".

12. On page 85, line 4, after the stricken "maintained" insert "superintendent of the primary high".

13. On page 88, line 6, after "supervisors" insert "or designee"; in line 12 after "board" insert "or designee"; and in line 13 after "public" insert ", private, denominational, and parochial".

14. On page 91, line 16, reinstate the stricken "superintendent" and strike "school" and insert "of the primary high school district"; in line 26 strike "school" and show as stricken; and in line 28 reinstate the stricken "superintendent" and after the reinstated "superintendent" insert "of the primary high school district".

15. On page 93, line 11, after "marriage" insert "pursuant to section 49-1499.01".

16. On page 106, line 13, reinstate the stricken "subsection" and after the reinstated "subsection" insert "(1) of this section".

17. On page 108, line 24, after "returned" insert "from the school district".

18. On page 110, line 11, strike "treasurer" and insert "assessor".

19. On page 116, line 28, strike "each of the directors", show as stricken, and insert "the school board

secretary".

20. On page 118, lines 8 and 9 and 14; and page 120, lines 2 and 8, strike "treasurer and county clerk", show the old matter as stricken, and insert "assessor".

21. On page 122, lines 8 and 17, strike "or administrator"; and in line 8 after "the" insert "primary high".

22. On page 123, line 7, strike "school district" and insert "high school district and its affiliated territory"; in lines 10 and 18 strike "either" and show as stricken; in lines 11 and 12 strike "or a Nebraska Professional Administrative and Supervisory Certificate," and insert an underscored comma; and in lines 19 and 20 strike "or a Nebraska Professional Administrative and Supervisory Certificate." and insert an underscored period.

23. On page 124, line 2, strike "2001" and insert "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. Strike the last "WHEREAS".

2. Strike the first RESOLVED paragraph and insert the following new paragraph:

"1. That the Legislature hereby petitions the Congress of the United States to propose to the states an amendment to Article 1, 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 three years with one-half of the members' terms expiring at the same time.".

Mr. Wehrbein filed the following amendment to LB 243:
AM0312

1. On page 2, line 27, after "year" insert ", and the amount of tuition credits granted shall not exceed nine hundred thousand dollars during any fiscal year".

Mr. Wehrbein filed the following amendment to LB 243:
AM0314

1. On page 2, line 27, after "year" insert ", and the amount of tuition credits granted shall not exceed one million seventy-three thousand dollars during fiscal year 1999-00 or nine hundred thousand dollars during any subsequent fiscal year".

Mr. Wehrbein filed the following amendment to LB 243:
AM0316

1. On page 2, line 7, strike "one hundred" and insert "seventy-five"; in line 20 reinstate the stricken matter and strike "the"; in line 21 strike the new matter; and in line 27 after "year" insert ", and the amount of tuition credits granted shall not exceed eight hundred thousand dollars during any fiscal year".

Mr. Wehrbein filed the following amendment to LB 243A:
AM0313

1. On page 2, line 1, strike "$862,900" and insert "$350,000"; and in line 2 strike "$933,545" and insert "$350,000".

Mr. Wehrbein filed the following amendment to LB 243A:
AM0315

1. Insert the following new sections:

"Sec. 2. Laws 1997, LB 389, section 124, is amended to read:

Sec. 124. AGENCY NO. 31 -- MILITARY DEPARTMENT
Program No. 548 - Tuition Assistance

	FY1997-98	FY1998-99
GENERAL FUND	600,000	600,000
PROGRAM TOTAL	600,000	600,000

There is included in the appropriation to this program for FY1997-98 $600,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1998-99 $600,000 General Funds for state aid, which shall only be used for such purpose.

The unexpended General Fund balance existing on June 30, 1999, is hereby reappropriated.

Sec. 3. Original Laws 1997, LB 389, section 124, is repealed.".

2. On page 2, line 1, strike "$862,900" and insert "$350,000"; and in line 2 strike "$933,545" and insert "$350,000".

3. Insert underscoring in original section 1.

4. Renumber the remaining sections accordingly.

Mr. Wehrbein filed the following amendment to LB 243A:
AM0317

1. On page 2, line 1, strike "$862,900" and insert "$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 brom 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

printed on recycled paper

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. In the Standing Committee amendments, AM0157:

a. On page 3, line 20; page 14, line 14; and page 15, line 17, strike the comma;

b. On page 4, line 23, after "77-3443" insert an underscored comma;

c. On page 5, line 7, strike "proposed tax" and insert "proposal"; and in line 14 strike "those municipalities" and insert "each municipality";

d. On page 7, lines 2 and 6; and page 9, lines 21 and 24, strike "in" and insert "of";

e. On page 11, line 7, after "agreement" insert "creating the joint public agency";

f. On page 13, line 9; and page 17, line 10, strike "members" and insert "representatives";

g. On page 17, line 17, strike the last comma;

h. On page 22, line 12, strike "members or" and after "representatives" insert "or agents"; and in line 16 after "state" insert an underscored comma;

i. On page 28, lines 23 and 24, strike "Joint Public Agency Act" and insert "act";

j. On page 29, strike the matter beginning with "political" in line 3 through "located" in line 5 and insert "area served by the joint public agency"; strike line 7 and insert "area served by the joint public agency."; and in lines 16 and 17 strike "political subdivisions" and insert "public agencies";

k. On page 36, line 2, after "or" insert "by";

l. On page 38, line 1, strike "the act", show as stricken, and insert "either of such acts"; and in line 2 strike "define" and insert "defined";

m. On page 56, line 15; page 58, line 26; and page 66, line 10, strike "and" and insert "or the";

n. On page 63, line 2; and page 64, line 4, after "grants" insert "for";

o. On page 64, line 11; and page 73, line 21, after "or" insert "the";

p. On page 105, line 11, after "township" insert an underscored comma; and in line 14 after "repairs" insert an underscored comma; and

q. On page 135, line 4, reinstate the stricken "created".

2. On page 1, strike beginning with "the" in line 1 through "State" in line 10 and insert "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".

LEGISLATIVE BILL 323. Placed on Select File as amended.
E & R amendment to LB 323:
AM7043

1. On page 3, line 17, strike the comma.
2. On page 4, line 14, strike "and" and insert an underscored comma; and in line 15 after "increases" insert an 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. On page 11, lines 5 and 6, strike "Chapter 87, article 3", show as stricken, and insert "the Uniform Deceptive 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. On page 4, line 17, reinstate the stricken "delays".
2. On page 31, strike beginning with "The" in line 22 through the period in line 24.
3. On page 90, line 19, strike "section" and show as 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. Strike the original sections and insert the following new sections:

"Section 1. (1) The Legislature finds that many controlled substances have useful and legitimate medical and scientific purposes and are necessary to maintain the health and general welfare of the people of Nebraska. Principles of quality

medical practice dictate that the people of Nebraska have access to appropriate and effective pain relief.

(2) The Legislature finds that the appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain. The Legislature therefor encourages physicians to view effective pain management as a part of quality medical practice for all patients with pain, acute or chronic, including those patients who experience pain as a result of terminal illness.

(3) The Legislature finds that a physician should be able to administer a controlled substance in excess of the recommended dosage for the treatment of pain so long as such dosage is not administered for the purpose of causing, or the purpose of assisting in causing, death for any reason and so long as it conforms to policies and guidelines for the treatment of pain adopted by the Board of Examiners in Medicine and Surgery.

(4) The Legislature finds that a health care facility, hospice, or third-party payor should not forbid or restrict the use of controlled substances appropriately administered for the treatment of pain.

Sec. 2. A physician licensed under the Uniform Licensing Law who administers a controlled substance in excess of the recommended dosage for the treatment of pain shall not be subject to discipline under sections 71-147 to 71-161.20 or criminal prosecution under the Uniform Controlled Substances Act when: (1) In the judgment of the physician, appropriate pain management warrants such dosage; (2) the controlled substance is not administered for the purpose of causing, or the purpose of assisting in causing, death for any reason; and (3) the administration of the controlled substance conforms to policies and guidelines for the treatment of pain adopted by the Board of Examiners in Medicine and Surgery.

(3) The Board of Examiners in Medicine and Surgery shall adopt policies and guidelines for the treatment of pain to ensure that physicians who are engaged in the appropriate treatment of pain are not subject to disciplinary action, and the board shall consider policies and guidelines developed by national 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. Strike original section 1 and insert the following new section:

"Section 1. Section 29-901, Reissue Revised Statutes of Nebraska, is amended to read:

29-901. Any bailable defendant shall be ordered released from custody pending judgment on his or her personal recognizance unless the judge determines in the exercise of his or her discretion that such a release will not reasonably assure the appearance of the defendant as required. When such determination is made, the judge shall either in lieu of or in addition to such a

release impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the defendant in the custody of a designated person or organization agreeing to supervise the defendant;

(2) Place restrictions on the travel, association, or place of abode of the defendant during the period of such release;

(3) Require, at the option of any bailable defendant, either of the following:

~~(a)~~ (a)(i) The execution of an appearance bond in a specified amount and the deposit with the clerk of the court in cash of a sum not to exceed ten percent of the amount of the bond, ninety percent of such deposit to be returned to the defendant upon the performance of the appearance or appearances and ten percent to be retained by the clerk as appearance bond costs, except that when no charge is subsequently filed against the defendant or if the charge or charges which are filed are dropped before the appearance of the defendant which the bond was to assure, the entire deposit shall be returned to the defendant. If the bond is subsequently reduced by the court after the original bond has been posted, no additional appearance bond costs shall be retained by the clerk. The difference in the appearance bond costs between the original bond and the reduced bond shall be returned to the defendant. In no event shall the deposit be less than twenty-five dollars;

(ii) Whenever jurisdiction is transferred from a court requiring an appearance bond under this subdivision to another state court, the transferring court shall transfer the ninety percent of the deposit remaining after the appearance bond costs have been retained. No further costs shall be levied or collected by the court acquiring jurisdiction; or

(b)(i) The execution of a bail bond with such surety or sureties as shall seem proper to the judge or, in lieu of such surety or sureties, at the option of such person, a cash deposit of such sum so fixed, conditioned for his or her appearance before the proper court, to answer the offense with which he or she may be charged and to appear at such times thereafter as may be ordered by the proper court. The cash deposit shall be returned to the defendant upon the performance of all appearances;

(ii) If the amount of bail is deemed insufficient by the court before which the offense is pending, the court may order an increase of such bail and the defendant shall provide the additional undertaking, written or cash, to secure his or her release. All recognizances in criminal cases shall be in writing and be continuous from term to term until final judgment of the court in such cases and shall also extend, when the court has suspended execution of sentence for a limited time, as provided in section 29-2202, or, when the court has suspended execution of sentence to enable the defendant to apply for a writ of error to

the Supreme Court or Court of Appeals, as provided in section 29-2301, until the period of suspension has expired. When two or more indictments or informations are returned against the same person at the same term of court, the recognizance given may be made to include all offenses charged therein. Each surety on such recognizance shall be required to justify under oath in a sum twice the amount of such recognizance and give the description of real estate owned by him or her of a value above encumbrance equal to the amount of such justification and shall name all other cases pending in which he or she is a surety. No one shall be accepted as surety on recognizance aggregating a sum in excess of his or her equity in the real estate, but such recognizance shall not constitute a lien on the real estate described therein until judgment is entered thereon against such surety; or

(4) Impose any other condition deemed reasonably necessary to assure appearances as required, including a condition requiring that the defendant return to custody after specified hours.".

LEGISLATIVE BILL 54. Placed on General File as amended.
Standing Committee amendment to LB 54:
AM0340

1. Strike the original sections and insert the following new sections:

"Section 1. Any person who serves as an interpreter for persons unable to communicate the English language in court proceedings or probation services as provided in subsection (6) of section 29-2259 shall meet the standards adopted by the Supreme Court. Such standards shall require that interpreters demonstrate the ability to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary special vocabulary. Any person appointed to interpret for deaf and hard of hearing persons shall be a qualified interpreter as defined in subdivision (6) of section 20-151.

Sec. 2. Section 20-159, Reissue Revised Statutes of Nebraska, is amended to read:

20-159. A qualified interpreter appointed pursuant to sections 20-150 to 20-159 is entitled to a fee for professional services and other relevant expenses as approved by the governing body of the appointing authority. When appropriate, the appointing authority may use fee guidelines established by a recognized registry of interpreters for the deaf and hard of hearing. When the qualified interpreter is appointed by a court, the fee shall be paid out of the ~~general fund of the county in which such proceedings take place~~ General Fund with funds appropriated to the Supreme Court for that purpose. When the qualified interpreter is appointed by an appointing authority other than a court, the fee shall be paid out of funds available to the governing body of the appointing authority.

Sec. 3. Section 25-2406, Reissue Revised Statutes of Nebraska, is amended to read:

25-2406. The fees and expenses of an interpreter shall be fixed and ordered paid by the judge before whom such proceeding takes place in accordance with a fee schedule established by the Supreme Court, and be paid out of the ~~general fund of the county in which such proceeding takes place~~ General Fund with funds appropriated to the Supreme Court for that purpose.

Sec. 4. Section 29-2259, Reissue Revised Statutes of Nebraska, is amended to read:

29-2259. (1) The salaries, actual and necessary expenses, and expenses incident to the conduct and maintenance of the office shall be paid by the state. Actual and necessary expenses shall be paid as provided in sections 81-1174 to 81-1177.

(2) The salaries and actual and necessary travel expenses of the probation service shall be paid by the state. Actual and necessary expenses shall be paid as provided in sections 81-1174 to 81-1177.

(3) Except as provided in sections 29-2262 and 29-2262.04, the costs of drug testing and equipment incident to the electronic surveillance of individuals on probation shall be paid by the state.

(4) The expenses incident to the conduct and maintenance of the principal office within each probation district shall in the first instance be paid by the county in which it is located, but such county shall be reimbursed for such expenses by all other counties within the probation district to the extent and in the proportions determined by the Supreme Court based upon population, number of investigations, and probation cases handled or upon such other basis as the Supreme Court deems fair and equitable.

(5) Each county shall provide office space and necessary facilities for probation officers performing their official duties and shall bear the costs incident to maintenance of such offices other than salaries, travel expenses, and data processing and word processing hardware and software that is provided on the state computer network.

(6) The cost of interpreter services for deaf and hard of hearing persons and for persons unable to communicate the English language shall be paid by the state with money appropriated to the Supreme Court. Interpreter services shall include auxiliary aids for deaf and hard of hearing persons as defined in section 20-151 and interpreters to assist persons unable to communicate the English language as defined in section 25-2402. Interpreter services shall be provided under this section for the purposes of conducting a presentence investigation and for ongoing supervision by a probation officer of such persons placed on probation.

(7) The probation administrator shall prepare a budget and request for appropriations for the office and shall submit such request to the Supreme Court and with its approval to the

appropriate authority in accordance with law.

Sec. 5. Original sections 20-159, 25-2406, and 29-2259, 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. On page 4, line 3, strike "State Capitol Environs" 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. Because of the adoption of the Bromm amendment, FA17, renumber original sections 3 to 9 as 2 to 8, respectively.
2. On page 1, strike beginning with "to" in line 5 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. On page 2, line 23, strike "provide" and insert "provides".
2. On page 5, line 12, strike "3" and insert "4".
3. On page 6, line 21, after "that" insert "each"; and 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. On page 1, line 4, after "define" insert "and 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. Insert the following new section:
"Sec. 4. There is hereby appropriated $32,599 from the Compensation Court Cash Fund for FY2000-01 to the Nebraska Workers' Compensation Court, for Program 526, to aid in carrying out the provisions of Legislative Bill 350, 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 $30,282 for FY2000-01.".

Mr. Beutler filed the following amendment to LB 100:
AM0356
1. On page 3, line 7, after the second "recorded" insert "by the claiming successor".

Mr. Beutler filed the following amendment to LB 100:
AM0354
1. On page 3, line 4, strike "and"; and in line 6 after "property" insert "; and
(7) the claiming successor is the spouse of the decedent and the only claiming successor or the state inheritance taxes relating to the transfer have been paid in full or have been determined by the county not to be owing".

Mr. Beutler filed the following amendment to LB 100:
AM0355

1. On page 4, line 9, strike "and" and show as stricken; and in line 11 after "property" insert "; and

(5) the claiming successor is the spouse of the decedent and the only claiming successor or the state inheritance taxes relating to the transfer have been paid in full or have been 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. On page 2, line 4, after the period insert "Committee members shall be reimbursed for actual and necessary expenses as 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

printed on recycled paper

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. On page 1, line 5, after the semicolon insert "to harmonize provisions;".
2. On page 2, line 12, strike "isubutane" and insert "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. In the Standing Committee amendments, AM0177, on page 1, line 2, strike "'days'" and insert "the comma"; and in line 15 strike "have to pay" and insert "be subject to".
2. On page 5, strike beginning with the first comma in line 26 through "and" in line 27, show the old matter as stricken, 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. Strike sections 1, 2, and 4.
2. On page 2, line 13, strike "facility" and insert "pharmacy"; in line 15 after "pharmacist" insert ", except that

drugs and devices dispensed to residents of a long-term care facility shall be destroyed on the site of the long-term care facility"; strike beginning with the first "for" in line 19 through "destruction" in line 20; in lines 24 and 26 after "The" insert "dispensed"; in line 26 strike "is" and insert "shall be"; and in line 28 strike "an" and insert "the".

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 1:30 p.m.
HHS 1999 State Plan:
Community Services Block Grant

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. Strike the original sections and insert the following new sections:

"Section 1. (1) The Legislature finds that many controlled substances have useful and legitimate medical and scientific purposes and are necessary to maintain the health and general welfare of the people of Nebraska. Principles of quality medical practice dictate that the people of Nebraska have access to appropriate and effective pain relief.

(2) The Legislature finds that the appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain. The Legislature therefor encourages physicians to view effective pain management as a part of quality medical practice for all patients with pain, acute or chronic, including those patients who experience pain as a result of terminal illness.

(3) The Legislature finds that a physician should be able to administer a controlled substance in excess of the recommended dosage for the treatment of pain so long as such dosage is not administered for the purpose of causing, or the purpose of assisting in causing, death for any reason and so long as it conforms to policies and guidelines for the treatment of pain adopted by the Board of Examiners in Medicine and Surgery.

(4) The Legislature finds that a health care facility, hospice, or third-party payor should not forbid or restrict the use of controlled substances appropriately administered for the treatment of pain.

Sec. 2. A physician licensed under the Uniform Licensing Law who administers a controlled substance in excess of the recommended dosage for the treatment of pain shall not be subject to discipline under sections 71-147 to 71-161.20 or criminal prosecution under the Uniform Controlled Substances Act when: (1) In the judgment of the physician, appropriate pain management warrants such dosage; (2) the controlled substance is not administered for the purpose of causing, or the purpose of assisting in causing, death for any reason; and (3) the administration of the controlled substance conforms to policies and guidelines for the treatment of pain adopted by the Board of Examiners in Medicine and Surgery.

Sec. 3. The Board of Examiners in Medicine and Surgery

shall adopt policies and guidelines for the treatment of pain to ensure that physicians who are engaged in the appropriate treatment of pain are not subject to disciplinary action, and the board shall consider policies and guidelines developed by national 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. Insert the following new sections:

"Sec. 2. Section 28-412, Revised Statutes Supplement, 1998, is amended to read:

28-412. It shall be unlawful for any duly licensed practicing physician to prescribe, or for any duly licensed practicing physician, physician assistant, dentist, or veterinarian, to administer, in any manner or form, any cocaine, alpha or beta eucaine, morphine, or opium, or any salt, compound, or derivative of any of the foregoing substances, or any preparation, product, or compound, containing any of the foregoing substances or any of their salts, compounds, or derivatives, for, or to, any person addicted to the habitual use of cocaine, alpha or beta eucaine, morphine, or opium, or any salt, compound, or derivative of any of the foregoing substances, or any preparation, product, or compound containing any of the foregoing substances or any of their salts, compounds, or derivatives, except that a reputable and duly licensed practicing physician may personally administer to a patient who is a habitual user of such drugs, or any of them, necessary doses thereof, when it has been in good faith determined by two reputable and duly licensed practicing physicians, in consultation, to be absolutely necessary in the medical treatment of such patient, in which case, the physician administering such drugs, or any of them, shall make and keep a record in writing of the name and address of the person to whom such drugs, or any of them, were administered, the date administered, the form and quantity of drug administered, the name and address of the consulting physician, and the date and place of consultation. Such record shall be retained and preserved within the State of Nebraska, and the county where administered, for a

period of at least seven years, and shall always be open for inspection by the Department of Health and Human Services Regulation and Licensure, state, county and city health officers, county attorneys, grand juries, and all officers of the law, and by agents appointed by them, or any of them, for the purpose of making an inspection. The record shall be made at the time of each administration of such drugs, or any of them, and a copy of the record shall, within five days after each administration of such drugs, or any of them, as in this section provided, be filed with the county attorney of the county in which the administering took place, by the physician administering the drugs, or any of them, and shall have affixed thereto the signature and address of the administering physician.

Any person violating any of the provisions or requirements of this section or any part thereof shall be guilty of a Class IV felony.

Sec. 3. Section 28-415, Reissue Revised Statutes of Nebraska, is amended to read:

28-415. (1) Whenever a manufacturer sells or dispenses a narcotic drug and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him or her, he or she shall securely affix to each package in which the drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under ~~this article~~ the Uniform Controlled Substances Act, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, physician assistant, dentist, podiatrist, or veterinarian, he or she shall affix to the container in which such drug is sold or dispensed a label in accordance with the requirements stated in subdivisions (4)(f) and (g) of section 28-414. No person shall alter, deface, or remove any label so affixed.".

2. On page 3, line 15, after the first comma insert "physician assistant,".

3. On page 11, line 10, strike "section" and insert "sections 28-415 and"; and in line 11 strike "section 28-401" and insert "sections 28-401 and 28-412".

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

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. On page 118, strike lines 11 through 16.
2. On page 203, line 18, strike "licensee" and insert "licensor".
3. On page 231, line 7, strike "officer" and insert "office".
4. On page 267, lines 2 and 3, strike "or (c)"; and in line 24 strike "(a)".
5. On page 269, strike lines 4 through 9.
6. On page 280, line 12, strike "Supplements" and insert "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. On page 4, line 6, after the semicolon insert "and"; in line 11 strike "; and", show as stricken, and insert an underscored period; and in line 12 strike "(ix)" and show as stricken.
2. On page 6, line 21, strike "said", show as stricken, and insert "the".
3. On page 7, line 26, after the semicolon insert "and".
4. On page 8, line 3, strike "; and", show as stricken, and insert an underscored period; and in line 4 strike "(ix)" and show as stricken.
5. On page 10, line 3, after the semicolon insert "and"; in line 4 strike "level" and insert "levels"; in line 8 strike "; and", show as stricken, and insert an underscored period; and in line 9 strike "(i)" and show as stricken.
6. On page 12, line 9, after the semicolon insert "and"; in line 14 strike "; and", show as stricken, and insert an underscored period; and in line 15 strike "(i)" and show as stricken.
7. On page 16, line 5, after the semicolon insert "and"; in line 10 strike "; and", show as stricken, and insert an

underscored period; and in line 11 strike "(ix)" and show as stricken.

8. On page 18, line 27, after the semicolon insert "and".

9. On page 19, line 5, strike "; and", show as stricken, and insert an underscored period; and in line 6 strike "(ix)" and show as stricken.

10. On page 21, line 22, after the semicolon insert "and"; and in line 28 strike "; and", show as stricken, and insert an underscored period.

11. On page 22, line 1, strike "(ix)" and show as stricken.

12. On page 24, line 25, after the semicolon insert "and".

13. On page 25, line 3, strike "; and", show as stricken, and insert an underscored period; and in line 4 strike "(ix)" and show as stricken.

14. On page 26, line 14, strike "class", show as stricken, and insert "classes".

15. On page 27, line 22, after the semicolon insert "and"; in line 27 strike "; and", show as stricken, and insert an underscored period; and in line 28 strike "(ix)" and show as stricken.

16. On page 32, line 10, reinstate the stricken matter; in line 23 after the semicolon insert "and"; and in line 28 strike "; and", show as stricken, and insert an underscored period.

17. On page 33, line 1, strike "(ix)" and show as stricken.

18. On page 35, line 12, after the semicolon insert "and"; in line 19 strike "; and", show as stricken, and insert an underscored period; in line 20 strike "(ix)" and show as stricken; and in line 28 after "defined" insert "benefit".

19. On page 37, line 26, after the semicolon insert "and".

20. On page 38, line 3, strike "; and", show as stricken, and insert an underscored period; and in line 4 strike "(i)" and show as stricken.

21. On page 40, line 13, after the semicolon insert "and"; in line 18 strike "; and", show as stricken, and insert an underscored period; and in line 19 strike "(i)" and show as 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. Strike the original sections and insert the following new sections:

"Section 1. The Hardship Fund is created. Money in the fund shall be distributed to districts pursuant to section 2 of this act. The fund shall consist of any money not distributed as temporary mitigation funds pursuant to section 79-1072.01 and other funds appropriated by the Legislature. The Legislature shall annually appropriate sufficient funds to maintain the amount not distributed as temporary mitigation funds pursuant to section 79-1072.01 as the beginning balance in the fund at the beginning of each fiscal year. 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. 2. (1) A school district may apply to the Commissioner of Education, in a manner prescribed by the commissioner, for money from the Hardship Fund if one or more unexpected discrete occurrences cause the district financial distress. Such occurrences include, but are not limited to:

(a) One or more new special education students or one or more new disabling conditions of a special education student causing special education expenditures to increase by ten percent over the prior school fiscal year's special education expenditures, but not less than three times the cost grouping cost per student in the standard cost grouping in the current school fiscal year;

(b) The opening of a group home causing expenditures to increase by ten percent over the prior school fiscal year's special education expenditures but not less than three times the cost grouping cost per student in the standard cost grouping for the current school fiscal year; and

(c) Clerical errors by public officials that are affecting the funding available to the district.

(2) If the district will receive reimbursement from another source for the costs that are being covered by money received from the Hardship Fund, the district shall reimburse the fund in a manner to be determined by the commissioner. For money received from the fund that will cover reimbursable special education costs, one-third of the reimbursed amount will be subtracted from the special education reimbursements each year for the three years following receipt of such funds. Money received from the fund shall be included in the special education allowance under the Tax Equity and Educational Opportunities Support Act, except that if the district will be reimbursed for those costs and the district will repay the fund, the amount of repayment shall not be included in the allowance.

(3) The commissioner shall notify the district of his or her decision within thirty days after receiving the application. The commissioner may award any amount of available money from the fund he or she deems appropriate with any repayment conditions that he or she deems appropriate and consistent with this section. The commissioner may also refuse to award any money under this section in response to a particular request.

(4) Before money is distributed to a district under this section, the president of the school board shall sign an agreement stating that:

(a) The costs for which money is being distributed are as accurate as can be determined at that point;

(b) The events were unexpected; and

(c) The district will make any required repayments to the fund.

(5) Up to two-thirds of the money appropriated to the fund shall be available to be awarded for requests received between July 1 to December 31 of each fiscal year. The remainder of the appropriation shall be available to be awarded for requests received between January 1 to June 30 of each fiscal year.

(6) Nothing in this section guarantees an award of money from the Hardship Fund to any district. Money from the fund shall be paid as a lump sum to each district receiving funds and shall be 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 12:00 noon
Public Employees Retirement Board
Action Plan

(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

printed on recycled paper

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. On page 4, strike beginning with "which" in line 15 through "include" in line 16 and insert "including"; in line 24 after the semicolon insert "and"; and in lines 27 and 28 strike "; and" and insert an underscored period.
2. On page 5, strike lines 1 through 3.
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. On page 16, line 3, strike "treasurer of the" and show as stricken; and in line 4 after "shall" insert "designate its treasurer or an equivalent official, including the State Treasurer, to".

2. On page 17, line 22, after "(12)" insert "If a county has not established a deferred compensation plan pursuant to this section, each individual may require that the county enter into an

agreement with the individual to defer a portion of such individual's compensation and place it under the management and supervision of the state deferred compensation plan created pursuant to sections 84-1504 to 84-1506. If such an agreement is made, the county shall designate the State Treasurer as custodian of such deferred compensation funds, and such deferred compensation funds shall become a part of the trust administered by the Public Employees Retirement Board pursuant to sections 84-1504 to 84-1506. (13)".

3. On page 45, line 15, after "state" insert "or county"; and in line 25 strike "or", show as stricken, and insert an underscored comma and after "agency" insert ", or the county".

4. On page 46, strike lines 5 through 11 and insert

"(8) For purposes of this section, individual means (a) any state employee, whether employed on a permanent or temporary basis, full-time or part-time; (b) a person under contract providing services to the state who is not employed by the University of Nebraska or any of the state colleges or community colleges and who has entered into a contract with the state to have compensation deferred prior to the effective date of this act; and (c) any county employee designated as a permanent part-time or full-time employee or elected official whose employer does not offer a deferred compensation plan and who has entered into an 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 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, or 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. On page 2, line 7, strike "one hundred" and insert "seventy-five"; in line 20 reinstate the stricken matter and strike

"the"; in line 21 strike the new matter; and in line 27 after "year" insert ", and the amount of tuition credits granted shall not exceed nine hundred thousand dollars during any fiscal year".

Mr. Jones filed the following amendment to LB 92:
AM0369
1. On page 7, after line 13 insert the following new subsection:
"(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. On page 4, line 4, after the period insert "A hospital as defined in section 71-2017.01 which is eligible to have swing beds shall only be eligible for a grant or loan guarantee for conversion to assisted-living services within the current annual calendar established by the department under this subsection if such hospital has first notified in writing all other nursing facilities within a twenty-mile radius of such hospital of the intent to submit a proposal for such a grant or loan guarantee within the current annual calendar and no nursing facility so notified responds in writing to the hospital within thirty days after such notice that it intends to submit a proposal in the current annual calendar. Such hospital shall file a copy of the intent to submit a proposal with the department and shall file a copy of any response from another nursing facility with the

department. If a nursing facility responds to a hospital notice that it intends to submit a proposal for such a grant or loan guarantee but does not, within the current annual calendar, submit such a proposal or if it submits and then withdraws such a proposal, the hospital's proposal shall be eligible for a grant or loan guarantee for conversion to assisting-living service either within the current annual calendar or within the next annual calendar unless another nursing facility within a twenty-mile radius of the hospital has responded that it intends to submit a proposal in the current annual calendar and submits such a proposal 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. Strike original section 1 and insert the following new sections:

"Section 1. (1) For purposes of this section:

(a) Automated external defibrillator means a device that:

(i) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining, without intervention of an operator, whether defibrillation should be performed; and

(ii) Automatically charges and requests delivery of an electrical impulse to an individual's heart when it has identified a condition for which defibrillation should be performed;

(b) Health care facility means an institution subject to licensing under sections 71-2017 to 71-2029; and

(c) Health care professional means any person who is licensed, certified, or registered by the Department of Health and Human Services Regulation and Licensure and who is authorized within his or her scope of practice to use an automated external defibrillator.

(2) No person other than a health care professional shall use an automated external defibrillator for emergency care or treatment unless:

(a) The user of the defibrillator has received appropriate training in the use of the defibrillator as established by the Department of Health and Human Services Regulation and Licensure; and

(b) The defibrillator is maintained and tested according to the manufacturer's guidelines.

(3) Except for the action or omission of a health care professional acting in such capacity or in a health care facility, no person who delivers emergency care or treatment using an automated external defibrillator as prescribed in subsection (2) of this section shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of rendering such care or

treatment in good faith. Nothing in this subsection shall be deemed to (a) grant immunity for any willful, wanton, or grossly negligent acts of commission or omission or (b) limit the immunity provisions for certain health care professionals as provided in section 71-5194.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 574. Placed on General File as amended.
Standing Committee amendment to LB 574:
AM0386

1. On page 2, line 24, after "Agreement" insert a comma.

2. On page 4, line 4, strike the first comma and insert a semicolon; in line 8 strike the second comma and insert a semicolon; in line 12 strike "subdivision" and insert "clause"; in line 17 strike "subdivision" and insert "definition"; in line 21 strike the comma; and in line 26 strike "when" and insert "where".

3. On page 5, line 3, strike "(2)" and insert "(2)(b)"; in lines 15 and 16 strike the comma and insert a parenthesis; and in line 18 strike "subsections" and insert "subsection".

4. On page 6, line 2, strike "this subdivision" and insert "any of subdivisions (9)(a) through (9)(c) of this section".

5. On page 7, line 14, strike "subdivision" and insert "subdivision (2)(b)(i)"; and in lines 25 and 26 strike "inflation adjustment" and insert "Inflation Adjustment".

6. On page 8, line 9, strike "this subdivision" and 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. 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

printed on recycled paper

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. On page 2, line 21, strike "Twenty-five" and insert "Twenty-two"; in line 22 strike "fifty" and insert "sixty"; in line 23 strike "twenty-five" and insert "eighteen"; and in line 25 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. On page 2, line 27, reinstate the stricken matter.

2. On page 2, line 28; and page 3, lines 1 through 3, strike the new matter.

3. On page 3, line 21, strike "the handgun that" and 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. Strike original section 2 and insert the following new section:

"Sec. 2. (1) Any person twenty-one years of age or older or a corporation, partnership, or limited liability company that satisfies the requirements of subsection (2) of this section shall have the same power as a sheriff to execute any service of process or order.

(2) Any person or entity may exercise the powers provided in subsection (1) of this section if such person or entity (a) is not a party to the action, (b) is not related to a party to the action, (c) does not have an interest in the action, (d) is not a public official employed by the county where service is made whose duties include service of process, and (e) furnishes a good and sufficient corporate surety bond in the sum of fifteen thousand dollars, such bond being conditioned upon such person or entity faithfully and truly performing the duties of process server.

(3) Evidence of the corporate surety bond shall be provided to the clerk of each court in which such person or entity executes service of process or orders. Such person or entity is not required to furnish more than one bond to execute service of process or orders in any state court in the State of Nebraska. When service of process is made by such person or entity authorized by this section, proof of such service of process shall be shown by an affidavit.

(4) The cost of service of process is taxable as a court cost, and when service of process is made by such person or entity other than a sheriff the cost taxable as a court cost is the lesser of the actual amount incurred for service of process or orders or 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. 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
Ottoson, 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)~~ subsections (1) and (2) of this section shall be doubled if the

violation occurs within a maintenance, repair, or construction zone established pursuant to section 60-6,188. For purposes of this subsection, maintenance, repair, or construction zone means (a) the portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction or (b) the portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to section 60-6,188. The maintenance, repair, or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

~~(3)~~ (4) The fines prescribed in ~~subsection (1)~~ subsections (1) and (2) of this section shall be doubled if the violation occurs within a school crossing zone as defined in section 60-658.01.".

2. On page 6, line 15, strike "5 and 9" and insert "6 and 10".

3. On page 8, lines 16, 19, and 20, reinstate the stricken matter; and in lines 20 through 24 strike the new matter.

4. On page 11, lines 4 and 16; page 12, lines 9 and 20; page 13, lines 13 and 26; page 18, line 24; page 19, line 8; page 20, lines 2 and 13; and page 21, lines 8 and 21, strike "9" and insert "10".

5. On page 24, line 20, after the first comma insert "60-682.01,".

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

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

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. In the Standing Committee amendment, AM0198, on page 3, line 26, strike "to", show as stricken, and insert "and".

2. On page 1, line 4, after the fourth comma insert "77-202.01,"; in line 7 strike "and" and after the last comma

insert "and 77-5007,"; and in line 10 after "provide" insert "and change powers and" and after "Administrator" insert "and the Tax Equalization and Review Commission".

3. On page 5, line 19, after "board" insert "of equalization".

4. On page 9, line 4, strike "defined" and insert "described"; and in line 5 strike "(c)" and insert "(1)(c)" and after "and" insert "the".

5. On page 10, line 1, strike the comma and strike "and"; and in line 3 strike the comma.

6. On page 12, line 7, strike "requests" and insert "request".

7. On page 21, line 20, after "issue" insert an underscored comma and strike the commas; and in line 21 after "revise" insert an underscored comma.

8. On page 22, line 6, after "Administrator" insert an underscored comma; in line 10 strike "statutes" and insert "laws"; and in line 15 strike "statutes" and insert "laws, rules".

9. On page 23, line 3, after "or" insert "county".

10. On page 24, line 6, after "county" insert an underscored comma and strike the first comma; and in line 26 strike the semicolon and insert an underscored comma.

11. On page 25, line 1, after the first "the" insert "county"; in line 3 strike "above;" and insert "in this subsection,"; and in line 23 strike the comma.

12. On page 29, line 2, after "order" insert an underscored comma.

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. On page 1, line 4, strike "council and the director" and insert "Environmental Quality Council and the Director of Environmental Quality".

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. Insert the following new sections:

"Sec. 12. Section 30-2620.01, Reissue Revised Statutes of Nebraska, is amended to read:

30-2620.01. The reasonable fees and costs of an attorney, a guardian ad litem, a physician, and a visitor appointed by the court for the person alleged to be incapacitated shall be

allowed, disallowed, or adjusted by the court and may be paid from the estate of the ward if the ward possesses an estate or, if not, shall be paid by the county in which the proceedings are brought or by the petitioner as costs of the action. An action under sections 30-2601 to 30-2661 may be initiated or defended in forma pauperis in accordance with sections 25-2301 to 25-2310 and sections 2 and 3 of this act. The court may assess attorney's fees and costs against the petitioner upon a showing that the action was frivolous in accordance with sections 25-824 to 25-824.03.

Sec. 13. Section 30-2643, Reissue Revised Statutes of Nebraska, is amended to read:

30-2643. The reasonable fees and costs of an attorney, a guardian ad litem, a physician, a conservator, a special conservator, and a visitor appointed by the court for the person to be protected shall be allowed, disallowed, or adjusted by the court and may be paid from the estate of the protected person if the protected person possesses an estate or, if not, shall be paid by the county in which the proceedings are brought or by the petitioner as costs of the action. An action under sections 30-2601 to 30-2661 may be initiated or defended in forma pauperis in accordance with sections 25-2301 to 25-2310 and sections 2 and 3 of this act. The court may assess attorney's fees and costs against the petitioner upon a showing that the action was frivolous in accordance with sections 25-824 to 25-824.03.".

2. On page 1, line 2, strike "and 25-2310" and insert "25-2310, 30-2620.01, and 30-2643"; and in line 4 after the first semicolon insert "to define terms; to harmonize provisions;".

3. On page 6, line 7, strike "and 25-2310" and insert "25-2310, 30-2620.01, and 30-2643".

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. On page 1, line 1, strike "state capitol" and insert "the State Capitol".

2. On page 3, line 23, after "structure" insert an underscored comma.

LEGISLATIVE BILL 774. Placed on Select File as amended.
E & R amendment to LB 774:
AM7055

1. On page 1, line 2, strike "18-2103,"; and in lines 4

and 5 strike "to redefine terms;".

2. On page 8, line 4, strike the semicolon, show as stricken, and insert an underscored comma; and in line 13 strike the comma and show as stricken.

LEGISLATIVE BILL 461. Placed on Select File as amended.
E & R amendment to LB 461:
AM7056

1. On page 5, strike lines 19 through 27 and show the 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. On page 1, line 2, after the first comma insert "and" and strike "and 46-656.66,"; in line 6 strike "a duty to adopt" and insert "provisions relating to"; in line 7 after "regulations" insert "and appeals"; and strike beginning with the first "to" in line 7 through the first semicolon in line 9.

2. On page 6, line 7, after the semicolon insert "and"; in line 11 strike "; and", show as stricken, and insert an underscored period; and in line 12 strike "(ix)" and show as stricken.

3. On page 10, line 7, strike "agreement", show as stricken, and insert "agreements".

LEGISLATIVE BILL 566. Placed on Select File as amended.
E & R amendment to LB 566:
AM7059

1. In the Standing Committee amendments, AM0161, on page 1, line 18, strike the first "or" and insert ", relating".

2. On page 1, line 1, strike "power and irrigation districts" and insert "bidding"; in line 2 after "section" insert "18-2442, Reissue Revised Statutes of Nebraska, and section"; in line 4 after "purchases" insert "by certain public corporations and public power and irrigation districts"; and in line 5 strike "section" and insert "sections".

3. On page 2, line 19, strike "or", show as stricken, and insert an underscored comma; and in line 20 strike "or" and insert ", or to any".

LEGISLATIVE BILL 67. Placed on Select File as amended.
E & R amendment to LB 67:
AM7061

1. In the Standing Committee amendment, AM0086, on page 9, line 18, strike "1999-2000" and insert "1999-00".

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.	Schimek	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

Present and not voting, 1:

Jensen

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 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

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 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

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

Excused and not voting, 4:

Brashear	Kiel	Landis	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 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	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

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

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

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 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

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 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, demutualizaton 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	1:30 p.m.
LB 650	Monday, March 8, 1999	1:30 p.m.

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 1:30 p.m.
Agency 3 - Legislative Council

(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,

the department may use money placed in the Nebraska Health Care Trust Fund for medicaid expenses where the unanticipated reduction occurred.

Sec. 12. Original section 71-7612, Revised Statutes Supplement, 1998, is repealed.".

2. Insert underscoring in sections 1 to 9.

Messrs. Beutler, Engel, and Wehrbein filed the following amendment to LB 148A:
AM0431

1. On page 2, in lines 2 and 3 strike "General" and insert "Lifespan Respite Care Cash".

Mr. Wehrbein filed the following amendment to LB 359:
AM0409

1. Insert the following new sections:

"Section 1. Section 71-4727, Reissue Revised Statutes of Nebraska, is amended to read:

71-4727. The commission may employ any ~~other~~ employees, including interpreters, it considers necessary to carry out the purposes of sections 71-4720 to 71-4732.

Sec. 2. Section 71-4728, Revised Statutes Supplement, 1998, is amended to read:

71-4728. The commission shall serve as the principal state agency responsible for monitoring public policies and implementing programs which shall improve the quality and coordination of existing services for deaf or hard of hearing persons and promote the development of new services when necessary. To perform this function the commission shall:

(1) Inventory services available for meeting the problems of persons with a hearing loss and assist such persons in locating and securing such services;

(2) Prepare and maintain a statewide list of persons qualified in various types of interpreting and make this information available to local, state, and federal agencies;

(3) Promote the training of interpreters for deaf or hard of hearing persons;

(4) Provide counseling to deaf or hard of hearing persons or refer such persons to private or governmental agencies which provide counseling services;

(5) Conduct a voluntary census of deaf or hard of hearing persons in Nebraska and compile a current registry;

(6) Promote expanded adult educational opportunities for deaf or hard of hearing persons;

(7) Serve as an agency for the collection of information concerning deaf or hard of hearing persons and for the dispensing of such information to interested persons by collecting studies, compiling bibliographies, gathering information, and conducting research with respect to the education, training, counseling,

placement, and social and economic adjustment of deaf or hard of hearing persons and with respect to the causes, diagnosis, treatment, and methods of prevention of impaired hearing;

(8) Appoint advisory or special committees when appropriate for indepth investigations and study of particular problems and receive reports of findings and recommendations;

(9) Assess and monitor programs for services to deaf or hard of hearing persons and make recommendations to those state agencies providing such services regarding changes necessary to improve the quality and coordination of the services;

(10) Make recommendations to the Governor and the Legislature with respect to modification in existing services or establishment of additional services for deaf or hard of hearing persons;

(11) Promote awareness and understanding of the rights of deaf or hard of hearing persons;

(12) Promote statewide communication services for deaf or hard of hearing persons; ~~and~~

(13) Assist deaf or hard of hearing persons in accessing comprehensive mental health, alcoholism, and drug abuse services; and

(14) Provide qualified interpreters in public and private settings for the benefit of deaf or hard of hearing persons, if qualified private-practice interpreters are not available, and establish and collect reasonable fees for such interpreter services.

Sec. 3. Section 71-4732, Revised Statutes Supplement, 1998, is amended to read:

71-4732. There is hereby created a Commission for the Deaf and Hard of Hearing Fund to consist of such funds as the Legislature shall appropriate, ~~and~~ any funds received under section 71-4731, or any fees collected for interpreter services as provided in section 71-4728. The fund shall be used to administer sections 71-4720 to 71-4732, except that money in the fund from fees collected for interpreter services shall be used only for expenses related to the provision of such services. 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. Any money in the Commission for the Hearing Impaired Fund on September 13, 1997, shall be transferred to the Commission for the Deaf and Hard of Hearing Fund.".

2. On page 5, line 27, strike "sections" and insert "section 71-4727, Reissue Revised Statutes of Nebraska, and sections 71-4728, 71-4732,".

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. On page 67, line 23, after "the" insert "total 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.

(3) The provisions of subsections (3) through ~~(5)~~ (6) of this section shall apply to any private, denominational, or parochial school in the State of Nebraska which elects not to meet state accreditation or approval requirements. Elections pursuant to such subsections shall be effective when a statement is received by the Commissioner of Education signed by the parents or legal guardians of all children attending such private, denominational, or parochial school, stating that (a) the requirements for approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board of Education violate sincerely held religious beliefs of the parents or legal guardians, (b) an authorized representative of such parents or legal guardians will at least annually submit to the Commissioner of Education the information necessary to prove that the requirements of subdivisions ~~(i) through (iii) of this subsection~~ (4)(a) through (c) are satisfied, (c) the school offers the courses of instruction required by subsections (2), ~~and~~ (3), and (4) of this section, and (d) the parents or legal guardians have satisfied themselves that individuals monitoring instruction at such school are qualified to monitor instruction in the basic skills as required by subsections (2), ~~and~~ (3), and (4) of this section and that such individuals have demonstrated an alternative competency to monitor instruction or supervise children pursuant to subsections (3) through ~~(5)~~ (6) of this section.

(4) Each such private, denominational, or parochial school shall ~~(i)~~ (a) meet minimum requirements relating to health, fire, and safety standards prescribed by state law and the rules and regulations of the State Fire Marshal, ~~(ii)~~ (b) report attendance pursuant to section 79-201, and ~~(iii)~~ (c) maintain a sequential program of instruction designed to lead to basic skills in the language arts, mathematics, science, social studies, and health. The State Board of Education shall establish procedures for receiving information and reports required by subsections (3) through ~~(5)~~ (6) of this section from authorized parent representatives who may act as agents for parents or legal guardians of students attending such school and for individuals monitoring instruction in the basic skills required by this subsection.

~~(4)~~ (5) Individuals employed by schools which elect not to meet state accreditation or approval requirements shall not be required to meet the certification requirements prescribed in sections 79-801 to 79-816 but shall either (a) take appropriate subject matter components of a nationally recognized teacher competency examination designated by the State Board of Education as (i) including the appropriate subject matter areas for purposes of satisfying the requirements of ~~subsection~~ subsections (3) and (4) of this section and (ii) a nationally recognized examination or (b) offer evidence of competence to provide instruction in the basic skills required by ~~subsection~~ subsections (3) and (4) of this

section pursuant to informal methods of evaluation which shall be developed by the State Board of Education. Such evidence may include educational transcripts, diplomas, and other information regarding the formal educational background of such individuals. Information concerning test results, transcripts, diplomas, and other evidence of formal education may be transmitted to the State Department of Education by authorized representatives of parents or legal guardians. The results of such testing or alternative evaluation of individuals who monitor the instruction of students attending such schools may be used as evidence of whether or not such schools are offering adequate instruction in the basic skills prescribed in subsections (2), ~~and~~ (3), and (4) of this section but shall not be used to prohibit any such school from employing such individuals. Failure of a monitor, who is tested for the purpose of satisfying in whole or in part the requirements of subsections (3) through ~~(5)~~ (6) of this section, to attain a score equal to or exceeding both the state or national average score or rating on appropriate subject matter components of recognized teacher competency examinations designated by the State Board of Education may be by itself sufficient proof that such school does not offer adequate instruction in the basic skills prescribed in ~~subsection~~ subsections (3) and (4) of this section.

~~(5)~~ (6) The demonstration of competency to monitor instruction in a private, denominational, or parochial school which has elected not to meet state accreditation or approval requirements shall in no way constitute or be construed to grant a license, permit, or certificate to teach in the State of Nebraska. Any school which elects not to meet state accreditation or approval requirements and does not meet the requirements of subsections (2) through ~~(5)~~ (6) of this section shall not be deemed a school for purposes of section 79-201, and the parents or legal guardians of any children attending such school shall be subject to prosecution pursuant to such section or any statutes relating to habitual truancy.

Sec. 55. Section 79-1602, Reissue Revised Statutes of Nebraska, is amended to read:

79-1602. Any person who, as an authorized representative of a parent or legal guardian, transmits information required by subsections (3) through ~~(5)~~ (6) of section 79-1601 knowing such information to be false shall be guilty of a Class IIIA misdemeanor.

Any person who knowingly gives false information to an authorized representative of a parent or legal guardian, knowing that such information is intended to be transmitted to the State Board of Education, shall be guilty of a Class IIIA misdemeanor.

Sec. 57. Section 85-607, Revised Statutes Supplement, 1998, is amended to read:

85-607. No publicly funded college or university in this state shall prohibit the admission of any child educated in any

school which elects to meet the requirements of subsections (2) through ~~(5)~~ (6) of section 79-1601 if the child is qualified for admission as shown by testing results.".

2. On page 11, lines 4 and 13, strike "(5)", show as stricken, and insert "(6)".

3. On page 95, line 15, strike "and 79-1188" and insert "79-1188, 79-1601, and 79-1602"; and in lines 21 and 22 strike "and 81-1108.22" and insert "81-1108.22, and 85-607".

4. Renumber the remaining sections and correct internal 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. On page 1, line 17, after "to" insert "prescribe, dispense, or".

2. On page 2, line 4, after "who" insert "prescribes, dispenses, or administers or a nurse licensed under the Nurse Practice Act who"; and in line 6 after "71-161.20" insert "or under 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. Strike original section 2 and insert the following new sections:

"Sec. 2. Section 71-20,118, Revised Statutes Supplement, 1998, is amended to read:

71-20,118. The Legislature finds and declares for the purposes of ~~limited-service rural~~ critical access hospitals as defined in subdivision (24) of section 71-2017.01 that:

(1) One-half of Nebraska's population, or about eight hundred thousand persons, reside in rural areas, and maintaining access to health care services continues to be a struggle for such rural residents who must overcome geographic barriers, limited capital resources, and the difficulty of recruiting and retaining physicians and other health care professionals;

(2) Rural areas have a larger proportion of elderly residents;

(3) Nationally, inadequate medicare reimbursement and burdensome and inflexible requirements have contributed to a high closure rate among rural hospitals, resulting in reduced access to primary care and emergency services for millions of rural residents;

(4) Over the past seven years, the federal government has supported the development of ~~limited-service rural~~ critical access hospitals in several states to provide an alternative for rural communities that can no longer support a traditional hospital in remote or sparsely populated areas; and

(5) The purpose of the creation of ~~limited-service rural~~ critical access hospitals is to (a) ensure access to health care services for rural communities by allowing hospitals to be designated as ~~limited-service rural~~ critical access hospitals if

such hospitals limit the scope of available inpatient acute care services, (b) provide more appropriate and flexible staffing and licensure standards, (c) enhance the financial security of ~~limited-service rural~~ critical access hospitals by reimbursing such facilities on a reasonable cost basis, and (d) promote linkages between ~~limited-service rural~~ critical access hospitals licensed by the state and broader programs supporting the development of and transition to integrated provider networks.

Sec. 3. Section 71-20,119, Revised Statutes Supplement, 1998, is amended to read:

71-20,119. In addition to the authority of the Department of Health and Human Services Regulation and Licensure pursuant to section 71-2024, the department is hereby authorized to adopt and promulgate rules, regulations, and standards with respect to ~~limited-service rural~~ critical access hospitals as defined in subdivision (24) of section 71-2017.01. Such rules, regulations, and standards shall include, but not be limited to:

(1) Minimum staffing requirements regarding the number of hours during a day or days during a week in which a facility must be open and fully staffed when no inpatient is present;

(2) Minimum standards for the governing board, medical staff, nursing services, and quality assurance program of a ~~limited-service rural~~ critical access hospital; and

(3) Minimum standards for the scope of services provided by such hospital, including inpatient medical care which shall be subject to length of stay limits, emergency medical care, diagnostic and therapeutic services, and laboratory, radiology, surgery, and anesthesia services.

Sec. 4. Section 71-7614, Revised Statutes Supplement, 1998, is amended to read:

71-7614. (1) Beginning January 15, 1999, the Excellence in Health Care Trust Fund shall be used for (a) awarding grants or making loan guarantees as described in section 71-7613 for conversion of nursing facilities to assisted-living facilities or other alternatives to nursing facility care, (b) awarding grants for public health services which focus on health education, preventive health measures, and environmental health, assessment, and assurance, including services for reservation or service areas of federally recognized Native American tribes in Nebraska and organizations that focus on the health of minority groups, (c) awarding grants for activities related to the design, maintenance, or enhancement of the statewide trauma system, support of emergency medical services programs, and support for the emergency medical services programs for children, (d) awarding grants for conversion of hospitals in rural areas of the state to ~~limited-service rural~~ critical access hospitals, (e) awarding grants for education, recruitment, and retention of primary care professionals, behavioral health professionals, and nurses for medically underserved areas, (f) awarding grants for health infrastructure

development which is supportive of telemedicine capability, including, but not limited to, high-speed data and medical information transmission, (g) awarding grants for the development and expansion of community-based aging services designed to promote the independent living status of and delay institutional care for elderly persons, including, but not limited to, personal care, respite care, homemaker care, and chore and transportation services, and (h) the state's matching share for children's health insurance under Title XXI of the federal Social Security Act in excess of the funds distributed under subdivision (2)(b) of section 71-7612. No more than one-half of the money in the Excellence in Health Care Trust Fund may be used for conversion projects under subdivision (a) of this subsection. No funds shall be used under this section for abortion, abortion counseling, referral for abortion, or school-based health clinics.

(2) The Governor shall establish the Excellence in Health Care Council within the Department of Health and Human Services Finance and Support. The Director of Finance and Support or his or her designee shall be an ex officio member of the council. The Governor shall appoint a chairperson and five additional members to the council. The chairperson and additional members shall be appointed for three-year terms, except that of the initial members, two shall be appointed for one-year terms and two for two-year terms. The membership shall include at least one consumer and one health care provider. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term. The Department of Health and Human Services Finance and Support shall provide staff support for the council. The Department of Health and Human Services and the Department of Health and Human Services Regulation and Licensure shall also assist the Department of Health and Human Services Finance and Support and the council as may be necessary. Members of the council shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The council, with the approval of the Director of Finance and Support, shall award grants or make loan guarantees under subdivision (1)(a) of this section and shall award grants under subdivisions (1)(b) through (g) of this section to a person or entity for expenditures, including, but not limited to, startup and training expenses and operating losses, which will improve access to or delivery of health care services to medically underserved individuals or in medically underserved areas or which will help contain or reduce the cost or improve the quality of health care services. The Director of Finance and Support, with the advice of the Nursing Home Advisory Council and the Policy Cabinet created in section 81-3009, shall use the procedures and criteria of section 71-7613 to make recommendations for grants to be awarded or loan guarantees to be made by the Excellence in Health Care Council under subdivision (1)(a) of this section.

(4) Eligible activities under subdivision (1)(b) of this section shall include, but not be limited to, (a) projects to implement the Community Health Care Act, (b) the hiring of school nurses by educational service units, school districts, public health entities, or partnerships between schools and public health entities in order to identify children for medicaid eligibility and to provide immunizations and other public health services, (c) health education and activities that focus on prenatal care, proper diet, physical activity, the reduction of teen and other unintended pregnancies, the prevention of disease, and other public health problems, (d) staffing needs for public health services or education, including recruitment and training, (e) pregnancy testing, (f) tests and screenings for blood pressure, cholesterol, sexually transmitted diseases, cervical cancer, breast cancer, communicable diseases, and other potential public health problems, (g) matching funds for state and federal health programs designed to address public health needs, (h) laboratory equipment to enable the Department of Health and Human Services Regulation and Licensure to carry out its powers and duties relating to laboratory services, (i) public health environmental services, and (j) education, research, and outreach programs that specifically address the cause and prevention of smoking-related diseases and smoking prevention and cessation.

(5) This section does not create an entitlement to any funds available for grants or loan guarantees under this section, and the council may award grants or make loan guarantees to the extent funds are available and, within its discretion, to the extent such applications are approved.

(6) The department shall:

(a) In consultation with the Excellence in Health Care Council, develop criteria for the awarding of grants from the Excellence in Health Care Trust Fund pursuant to subdivisions (1)(b) through (g) of this section;

(b) Have the power to approve or disapprove decisions by the council regarding the selection of projects to be funded and the distribution and duration of project funding;

(c) In consultation with the council, establish standards, formats, procedures, and timelines for the successful implementation of approved projects;

(d) In consultation with the council, assist grant recipients in determining the effectiveness of the project and measure the accomplishment of the grant objectives; and

(e) Provide annual reports to the Governor and the Legislature concerning the projects. Each report shall include the number of applicants and approved applicants, an overview of the various projects, and detailed reports of the cost of each project.

(7) The department shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and

administration of projects funded from the fund pursuant to subdivisions (1)(b) through (g) of this section. Recipients of such grants shall be required to provide, upon request, such data relating to the funded projects as the department deems necessary.

Sec. 5. Original sections 71-2017.01, 71-20,118, 71-20,119, and 71-7614, Revised Statutes Supplement, 1998, are repealed.

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

2. On page 3, lines 4 and 5, strike "limited-service rural", show as stricken, and insert "critical access".

3. On page 13, line 2, strike "Limited-service rural", 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. Strike original sections 3 and 4.

2. On page 11, line 25, strike the first comma and insert "and" and strike "and"; in line 26 strike "77-2734.04,"; and strike beginning with "and" in line 26 through the last comma in line 27.

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 539. Placed on General File as amended.
Standing Committee amendment to LB 539:
AM0427

1. Strike original sections 6 and 7 and insert the following new sections:

"Sec. 6. Section 77-4112, Reissue Revised Statutes of Nebraska, is amended to read:

77-4112. (1) The changes made in sections 77-4103 to 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative for all applications filed on and after January 1, 1988. For all applications filed prior to January 1, 1988, the provisions of the Employment and Investment Growth Act as they existed immediately prior to such date shall apply.

(2) Section 77-4113 and the changes made in section 77-4104 by Laws 1996, LB 1290, shall become operative for all applications filed on or after May 1, 1996.

(3) The changes made in section 77-4103 by this legislative bill and section 5 of this act shall become operative for all contracts signed on or after January 1, 1999.

Sec. 7. Sections 1, 2, and 8 of this act are operative for all taxable years beginning or deemed to begin on or after

January 1, 1999, under the Internal Revenue Code of 1986, as amended. The other sections of this act are operative on their effective date.

Sec. 8. Original sections 77-27,187.01 and 77-27,188, Revised Statutes Supplement, 1998, are repealed.

Sec. 9. Original section 77-4112, Reissue Revised Statues of Nebraska, and sections 77-4101 and 77-4103, Revised 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. On page 3, after line 16 insert

"(5) The state, the board, the state investment officer, the members of the Nebraska Investment Council, or the county shall not be liable for any investment results resulting from the member's exercise of control over the assets in the employer account.".

2. On page 6, after line 25 insert

"(5) The state, the board, the state investment officer, the members of the Nebraska Investment Council, or the agency shall not be liable for any investment results resulting from the member's exercise of control over the assets in the employer 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. Strike the first Resolved clause and insert:

"1. That for the 1999-2001 biennium new General Fund

appropriations shall not average more than a three-percent increase per year over the previous fiscal year's new General Fund 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. On page 2, line 23, before "An" insert "(1)"; in line 24 strike "(1)" and insert "(a)"; and in line 27 strike "(2)" and insert "(b)".

2. On page 3, after line 5, insert the following new subsection:

"(2) Before a nonmember employee who is a member of an organization of non-union employees pays his or her fair share to a labor organization, the labor organization shall submit an application to such organization of non-union employees for the cost borne by the labor organization in representing nonmember employees for collective bargaining and contract enforcement purposes. The organization of non-union employees shall then authorize a fair-share payment, but the employee shall pay no greater sum than the organization specifically authorizes. The application shall: (a) Identify with particularity the work done by the labor organization, including, but not limited to, participants, subjects, and duration of conferences; (b) identify the subjects of research, the researchers, and whether the results of the research were incorporated into a brief, motion, or pleading; (c) identify travel time involved, including the individuals, destination, purpose, and mode of travel; (d) specify any charges for the preparation of any brief, motions, or pleading and the individuals who prepared it; (e) identify by job title each person performing services relating to collective bargaining and contract enforcement, including the legal experience of each attorney; (f) identify the wages paid to any paralegal or law student; (g) identify the relative applicability of services performed if such services were applicable to more than one case; and (h) identify all expenses with particularity, including the following: (i) If a photocopying expense is charged, the items copied why they were copied, what use was made of such copies, and how many pages of material were photocopied; (ii) if depositions

are being identified as expenses, the name of the court reporter, the time of the deposition, the date of the deposition, the identity of the deponent, the purpose of taking the deposition, and the use made of such deposition; (iii) if long-distance telephone expenses are listed, an identification of the date, the callers, where the call was made, and the subject of the call; and (iv) if travel expenses are being claimed, an identification of the mode of travel, the number of days traveled, cost of lodging, and meals involved in the travel."; and in line 7 strike "(2)" and insert "(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

printed on recycled paper

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. Strike sections 1, 2, and 4.

2. On page 2, line 13, strike "facility" and insert "pharmacy"; in line 15 after "pharmacist" insert ", except that drugs and devices dispensed to residents of a long-term care facility shall be destroyed on the site of the long-term care facility"; strike beginning with the comma in line 19 through "destruction" in line 20; in lines 24 and 26 after "The" insert "dispensed"; in line 26 strike "is" and insert "shall be"; and in line 28 strike "an" and insert "the".

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

Excused and not voting, 4:

Brashear	Landis	Schrock	Wickersham

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. Insert the following new section:

"Sec. 2. Section 77-2301, Reissue Revised Statutes of Nebraska, is amended to read:

77-2301. (1) The State Treasurer shall deposit, and at all times keep on deposit for safekeeping, in the state or national banks, or some of them doing business in this state and of approved standing and responsibility, the amount of money in his or her hands belonging to the several current funds in the state treasury.

Any bank may apply for the privilege of keeping on deposit such funds or some part thereof.

(2)(a) Every bank shall, as a condition of keeping on deposit state funds, agree to cash free of charge state warrants which are presented by payees of the state without regard to whether or not such payee has an account with such bank, and such bank shall not require such payee to place his or her fingerprint or thumbprint on the state warrant as a condition to cashing such warrant.

(b) The condition of keeping on deposit state funds in subdivision (2)(a) of this section shall not preclude any bank from refusing to cash a state warrant presented to the bank if (i) a stop-payment order has been placed on the state warrant, (ii) the state warrant has been reported as unregistered, voided, lost, stolen, destroyed, or that a duplicate state warrant has been issued in its place, (iii) the state warrant is incomplete or is forged or altered in any manner, (iv) the state warrant lacks any necessary indorsement or an indorsement is illegible, unauthorized, or forged, (v) the state warrant is stale-dated, or (vi) the bank has a reasonable belief that the individual presenting the state warrant is not the payee named on the state warrant.

(3) All deposits shall be subject to payment when demanded by the State Treasurer on his or her check and shall be subject also to such regulations as are imposed by law and rules adopted by the State Treasurer in receiving and holding such deposits.".

2. On page 2, line 3, before "Notwithstanding" insert "(1)"; in line 11 before "Every" insert "(2)(a)"; after line 18 insert the following new subdivision:

"(b) The condition of accepting state funds in subdivision (2)(a) of this section shall not preclude any bank or building and loan association from refusing to cash a state warrant presented to the bank or building and loan association if (i) a stop-payment order has been placed on the state warrant, (ii) the state warrant has been reported as unregistered, voided, lost, stolen, destroyed, or that a duplicate state warrant has been issued in its place, (iii) the state warrant is incomplete or is forged or altered in any manner, (iv) the state warrant lacks any necessary indorsement or an indorsement is illegible, unauthorized, or forged, (v) the state warrant is stale-dated, or (vi) the bank or building and loan association has a reasonable belief that the individual presenting the state warrant is not the payee named on the state warrant."; in line 19 strike "section 72-1268" and insert "sections 72-1268 and 77-2301"; and in line 20 strike "is" and 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. In the Wickersham-Stuhr amendment, AM0401:
a. On page 1, line 13, strike the comma; in line 18 strike the first comma and insert "and"; strike beginning with the last comma in line 18 through "comma" in line 19; and in line 23 strike the semicolon and insert an underscored comma; and
b. On page 2, line 3, strike the semicolon and insert an underscored comma.
2. In the Standing Committee amendments, AM0193, on page 3, line 3, strike "24-711.10" and insert "24-710.10" and strike "79-447.04" and insert "79-947.04".
3. On page 1, line 3, after the last comma insert "24-710.10,"; in line 4 after the last comma insert "79-947.04,"; in line 5 after the first comma insert "81-2027.06,"; and in line 10 after the last comma insert "consumer price indices,".
4. On page 6, line 19; and page 35, line 7, strike "employee-employer" and insert "employer-employee".
5. On page 12, line 14, after "section" insert an underscored comma; and in line 16 strike "subsection (1) of".
6. On page 16, line 13, strike "or" and show as stricken; in line 18 strike "advisors" and insert "advisers"; and in line 19 strike "Advisor" and insert "Advisers".
7. On page 17, line 25; and page 18, line 3, strike the last comma and insert "or section".
8. On page 36, line 1, after "termination" insert "of employment".
9. On page 44, line 24, after "section" insert an underscored comma and after "contributions" insert "so".
10. On page 45, line 12, strike "Service", show as 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. On page 1, line 1, strike "managed care" and insert "medical assistance".

LEGISLATIVE BILL 411. Placed on Select File as amended.
E & R amendment to LB 411:
AM7068

1. In the Standing Committee amendments, AM0272:
a. On page 8, line 24; and page 12, line 5, after "or"

insert "a"; and

b. On page 14, line 18, after "provisional" insert "and inactive".

2. On page 1, line 7, strike "removal," and after "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. In the Standing Committee amendments, AM0126:

a. On page 2, line 7, after "include" and "to" insert a comma; and

b. On page 4, line 22, after "the" insert "Office of" and strike "Office"; and in line 24 after "Rehabilitation" insert "Services of the State Department of Education".

2. On page 1, line 2, strike "Rehabilitation" and insert "Action Plan" and strike "and"; and in line 3 after "date" insert "; 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. On page 1, line 2, strike "and 32-330" and insert ", 32-313, 32-315, 32-326 to 32-330, 32-628, 32-914.01 to 32-915, and 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) A state purchasing card program shall be created. The State Treasurer and the Director of Administrative Services shall determine the type of purchasing card or cards

utilized in the state purchasing card program. The State Treasurer shall contract with one or more financial institutions, card-issuing banks, credit card companies, charge card companies, debit card companies, or third-party merchant banks capable of operating the state purchasing card program on behalf of the state and those political subdivisions that participate in the state contract for such services. After the state purchasing card program has been in existence for two years, a joint report issued from the State Treasurer and the director shall be submitted to the Legislature and the Governor not later than January 1, 2001. The report shall include, but not be limited to, the utilization, costs, and benefits of the program. The state purchasing card program shall be administered by the Department of Administrative Services. The department may adopt and promulgate rules and regulations as needed for the implementation of the state purchasing card program. The department shall adopt and promulgate rules and regulations providing authorization instructions for all transactions. Expenses associated with the state purchasing card program shall be considered, for purposes of this section, as an administrative or operational expense.

(2) Any state official, state agency, or political subdivision may utilize the state purchasing card program for the purchase of goods and services for and on behalf of the State of Nebraska.

(3) Vendors accepting the state's purchasing card shall obtain authorization for all transactions in accordance with the department's authorization instructions. Authorization shall be from the financial institution, card-issuing bank, credit card company, charge card company, debit card company, or third-party merchant bank contracted to provide such service to the State of Nebraska. Each transaction shall be authorized in accordance with the instructions provided by the department for each state official, state agency, or political subdivision.

(4) An itemized receipt for purposes of tracking expenditures shall accompany all state purchasing card purchases. In the event that an itemized receipt does not accompany such a purchase, the Department of Administrative Services shall have the authority to temporarily or permanently suspend state purchasing card purchases in accordance with rules and regulations adopted and promulgated by the department.

(5) Upon the termination or suspension of employment of an individual using a state purchasing card, such individual's state purchasing card account shall be immediately closed and he or she shall return the state purchasing card to the department or agency from which it was obtained.

(6) No officer or employee of the state shall use a state purchasing card for any unauthorized use as determined by the department by rule and regulation.

Sec. 2. (1) A political subdivision, through its

governing body, may create its own purchasing card program. The governing body shall determine the type of purchasing card or cards utilized in the purchasing card program and shall approve or disapprove those persons who will be assigned a purchasing card. Under the direction of its governing body, any political subdivision may contract with one or more financial institutions, card-issuing banks, credit card companies, charge card companies, debit card companies, or third-party merchant banks capable of operating the purchasing card program on behalf of the political subdivision. Expenses associated with the political subdivision's purchasing card program shall be considered, for purposes of this section, as an administrative or operational expense.

(2) Any political subdivision may utilize its purchasing card program for the purchase of goods and services for and on behalf of the political subdivision.

(3) Vendors accepting a political subdivision's purchasing card shall obtain authorization for all transactions. Authorization shall be from the financial institution, card-issuing bank, credit card company, charge card company, debit card company, or third-party merchant bank contracted to provide such service to the political subdivision. Each transaction shall be authorized in accordance with the instructions provided by the political subdivision.

(4) An itemized receipt for purposes of tracking expenditures shall accompany all purchasing card purchases. In the event that a receipt does not accompany such a purchase, purchasing card privileges shall be temporarily or permanently suspended in accordance with rules and regulations adopted and promulgated by the political subdivision.

(5) Upon the termination or suspension of employment of an individual using a purchasing card, such individual's purchasing card account shall be immediately closed and he or she shall return the purchasing card to the political subdivision.

(6) No officer or employee of a political subdivision shall use a political subdivision purchasing card for any 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

printed on recycled paper

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. In the Standing Committee amendments, AM0297, on page 10, line 23, strike "(4)" and insert "(5)".

2. On page 1, strike lines 2 through 4 and insert "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"; in line 8 after the last semicolon insert "to provide operative

dates;"; in line 9 strike "and"; and in line 10 before the period insert "; and to declare an emergency".

3. On page 6, line 1, before "Notice" insert paragraphing and "(2)"; in line 13 strike "(2)", show as stricken, and insert "(3)"; and in line 16 strike "(3)", show as stricken, and insert "(4)".

(Signed) Adrian M. Smith, Chairperson

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LR 11CA:
AM0125

1. On page 1, strike beginning with "use" in line 8 through "gender" in line 9 and insert "language in this Constitution shall be construed to be gender neutral"; and in line 17 strike "use of the".

2. On page 2, strike beginning with "masculine" in line 1 through "gender" in line 2 and insert "language in the 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. On page 3, line 18, after the period insert "The Department of Health and Human Services shall apply for a waiver to disregard any unearned income that is contingent upon a trial work period in applying the Supplemental Security Income standard."; and 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. On page 2, strike beginning with "No" in line 3 through the period in line 16, show the old matter as stricken, and insert "No member of a professional board for any profession or occupation credentialed by the department pursuant to Chapter 71, no expert retained by such board, and no member of such a profession or occupation who provides consultation to or testimony for the department shall be liable in damages to any person for slander, libel, defamation of character, breach of any privileged communication, or otherwise for any action taken or recommendation made within the scope of the functions of such board or expert or the consultation or testimony given by such person, if such board member, expert, or person acts without malice and in the reasonable belief that such action, recommendation, consultation, or testimony

is warranted by the facts known to him or her after a reasonable effort is made to obtain the facts on which such action is taken, 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. Strike original section 36 and insert the following new sections:

"Sec. 38. Sections 5 to 9, 23 to 29, 36, and 39 of this act become operative July 1, 1999. The other sections of this act become operative on their effective date.

Sec. 39. Original sections 43-2606, 43-2610, 43-2615, 43-2616, and 43-2620, Reissue Revised Statutes of Nebraska, and sections 71-1909, 71-1910, 71-1911, 71-1913, 71-1913.01, 71-1913.02, 71-1915, and 81-502, Revised Statutes Supplement, 1998, are repealed.

Sec. 42. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 33, strike beginning with the period in line 19 through "pharmacist" in line 28.

3. On page 40, line 5, after "(11)" insert "To establish standards governing pharmacy interns and pharmacy technicians. In establishing standards for the number of pharmacy interns or pharmacy technicians that a pharmacist may supervise, the department shall consider the following: (a) History of the use of such personnel; (b) current literature discussing safety, productivity, and expense associated with the use of pharmacy technicians; (c) requirements in surrounding states for pharmacy intern supervision; and (d) such other factors as the department deems relevant to protect the public safety;

(12)"; in line 10 strike "(12)", show as stricken, and insert "(13)"; and in line 14 strike "(13)", show as stricken, and insert "(14)".

4. On page 64, line 2, strike the underscored period; in line 4 reinstate the stricken matter; in line 9 strike the underscored period; reinstate the stricken matter beginning with "and" in line 10 through the period in line 11; and in line 28 strike the new matter and reinstate the stricken matter and after the reinstated "elect" insert "a chairperson and".

5. On page 65, line 1, strike "a chairperson" and strike "term", show as stricken, and insert "terms".

6. On page 71, strike line 5 and insert " 43-3301, 43-3303,"; strike line 9 and insert "71-1,142,"; and in line 10 strike "71-8251, 81-502,".

7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 750. Placed on General File as amended.
Standing Committee amendment to LB 750:

AM0424

1. On page 2, line 9, strike "alleys" and insert "centers".

2. On page 3, reinstate beginning with "other" in line 21 through "bar" in line 22; reinstate beginning with "having" in line 22 through "feet" in line 23; in line 24 reinstate "If a bar"; 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. Strike the second "WHEREAS" paragraph and insert the following:

"WHEREAS, the state lawsuit was brought in part for 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. Strike original section 1 and insert the following new section:

"Section 1. Section 48-115, Reissue Revised Statutes of Nebraska, is amended to read:

48-115. The terms employee and worker are used interchangeably and have the same meaning throughout the Nebraska Workers' Compensation Act. Such terms include the plural and all ages and both sexes. For purposes of the act, employee or worker ~~and~~ shall be construed to mean:

(1) Every person in the service of the state or of any governmental agency created by it, including the Nebraska National Guard and members of the military forces of the State of Nebraska, under any appointment or contract of hire, expressed or implied, oral or written;

(2) Every person in the service of an employer who is engaged in any trade, occupation, business, or profession as described in section 48-106 under any contract of hire, expressed or implied, oral or written, including aliens and also including minors. Minors for the purpose of making election of remedies under the Nebraska Workers' Compensation Act shall have the same power of contracting and electing as adult employees.

As used in subdivisions (1) through (11) of this section, the terms employee and worker shall not be construed to include any person whose employment is not in the usual course of the trade, business, profession, or occupation of his or her employer.

If an employee subject to the Nebraska Workers' Compensation Act suffers an injury on account of which he or she or, in the event of his or her death, his or her dependents would otherwise have been entitled to the benefits provided by such act, the employee or, in the event of his or her death, his or her dependents shall be entitled to the benefits provided under such act, if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state; : ~~For the purposes of the Nebraska Workers' Compensation Act, (a) volunteer~~

(3) Volunteer firefighters of any fire department of any rural or suburban fire protection district, city, ~~or~~ village, or nonprofit corporation, which fire department is ~~regularly~~ organized under the laws of the State of Nebraska. Such volunteers ; shall be deemed employees of such rural or suburban fire protection district, city, ~~or~~ village, or nonprofit corporation while in the

performance of their duties as members of such department and shall be considered as having entered and as acting in the regular course and scope of their employment when traveling from any place from which they have been called to active duty to a fire station or other place where firefighting equipment that their company or unit is to use is located or to any ~~emergency~~ activities that the volunteer firefighters may be ~~officially called to participate in~~ directed to do by the chief of the fire department or some person authorized to act for such chief. ~~; (b) members~~

Members of such volunteer fire department, before they are entitled to benefits under the Nebraska Workers' Compensation Act, shall be recommended by the chief of the fire department or some person authorized to act for such chief for membership therein to the board of directors of the rural or suburban fire protection district or nonprofit corporation, the mayor and city commission, the mayor and council, or the chairperson and board of trustees, as the case may be, and upon confirmation shall be deemed employees of ~~the rural or suburban fire protection district, city, or village,~~ ~~(c) members~~ such entity. Members of such fire department after confirmation to membership may be removed by a majority vote of ~~such board of directors, commission, council, or board~~ the entity's board of directors or governing body and thereafter shall not be considered employees of such ~~rural or suburban fire protection district, city, or village, (d) firefighters~~ entity. Firefighters of any fire department of any rural or suburban fire protection district, nonprofit corporation, city, or village shall be considered as acting in the performance and within the course and scope of their ~~duties in fighting fire or saving property or life~~ employment when performing activities outside of the corporate limits of their respective districts, cities, or villages, but only if directed to do so by the chief of the fire department or some person authorized to act for such chief;

(4) Members ~~; (e) any members~~ of the Nebraska Emergency Management Agency, any city, village, county, or interjurisdictional emergency management organization, or any state emergency response team, which agency, organization, or team is regularly organized under the laws of the State of Nebraska. Such members ~~;~~ shall be deemed employees of such agency, organization, or team while in the performance of their duties as members of such agency, organization, or team; ~~; (f) any~~

(5) Any person fulfilling conditions of probation, or community service as defined in section 29-2277, pursuant to any order of any court of this state who shall be working for a governmental body, or agency as defined in section 29-2277, pursuant to any condition of probation, or community service as defined in section 29-2277. Such person ~~;~~ shall be deemed an employee of the governmental body or agency for the purposes of the Nebraska Workers' Compensation Act; ~~; (g) volunteer~~

(6) Volunteer ambulance drivers and attendants and

out-of-hospital emergency care providers who are members of an emergency medical service for any county, city, ~~or~~ village, rural or suburban fire protection district, nonprofit corporation, or any combination of such ~~county, city, or village~~ entities under the authority of section 13-303. Such volunteers shall be deemed employees of ~~the county, city, or village~~ such entity or combination thereof while in the performance of their duties as ambulance drivers or attendants or out-of-hospital emergency care providers and shall be considered as having entered into and as acting in the regular course and scope of their employment when traveling from any place from which they have been called to active duty to a hospital or other place where the ambulance they are to use is located or to any ~~emergency in which~~ activities that the volunteer ambulance drivers or attendants or out-of-hospital emergency care providers may be ~~officially called to participate, but such volunteer ambulance drivers or attendants or out-of-hospital emergency care providers shall be considered as acting in the performance and within the scope of their duties outside of the corporate limits of their respective county, city, or village only if officially directed to do so, (h) before~~ directed to do by the chief or some person authorized to act for such chief of the volunteer ambulance service or out-of-hospital emergency care service. Before such volunteer ambulance drivers or attendants or out-of-hospital emergency care providers ~~shall be~~ are entitled to benefits under the Nebraska Workers' Compensation Act, they shall be ~~confirmed to perform such duties by~~ recommended by the chief or some person authorized to act for such chief of the volunteer ambulance service or out-of-hospital emergency care service for membership therein to the ~~county board or~~ board of directors of the rural or suburban fire protection district or nonprofit corporation, the governing body of the county, city or village, or combination thereof, as the case may be, and upon such confirmation shall be deemed employees of such entity ~~the county, city, or village~~ or combination thereof. Members of such volunteer ambulance or out-of-hospital emergency care service after confirmation to membership ~~and~~ may be removed by majority vote of ~~such county board or governing body of the city or village,~~ the entity's board of directors or governing body and thereafter shall not be considered employees of such entity. Volunteer ambulance drivers and attendants and out-of-hospital emergency care providers for any county, city, village, rural or suburban fire protection district, nonprofit corporation, or any combination thereof, shall be considered as acting in the performance and within the course and scope of their employment when performing activities outside of the corporate limits of their respective county, city, village or district, but only if directed to do so by the chief or some person authorized to act for such chief;

(7) Members ~~(i) members~~ of a law enforcement reserve force appointed in accordance with section 81-1438. Such members

shall be deemed employees of the county or city for which they were appointed; ~~; and (j) any~~

(8) Any offender committed to the Department of Correctional Services who is employed pursuant to section 81-1827. Such offender shall be deemed an employee of the Department of Correctional Services solely for purposes of the Nebraska Workers' Compensation Act; ~~and~~

~~(2) Every person in the service of an employer who is engaged in any trade, occupation, business, or profession as described in section 48-106 under any contract of hire, expressed or implied, oral or written, including aliens and also including minors, who for the purpose of making election of remedies under the Nebraska Workers' Compensation Act shall have the same power of contracting and electing as adult employees.~~

~~As used in subdivisions (1) and (2) of this section, the terms employee and worker shall not be construed to include any person whose employment is not in the usual course of the trade, business, profession, or occupation of his or her employer.~~

~~If an employee subject to the Nebraska Workers' Compensation Act suffers an injury on account of which he or she or, in the event of his or her death, his or her dependents would otherwise have been entitled to the benefits provided by such act, the employee or, in the event of his or her death, his or her dependents shall be entitled to the benefits provided under such act, if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state.~~

~~(3)(a)~~ (9)(a) Except as provided in subdivision ~~(3)(b)~~ (9)(b) of this section, every executive officer of a corporation elected or appointed under the provisions or authority of the charter, articles of incorporation, or bylaws of such corporation. Such executive officer shall be an employee of such corporation under the Nebraska Workers' Compensation Act, except that an executive officer of a Nebraska corporation who owns twenty-five percent or more of the common stock of such corporation may waive his or her right to coverage. Such waiver shall be in writing and filed with the secretary of the corporation and the Nebraska Workers' Compensation Court. Such waiver, as prescribed by the compensation court, shall include a statement in substantially the following form: Notice. I am aware that health and accident insurance policies frequently exclude coverage for personal injuries caused by accident or occupational disease arising out of and in the course of employment. Before waiving my rights to coverage under the Nebraska Workers' Compensation Act, I certify that I have carefully examined the terms of my health and accident coverage. Such waiver shall become effective from the date of receipt by the compensation court and shall remain in effect until

the waiver is terminated by the officer in writing and filed with the secretary of the corporation and the compensation court. The termination of the corporate executive officer's waiver shall be effective upon receipt of the termination by the compensation court. It shall not be permissible to terminate a waiver prior to one year after the waiver has become effective.

(b) An executive officer of a Nebraska nonprofit corporation who receives annual compensation of one thousand dollars or less from the nonprofit corporation shall not be construed to be an employee of such nonprofit corporation under the Nebraska Workers' Compensation Act unless such executive officer elects to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act. Such election shall be in writing and filed with the secretary of the nonprofit corporation and shall remain in effect until the election is terminated, in writing, by the officer and the termination is filed with the secretary of the nonprofit corporation; .

~~(4)~~ (10) Each individual employer, partner, limited liability company member, or self-employed person who is actually engaged in the individual employer's, partnership's, limited liability company's, or self-employed person's business on a substantially full-time basis ~~may elect~~ who elects to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act. Such election is made ; if he or she (a) files with his or her current workers' compensation insurer written notice of election to have the same rights as an employee only for purposes of workers' compensation insurance coverage acquired by and for such individual employer, partner, limited liability company member, or self-employed person or (b) gives notice of such election and such insurer collects a premium for such coverage acquired by and for such individual employer, partner, limited liability company member, or self-employed person. This election shall be effective from the date of receipt by the insurer for the current policy and subsequent policies issued by such insurer until such time as such employer, partner, limited liability company member, or self-employed person files a written statement withdrawing such election with the current workers' compensation insurer or until such coverage by such insurer is terminated, whichever occurs first. When so included, the individual employer, partner, limited liability company member, or self-employed person shall have the same rights as an employee only with respect to the benefits provided under the Nebraska Workers' Compensation Act. If any individual employer, partner, limited liability company member, or self-employed person who is actually engaged in the individual employer's, partnership's, limited liability company's, or self-employed person's business on a substantially full-time basis has not elected to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act pursuant to this subdivision and any health, accident, or other insurance policy

issued to or renewed by such person after July 10, 1984, contains an exclusion of coverage, if the insured is otherwise entitled to workers' compensation coverage, such exclusion shall be null and void as to such person; and -

~~(5)~~ (11) An individual lessor of a commercial motor vehicle leased to a motor carrier and driven by such individual lessor~~, may elect~~ who elects to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act. Such election is made if he or she agrees in writing with the motor carrier to have the same rights as an employee only for purposes of workers' compensation coverage maintained by the motor carrier. For an election under this subdivision, the motor carrier's principal place of business must be in this state and the motor carrier must be authorized to self-insure liability under the Nebraska Workers' Compensation Act. Such an election shall (a) be effective from the date of such written agreement until such agreement is terminated, (b) be enforceable against such self-insured motor carrier in the same manner and to the same extent as claims arising under the Nebraska Workers' Compensation Act by employees of such self-insured motor carrier, and (c) not be deemed to be a contract of insurance for purposes of Chapter 44. Section 48-111 shall apply to the individual lessor and the self-insured motor carrier with respect to personal injury or death caused to such individual lessor by accident or occupational disease arising out of and in the course of performing services for such self-insured motor carrier in connection with such lease while 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. On page 2, strike line 17 and all amendments thereto and insert the following new subsection:

"(3) Smoking is prohibited in all vehicles, buildings, and areas within ten feet of the entrances to such buildings or any portions thereof, owned, leased, or occupied by the state. The following buildings or areas within buildings in which persons reside or lodge may be exempt from this section: (a) Nebraska veterans homes established pursuant to section 80-315; (b) private residences; (c) residential halls and dormitories under the control of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges; (d) facilities and institutions under the control of the Department of Health and Human Services; and (e) cabins and buildings managed by the Game 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. On page 4, line 17, after "agency" insert "except that a joint public agency shall not levy a local option sales tax"; and in line 27 strike "local sales and use,".

2. On page 5, line 1, strike the comma; and strike beginning with "Unless" in line 7 through line 27 and all amendments thereto.

3. On page 6, strike beginning with "If" in line 1 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. Insert the following new sections:

"Section 1. Section 71-4727, Reissue Revised Statutes of Nebraska, is amended to read:

71-4727. The commission may employ any ~~other~~ employees, including interpreters, it considers necessary to carry out the purposes of sections 71-4720 to 71-4732.

Sec. 2. Section 71-4728, Revised Statutes Supplement, 1998, is amended to read:

71-4728. The commission shall serve as the principal state agency responsible for monitoring public policies and implementing programs which shall improve the quality and coordination of existing services for deaf or hard of hearing persons and promote the development of new services when necessary. To perform this function the commission shall:

(1) Inventory services available for meeting the problems of persons with a hearing loss and assist such persons in locating and securing such services;

(2) Prepare and maintain a statewide list of persons qualified in various types of interpreting and make this information available to local, state, and federal agencies;

(3) Promote the training of interpreters for deaf or hard of hearing persons;

(4) Provide counseling to deaf or hard of hearing persons or refer such persons to private or governmental agencies which provide counseling services;

(5) Conduct a voluntary census of deaf or hard of hearing persons in Nebraska and compile a current registry;

(6) Promote expanded adult educational opportunities for deaf or hard of hearing persons;

(7) Serve as an agency for the collection of information concerning deaf or hard of hearing persons and for the dispensing of such information to interested persons by collecting studies,

compiling bibliographies, gathering information, and conducting research with respect to the education, training, counseling, placement, and social and economic adjustment of deaf or hard of hearing persons and with respect to the causes, diagnosis, treatment, and methods of prevention of impaired hearing;

(8) Appoint advisory or special committees when appropriate for indepth investigations and study of particular problems and receive reports of findings and recommendations;

(9) Assess and monitor programs for services to deaf or hard of hearing persons and make recommendations to those state agencies providing such services regarding changes necessary to improve the quality and coordination of the services;

(10) Make recommendations to the Governor and the Legislature with respect to modification in existing services or establishment of additional services for deaf or hard of hearing persons;

(11) Promote awareness and understanding of the rights of deaf or hard of hearing persons;

(12) Promote statewide communication services for deaf or hard of hearing persons; ~~and~~

(13) Assist deaf or hard of hearing persons in accessing comprehensive mental health, alcoholism, and drug abuse services; and

(14) Provide qualified interpreters in public and private settings for the benefit of deaf or hard of hearing persons, if qualified private-practice interpreters are not available, and establish and collect reasonable fees for such interpreter services.

Sec. 3. Section 71-4732, Revised Statutes Supplement, 1998, is amended to read:

71-4732. There is hereby created a Commission for the Deaf and Hard of Hearing Fund to consist of such funds as the Legislature shall appropriate, ~~and~~ any funds received under section 71-4731, or any fees collected for interpreter services as provided in section 71-4728. The fund shall be used to administer sections 71-4720 to 71-4732, except that money in the fund from fees collected for interpreter services shall be used only for expenses related to the provision of such services. 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. Any money in the Commission for the Hearing Impaired Fund on September 13, 1997, shall be transferred to the Commission for the Deaf and Hard of Hearing Fund.

Sec. 9. Sections 4 to 8 and 11 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 10. Original section 71-4727, Reissue Revised

Statutes of Nebraska, and sections 71-4728 and 71-4732, Revised Statutes Supplement, 1998, are repealed.

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.".

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:

"Sec. 6. Section 86-1410, Revised Statutes Supplement, 1998, is amended to read:

86-1410. (1) The commission shall establish the Nebraska Lifeline Service Program. The purpose of the Nebraska Lifeline Service Program shall be to promote the provision of universal service to low-income households by local exchange carriers. Support provided by the program shall be specifically targeted to maintain affordable rates for residential basic local exchange services supported by federal and state universal service mechanisms. The commission shall establish means-tested eligibility guidelines and standards for the provision of support from the Nebraska Lifeline Service Program which are consistent with section 254 of the Telecommunications Act of 1996 and any rules and regulations adopted and promulgated by the Federal Communications Commission.

(2) Any local exchange carrier receiving state universal service support shall be prohibited from disconnecting the basic local exchange service of any customer receiving low-income support from the Nebraska Lifeline Service Program for the nonpayment of any interexchange toll service charges. The Public Service Commission may grant limited waivers of this requirement in a

manner consistent with applicable rules and regulations adopted and promulgated by the Federal Communications Commission.

(3) Any person receiving low-income support from the Nebraska Lifeline Service Program shall be exempt from the payment of any surcharge established by the commission pursuant to the Nebraska Telecommunications Universal Service Fund Act.".

2. On page 8, line 13, strike "and 86-1405" and insert "86-1405, and 86-1410".

3. Renumber the remaining sections accordingly.

Ms. Schimek filed the following amendment to LB 194:
AM0460

1. Insert the following new section:

"Sec. 33. (1) Within thirty days after the date on which the first installment of taxes become delinquent pursuant to section 77-204, the county treasurer is required to notify by mail any taxpayer, whose real property tax is delinquent, on account of such taxpayer not having paid the real property taxes, or the first installment thereof as required by law, of the amount of such delinquent real property tax and the rate at which interest is accruing on such delinquent tax. The notice shall also recite that unless the entire tax is paid by the delinquent date of the second installment, procedures shall be initiated for a delinquent tax sale against the real property as provided by law.

(2) Within thirty days after the date on which the second installment of taxes becomes delinquent pursuant to section 77-204, the county treasurer is required to notify by mail any taxpayer, not notified pursuant to subsection (1) of this section and whose real property tax is delinquent, on account of such taxpayer not having paid the second installment of property taxes, as required by law, of the amount of such delinquent real property tax and the rate at which interest is accruing on such delinquent tax. The notice shall also recite that, due to nonpayment of taxes, procedures shall be initiated for a delinquent tax sale against the real property as provided by law.

(3) Each notice sent pursuant to this section shall include an additional three-dollar fee to compensate the county treasurer for costs associated with such notice.".

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

printed on recycled paper

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. Strike original section 5.
2. On page 7, line 27, after the second comma insert "and" and strike "and 50-114.01".
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: Report Issued	Completed: No Report Issued	Deferred
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: Report Issued	Completed: No Report Issued	Deferred
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: Report Issued	Completed: No Report Issued	Deferred
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: Report Issued	Completed: No Report Issued	Deferred
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 Motor Vehicles		X 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

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. On page 1, line 16, strike "contracts signed" and 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. On page 2, line 23, before "An" insert "(1)"; in line 24 strike "(1)" and insert "(a)"; and in line 27 strike "(2)" and insert "(b)".
2. On page 3, after line 5, insert the following new subsection:

"(2) Before a nonmember employee pays his or her fair share to a labor organization, the labor organization shall submit an application to non-union employees for the cost borne by the labor organization in representing nonmember employees for

collective bargaining and contract enforcement purposes. The non-union employees shall then authorize a fair-share payment, but the employee shall pay no greater sum than specifically authorized. The application shall: (a) Identify with particularity the work done by the labor organization, including, but not limited to, participants, subjects, and duration of conferences; (b) identify the subjects of research, the researchers, and whether the results of the research were incorporated into a brief, motion, or pleading; (c) identify travel time involved, including the individuals, destination, purpose, and mode of travel; (d) specify any charges for the preparation of any brief, motions, or pleading and the individuals who prepared it; (e) identify by job title each person performing services relating to collective bargaining and contract enforcement, including the legal experience of each attorney; (f) identify the wages paid to any paralegal or law student; (g) identify the relative applicability of services performed if such services were applicable to more than one case; and (h) identify all expenses with particularity, including the following: (i) If a photocopying expense is charged, the items copied why they were copied, what use was made of such copies, and how many pages of material were photocopied; (ii) if depositions are being identified as expenses, the name of the court reporter, the time of the deposition, the date of the deposition, the identity of the deponent, the purpose of taking the deposition, and the use made of such deposition; (iii) if long-distance telephone expenses are listed, an identification of the date, the callers, where the call was made, and the subject of the call; and (iv) if travel expenses are being claimed, an identification of the mode of travel, the number of days traveled, cost of lodging, and meals involved in the travel."; and in line 7 strike "(2)" and insert "(1)(b)".

NOTICE OF COMMITTEE HEARINGS
Judiciary

Thursday, March 4, 1999 1:15 p.m.
Board of Parole
Linda Krutz, Chairperson

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. Insert the following new sections:

"Sec. 21. The commission shall have access, upon notification, to any premises where domesticated cervine animals may be for the purpose of assessing populations of wild cervidae.

Sec. 23. Section 37-411, Reissue Revised Statutes of Nebraska, is amended to read:

37-411. (1) Unless holding a permit as required in the Game Law, it shall be unlawful:

(a) For any resident of Nebraska who is sixteen years of age or older or any nonresident of Nebraska to engage in fur harvesting or possess any fur-bearing animal or raw fur, except that a person may possess a fur-bearing animal or raw fur for up to ten days after expiration of a valid permit. Nonresident fur-harvesting permits may be issued only to residents of states which sell similar permits to residents of Nebraska;

(b) For any resident of Nebraska who is sixteen years of age or older or any nonresident of Nebraska to hunt or possess any kind of game birds, game animals, or crows;

(c) For any person who is sixteen years of age or older to hunt or possess any migratory waterfowl without first obtaining and affixing to his or her hunting permit a federal migratory bird hunting stamp. All such stamps affixed to hunting permits shall be signed by the holder of the hunting permit. Migratory waterfowl means any ducks, geese, coots, or brant upon which an open season has been established by the commission; or

(d) For any person who is sixteen years of age or older to take any kind of fish, bullfrog, snapping turtle, tiger

salamander, or mussel from the waters of this state or possess the same except as provided in section 37-402. All nonresident anglers under sixteen years of age shall be accompanied by a person possessing a valid fishing permit.

(2) It shall be unlawful for a nonresident to hunt or possess any kind of game birds or game animals, to take any kind of fish, mussel, turtle, or amphibian, or to harvest fur while in the possession of a resident permit illegally obtained.

(3) It shall be unlawful for anyone to do or attempt to do any other thing for which a permit is required by the Game Law without first obtaining such permit and paying the fee required.

(4) Any nonresident who hunts or has in his or her possession any wild mammal or wild bird shall first obtain and have in his or her possession a nonresident hunting permit.

(5) Any nonresident who takes or has in his or her possession any wild turtle, mussel, or amphibian shall first obtain and have in his or her possession a nonresident fishing permit.

(6) Except as provided in this section and sections 37-407 and 37-418, it shall be unlawful for any nonresident to trap or attempt to trap or to harvest fur or attempt to harvest fur from any wild mammal.

~~(7)(a)~~ (7) It shall be unlawful for anyone to lure or entice wildlife into a domesticated cervine animal facility for the purpose of containing such wildlife.

(8)(a) Any person violating this section shall be guilty of a Class II misdemeanor and shall be fined at least forty dollars.

(b) If the offense is failure to hold a hunting, fishing, fur-harvesting, deer, turkey, or antelope permit as required, unless issuance of the required permit is restricted so that permits are not available, the court shall require the offender to purchase the required permit and exhibit the permit to the court.".

2. On page 2, line 1, strike "21" and insert "22"; in line 13 strike "contest" and insert "context"; in line 18 after "Agriculture" insert "or his or her designee"; in line 27 strike "person has a domesticated" and insert "animal is individually identified and kept at a premises for which a"; and in line 28 after "permit" insert "has been".

3. On page 3, line 20, strike "fifty" and insert "two hundred"; in line 21 strike "December 31" and insert "October 1"; and in line 28 strike "pertaining to" and insert "or any other state pertaining to domesticated cervine animals".

4. On page 4, line 1, strike beginning with "the" through "Act"; in line 6 after the first "of" insert "initial"; in lines 6 and 7 strike "and maintenance"; in line 8 after "approve" insert "or disapprove"; in lines 9 and 11, after "The" insert "initial" and strike "maintenance" and insert "new construction"; in line 15 after "(3)" insert "The department may inspect and approve or disapprove:

(a) The maintenance of perimeter fencing; and

(b) The maintenance of a handling facility which is capable of sorting and restraining individual animals for testing, identification, treatment, or other purposes deemed necessary by the department.

(4)"; in line 15 strike "may" and insert "shall"; and in line 16 strike "construction" and insert "initial construction, subsequent new construction,".

5. On page 9, line 20, strike "may" and insert "shall"; in line 22 after "identification" insert "in a manner which visibly distinguishes a domesticated cervine animal from wild cervidae"; in line 27 strike "license" and insert "permit"; and in line 28, after "act" insert "and shall be considered a violation of section 37-411".

6. On page 11, lines 2 and 4, strike "seven" and insert "five"; in line 13 after the period insert "The department and the commission shall not be held liable for the value of any domestic cervine animal destroyed under this section."; in line 21 strike beginning with "The" through the period in line 23; and in line 27 strike "and wild cervidae".

7. On page 13, line 3, after the semicolon insert "and"; strike lines 4 through 6; in line 7 strike "(3)" and insert "(2)"; and strike beginning with "an" in line 10 through the comma in line 11 and insert "five years".

8. On page 15, line 18, strike "37-465 and" and insert "37-411, 37-465, and".

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

printed on recycled paper

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. On page 3, line 11, strike "(a)"; in line 12 strike "(b)"; strike beginning with "and" in line 14 through "therapy" in line 17; strike beginning with "Coverage" in line 21 through line 28 and insert "Diabetes self-management education must be deemed to be medically necessary by a physician to be eligible for coverage and such coverage shall not exceed five hundred dollars in a two-year period.

(6) This section does not prevent application of (a) deductible or copayment provisions or network incentives contained in the policy or health benefit plan or (b) outpatient care provisions in policies or health benefit plans that extend coverage primarily in relation to hospital confinement or surgery. This section does not require that coverage under an individual or group policy or health benefit plan be extended to any other procedures. Private third-party payors may not reduce or eliminate coverage due to this section.".

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. On page 2, line 7, after the third comma insert "the 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

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. On page 2, line 23, after "decedent" insert "as shown in a certified or authenticated copy of the decedent's death certificate attached to the affidavit".

2. On page 3, line 4, strike "and"; in line 6 after "property" insert ";

(7) the claiming successor's relationship to the decedent and the value of the entire estate of the decedent; and

(8) the person or persons claiming as successors under the affidavit swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement may subject the person or persons to penalties relating to perjury under section 28-915"; and in line 7 after "affidavit" insert "and certified or authenticated copy of the decedent's death certificate" and after the second "recorded" insert "by the claiming successor".

3. On page 4, line 1, after "stating" insert an underscored colon and strike "that:" and show as stricken; in line 6 after "decedent" insert "as shown in a certified or authenticated copy of the decedent's death certificate attached to the affidavit;

(3) the claiming successor's relationship to the decedent or, if there is no relationship, the basis of the successor's claim to the personal property;

(4) the person or persons claiming as successors under the affidavit swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement may subject the person or persons to penalties relating to perjury under section 28-915"; in line 7 strike "(3)", show as stricken, and insert "(5)"; and in line 10 strike "(4)", show as 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. Strike the original sections and insert the following new sections:

"Section 1. (1) Every individual or couple that adopts a ward of the State of Nebraska shall be entitled to a payment of one thousand dollars for the year of adoption and for up to four succeeding years. Payments shall be made after approval of an application submitted by the adoptive parent or parents to the Department of Health and Human Services Finance and Support. The application shall be on a form prescribed by the department. An application shall be submitted prior to December 31 of the year for which the payment is sought. An applicant shall be eligible for payment in the year of adoption and for the earliest of four subsequent years or until the adopted child reaches the age of majority, is emancipated, or is no longer living in the home of the adoptive parent or parents.

(2) The department shall review all applications for eligibility for payment. The department shall approve or deny payment within thirty days after receipt of the application. If approved, the department shall certify the necessary information to the Director of Administrative Services for the issuance of a warrant. Warrants shall be issued within thirty days after certification. Any person aggrieved by a decision of the department may appeal. The appeal shall be in accordance with the 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. Strike original section 4 and insert the following new section:

"Sec. 2. Section 60-6,271, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,271. ~~Enforcement of section 60-6,270 by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense~~ The failure of a driver to comply with section 60-6,270 shall not constitute

reasonable suspicion for a peace officer to stop the motor vehicle in the absence of a violation or some other offense by the driver or occupants of the motor vehicle.".

2. On page 5, line 2, after "60-4,182" insert ", 60-6,271,".

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

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. Insert the following new section:

"Sec. 19. Section 48-303, Reissue Revised Statutes of Nebraska, is amended to read:

48-303. An employment certificate shall be approved only by the superintendent ~~of schools~~ of the primary high school district in which the child resides or by a person authorized by him or her in writing or, when there is no superintendent, ~~of schools,~~ by a person authorized by the school district officers, except that no school district officer or other person authorized by this section may approve such certificate for any child then in

or about to enter his or her own employment or the employment of a firm or corporation of which he or she is a member, officer, or employee or in whose business he or she is interested. The officer or person approving such certificate may administer the oath provided for therein or in any investigation or examination necessary for the approval thereof. No fee shall be charged for approving any such certificate or for administering any oath or rendering any services related thereto. The school board or board of education of each school district shall establish and maintain proper records where copies of all such certificates and all documents connected therewith shall be filed and preserved and shall provide the necessary clerical services for carrying out sections 48-302 to 48-313. The person who issued the employment certificate shall report to the Department of Labor any complaint concerning the conditions of employment of a child for whom a certificate is in force. Upon receipt of the report the Department of Labor shall make such investigation as it deems advisable to protect an individual child or to promote the youth-work program.".

2. In the Standing Committee amendments, AM0228:

a. On page 2, lines 10 and 11, after "or" insert "its"; and

b. On page 3, lines 14 and 16, after the quotation mark insert ", show as stricken,".

3. On page 1, line 4, after the second comma insert "48-303,".

4. On page 2, line 4, after the first semicolon insert "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;"; and in lines 4 and 5 strike "to harmonize provisions;".

5. On page 5, line 22, strike "county" and show as stricken and strike "school administrator," and show the old matter as stricken.

6. On page 13, line 5, strike "subsection", show as stricken, and insert "section".

7. On page 20, line 1, reinstate the stricken comma; and in line 2 reinstate the first stricken comma.

8. On page 21, line 20, after "superintendents" insert "and county school administrators"; and in line 23 after "elected" insert "or with which the county school administrator contracted".

9. On page 26, line 14, after the second "the" insert "school".

10. On page 36, line 26, strike "a" and insert "the".

11. On page 50, line 11, strike "79-443" and insert "79-442".

12. On page 55, line 25, strike "state committee" and insert "State Committee for the Reorganization of School

Districts".

13. On page 56, line 4, after "sufficient" insert an underscored period; and strike beginning with the comma in line 4 through the period in line 6 and show the old matter as stricken.

14. On page 69, line 8, strike "the" and show as stricken.

15. On page 81, line 20, strike "books", show as stricken, and insert "records".

16. On page 90, line 26, strike "school" and show as stricken.

17. On page 91, line 27, strike "shall transmit" and show as stricken; and in line 28 before "within" insert "shall transmit".

18. On page 93, line 13, strike the second comma and show as stricken.

19. On page 119, line 26, strike beginning with "Commencing" through the second "the", show as stricken, and insert "The".

20. On page 123, strike the matter beginning with "20" in line 27 through "115" in line 28 and insert "19, 21 to 28, 72 to 74, 76 to 81, 83 to 89, and 92 to 116".

21. On page 124, line 3, after the second comma insert "48-303,".

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. Insert the following new sections:

"Sec. 36. Section 79-1110, Revised Statutes Supplement, 1998, is amended to read:

79-1110. Sections 79-1110 to 79-1183.01 and section 52 of this act shall be known and may be cited as the Special Education Act.

Sec. 37. Section 79-1113, Revised Statutes Supplement, 1998, is amended to read:

79-1113. For purposes of the Special Education Act, unless the context otherwise requires, the definitions found in sections 79-1114 to 79-1125 and section 52 of this act shall be used.".

2. In the Bohlke amendment, AM0188:

a. On page 3, line 9, after "(c)" insert "of this section"; and

b. On page 4, line 3, strike "this" and show as stricken; and in line 4 strike "subsection", show as stricken, and insert "subsections (2), (3), and (4) of this section".

3. On page 1, line 3, strike "and" and after the last

comma insert "79-1601, and 79-1602,"; in line 8 after "79-10,124," insert "79-1110, 79-1113,"; in line 11 strike "and" and after the last comma insert "and 85-607,"; and in line 12 after "change" insert "and eliminate".

4. On page 2, line 6, after "eliminate" insert "powers and"; in line 8 after the first comma insert "the Commissioner of Education,"; in line 12 strike "to harmonize provisions;"; and in line 14 after the first comma insert "reimbursement,".

5. On page 3, line 4, strike "(a)" and insert "(1)"; and in line 7 strike "(b)" and insert "(2)".

6. On page 5, line 28, strike "48-302" and insert "48-303".

7. On page 6, line 1, after "approved" insert an underscored comma; and in line 7 strike the comma and show as stricken.

8. On page 21, line 19, strike "sections 13-505" and insert "the Nebraska Budget Act and sections 13-518".

9. On page 25, line 19, strike "79-406," and show as stricken and strike the second comma and show as stricken.

10. On page 26, line 14, strike "up" and show as stricken.

11. On page 41, line 27, after "(33)" insert "Special grant funds means the budgeted receipts for grants, including, but not limited to, Title I funds, Title VI funds, funds from the Education Innovation Fund, reimbursements for wards of the court, short-term borrowings including, but not limited to, registered warrants and tax anticipation notes, interfund loans, insurance settlements, and reimbursements to county government for previous overpayment, that have been approved by the state board;

(34)".

12. On page 42, strike lines 13 through 20 and show the old matter as stricken.

13. On page 43, line 12; and page 44, line 1, strike "such" and show as stricken.

14. On page 49, line 10, strike "such", show as stricken, and insert "school district and each".

15. On page 56, line 22, strike "reserve".

16. On page 68, line 1, after the second comma insert "for"; and in line 24 after "by" insert "subsection (1) of".

17. On page 74, line 4, strike the underscored comma.

18. On page 90, line 19, strike "79-1185." and show as stricken.

19. On page 95, line 7, strike "55, 56, and 59" and insert "60, 61, and 64"; in line 8 strike "with the emergency clause"; in line 10 after "after" insert "the"; and in line 19 after "79-10,124," insert "79-1110, 79-1113,".

20. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 226. Placed on Select File as amended.
E & R amendment to LB 226:
AM7070

1. In the Byars-Hilgert amendments, AM0421, change the Standing Committee amendment number to the corrected amendment number, AM0365, and on page 1, line 3, strike "4" and insert "5"; 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. On page 1, line 1, after "establish" insert "and provide duties for".
2. On page 2, line 3, strike the comma and insert "or"; in line 4 strike ", or other" and insert "or another"; in line 15 before the first "and" insert "of this section"; in lines 16 and 19 before the period insert "of this section"; and in line 18 before "and" insert "of this section".
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. In the Standing Committee amendment, AM0340, on page 2, line 8, after "place" insert an underscored comma.
2. On page 1, strike beginning with "criminal" in line 1 through "investigations" in line 4 and insert "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".

(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. On page 2, strike line 17 and all amendments thereto and insert the following new subsections:

"(3) Smoking is prohibited in all vehicles owned or leased by the state and in all buildings owned, leased, or occupied by the state and the area within ten feet of an entrance to such buildings or any portions thereof, except as provided in subsections (4), (5), and (6) of this section.

(4) The following buildings or areas within buildings in which persons reside or lodge may be exempt from this section: (a) Nebraska veterans homes established pursuant to section 80-315; (b) private residences; (c) facilities and institutions under the control of the Department of Health and Human Services; and (d) overnight lodging facilities and buildings managed by the Game and

Parks Commission, but no more than twenty-five percent of the overnight lodging facilities at each park location shall permit smoking.

(5) Designated smoking areas not to exceed fifty percent of the space used by the public may be established in state-owned buildings at Nebraska State Fairgrounds that possess a Class C, I, or M license for the sale of alcoholic liquor for consumption on the premises under the Nebraska Liquor Control Act.

(6) Smoking may be permitted in no more than forty percent of the residential housing rooms or units owned or leased on each campus under the control of the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska 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

printed on recycled paper

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. On page 1, line 4, after the semicolon insert "to 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.

Sincerely,
(Signed) 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.

Sincerely,
(Signed) 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.

Sincerely,
(Signed) 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.

Sincerely,
(Signed) 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

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 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

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 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

Hilgert	Kristensen	Peterson, C.	Schimek	Thompson
Hudkins	Landis	Preister	Schmitt	Tyson
Janssen	Lynch	Price	Schrock	Vrtiska
Jensen	Matzke	Quandahl	Smith	Wehrbein
Jones	Pedersen, Dw.	Raikes	Stuhr	Wickersham
Kremer	Pederson, D.	Redfield	Suttle	

Voting in the negative, 0.

Present and not voting, 3:

Byars	Chambers	Schellpeper

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 437 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 437.

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, 2-256, 2-259, and 13-503, Reissue Revised Statutes of Nebraska, and section 77-3442, 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.

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	Bohlke	Bourne	Brashear	Bromm

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

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

Holzfaster, Jon - Dry Bean Commission -- Agriculture

Lapaseotes, Connie - Game and Parks Commission -- Natural Resources

Riffel, Norm - Nebraska Highway Bond Commission -- Transportation

Schiefen, 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. On page 5, lines 5 and 6, strike the new matter and insert "four thousand nine hundred"; in lines 7 and 8 strike the new matter and insert "five thousand five hundred"; in lines 11 and 12 strike the new matter and insert "nine thousand seven hundred"; and in line 14 strike the new matter and insert "ten thousand nine hundred".

AM0542

1. On page 5, lines 5 and 6, strike the new matter and insert "five thousand"; in lines 7 and 8 strike the new matter and insert "five thousand six hundred"; in lines 11 and 12 strike the new matter and insert "nine thousand eight hundred"; and in line 14 strike the new matter and insert "eleven thousand".

AM0543

1. On page 5, lines 5 and 6, strike the new matter and insert "five thousand one hundred"; in lines 7 and 8 strike the new matter and insert "five thousand seven hundred"; in lines 11 and 12 strike the new matter and insert "nine thousand nine hundred"; and in line 14 strike the new matter and insert "eleven thousand one hundred".

AM0544

1. On page 5, lines 5 and 6, strike the new matter and insert "five thousand two hundred"; in lines 7 and 8 strike the new matter and insert "five thousand eight hundred"; in lines 11 and 12 strike the new matter and insert "ten thousand"; and in line 14 strike the new matter and insert "eleven thousand two hundred".

AM0545

1. On page 5, lines 5 and 6, strike the new matter and insert "five thousand three hundred"; in lines 7 and 8 strike the new matter and insert "five thousand nine hundred"; in lines 11 and 12 strike the new matter and insert "ten thousand one hundred"; and in line 14 strike the new matter and insert "eleven thousand three hundred".

AM0547

1. On page 5, lines 5 and 6, strike the new matter and insert "five thousand four hundred"; in lines 7 and 8 strike the new matter and insert "six thousand"; in lines 11 and 12 strike the new matter and insert "ten thousand two hundred"; and in line 14 strike the new matter and insert "eleven thousand four hundred".

AM0548

1. On page 5, lines 5 and 6, strike the new matter and insert "five thousand five hundred"; in lines 7 and 8 strike the new matter and insert "six thousand one hundred"; in lines 11 and 12 strike the new matter and insert "ten thousand three hundred"; and in line 14 strike the new matter and insert "eleven thousand five hundred".

AM0549

1. On page 5, lines 5 and 6, strike the new matter and insert "five thousand six hundred"; in lines 7 and 8 strike the new matter and insert "six thousand two hundred"; in lines 11 and 12 strike the new matter and insert "ten thousand four hundred"; and in line 14 strike the new matter and insert "eleven thousand six hundred".

AM0550

1. On page 5, lines 5 and 6, strike the new matter and insert "five thousand seven hundred"; in lines 7 and 8 strike the new matter and insert "six thousand three hundred"; in lines 11 and 12 strike the new matter and insert "ten thousand five hundred"; and in line 14 strike the new matter and insert "eleven thousand seven hundred".

AM0551

1. On page 5, lines 5 and 6, strike the new matter and insert "five thousand eight hundred"; in lines 7 and 8 strike the new matter and insert "six thousand four hundred"; in lines 11 and 12 strike the new matter and insert "ten thousand six hundred"; and in line 14 strike the new matter and insert "eleven thousand eight hundred".

Mr. Tyson filed the following amendment to LB 131:

AM0358

1. On page 7, strike lines 15 through 19, show as stricken, and insert:

"(e) The applicant has been fingerprinted and the fingerprints submitted to the Nebraska State Patrol for a criminal history record check. If no disqualifying record is located at the state level, the fingerprints shall be forwarded by the patrol to the Identification Division of the Federal Bureau of Investigation 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. Insert the following new section:
"Sec. 5. This act becomes operative on January 1, 2000.".
2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 150. Placed on General File as amended.
Standing Committee amendment to LB 150:
AM0437
1. Strike the original sections and insert the following new sections:
"Section 1. This act shall be known and may be cited as the Telephone Consumer Slamming Prevention Act.
Sec. 2. It is the policy of this state to ensure that all subscribers are protected from the unauthorized switching of a telecommunications company selected by the subscriber to provide telecommunications service.
Sec. 3. For purposes of the Telephone Consumer Slamming Prevention Act, the definitions found in section 86-802 shall be used.
Sec. 4. The Telephone Consumer Slamming Prevention Act

shall apply to all telecommunications companies providing basic local exchange service, intra-LATA interexchange service, inter-LATA interexchange service, and any other telecommunications services to subscribers in this state.

Sec. 5. No telecommunications company shall submit or execute a change in a subscriber's provider of basic local exchange service, intra-LATA interexchange service, or inter-LATA interexchange service without:

(1) Written change authorization from the subscriber;

(2) Toll-free electronic authorization placed from the telephone number which is the subject of the change order; or

(3) Oral authorization obtained by an independent third party.

A separate and distinct authorization shall be required to submit or execute a change of service for any or all of the following services provided to subscribers in this state: Basic local exchange service, intra-LATA interexchange service, inter-LATA interexchange service, or any other telecommunications services.

Sec. 6. Within thirty days after a subscriber changes his or her authorized provider of basic local exchange service, intra-LATA interexchange service, or inter-LATA interexchange service, the new authorized service provider shall provide to such subscriber written verification of such change. The written confirmation shall (1) describe clearly and simply the nature of the subscription change, (2) not be a part of, or attached to, any other document, (3) not contain any promotion, offer, or inducement, and (4) be mailed to the subscriber's billing address.

Sec. 7. (1) Any changes which are not made or verified consistent with the rules and regulations of the Public Service Commission shall, on request by the subscriber, be reversed within a period established by commission rules and regulations.

(2) Any telecommunications company which initiated an unauthorized change shall:

(a) Pay any charges for telephone service used by the subscriber during the period from the startup of the unauthorized change to the earlier of (i) the date that the subscriber's provider of service is changed from the unauthorized interexchange service provider or (ii) the expiration of the thirty-day period after the startup date of the unauthorized subscription change;

(b) Pay all usual and customary charges associated with returning the subscriber to its original telecommunications company;

(c) Pay the telecommunications subscriber from which the subscriber was changed any amount paid by the subscriber that would have been paid to the telecommunications company from which the subscriber was changed but for the unauthorized change;

(d) Return to the subscriber any amount paid by the subscriber in excess of the charges that would have been imposed

for identical services by the telecommunications company from which the subscriber was changed but for the unauthorized change; and

(e) Provide all billing records to the original telecommunications company from which the subscriber was changed to enable the telecommunications company from which the subscriber was changed to comply with this subsection and commission rules and regulations.

(3) Any telecommunications company from which the subscriber was changed shall restore the subscriber to all premium programs in which the subscriber was enrolled prior to the unauthorized change if that subscriber's participation in the premium program was terminated because of the unauthorized change. In addition, if the subscriber has paid charges to the company which initiated an unauthorized change, the telecommunications company from which the subscriber was changed shall restore to the subscriber any premiums to which the subscriber would have been entitled had the unauthorized change not occurred.

(4) If the Public Service Commission finds that a telecommunications company has violated this section, 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. 8. (1) The Public Service Commission may 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;

(d) Any efforts to correct the violation; and

(e) Any other matter that justice may require.

(3) Any administrative penalty may be appealed, and the appeal shall be in accordance with sections 75-136 to 75-139.

Sec. 9. 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 performance standards for telecommunications companies with respect to changes in an authorized telecommunications company pursuant to the act;

(4) Establish and administer a slamming complaint system for subscribers of telecommunications service and enforce the provisions of the act; and

(5) Are consistent with the rules and regulations prescribed by the Federal Communications Commission for the selection of telecommunications companies. The Public Service Commission may adopt and promulgate rules and regulations consistent which model any regulations of the Federal Communications Commission which are consistent with the purposes of the act.

Sec. 10. (1) No telecommunications company providing basic local exchange service shall bill a subscriber for additional telecommunications services not required by the Public Service Commission to be offered and for which the subscriber did not explicitly contract. If (a) a charge is assessed on a per-use basis for a service described in this subsection and (b) the subscriber notifies the telecommunications company that the subscriber did not utilize the service or the subscriber did not authorize the utilization of the service, the charge shall be given as a refund or applied as a credit to the subscriber's next monthly bill.

(2) If a telecommunications company receives a notification pursuant to subdivision (1)(b) of this section, the company shall inform the subscriber of the ability to block services from future use by the subscriber and shall block the services from future use by the subscriber if the subscriber so requests. If a subscriber requests that the company not block the service or later requests to have the block lifted, the subscriber shall be responsible for charges caused by the future utilization of such service. The company shall not charge a reoccurring fee for blocking such service.

Sec. 11. If any section of this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 12. Since an emergency exists, this act takes 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. Insert the following new section:

"Sec. 3. Section 71-1907, Revised Statutes Supplement, 1998, is amended to read:

71-1907. Any person furnishing foster care who is subject to licensure under section 71-1902, when transporting in a motor vehicle any children for whom care is being furnished, shall use an approved child passenger restraint system for each child, except that an occupant protection system as defined in section 60-6,265 may be used for any child weighing forty or more pounds ~~or~~ and four years of age or more.

Any person violating this section shall be guilty of an infraction as defined in section 29-431 and shall have his or her license to furnish foster care revoked or suspended by the Department of Health and Human Services.

For purposes of this section, approved child passenger restraint system shall mean a restraint system which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration as of July 17, 1982.".

2. On page 2, line 6, strike "or", show as stricken, and insert "and".

3. On page 3, line 14, after "be" insert ", for a first offense,"; in line 25 after "shall" insert "not"; and strike beginning with "be" in line 27 through "charge" in line 28, show as stricken, and insert "have any fine imposed and shall not have any points assessed against his or her driving record".

4. On page 4, line 11, strike "are" and insert "and section 71-1907, Revised Statutes Supplement, 1998, are".

5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 809. Placed on General File as amended.
Standing Committee amendment to LB 809:
AM0456

1. Insert the following new sections:

"Sec. 6. Section 60-4,121, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,121. (1) The operator's license of any person serving on active duty, other than members of the National Guard or reserves activated for training purposes only, outside the State of Nebraska as a member of the United States Armed Forces, or the spouse of any such person or a dependent of such member of the armed forces, shall be valid during such person's period of active duty and for not more than sixty days immediately following such person's date of separation from service and shall be renewed after the expiration date without examination upon written application to the county treasurer who issued the license. No person shall be permitted to renew a license in such manner more than twice.

(2) The county treasurer also shall issue a renewal license, without examination, to any person who is serving in the armed forces of the United States, or the spouse of any such person or a dependent of such member of the armed forces, and who makes

application for renewal within ninety days prior to the expiration date of his or her license while the member is still on active duty upon proof that such member is still on active duty. If such person is twenty years of age, he or she may be issued a renewal license in such manner within ten days prior to his or her twenty-first birthday.

(3) The county treasurer also shall issue a renewal license, without examination, to any person whose license expired while serving in the armed forces of the United States, or the spouse of any such person or a dependent of such member of the armed forces, and who makes application for renewal within sixty days after his or her ~~(1)~~ (a) discharge or return to the State of Nebraska to reside, whichever is later, or ~~(2)~~ (b) return to the State of Nebraska while the member is still on active duty upon proof that such member is still on active duty.

(4) Each individual who is applying for renewal of his or her operator's license shall submit his or her previous license to the examiner or, when the previous license is unavailable, furnish proof of identification in accordance with section 60-484.

Sec. 8. Section 60-4,123, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,123. (1) Any person who is at least fifteen years of age may apply for an LPD-learner's permit from the Department of Motor Vehicles. In order to obtain an LPD-learner's permit, the applicant shall successfully complete a written examination. A person may take the written examination beginning sixty days prior to his or her fifteenth birthday but shall not be issued a permit until he or she is fifteen years of age.

(2) Upon successful completion of the written examination and the payment of a fee, the applicant shall be issued an LPD-learner's permit from the county treasurer. The permit shall be valid for twelve months.

(3) The holder of an LPD-learner's permit shall only operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least twenty-one years of age and who has been licensed by this state or another state and if he or she is actually occupying the seat beside the licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact of and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator.

(4) The county treasurer shall collect a fee of three dollars for the issuance of each LPD-learner's permit.".

2. On page 2, lines 6 and 7, strike the new matter.

3. On page 3, line 3, after "age" insert "which authorizes the person to operate any motor vehicle except a commercial motor vehicle or motorcycle".

4. On page 10, line 28, strike "eighteen", show as

stricken, and insert "seventeen".

5. On page 13, line 11, after the period insert "Upon presentation to the examiner by the applicant of his or her school permit, the examiner shall waive the written examination and the driving test.".

6. On page 15, line 28, strike "and 60-4,122" and insert "60-4,121, 60-4,122, and 60-4,123".

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. On page 3, strike lines 22 through 24 and insert:

"(a) Law enforcement personnel from the jurisdiction in which the death occurred shall immediately secure the scene, preserve all evidence, and investigate the matter as in any other homicide. The case shall be treated as an open, ongoing matter until all evidence, reports, and other relevant material which has been assembled are transferred to the special prosecutor appointed pursuant to subdivision (b) of this subsection;

(b) As soon as practicable, the court shall appoint a special prosecutor who has had at least five years experience in criminal litigation, including felony litigation. The special prosecutor shall select a team of three peace officers, trained to investigate homicides, from jurisdictions outside the jurisdiction where the death occurred. The team shall examine all evidence concerning the cause of death and present the findings of its investigation to the special prosecutor; and".

LEGISLATIVE BILL 153. Placed on General File as amended.
Standing Committee amendment to LB 153:
AM0449

1. On page 2, strike line 28 and insert "by the superintendent, the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice or his or her designee, and the Director of Research of the Legislature or his or her designee. In addition, the Executive Board of the Legislative Council shall appoint to the task force two members of the Legislature, a

representative of the Fraternal Order of Police, a county sheriff or chief of police from each of the six Nebraska State Patrol troop sites, and two at-large members from the general public. The Executive Board of the Legislative Council shall appoint a chairperson of the task force from the task force members. The appointments to the task force shall be made no later than June 1, 1999.".

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. On page 2, strike beginning with "in" in line 22 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. On page 12, strike beginning with "on" in line 14 through "recklessness" in line 17 and insert "except as provided in the State Tort Claims Act".

Messrs. Engel, Raikes, Coordsen, Wehrbein, and Kristensen filed the following amendment to LB 240:
AM0487

1. Insert the following new sections:

"Section 1. Section 43-1303, Reissue Revised Statutes of Nebraska, is amended to read:

43-1303. (1) The state board shall meet at least twice per year. The state board shall establish a statewide register of all foster care placements occurring within the state, and there shall be a monthly report made to the state board registry of all foster care placements by the Department of Health and Human Services, any child-placing agency, or any ~~or~~ court. For each child entering and leaving foster care, such monthly report shall consist of identifying information, placement information, and the plan or permanency plan developed by the person or court in charge of the child pursuant to section 43-1312. ~~Every~~ The department and every court and child-placing agency shall report any foster care placement within three working days. The report shall contain the following information:

(a) Child identification information, including name, social security number, date of birth, gender, race, and religion;

(b) Identification information for parents and stepparents as necessary, including name, social security number, address, and status of parental rights;

(c) Placement information, including initial placement date, current placement date, and the name and address of the

foster care provider;

(d) Court status information, including which court has jurisdiction, initial custody date, court hearing date, and results of the court hearing;

(e) Custodial entity;

(f) Case worker; and

(g) Case plan.

In order to achieve uniformity in reporting, the state board shall prescribe the format to be used in reporting the information required by this subsection.

(2) The state board shall review the activities of local boards and may adopt and promulgate its own rules and regulations. Such rules and regulations shall provide for the following:

~~(1)~~ (a) Establishment of training programs for local board members which shall include an initial training program and periodic inservice training programs;

~~(2)~~ (b) Development of procedures for local boards;

~~(3)~~ (c) Establishment of a central record-keeping facility for all local board files, including individual case reviews;

~~(4)~~ (d) Accumulation of data and the making of annual reports on children in foster care. Such reports shall include ~~(a)~~ (i) personal data on length of time in foster care, ~~(b)~~ (ii) number of placements, ~~(c)~~ (iii) frequency and results of court review, and ~~(d)~~ (iv) number of children supervised by the foster care programs in the state annually;

~~(5)~~ (e) To the extent not prohibited by section 43-1310, evaluation of the judicial and administrative data collected on foster care and the dissemination of such data to the judiciary, public and private agencies, the ~~Department of Health and Human Services~~ department, and members of the public; and

~~(6)~~ (f) Manner in which the state board shall determine the appropriateness of requesting a review hearing as provided for in section 43-1313.

(3) The state board, upon completion of a review of local board activities, shall report and make recommendations to the department and county welfare offices. Such reports and recommendations shall include, but not be limited to, the annual judicial and administrative data collected on foster care pursuant to ~~subdivision (4)~~ subsection (2) of this section and the annual evaluation of such data. In addition the state board shall provide copies of such reports and recommendations to each court having the authority to make foster care placements. The state board may visit and observe foster care facilities in order to ascertain whether the individual physical, psychological, and sociological needs of each foster child are being met.

Sec. 2. Section 43-1304, Reissue Revised Statutes of Nebraska, is amended to read:

43-1304. The state board shall establish local foster

care review boards for the review of cases of children in foster care placement. The state board shall select members to serve on local boards from a list of applications submitted to the state board. Each local board shall consist of ~~five~~ not less than four and not more than ten members. The members of the board shall reasonably represent the various social, economic, racial, and ethnic groups of the county or counties from which its members may be appointed. A person employed by the state board, the Department of Health and Human Services, a child-caring agency, a child-placing agency, or a court shall not be appointed to a local board. A list of the members of each local board shall be sent to the ~~Department of Health and Human Services~~ department.".

2. On page 3, line 15, strike "section" and insert "sections 43-1303, 43-1304, and"; and in line 16 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Kristensen filed the following amendment to LB 142A:
AM0563

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $4,192,054 from the General Fund for FY1999-00 and (2) $4,192,054 from the General Fund for FY2000-01 to Agency 83 -- Aid to Community Colleges, Program 152, to aid in carrying out the provisions of Legislative Bill 142, 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.".

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. Strike amendment 2 and insert:
"2. On page 3, reinstate beginning with 'other' in line 21 through 'bar' in line 22; in line 24 reinstate 'If a bar'; and 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. Insert the following new section:
"Sec. 3. Section 85-1420, Reissue Revised Statutes of Nebraska, is amended to read:
85-1420. There is hereby created the Coordinating Commission for Postsecondary Education Trust Fund. The fund shall serve as a revolving fund to receive grants from foundations, ~~and~~ institutions, or individuals for specific studies which are a part of the powers and duties of the commission or to create privately owned scholarship funds for students attending Nebraska institutions. The grant money shall be used only for purposes specified in the grant. A report of the findings of any studies done pursuant to the grants shall be included as a part of the

operating budget request submitted to the Legislature and the Governor. 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 4, line 9, after "functions" insert ", including the administration of privately endowed scholarship programs".

3. On page 5, line 20, strike "and 85-1412" and insert ", 85-1412, and 85-1420".

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. On page 2, strike beginning with "shall" in line 18 through line 20 and insert "submitted by a political subdivision shall follow all offices on the ballot for such political subdivision.".

2. On page 7, line 18, strike "a punch card or" and insert "an".

LEGISLATIVE BILL 571. Placed on General File as amended.
Standing Committee amendment to LB 571:
AM0555

1. Strike original section 5 and insert the following new sections:

"Sec. 3. Section 32-815, Reissue Revised Statutes of Nebraska, is amended to read:

32-815. (1) The names of candidates for each partisan elective office shall be arranged on the ballot of the general election so that the political party polling the highest number of votes at the last general election for Governor will have the name of its nominee immediately beneath the name of the office for which the candidate was nominated, the political party polling the second highest number of votes will have the second place, the political party having the third highest number of votes will have the third place, and continuing with the political parties in descending order of number of votes, leaving those candidates whose names appear upon the ballot by petition to appear beneath all other candidates placed there by nomination. For each office for which

there are more candidates than vacancies and there are two or more nominees of the same political party, the election commissioner or county clerk shall rotate the names of such candidates on the official ballot. In printing the ballots for the various election districts, the positions of the names shall be changed in each office division for each election district. In making the change of position, the printer shall take the line of type at the head of each division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

(2) The name of the person receiving the highest number of votes at a primary election as the candidate of a political party for an office shall be placed on the official ballot except as otherwise provided in the Election Act. No person shall be certified as a candidate of any political party for such office by the Secretary of State, election commissioner, or county clerk unless the person receives a number of votes at least equal to five percent of the total ~~vote~~ ballots cast ~~for such office~~ at the primary election ~~for~~ by registered voters affiliated with that political party in the district which the office serves and meets the requirements for the office.

Sec. 6. Section 32-1005, Reissue Revised Statutes of Nebraska, is amended to read:

32-1005. ~~(1) Except as provided in subsection (2) of this section, if a first or generally recognized name and last name of a person~~ If the last name or a reasonably close spelling of the last name of a person engaged in or pursuing a write-in campaign pursuant to section 32-615 is written or printed on a line provided for that purpose and the square or oval to the left of such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. Except as provided in section 32-1007, a write-in vote for a person who is not engaged in or pursuing a write-in campaign pursuant to section 32-615 shall not be counted.

~~(2) If punch card ballots are being used, the first or generally recognized name and last name of a person and the office for which the write-in candidate has been selected shall be written or printed on a line provided for that purpose on the ballot jacket or envelope. If the office designation has been omitted, the counting board shall make the following notation on the ballot jacket or envelope: Write-in Rejected, no office designation.~~

Sec. 7. Section 32-1007, Reissue Revised Statutes of Nebraska, is amended to read:

32-1007. For members of a village board of trustees, township officers, or members of the school board of Class I or II school districts, if a first or generally recognized name and last name of a person is written or printed on a line provided for that purpose and the square or oval to the left of such line has been marked with a cross or other clear, intelligible mark, the vote

shall be valid and the ballot shall be counted. If only the last name of a person is written in the write-in space on the ballot or ballot jacket and there is more than one person in the county having the same last name, the counting board shall reject the ballot for that office unless the last name is reasonably close to the proper spelling of the last name of a candidate engaged in or pursuing a write-in campaign pursuant to section 32-615. The counting board shall make the following notation on the rejected ballot: Rejected for the office of ....., no first or generally recognized name.

Sec. 8. Section 32-1008, Reissue Revised Statutes of Nebraska, is amended to read:

32-1008. If the write-in vote in the county for any particular office referred to in section 32-1007 totals less than five percent of the vote for such office in the county and the election commissioner or county clerk believes that such vote will not impact the outcome of the election, the number of write-in votes for that office may be counted and listed together as one total.

Sec. 9. Section 32-1033, Reissue Revised Statutes of Nebraska, is amended to read:

32-1033. The election commissioner or county clerk shall, within forty days after the election, prepare, sign, and deliver a certificate of nomination or a certificate of election to each person whom the county canvassing board has declared to have received the highest vote for county, city, or village offices. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received a number of votes at least equal to five percent of the total ~~vote~~ ballots cast ~~for the office~~ at the primary election ~~for that party~~ by registered voters affiliated with that political party in the district which the office for which he or she is a candidate serves. The certificate shall be substantially as follows:

State of Nebraska. At an election held on the ..... day of ..... ~~19..~~ 20.., ... was elected to the office of ..... for the term of ..... years from the ..... day of ..... ~~19..~~ 20.. (or when filling a vacancy, for the residue of the term ending on the .... day of ..... ~~19..~~ 20..). Given at ..... this .... day of ..... ~~19..~~ 20.. .

Sec. 10. Original sections 19-3051, 32-808, 32-815, 32-938, 32-947, 32-1005, 32-1007, 32-1008, and 32-1033, Reissue Revised Statutes of Nebraska, are repealed.".

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

printed on recycled paper

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

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. On page 4, line 5, after "a" insert "Nebraska"; strike beginning with "use" in line 7 through "patient" in line 11 and insert "engaging in the distance practice of a healing art by means of telecommunications, including, but not limited to, electromagnetic transmission and communication technology, whereby a health care practitioner performs health care services within his or her scope of practice at a site other than the site where the patient is located"; and strike beginning with "who" in line 17 through "patient" in line 19 and insert "providing the health care services".

2. On page 5, strike lines 15 through 17; in line 18 strike "(6)" and insert "(5)"; in line 21 strike "(7)" and insert "(6)"; and in line 26 strike "(8)" and insert "(7)".

3. On page 6, line 1, strike "(9)" and insert "(8)"; and in line 4 strike "July 1, 1999" and insert "January 1, 2000".

4. On page 7, line 4, after "telephone" insert ", electronic mail,"; in line 6 strike "physician" and insert "health care practitioner"; in line 21 strike "The" and insert "By January 1, 2000, the"; and in line 25 strike "Medicare" and insert "medicaid".

LEGISLATIVE BILL 644. Placed on General File as amended.
Standing Committee amendment to LB 644:
AM0499

1. Strike the original section and insert the following new section:

"Section 1. There is hereby appropriated (1) $150,000 from the General Fund for FY1999-00 and (2) $150,000 from the General Fund for FY2000-01 to the Department of Health and Human Services Finance and Support, to fund the AIDS Drug Assistance 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. Strike the original provisions and insert the following new provisions:

"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 by state government will result in an incremental lowering of the overall tax burden; 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. For all fiscal bienniums beginning on or after July 1, 1999, the Legislature shall not appropriate for any one fiscal year a total of restricted state funds more than the last prior fiscal year's total of appropriations of restricted state funds plus the allowable growth percentage of the base limitation established under section 77-3446. If a governmental unit or the state transfers the financial responsibility of providing a service financed in whole or in part with restricted funds or restricted state funds to another governmental unit or the state, the amount of restricted funds or restricted state funds associated with providing the service shall be subtracted from the last prior fiscal year's total of budgeted restricted funds or appropriated restricted state funds for the previous provider and may be added to the last prior fiscal year's total of restricted funds or restricted state funds for the new provider.

2. The Legislature may exceed the limit for a fiscal year or biennium by up to an additional one percent upon the affirmative vote of at least three-fourths of the members of the Legislature.

3. The Legislature may exceed the allowable growth percentage by an amount approved by a majority of registered voters voting on the issue at a general, primary, or special election called for such purpose upon the passage of a resolution of the

Legislature or upon the receipt by the Secretary of State of a petition requesting an election signed by at least five percent of the registered voters in the state. The resolution of the Legislature or the petition of the registered voters shall include the amount and percentage by which the state would increase its appropriation of restricted state funds for the ensuing year over and above the current year's appropriated restricted state funds. The election shall be held pursuant to the Election Act and all costs shall be paid by the state.

4. The limitation shall not apply to (1) restricted state funds appropriated for capital improvements, (2) restricted state funds appropriated for state aid, (3) restricted state funds appropriated in support of a service which is the subject of an interlocal cooperation agreement or a modification of an existing agreement whether operated by one of the parties to the agreement or an independent joint entity, (4) restricted state funds appropriated to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act, or (5) restricted state funds appropriated to pay for judgments, except judgments of the Commission of Industrial Relations, obtained against the state which obligate the state to pay such judgments, to the extent such judgment is not paid by liability coverage of the state.

5. The Legislature may choose not to increase the total of restricted state funds by the full amount allowed in a particular year. In such cases, the state may carry forward to future years the amount of unused restricted state funds authority. The Legislature shall calculate its unused restricted state funds authority and show it with the written budget summary for that year. The unused restricted state funds authority may be used in later years for increases in the total of restricted state funds.

6. For purposes of this resolution:

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

(2) Restricted state funds means (a) individual and corporate income taxes, sales and use taxes, motor fuel taxes, motor vehicles registration fees, cigarette and tobacco products taxes, alcoholic beverage taxes, insurance premium taxes, financial institutions deposit taxes, parimutuel, bingo, pickle card, and local and charitable gaming taxes, lodging taxes, state transfer taxes, severance taxes, corporate occupation taxes, and documentary stamp taxes, excluding any amounts refunded to taxpayers or to local governments as local option sales taxes and (b) surplus revenue from any user fee, permit fee, or regulatory fee if the 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

(3) State aid means (a) state aid paid pursuant to

sections 18-2605, 39-2501 to 39-2520, 60-305.15, 60-3007, 77-27,136, 77-27,139.04, 77-3523, and 85-1536 to 85-1537, (b) county aid and jail reimbursement under sections 47-119 to 47-121.01 and 77-3618, (c) insurance premium taxes, (d) state aid under the Tax Equity and Educational Opportunities Support Act, and (e) special education reimbursement.".

Mr. Bromm filed the following amendment to LB 90:
AM0498

(Amendments to AM0288)

1. On page 1, lines 3 through 11, strike the new matter and insert "No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees from the law enforcement 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. On page 2, after line 9, insert the following new subsection:

"(2) Future advances necessary to protect the security shall include, but not be limited to, advances for payment of real property taxes, special assessments, prior liens, hazard insurance premiums, maintenance charges imposed under a condominium declaration or other covenant, and costs of repair, maintenance, or improvements."; in line 10, strike "(2)" and insert "(3)"; in lines

11 and 12 strike "debts, obligations, and optional future advances made pursuant to subsection (1) of this section" and insert "all items identified in subsection (1) of this section"; in line 19 strike "(2)" and insert "(3)"; and in line 22 strike "regular or".

2. On page 3, strike beginning with the last "or" in line 2 through the comma in line 5; strike beginning with the last comma in line 7 through "given" in line 9; and after line 9 insert the following new subdivision: "(iii) Subdivisions (3)(b)(i) and (ii) shall not limit or determine the priority of optional future advances as against construction liens governed by section 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. On page 2, line 14 after "behalf" insert "and shall be prima facie evidence of the facts stated in the affidavit"; in line 23, after "decedent" insert "as shown in a certified or authenticated copy of the decedent's death certificate attached to the affidavit".

2. On page 3, line 4, strike "and"; in line 6 after "property" insert ";

(7) the claiming successor's relationship to the decedent and the value of the entire estate of the decedent; and

(8) the person or persons claiming as successors under the affidavit swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement may subject the person or persons to penalties relating to perjury under section 28-915"; and in line 7 after "affidavit" insert "and certified or authenticated copy of the decedent's death certificate" and after the second "recorded" insert "by the claiming successor".

3. On page 4, line 1, after "stating" insert an

underscored colon and strike "that:" and show as stricken; in line 6 after "decedent" insert "as shown in a certified or authenticated copy of the decedent's death certificate attached to the affidavit;

(3) the claiming successor's relationship to the decedent or, if there is no relationship, the basis of the successor's claim to the personal property;

(4) the person or persons claiming as successors under the affidavit swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement may subject the person or persons to penalties relating to perjury under section 28-915"; in line 7 strike "(3)", show as stricken, and insert "(5)"; and in line 10 strike "(4)", show as 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. On page 21, strike beginning with "In" in line 18 through the period in line 26 and all amendments thereto; and in line 27 strike "also".

2. On page 22, strike beginning with "All" in line 8 through line 11 and all amendments thereto and insert "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."; strike beginning with "The" in line 17 through line 18 and insert "No production of records shall be required between January 1 and April 1."; in line 20 strike "shall" and insert "may"; strike beginning with the first "of" in line 23 through the comma in line 24; in line 25 strike "of the examination"; and in line 28 strike "issued by the Property Tax Administrator".

3. On page 23, line 1, strike "of the examination"; in line 2 strike "nature" and insert "cause"; in line 3 strike "should" and insert "may"; strike beginning with "an" in line 5 through "and" in line 6; and strike beginning with "If" in line 13 through the period in line 26.

4. On page 24, strike beginning with "sixty" in line 8 through "demand" in line 9 and insert "one hundred twenty days after the start of the next fiscal year"; and strike beginning with "report" in line 16 through "or" in line 21 and insert "order,".

5. On page 25, line 15, strike "of the Property Tax Administrator"; in line 22 strike "directives" and insert "orders"; and in line 28 after the period insert "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.".

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. Insert the following new sections:

"Sec. 2. Section 77-27,136, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,136. The Legislature shall appropriate seventeen million ~~nine~~ one hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to incorporated municipalities, ~~thirteen million five~~ twelve million seven hundred thousand dollars for aid to counties, and ~~seven~~ two million three hundred thousand dollars for aid to natural resources districts.

Sec. 4. Original section 77-27,136, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 3, line 5, strike "This act becomes" and insert "Sections 1 and 5 of this act become" and after the period insert "The other sections of this act become operative on their effective date.".

3. Renumber the remaining sections accordingly.

AM0579

1. Insert the following new sections:

"Sec. 2. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) ~~credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401,~~ (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded

through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.

Sec. 3. Section 77-4401, Reissue Revised Statutes of Nebraska, is amended to read:

77-4401. (1) ~~Through December 31, 1996, there shall be~~ There is imposed a fee of ~~four dollars~~ one dollar per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers. ~~; and commencing January 1, 1997, through December 31, 2000, there shall be imposed a fee of one dollar per ton upon such gross tonnage.~~ The fee shall be paid by the purchaser of the commercial fertilizer. Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section. For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the ~~Department of Revenue for credit to the Ethanol Production Incentive Cash Fund through December 31, 1996, and to the~~ Natural Resources Enhancement Fund ~~on and after January 1, 1997,~~ based on the gross tonnage of commercial fertilizers sold during the preceding period. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers sold by the seller. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) For purposes of this section, gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing ten pounds or less.

(4) Any person who purchased commercial fertilizer prior to May 1, 1993, and paid a fee greater than three dollars per ton shall be entitled to a refund of the amount paid in excess of three dollars per ton.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 3, line 6, strike "section 60-3003" and

insert "sections 60-3003, 66-1345, and 77-4401".
3. Renumber the remaining sections accordingly.

AM0582

1. Insert the following new sections:
"Sec. 2. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:
66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.
(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:
(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;
(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;
(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and
(d) For 1998, 1999, and 2000, no reduction.
The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then

the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer unexpended and unobligated funds remaining in the Ethanol Production Incentive Cash Fund, after all transfers from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund are completed, to the Water Quality Trust Fund. ~~On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.~~

Sec. 3. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 3, line 6, strike "section 60-3003" and insert "sections 60-3003 and 66-1345"; and in line 7 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

AM0583

1. Insert the following new sections:

"Sec. 2. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements

entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) ~~credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401,~~ ~~(f)~~ credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer unexpended and unobligated funds remaining in the Ethanol Production Incentive Cash Fund, after all transfers from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund are completed, to the Water Quality Trust Fund. ~~On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in~~

~~the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.~~

Sec. 3. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Section 77-4401, Reissue Revised Statutes of Nebraska, is amended to read:

77-4401. (1) ~~Through December 31, 1996, there shall be~~ There is imposed a fee of ~~four dollars~~ seventy-five cents per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers. ~~; and commencing January 1, 1997, through December 31, 2000, there shall be imposed a fee of one dollar per ton upon such gross tonnage.~~ The fee shall be paid by the purchaser of the commercial fertilizer. Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section. For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the ~~Department of Revenue for credit to the Ethanol Production Incentive Cash Fund through December 31, 1996, and to the~~ Natural Resources Enhancement Fund ~~on and after January 1, 1997,~~ based on the gross tonnage of commercial fertilizers sold during the preceding period. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers sold by the seller. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) For purposes of this section, gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing ten pounds or less.

(4) Any person who purchased commercial fertilizer prior to May 1, 1993, and paid a fee greater than three dollars per ton shall be entitled to a refund of the amount paid in excess of three dollars per ton.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 3, line 6, strike "section 60-3003" and insert "sections 60-3003, 66-1345, and 77-4401"; and in line 7 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Ms. Redfield filed the following amendment to LB 142:
AM0571

1. On page 2, line 24, after "that" insert "(a)"; and in line 26 after "county" insert "and (b) in counties containing a city of the metropolitan class, eighteen percent shall be allocated to the county and twenty-two percent shall be allocated to the city 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. On page 2, line 23, after "viewers" insert "or as one of the fence viewers"; and in line 25 after "sheriff" insert "if 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. In the Standing Committee amendments, AM0059:
a. On page 1, line 21, strike the new matter and reinstate the stricken matter; and
b. On page 2, lines 11 and 25, strike the semicolon and insert an underscored period; in line 12 strike the paragraphing 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. On page 1, lines 10 and 11, strike "No" through "required" and insert "Such production of records shall not include 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

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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. On page 15, line 11, strike "Chapter 77, article 39,", show as stricken, and insert "the Uniform State Tax Lien Registration and Enforcement Act".

2. On page 16, line 2, strike "Chapter 77, article 39," and insert "the Uniform State Tax Lien Registration and Enforcement Act".

3. On page 22, line 26, strike "section 9-406" and insert "this section".

LEGISLATIVE BILL 446. Placed on Select File as amended.
E & R amendment to LB 446:
AM7080

1. On page 1, line 5, strike "provisions for an obsolete" and insert "a".

2. On page 4, strike beginning with "Nebraska" in line 23 through "Force" in line 24 and insert "Task Force for the Nebraska State Radio Communication System"; and in line 25 strike "This" and insert "The".

3. On page 5, line 5, strike the comma.

4. On page 6, line 27 strike "their" and insert "the agencies'".

5. On page 7, line 8, strike "subscription" and insert "subscriber"; in line 19 strike "onto" and insert "to"; in line 27 strike "into" and insert "to"; and in line 28 strike "into" and insert "migrating to".

6. On page 9, line 16, "Nebraska League of" and insert "League of Nebraska"; and in line 28 after "agencies" insert an underscored comma.

7. On page 15, line 18, strike "Section" and insert "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. On page 1, line 2, strike "sections 49-14,124 and 49-14,125" and insert "section 49-14,124"; strike beginning with "investigation" in line 4 through "Limitation" in line 6 and insert "complaints under the Nebraska Political Accountability and 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. In the Standing Committee amendments, AM0294:

a. On page 1, lines 16 and 23, strike "it" and insert "the nursing facility"; in line 19 strike "hospital's proposal" and insert "hospital"; and in line 20 strike "assisting-living service" and insert "assisted-living services"; and

b. On page 2, line 1, strike "it" and insert "the proposal".

2. On page 1, lines 2 and 3, strike "redefine a term"

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. On page 2, line 1, strike "(1)"; in lines 4 and 5 strike "and notices of hearings"; and strike beginning with the colon in line 6 through "(3)" in line 16 and insert "each county's comprehensive development plan and zoning resolution.".

2. On page 3, line 2, strike the first comma and insert "and"; and strike beginning with the second comma in line 2 through "issues" in line 5.

LEGISLATIVE BILL 582. Placed on General File as amended.
Standing Committee amendment to LB 582:
AM0560

1. On page 3, line 9, strike "and"; and in line 12 after "19-905" insert "; and

(j) Measures relating to personnel issues, including, but not limited to, establishment, modification, or elimination of any personnel position, policy, salary, or benefit and any hiring, 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. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $200,000 from the General Fund for FY1999-00 and (2) $200,000 from the General Fund for FY2000-01 to the Department of Economic Development, for Program 601, for the Microenterprise Partnership Program.

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

There is included in the appropriation to this program for FY1999-00 $200,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2000-01 $200,000 General Funds

for state aid, which shall only be used for such purpose.".

2. On page 1, line 3, after the semicolon insert "to appropriate funds to the Microenterprise Partnership Program;".

3. On page 2, lines 1, 2, 11, and 13, strike "$500,000" 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 Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 578. No objections. So ordered.

Ms. Redfield asked unanimous consent to have her name added as cointroducer 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

printed on recycled paper

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. On page 5, line 2, strike "subdivision (1) of this section" and insert "section 48-619".
2. On page 6, line 8, strike "unemployment fund" and insert "Employment Security Administration Fund".

LEGISLATIVE BILL 215. Placed on General File as amended.
Standing Committee amendment to LB 215:
AM0457

1. On page 8, lines 11 through 21, strike the new matter 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

Excused and not voting, 4:

Bromm	Hilgert	Kiel	Preister

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

Excused and not voting, 4:

Hilgert	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 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

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 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

Excused and not voting, 2:

Dierks	Preister

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.

Sincerely,
(Signed) 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.

Sincerely,
(Signed) 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. Insert the following new amendment:
"1. Insert the following new section:
'Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.'.".
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

pickle cards or pickle card units may be sold by the organization or its designated sales agent or pickle card operator in a particular manner that would give the seller any advantage in selling more of the pickle cards before having to pay out winners.".

2. On page 5, line 3, after "9-315," insert "9-338,".

3. Renumber the remaining sections accordingly.

Mr. Brashear filed the following amendment to LB 51:
AM0633

1. Strike section 2 and insert the following new sections:

"Sec. 2. Section 33-126.05, Reissue Revised Statutes of Nebraska, is amended to read:

33-126.05. The county court shall be allowed the following miscellaneous fees: For delayed birth registration, for the entire proceedings, ten dollars; for depositing will for safekeeping and indexing the same, two dollars; and for each use of any credit card authorized by the court for any payment, three dollars. The legal fees for printing notices required by law to be printed in some newspaper shall be allowed in addition to the fees allowed in this section. For the following services performed by the county court, it shall be entitled to receive the following fees: For temporary restraining order in injunction, in the absence of the district judge, five dollars; for appointment of appraisers in condemnation proceedings, fifteen dollars, plus one dollar for each additional parcel of land included in the petition when there is more than one; and for certifying report of appraisers to the county clerk or register of deeds and making transcript of the same to the district court, one dollar per page. In addition to the fees provided in sections 33-123 to 33-125, the county court shall be entitled to the following fees: For providing photocopies, twenty-five cents per page, which fee shall include all applicable sales and use taxes; and for executing certificate and affixing the seal, one dollar.

Sec. 3. Original sections 29-901 and 33-126.05, Reissue 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. Insert the following new section:

"Sec. 31. Section 77-1701, Reissue Revised Statutes of Nebraska, is amended to read:

77-1701. (1) The county treasurer shall be ex officio county collector of all taxes levied within the county. The county board shall direct that a statement of the amount of taxes due and a notice that special assessments are due be mailed or otherwise delivered to the last-known address of the person, firm, association, or corporation against whom such taxes or special assessments are assessed or to the lending institution or other party responsible for paying such taxes or special assessments. Such statement shall clearly indicate, for each political subdivision, the levy rate and the amount of taxes due as the result of principal or interest payments on bonds issued by the political subdivision and shall show such rate and amount separate from any other levy. When taxes are delinquent for a prior year, the county treasurer shall indicate this information on such tax statement in a clearly defined space or in a separate notice. The separate notice shall be on a colored piece of paper and may be enclosed with the tax statement. The separate notice or information on such tax statement shall read: ATTENTION: Taxes for a prior year are delinquent. Interest is accruing. Please contact the county treasurer's office immediately. Failure to receive such statement or notice shall not relieve the taxpayer from any liability to pay such taxes or special assessments and any interest

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.".

2. On page 33, line 7, after the third comma insert "77-1701,".

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. On page 1, line 3, strike "Every" and insert "For adoptions decreed on or after January 1, 1999, every"; in line 8 strike "Finance and Support"; in line 10 strike "prior" through "of" and insert "during January of the year following"; in line 15 after the period insert "To be eligible for payment in the years subsequent to the adoption, the requirements of this section must be met for the entire year."; and in line 24 after the first period insert the following new subsection:

"(3) The department shall adopt and promulgate rules and regulations to carry out this section.".

Mr. Wickersham filed the following amendment to LB 703A:
AM0640

1. On page 2, line 2, strike "County Employees 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. On page 2, lines 1, 2, 11, and 13, strike "$500,000" 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

printed on recycled paper

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. Strike sections 3, 4, and 6 and insert the following sections:

"Sec. 3. (1) A patient may request a copy of the patient's medical records or may request to examine such records. Access to such records shall be provided upon request pursuant to sections 1 to 7 of this act, except that mental health medical records may be withheld if any treating physician, psychologist, or mental health practitioner determines in his or her professional opinion that release of the records would not be in the best interest of the patient unless the release is required by court order. The request and any authorization shall be in writing and shall be valid for one hundred eighty days after the date of execution by the patient.

(2) Upon receiving a written request for a copy of the patient's medical records under subsection (1) of this section, the provider shall furnish the person making the request a copy of such records not later than thirty days after the written request is received.

(3) Upon receiving a written request to examine the patient's medical records under subsection (1) of this section, the provider shall, as promptly as required under the circumstances but no later than ten days after receiving the request: (a) Make the medical records available for examination during regular business hours; (b) inform the patient if the records do not exist or cannot be found; (c) if the provider does not maintain the records, inform the patient of the name and address of the provider who maintains such records, if known; or (d) if unusual circumstances have delayed handling the request, inform the patient in writing of the reasons for the delay and the earliest date, not later than twenty-one days after receiving the request, when the records will be available for examination. The provider shall furnish a copy of medical records to the patient as provided in subsection (2) of this section if requested.

(4) This section does not require the retention of records or impose liability for the destruction of records in the ordinary course of business prior to receipt of a request made under subsection (1) of this section. A provider shall not be required to disclose confidential information in any medical record concerning another patient or family member who has not consented to the release of the record.

Sec. 4. Except as provided in sections 5 and 7 of this act, for medical records provided under section 3 of this act or

under subpoena by a patient or his or her authorized representative a provider may charge no more than twenty dollars as a handling fee and may charge no more than fifty cents per page as a copying fee. A provider may charge for the reasonable cost of all duplications of medical records which cannot routinely be copied or duplicated on a standard photocopy machine. A provider may charge an amount necessary to cover the cost of labor and materials for furnishing a copy of an X-ray or similar special medical record. If the provider does not have the ability to reproduce X-rays or other records requested, the person making the request may arrange, at his or her expense, for the reproduction of such records.

Sec. 6. A provider who transfers or submits information in good faith to a patient's medical record shall not be liable in damages to the patient or any other person for the disclosure of 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. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. Section 71-5652, Reissue Revised Statutes of Nebraska, is amended to read:

71-5652. The purposes of the Rural Health Systems and Professional Incentive Act ~~shall be~~ are to (1) create the Nebraska Rural Health Advisory Commission and establish its powers and duties, (2) establish a student loan program that will provide financial incentives to medical students, nursing students, and physician assistant students who agree to practice their profession in a designated health profession shortage area within Nebraska, and (3) establish a loan repayment program that will require community matching funds and will provide financial incentives to

eligible public health professionals who agree to practice their profession in a designated health profession shortage area within Nebraska.

Sec. 2. Section 71-5661, Reissue Revised Statutes of Nebraska, is amended to read:

71-5661. The financial incentives provided by the Rural Health Systems and Professional Incentive Act shall consist of (1) student loans to eligible students for attendance at an eligible school as determined pursuant to section 71-5662 and (2) the repayment of qualified educational debts owed by eligible health professionals as determined pursuant to such section. Funds for such incentives shall be appropriated from the General Fund to the department for such purposes.

~~There is hereby created in the department the~~ The Rural Health Professional Incentive Fund ~~into which~~ is created. Money credited pursuant to section 3 of this act, payments received pursuant to section 71-5666, and appropriations from the General Fund shall be ~~credited~~ remitted to the State Treasurer for credit to the fund. 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. 3. On and after the effective date of this act, any money remaining in the Rural Health Opportunities Loan Pool Fund and any money remitted to the State Treasurer for credit to such fund shall be credited by the State Treasurer to the Rural Health Professional Incentive Fund created under section 71-5661 and used to carry out the purposes of the Rural Health Systems and Professional Incentive Act.

Sec. 4. Section 71-5662, Revised Statutes Supplement, 1998, is amended to read:

71-5662. (1) To be eligible for a student loan under the Rural Health Systems and Professional Incentive Act, an applicant or a recipient shall be enrolled or accepted for enrollment in an accredited medical education program, nursing education program, or physician assistant education program in Nebraska.

(2) To be eligible for loan repayment under the act, an applicant or a recipient shall be a pharmacist, a dentist, a physical therapist, an occupational therapist, a mental health practitioner, a nurse, a nurse practitioner, a physician assistant, or a physician in an approved specialty and shall be licensed or certified to practice in Nebraska, not be enrolled in a residency program, and enter practice in a designated health profession shortage area in Nebraska.

Sec. 5. Section 71-5663, Revised Statutes Supplement, 1998, is amended to read:

71-5663. (1) The amount of financial assistance provided through student loans pursuant to the Rural Health Systems and Professional Incentive Act shall be limited to ten thousand dollars

for each recipient for each academic year and shall not exceed forty thousand dollars per medical student or twenty thousand dollars per nursing student or per physician assistant student.

(2) The amount of financial assistance provided by the state through loan repayments pursuant to the act (a) for physicians and clinical psychologists shall be limited to ten thousand dollars per recipient per year of full-time practice in a designated health profession shortage area and shall not exceed thirty thousand dollars per recipient and (b) for physician assistants, nurses, nurse practitioners, pharmacists, dentists, physical therapists, occupational therapists, and master's level mental health professionals shall be limited to five thousand dollars per recipient per year of full-time practice in a designated health profession shortage area and shall not exceed fifteen thousand dollars per recipient.

Sec. 6. Section 71-5665, Revised Statutes Supplement, 1998, is amended to read:

71-5665. The commission shall periodically designate health profession shortage areas within the state for the following professions: Medicine and surgery, physician assistants' practice, nurse practitioners' practice, nursing practice, clinical psychology, and master's level mental health practice. The commission shall also periodically designate separate health profession shortage areas for each of the following professions: Pharmacy, dentistry, physical therapy, and occupational therapy. In making such designations the commission shall consider, after consultation with other appropriate agencies concerned with health services and with appropriate professional organizations, among other factors:

(1) The latest reliable statistical data available regarding the number of health professionals practicing in an area and the population to be served by such practitioners;

(2) Inaccessibility of health care services to residents of an area;

(3) Particular local health problems;

(4) Age or incapacity of local practitioners rendering services; and

(5) Demographic trends in an area both past and future.

Sec. 7. Section 71-5668, Revised Statutes Supplement, 1998, is amended to read:

71-5668. Each loan repayment recipient shall execute an agreement with the department and a local entity. Such agreement shall include, at a minimum, the following terms:

(1) The loan repayment recipient agrees to practice his or her profession, and a physician also agrees to practice an approved specialty, in a designated health profession shortage area for at least three years and to accept medicaid patients in his or her practice;

(2) In consideration of the agreement by the recipient,

the State of Nebraska and a local entity within the designated health profession shortage area will provide equal funding for the repayment of the recipient's qualified educational debts, in amounts up to ten thousand dollars per year per recipient for physicians and clinical psychologists and up to five thousand dollars per year per recipient for physician assistants, nurses, nurse practitioners, pharmacists, dentists, physical therapists, occupational therapists, and master's level mental health professionals toward qualified educational debts for up to three years. The department shall make payments directly to the recipient; and

(3) If the loan repayment recipient discontinues practice in the shortage area prior to completion of the three-year requirement, the recipient shall repay to the state one hundred twenty-five percent of the total amount of funds provided to the recipient for loan repayment. Upon repayment by the recipient to the department, the department shall reimburse the local entity its share of the funds.

Sec. 8. Original sections 71-5652 and 71-5661, Reissue Revised Statutes of Nebraska, and sections 71-5662, 71-5663, 71-5665, and 71-5668, Revised Statutes Supplement, 1998, are repealed.".

2. On page 2, line 22, strike beginning with "71-5674" through the third comma and insert "71-5677".

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. Strike original sections 4 and 6.

2. On page 4, strike beginning with "The" in line 11 through "act" in line 12 and insert "Each Nebraska winery shall pay to the commission twenty dollars for every ton of grapes crushed by its facility. Gifts, grants, or bequests may be received for the support of the Nebraska Grape and Winery Board. Funds paid pursuant to the charge imposed by this section and funds received from gifts, grants, or bequests".

3. Renumber the remaining sections and correct internal 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. Strike the original sections and insert the following new sections:

"Section 1. Section 76-2201, Reissue Revised Statutes of Nebraska, is amended to read:

76-2201. Sections 76-2201 to 76-2250 and sections 3 and 4 of this act shall be known and may be cited as the Real Estate Appraiser Act.

Sec. 2. Section 76-2203, Reissue Revised Statutes of Nebraska, is amended to read:

76-2203. For purposes of the Real Estate Appraiser Act, the definitions found in sections 76-2204 to 76-2219 and sections 3 and 4 of this act shall be used.

Sec. 3. Broker's price opinion shall mean an analysis, opinion, or conclusion prepared by a person licensed under the Nebraska Real Estate License Act in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property for the purpose of listing, purchase, or sale.

Sec. 4. Comparative market analysis shall mean an analysis, opinion, or conclusion prepared by a person licensed under the Nebraska Real Estate License Act in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property by comparison to other real property currently or recently in the marketplace for the purpose of listing, purchase, or sale.

Sec. 5. Section 76-2221, Reissue Revised Statutes of Nebraska, is amended to read:

76-2221. The Real Estate Appraiser Act shall not apply to:

(1) Any real estate appraiser who is a salaried employee of (a) the federal government, (b) any agency of the state government or a political subdivision which appraises real estate, (c) any insurance company authorized to do business in this state, or (d) any bank, savings bank, savings and loan association, building and loan association, credit union, industrial loan and investment company, or small loan company licensed by the state or supervised or regulated by or through federal enactments covering financial institutions, except that any employee of the entities listed in subdivisions (a) through (d) of this subdivision who also practices as an independent real estate appraiser for others shall be subject to the act and shall be registered, licensed, or residential or general certified prior to engaging in such other appraising;

(2) A person licensed under the Nebraska Real Estate License Act who, in the ordinary course of his or her business, gives ~~an opinion as to the price of real estate for the purpose of a prospective listing or sale~~ a broker's price opinion or

comparative market analysis, except that such opinion ~~as to the listing price or the sale price~~ or analysis shall not be referred to as an appraisal. No compensation, fee, or other consideration shall be charged for such opinion or analysis other than a real estate commission or brokerage fee charged or paid for brokerage services rendered in connection with the sale of the real estate involved unless the opinion or analysis is in writing and carries the following disclosure in bold fourteen-point type: This opinion or analysis is not an appraisal. It is intended only for the benefit of the addressee for the purpose of assisting buyers or sellers or prospective buyers or sellers in deciding the listing, offering, or sale price of the real property and not for any other purpose, including, but not limited to, lending purposes. This opinion or analysis is not governed by the Real Estate Appraiser Act, but is subject to enforcement through the Nebraska Real Estate License Act;

(3) Any person who provides assistance (a) in obtaining the data upon which an appraisal is based, (b) in the physical preparation of an appraisal report, such as taking photographs, preparing charts, maps, or graphs, or typing or printing the report, or (c) that does not directly involve the exercise of judgment in arriving at the analyses, opinions, or conclusions concerning real estate or real property set forth in the appraisal report;

(4) An appraiser trainee;

(5) Any person who renders an estimate or opinion of value of real estate or any interest in real estate when such estimate or opinion is for the purpose of real estate taxation or an employee of such person; or

(6) Any person who renders an estimate or opinion of value of real estate or any interest in real estate or damages thereto when such estimate or opinion is offered as testimony in any condemnation proceeding.

Sec. 6. Section 81-885.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-885.01. For purposes of the Nebraska Real Estate License Act, unless the context otherwise requires:

(1) Real estate shall mean and include condominiums and leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or nonfreehold, and whether the real estate is situated in this state or elsewhere;

(2) Broker shall mean any person who, for a fee, a commission, or any other valuable consideration or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning

of any real estate or collects rents or attempts to collect rents, gives a broker's price opinion or comparative market analysis, or holds himself or herself out as engaged in any of the foregoing. Broker shall also include any person: (a) Employed by or on behalf of the owner or owners of lots or other parcels of real estate at a salary, fee, or commission or any other valuable consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who engages in the business of charging an advance fee in connection with any contract whereby he or she undertakes primarily to promote the sale of real estate either through its listing in a publication issued primarily for such purpose or for referral of information concerning such real estate to brokers or both; (c) who auctions, offers, attempts, or agrees to auction real estate; or (d) who buys or offers to buy or sell or otherwise deals in options to buy real estate;

(3) Associate broker shall mean a person who has a broker's license and who is employed by another broker to participate in any activity described in subdivision (2) of this section;

(4) Designated broker shall mean an individual holding a broker's license appointed by a partnership, limited liability company, or corporation engaged in the real estate brokerage business to be responsible for the acts of the partnership, limited liability company, or corporation and to whom the partners, members, or board of directors has subordinated full authority to conduct the real estate activities of the partnership, limited liability company, or corporation;

(5) Inactive broker shall mean an associate broker whose license has been returned to the commission by the licensee's broker, a broker who has requested the commission to place the license on inactive status, or a new licensee who has failed to designate an employing broker or have the license issued as an individual broker;

(6) Salesperson shall mean any person, other than an associate broker, who is employed by a broker to participate in any activity described in subdivision (2) of this section;

(7) Inactive salesperson shall mean a salesperson whose license has been returned to the commission by the licensee's broker, a salesperson who has requested the commission to place the license on inactive status, or a new licensee who has failed to designate an employing broker;

(8) Person shall mean and include individuals, corporations, partnerships, and limited liability companies, except that when referring to a person licensed under the act, it shall mean an individual;

(9) Subdivision or subdivided land shall mean any real estate offered for sale and which has been registered under the Interstate Land Sales Full Disclosure Act, 82 Stat. 590 and following, 15 U.S.C. 1701 and following, as such act existed on

January 1, 1973, or real estate located out of this state which is divided or proposed to be divided into twenty-five or more lots, parcels, or units;

(10) Subdivider shall mean any person who causes land to be subdivided into a subdivision for himself, herself, or others or who undertakes to develop a subdivision but shall not include a public agency or officer authorized by law to create subdivisions;

(11) Purchaser shall mean a person who acquires or attempts to acquire or succeeds to an interest in land; ~~and~~

(12) Commission shall mean the State Real Estate Commission;

(13) Broker's price opinion shall mean an analysis, opinion, or conclusion prepared by a person licensed under the act in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property for the purpose of listing, purchase, or sale; and

(14) Comparative market analysis shall mean an analysis, opinion, or conclusion prepared by a person licensed under the act in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property by comparison to other real property currently or recently in the marketplace for the purpose of listing, purchase, or sale.

Sec. 7. Original sections 76-2201, 76-2203, 76-2221, and 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. On page 2, strike beginning with "have" in line 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. In the Standing Committee amendment, AM0228, on page 2, in line 21, strike "pursuant to" and insert "notwithstanding".
2. On page 12, line 22, strike beginning with "On" through "the", show as stricken, and insert "The".
3. On page 13, line 6, after "year" insert "and shall be effective on and after July 1, 2000".
4. On page 19, strike the matter beginning with "superintendent" in line 23 through "resides" in line 24 and all amendments thereto, show the old matter as stricken, and insert "person authorizing the certificate pursuant to section 48-303".
5. On page 25, strike the new matter in lines 7 through 10; and strike line 22 and all amendments thereto, show the old matter as stricken, and insert "shall send to the superintendent or administrator of the school".
6. On page 26, strike line 1 and all amendments thereto, show the old matter as stricken, and insert "or administrator of a school district, upon the receipt of".
7. On page 30, line 25, strike "shall", show as stricken, and insert "may".

8. On page 91, strike line 16 and all amendments thereto, show the old matter as stricken, and insert "The superintendent or administrator of the school shall endorse upon the certificate"; and strike line 28 and all amendments thereto, show the old matter as stricken, and insert "superintendent or administrator of the school shall transmit within ten days to the State".

9. On page 92, line 18, strike "Commissioner of 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. On page 68, line 11, after the stricken "all" insert "(a) The school board of a Class I district which receives approval to exceed the total allowable general fund budget of expenditures minus the special education budget of expenditures pursuant to subsection (3) of this section may, after February 1 of each year beginning in 1999, submit a request to exceed the total allowable general fund budget of expenditures by increasing the special education budget of expenditures to all the school boards of the high school districts or districts with which the Class I district is affiliated or of which it is a part. For Class I districts to exceed the total allowable general fund budget of expenditures approved pursuant to such subsection by increasing the special education budget of expenditures, the request shall be approved by high school districts, including the primary high school district, such that the portions of the Class I district that are affiliated with or part of the approving high school districts comprise at least two-thirds of the assessed valuation of the Class I district. Such request shall specify the total special education budget of expenditures requested and the total special education budget of expenditures in the request approved pursuant to such subsection, with the difference being the requested increase in the total allowable general fund budget of expenditures.

(b) The high school district shall approve or deny the request within forty-five days following the receipt of such request and shall forward written notification to the Class I district of approval or denial. The request shall be considered approved if no action is taken by the high school district within

forty-five days following the receipt of the request.
(5)"; and in line 14 strike "(5)", show as stricken, and 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. Strike original section 2 and all amendments thereto and insert the following new section:

"Sec. 2. A physician licensed under the Uniform Licensing Law who prescribes, dispenses, or administers or a nurse licensed under the Nurse Practice Act or pharmacist licensed under the Uniform Licensing Law who administers or dispenses a controlled substance in excess of the recommended dosage for the treatment of pain shall not be subject to discipline under sections 71-147 to 71-161.20 or 71-1,142 to 71-1,147.61 or under the Nurse Practice Act or criminal prosecution under the Uniform Controlled Substances Act when: (1) In the judgment of the physician, appropriate pain management warrants such dosage; (2) the controlled substance is not administered for the purpose of causing, or the purpose of assisting in causing, death for any reason; and (3) the administration of the controlled substance conforms to policies and guidelines for the treatment of pain adopted by the Board of 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. On page 3, line 3, strike "calculated" and insert "determined"; and in line 5 strike "may" and insert "shall".

2. On page 7, line 1, after "utility" insert "and its customers"; in line 14 strike "in" and insert "within"; and in line 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. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that:

(1) The exercise of zoning, planning, and other concomitant powers by a city of the primary class in the area of extraterritorial jurisdiction described and authorized by state law necessarily affects property outside the corporate boundaries of the city and persons who are not inhabitants of or electors in the city;

(2) The protection of unrepresented persons and property affected by a statutorily created zoning and planning process is a matter of state concern; and

(3) The protection of such unrepresented persons and property would be facilitated by requiring that at least one person residing in the area of extraterritorial jurisdiction and appointed by an elected body of the area of extraterritorial jurisdiction

serve as a member of the planning commission of the city of the primary class if a planning commission exists.

Sec. 2. For purposes of this section:

(1) Area of extraterritorial jurisdiction means the area outside the corporate boundaries of a city of the primary class but within the largest area subject to such city's zoning, planning, and concomitant jurisdiction as described in sections 15-901, 15-902, and 15-905;

(2) County board means the county board of a county in which a city of the primary class is located;

(3) County clerk means the county clerk of a county in which a city of the primary class is located; and

(4) Planning commission means a planning commission as created pursuant to section 15-1101 and organized pursuant to section 4 of this act.

Sec. 3. (1) Notwithstanding any provision of a city charter to the contrary, the next vacancy that occurs on a city planning commission of a city of the primary class on or after January 1, 2000, shall be filled by the appointment of a person who resides in the area of extraterritorial jurisdiction as provided in subsection (2) of this section. At all times following the initial appointment of a planning commission member who resides in the area of extraterritorial jurisdiction and is appointed as provided in subsection (2) of this section, one member of the planning commission shall be so qualified and appointed.

(2) The city clerk shall formally notify the county clerk of the existence of the next vacant position that occurs on the planning commission on or after January 1, 2000, within ten days after the date of the vacancy. The county board, within thirty days after such notice, shall hold a meeting to consider nominations for appointment to the vacancy and shall appoint a person qualified under subsection (1) of this section to fill the vacancy. Prior to holding such meeting, the county board shall cause to be published a notice of the vacancy and the date of the meeting. The notice shall be published in a newspaper of general circulation in the county in which such planning commission is located at least once in each of the two weeks immediately preceding the week of the meeting. A nominee for the vacancy shall be appointed by majority vote of the county board. The appointee shall become a member of the planning commission when the city clerk receives certification from the county clerk of the name of the appointee.

(3) Following the initial appointment of the extraterritorial member to the planning commission pursuant to this section, the city clerk shall inform the county clerk of any vacancy occurring in the extraterritorial member's position within ten days after its occurrence or at least thirty days prior to the expiration of the extraterritorial member's term.

Sec. 4. The planning commission of a city of the primary

class shall consist of not less than nine regular members who shall represent, insofar as is possible, the different professions or occupations in the municipality and the different geographical areas and neighborhoods of the municipality and surrounding areas. The planning commission may be given such powers and duties by statute or charter as may be appropriate, and on or after January 1, 2000, the planning commission shall have one member qualified 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. Strike original section 8 and insert the following new section:

"Sec. 13. Section 19-4602, Reissue Revised Statutes of Nebraska, is amended to read:

19-4602. As used in the Municipal Natural Gas Regulation Act, unless the context otherwise requires:

(1) Area rate shall mean the rate charged for natural gas service to a class of customers located within a municipality and its zoning jurisdiction as determined from the cost of service for the rate area;

(2) Associated company shall mean any company or person that directly or indirectly, through one or more intermediaries, controls or is controlled by a utility or is under common control with a utility;

(3) Base year shall consist of either the most recent calendar year or a consecutive twelve-month period ending not more than six months prior to the date of filing;

(4) Countable days shall mean those calendar days not subject to suspension as provided for in the Municipal Natural Gas Regulation Act;

(5) Customer shall mean any noninterruptible purchaser of natural gas within a municipality or its zoning jurisdiction with requirements of less than one hundred thousand cubic feet of natural gas per day;

(6) Date of filing shall mean the first day of the month following the date the rate filing is received by the office of the clerk of each municipality in the rate area;

(7) Date of final action shall be the date upon which the last municipality in a rate area adopts or fails to adopt a rate ordinance under a rate filing or the one hundred eightieth day, counted as provided in section 19-4607, whichever comes first;

(8) District court shall mean the district court of Lancaster County;

(9) Judicial review shall mean, but shall not be limited to, injunctive relief and other equitable relief;

(10) Interim rates shall mean the newly filed rates charged by a utility for natural gas after the ninetieth countable

day following the date of filing but prior to final action by the municipality on the rate filing;

(11) Municipality shall mean any city of the primary class, city of the first class, city of the second class, or village in Nebraska or, when the context requires, any combination of the same acting in concert in a properly created rate area;

(12) Natural gas shall mean either unmixed natural gas or any mixture of natural gas with one or more artificial gases and other hydrocarbons;

(13) Rate shall mean every compensation, charge, fare, toll, tariff, rental, late payment charge, or classification which is demanded, observed, charged, or collected by a utility for natural gas and any rules affecting any such compensation, charge, fare, toll, tariff, rental, late payment charge, or classification;

(14) Rate area shall mean the municipalities within a geographic area within the state which is properly established under section 19-4606 for the purpose of determining an area rate applicable to the customers within the municipalities and their zoning jurisdictions within the rate area. A rate area shall be served by a single utility through a common pipeline system from the same natural gas supply source within the common system for which the utility has similar costs for serving customers;

(15) Rate filing shall mean the formal application by a utility for a change in rates together with the information required by section 19-4611;

(16) Subsidization shall mean the action of a utility by which it includes in its rate charged to customers costs and expenses of the utility or any associated company not authorized by or through the operation of the act for purposes of providing pecuniary aid or assistance to the utility's or associated company's appliance merchandising, appliance jobbing, or appliance service contract work activities;

(17) Test year shall mean either a consecutive twelve-month period commencing on the proposed effective date of the rate increase or a base year adjusted for known and measurable changes; and

(18) Utility shall mean any investor-owned utility or metropolitan utilities district maintaining and operating a natural gas distribution system within a municipality or its zoning jurisdiction in this state.".

2. On page 2, line 3; page 3, lines 4 and 16; page 4, line 16; and page 5, line 21, strike "15-311,".

3. On page 12, line 16, strike "15-311,"; and in line 17 strike "and 17-1003," and insert "17-1003, and 19-4602,".

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. Strike original section 12 and insert the following new section:

"Sec. 12. Any telephone solicitation originating from a location outside this state to the telephone line of any residential subscriber in this state shall constitute a minimum contact with this state for purposes of long-arm jurisdiction and a court in this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to any action or proceeding authorized by sections 1 to 14 of this act.".

2. On page 3, line 4, strike ": (a) To" and insert "to"; and in line 5 before "with" insert "(a)" and after "permission" insert "or in response to a contact initiated by that subscriber".

3. On page 4, line 22, strike "commission" and insert "data base established under this section"; and in lines 23 and 24 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. Insert the following new section:

"Sec. 14. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. On page 3, line 12, after "transaction" insert ". Seller does not include a telecommunications company as defined in section 86-802 when the company is offering telecommunications services of any kind which are subject to the verification provisions of the Telephone Consumer Slamming Prevention Act or 47 C.F.R. 64.1100 through 64.1190"; and in line 26 strike "an" and insert "a clearly".

3. On page 8, line 8, after "damages" insert "or other 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. Strike original section 3 and all amendments thereto and insert the following new sections:

"Sec. 2. Section 49-14,125, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,125. (1) If, after a preliminary investigation, it is determined by a majority vote of the commission that there is no ~~fails to indicate~~ probable cause for belief that a person has violated the Nebraska Political Accountability and Disclosure Act or the Campaign Finance Limitation Act ~~has been violated~~ or any rule or regulation adopted and promulgated thereunder or if the commission determines that there is insufficient evidence to reasonably believe that the person could be found to have violated either act, the commission shall terminate the investigation and so notify the complainant and the person who had been under investigation.

(2) If, after a preliminary investigation, it is determined by a majority vote of the commission that there is probable cause for belief that the Nebraska Political Accountability and Disclosure Act or the Campaign Finance Limitation Act or a rule or regulation adopted and promulgated thereunder has been violated and if the commission determines that there is sufficient evidence to reasonably believe that the person could be found to have violated either act, the commission shall initiate appropriate proceedings to determine whether there has in fact been a violation. All proceedings of the commission pursuant to this subsection shall be by closed session attended only by those persons necessary to the investigation of the alleged violation, unless the person alleged to be in violation of either act or any rule or regulation adopted and promulgated thereunder requests an open session. The commission shall have the powers possessed by the courts of this state to issue subpoenas and cause them to be served and enforced. All testimony shall be under oath which shall be administered by a member of the commission. Any person who appears before the commission shall have all of the due process rights, privileges, and responsibilities of a witness appearing before the courts of this state. All witnesses summoned before the commission shall receive reimbursement as paid in like circumstances in the district court. Any person whose name is mentioned during a proceeding of the commission and who may be adversely affected thereby shall be notified and may appear

personally before the commission on that person's own behalf or file a written statement for incorporation into the record of the proceeding. The commission shall cause a record to be made of all proceedings pursuant to this subsection. At the conclusion of proceedings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence and then proceed to determine by majority vote of the members present whether there has been a violation of the Campaign Finance Limitation Act or the Nebraska Political Accountability and Disclosure Act. If the commission determines that there was no violation of either act or any rule or regulation, the records and actions relative to the investigation and determination shall remain confidential unless the alleged violator requests that the records and actions be made public. If the commission determines that there was a violation, the records and actions shall be made public as soon as practicable after the determination is made.

Sec. 3. Original sections 49-14,124 and 49-14,125, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Beutler filed the following amendment to LB 86:
AM0662

(Amendments to AM0297)

1. On page 10, line 12, strike "The" and insert "Until July 1, 2001, the"; and in line 15 after "13-522" insert ", and beginning July 1, 2001, the auditor shall conduct such review".

Mr. Vrtiska filed the following amendment to LB 650:
AM0660

1. On page 2, line 17, strike "$100,000" and insert "$240,000".

Mr. Kristensen filed the following amendment to LB 612:
AM0658

1. Insert the following new section:
"Sec. 2. This act becomes operative January 1, 2000.".
2. Renumber the remaining section accordingly.

Mr. Landis filed the following amendment to LB 758:
AM0670

1. On page 7, line 28, strike "attempted to or" and insert "battered".
2. On page 8, line 1, strike "threatened to physically assault".
3. On page 10, strike beginning with "attempted" in line 12 through "assault" in line 13 and insert "battered".
4. On page 14, after line 27 insert "A school board is authorized to adopt policies and procedures for notification of building administration, referral, and record keeping of student exclusions pursuant to this section.".

5. On page 17, line 15, strike "provide the files" and insert "make accessible the disciplinary files, including any 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

printed on recycled paper

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 Maurstad 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 1:30 p.m.
NE Department of Banking and Finance
Samuel Baird

(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. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Student Freedom of Expression Act.

Sec. 2. The Legislature finds that the public policy of the state is best served if students attending public high schools have the opportunity to express themselves freely in student newspapers, yearbooks, and other student publications. The Legislature further finds that student expression generally ought not be inhibited except for materials that are either obscene or

harmful to minors, that are libelous, or which are demonstrably likely to incite violence, law-breaking, or substantial and material disruption of the normal functions of the school. The Legislature further finds that school boards within the state that adopt publications codes pursuant to section 6 of this act ought to adopt such that are consistent with the maximum appropriate freedom of expression for students as described in the Student Freedom of Expression Act.

Sec. 3. For purposes of the Student Freedom of Expression Act:

(1) Public high school means a public school with high school grades as defined in section 79-101;

(2) School official means any member or employee of a local school board;

(3) Sponsoring teacher means any faculty member of a public high school with responsibilities for advising or overseeing a publication containing student expression, whether as a curricular or as an extracurricular activity;

(4) Student means any person attending a public high school in the state; and

(5) Student publication means any school-sponsored publication written substantially by students and made available generally throughout a public high school, whether such publication is distributed free of cost or for a fee.

Sec. 4. (1) Where the applicable school board has adopted a publications code pursuant to section 6 of this act, material in a student publication that is consistent with such publications code shall not be suppressed or prohibited on the ground that it involves any individual's opinion or involves factual material regarding controversial subject matter.

(2) Where the applicable school board has not adopted a publications code pursuant to section 6 of this act, material in a student publication shall not be suppressed or prohibited on the ground that it involves any individual's opinion or involves factual material regarding controversial subject matter unless it is (a) either obscene or deemed harmful to minors under the definitions in section 28-807, (b) libelous under Nebraska law, or (c) demonstrably likely to incite violence, law-breaking, or substantial and material disruption of the normal functions of the school.

Sec. 5. No sponsoring teacher shall be dismissed, demoted, reprimanded, or otherwise punished in any manner for (1) where the applicable school board has adopted a publications code pursuant to section 6 of this act, supporting student expression that is consistent with such publications code, or (2) where the applicable school board has not adopted a publications code pursuant to section 6 of this act, supporting student expression that is consistent with subsection (2) of section 4 of this act.

Sec. 6. Each school board of a public high school may

adopt written rules setting forth a publications code, including, but not limited to, provisions for the time, place, and manner of student publications within the school board's jurisdiction. Such publications code, if adopted, shall be made readily available to the students and their parents or guardians with all other codes, rules, or regulations governing student behavior.

Sec. 7. (1) Where the applicable school board has adopted a publications code pursuant to section 6 of this act, student editors of student publications shall assign and edit the news, editorial, and feature content of the publications subject to such publications code.

(2) Where the applicable school board has not adopted a publications code pursuant to section 6 of this act, student editors of student publications shall assign and edit the news, editorial, and feature content of the publications subject to the Student Freedom of Expression Act.

Sec. 8. Where the applicable school board has adopted a publications code pursuant to section 6 of this act, any expression made by students within student publications does not constitute or reflect official school policy. No school district, school board, member of the school board, or employee of the school district or school board shall be held responsible in any legal action for any 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. Strike original sections 2, 3, and 10 to 12 and all amendments thereto.

2. On page 28, line 3, strike "23-120,"; in line 4 strike "60-3006,"; in line 5 strike "13-509,"; and in line 6 strike "77-125, 77-1514,".

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. Strike the original section and insert the following new section:

"Section 1. (1) If an action is commenced within the time prescribed by the applicable statute of limitations but the plaintiff fails in the action for a reason other than a reason specified in subsection (2) of this section and the applicable statute of limitations would prevent the plaintiff from commencing a new action, the plaintiff, or his or her representatives if the plaintiff has died and the cause of action survived, may commence a new action within the period specified in subsection (3) of this section.

(2) A new action may not be commenced in accordance with subsection (1) of this section when the original action failed (a) on the merits of the action, (b) as a result of voluntary dismissal by the plaintiff for a reason other than loss of diversity jurisdiction in a federal court, (c) as a result of the plaintiff's failure to serve a defendant within the time prescribed in section 25-217, or (d) as a result of any other inaction on the part of the plaintiff where the burden of initiating an action was on the plaintiff.

(3) A new action may be commenced in accordance with subsection (1) of this section within a period equal to the lesser of (a) six months after the failure of the action or (b) the 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. Insert the following new section:

"Sec. 3. Section 43-2915, Reissue Revised Statutes of

Nebraska, is amended to read:

43-2915. (1) The parenting plan shall include a schedule which designates in which party's home the minor child shall reside on given days of the year, including provisions for specified religious and secular holidays, birthdays of family members, vacations, and other special occasions and shall, in establishing visitation, specifically take into consideration the importance of the parents' necessary work schedules so as to enable each parent to spend quality time with the minor child.

(2) In the development of a parenting plan, consideration shall be given to the minor child's age and developmental needs and provision of a healthy relationship between the minor child and each party with the goal of equalizing visitation time for the noncustodial parent with the time the child spends with the custodial parent.

(3) The minimum court-ordered time the minor child shall spend with each parent shall be specified, including, but not limited to, specified religious and secular holidays, birthdays, vacations, and other special occasions.

(4) The decree shall include the parenting plan developed by the parents through mediation and approved by the court pursuant to the Parenting Act.".

2. On page 2, line 12, after "ongoing" insert "equal"; and in line 20 after "custody" insert "visitation".

3. On page 3, line 7, after "custody" insert "and visitation"; in line 14 strike "and"; and in line 17 after "other" insert "; and

(c) In determining visitation arrangements, the court shall take into consideration the parents' necessary work schedules so as to enable each parent to spend quality time with the minor child, and it shall be a goal of the court to equalize visitation time for the noncustodial parent with the time the child spends with the custodial parent, unless such goal is not in the best interests of the minor child".

4. On page 7, line 22, strike "and 43-2,113" and insert ", 43-2,113, and 43-2915".

5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 175. Placed on General File as amended.
Standing Committee amendment to LB 175:
AM0648

1. Strike section 1.

2. On page 3, lines 5 and 14, strike "one thousand" and insert "five hundred".

3. On page 6, line 5 reinstate the stricken matter and strike "If not contested, trial"; in line 8 strike ". If contested" and insert "unless the defendant appears and contests the action. If the defendant appears and contests the action"; in line 8 strike "less than ten nor" and show as stricken; and in line

19 strike "ten", show as stricken, and insert "five".
4. On page 7, line 1, strike "20-131.04,".
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. Strike the original sections and insert the following new sections:

"Section 1. Section 60-6,110, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,110. (1) Any person who knowingly fails or refuses to obey any lawful order of any peace officer who is controlling or directing traffic shall be guilty of a traffic infraction.

(2) Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of a Class III misdemeanor whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or of a person whom such officer reasonably believes has violated the rules.

(3) Except as permitted by section 60-6,115, any person who drives any motor vehicle into any section of a highway designated as temporarily closed to through traffic by traffic control devices, personnel of the Department of Roads, state emergency response team members, peace officers, firefighters, emergency care providers, emergency medical personnel, or other emergency management workers, unless directed to do so by any such personnel, shall be guilty of a Class III misdemeanor.

Sec. 2. Original section 60-6,110, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) Curt Bromm, Chairperson

NOTICE OF COMMITTEE HEARING
Transportation

Tuesday, March 16, 1999 1:30 p.m.
Motor Carrier Advisory Council
Emil Beyer

(Signed) Curt Bromm, Chairperson

AMENDMENT - Print in Journal

Messrs. Wickersham and Bromm filed the following amendment to LB 141:
AM0684

1. Strike original section 13 and all amendments thereto and insert the following new sections:

"Sec. 2. Section 13-520, Revised Statutes Supplement, 1998, is amended to read:

13-520. The limitations in section 13-519 shall not apply to (1) restricted funds budgeted for capital improvements, (2) restricted funds expended from a qualified sinking fund for acquisition or replacement of tangible personal property with a useful life of five years or more, (3) restricted funds pledged to retire bonded indebtedness or used 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, (4) restricted funds budgeted in support of a service which is the subject of an interlocal cooperation agreement or a modification of an existing agreement whether operated by one of the parties to the agreement or an independent joint entity, (5) restricted funds budgeted to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act, or (6) restricted funds budgeted to pay for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a governmental unit which require or obligate a governmental unit to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a governmental unit.

Sec. 15. Section 77-3442, Revised Statutes Supplement, 1998, is amended to read:

77-3442. (1) Property tax levies for the support of local governments for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this section except as provided in section 77-3444.

(2)(a) Except as provided in subdivision (2)(b) of this section, school districts and multiple-district school systems may levy a maximum levy of (i) one dollar and ten cents per one hundred dollars of taxable valuation of property subject to the levy until fiscal year 2001-02 and (ii) one dollar per one hundred dollars of taxable valuation of property subject to the levy for fiscal year 2001-02 and all subsequent fiscal years. Excluded from this limitation are amounts levied to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment and amounts levied to pay for special building funds and sinking funds established for projects commenced prior to April 1, 1996, for construction, expansion, or alteration of school district buildings. For purposes of this subsection, commenced means any action taken by the school board on the record which commits the board to expend district funds in

planning, constructing, or carrying out the project.

(b) Federal aid school districts may exceed the maximum levy prescribed by subdivision (2)(a) of this section only to the extent necessary to qualify to receive federal aid pursuant to Title VIII of Public Law 103-382. For purposes of this subdivision, federal aid school district means any school district which receives ten percent or more of the revenue for its general fund budget from federal government sources pursuant to Title VIII of Public Law 103-382.

(3) Community colleges may levy a maximum levy on each one hundred dollars of taxable property subject to the levy of (a) eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and (b) seven cents for fiscal year 2000-01 and each fiscal year thereafter.

(4) Natural resources districts may levy a maximum levy of four and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(5) Educational service units may levy a maximum levy of one and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(6) Incorporated cities and villages may levy a maximum levy of forty-five cents per one hundred dollars of taxable valuation of property subject to the levy plus an additional five cents per one hundred dollars of taxable valuation to provide financing for the municipality's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201, museum pursuant to section 51-501, visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637, or statue, memorial, or monument pursuant to section 80-202.

(7) Sanitary and improvement districts which have been in existence for more than five years may levy a maximum levy of forty cents per one hundred dollars of taxable valuation of property subject to the levy, and sanitary and improvement districts which have been in existence for five years or less shall not have a maximum levy.

(8) Counties may levy or authorize a maximum levy of fifty cents per one hundred dollars of taxable valuation of property subject to the levy, except that five cents per one hundred dollars of taxable valuation of property subject to the levy may only be levied to provide financing for the county's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201 or museum pursuant to section 51-501. The county may allocate up to fifteen cents of its authority to other political subdivisions subject to allocation of property tax 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

tax levies 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. The county board shall review and approve or disapprove the levy request of all political subdivisions subject to this subsection. The county board may approve all or a portion of the levy request and may approve a levy request that would allow the requesting political subdivision to levy a tax at a levy greater than that permitted by law. The county board of a county which contains a transit authority created pursuant to section 14-1803 shall allocate no less than three cents per one hundred dollars of taxable property within the city subject to the levy to the transit authority if requested by such authority. For any political subdivision subject to this subsection that receives taxes from more than one county, the levy shall be allocated only by the county in which the greatest portion of the valuation is located. The county board of equalization shall certify all levies by October 15 to insure that the taxes levied by political subdivisions subject to this subsection do not exceed the allowable limit for any parcel or item of taxable property. The levy allocated by the county may be exceeded as provided in section 77-3444.

(2) All city airport authorities established under the Cities Airport Authorities Act, community redevelopment authorities established under the Community Development Law, transit authorities established under the Transit Authority Law, and offstreet parking districts established under the Offstreet Parking District Act may be allocated property taxes as authorized by law which are authorized by the city or village and are counted in the city or village levy limit provided by section 77-3442, except that such limitation shall not apply to property tax levies 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, or 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. The city council of a city which has created a transit authority pursuant to section 14-1803 shall allocate no less than three cents per one hundred dollars of taxable property subject to the levy to the transit authority if requested by such authority. The city council or village board shall review and approve or disapprove the levy request of the political subdivisions subject to this subsection. The city council or village board may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. The levy allocated by the municipality may be exceeded as provided in section 77-3444.

(3) On or before August 1, all political subdivisions subject to county or municipal levy authority under this section shall submit a preliminary request for levy allocation to the county board, city council, or village board that is responsible for levying such taxes. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of members present of the political subdivision's governing body. The failure of a political subdivision to make a preliminary request shall preclude such political subdivision from using procedures set forth in section 77-3444 to exceed the final levy allocation as determined in subsection (4) of this section.

(4) Each county board, city council, or village board shall (a) adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions and (b) forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions. No final levy allocation shall be changed after September 1 except by agreement between both the county board, city council, or village board which determined the amount of the final levy allocation and the governing body of the political subdivision whose final levy allocation is at issue.".

2. On page 28, line 6, before "30-24,125" insert "13-520," and before "77-3443" insert "77-3442,".

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. On page 30, line 22; page 31, lines 6 and 23; page 33, line 19; page 36, line 2; page 38, line 24; page 39, line 3; page 40, lines 7 and 18; and page 41, line 14, strike "February" 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 1:00 p.m.
Power Review Board

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

printed on recycled paper

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 Maurstad 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.

Sincerely,
(Signed) 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 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

Excused and not voting, 5:

Coordsen	Hilgert	Kristensen	Lynch	Pedersen, Dw.

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. On page 12, strike lines 4 through 16 and insert the following new subsection:

"(2) All elective county officers shall be nominated and elected on a partisan ballot, except that in counties having less than ten thousand inhabitants, elective county officers may be nominated and elected on a nonpartisan ballot if a majority of the voters voting on the issue at a statewide primary or general election vote to nominate and elect county officers on a nonpartisan ballot. The issue may be placed on the ballot at a statewide primary or general election by resolution of the county board adopted not less than sixty days prior to the election or by a petition signed by registered voters equal in number to at least ten percent of the registered voters voting in the county at the last gubernatorial election filed with the county board not less than sixty days prior to the election."; in line 22 strike "fifty" and insert "ten"; and strike beginning with the comma in line 22 through "inhabitants" in line 23.

LEGISLATIVE BILL 438. Placed on General File as amended.
Standing Committee amendment to LB 438:
AM0557

1. On page 2, line 15, strike "forty-eight hours after", show the old matter as stricken, and insert "two days after the date of".

2. On page 3, line 11, strike "(2)" and insert "(1)(b)"; strike beginning with "A" in line 13 through "making" in line 15 and insert "An independent committee, including a separate segregated political fund, which makes a late independent expenditure shall report the expenditure to the commission by filing within two days after the date of"; in lines 23 and 25 after "late" insert "independent"; and strike beginning with "This" in line 27 through line 28.

3. On page 4, strike line 1; in lines 2, 6, and 8 after

"late" insert "independent"; strike line 9 and insert "an 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. Insert the following new section:

"Sec. 5. Section 77-912, Revised Statutes Supplement, 1998, is amended to read:

77-912. The Director of Insurance shall transmit fifty percent of the taxes paid in conformity with Chapter 44, article 1, and Chapter 77, article 9, to the State Treasurer, forty percent of such taxes paid to the General Fund, and ten percent of such taxes paid to the Mutual Finance Assistance Fund promptly upon completion of his or her audit and examination and in no event later than May 1 of each year, except that:

(1) All fire insurance taxes paid pursuant to sections 44-150 and 81-523 shall be remitted to the State Treasurer for credit to the Fire Insurance Tax Fund;

(2) All workers' compensation insurance taxes paid pursuant to section 44-150 shall be remitted to the State Treasurer for credit to the Compensation Court Cash Fund; and

(3) On ~~August 1, 1996, and each August 1 thereafter through~~ August 1, 1999, the State Treasurer shall transfer one hundred thousand dollars to the Nebraska Local Government Innovation and Restructuring Fund.".

2. On page 7, line 20, reinstate the stricken "for" and "1999-00" and after the reinstated "for" insert "fiscal year"; and in line 26 strike the new matter and insert ", 1999".

3. On page 30, line 1, after the new matter insert "not".

4. On page 37, line 4, after "sections" insert "77-912,".

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. On page 2, line 4, reinstate the stricken matter; and strike beginning with the comma in line 5 through the comma in line 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 1:30 p.m.
Climate Assessment Response Committee
Roger Patterson

(Signed) Merton L. Dierks, Chairperson

AMENDMENTS - Print in Journal

Mr. Preister filed the following amendment to LB 211:
AM0692

1. On page 2, strike line 17 and all amendments thereto and insert the following new subsections:

"(3) Smoking is prohibited in all vehicles owned or leased by the state and in all buildings owned, leased, or occupied by the state except as provided in subsections (4), (5), and (6) of this section.

(4) The following buildings or areas within buildings in which persons reside or lodge may be exempt from this section: (a) Nebraska veterans homes established pursuant to section 80-315; (b) private residences; (c) facilities and institutions under the control of the Department of Health and Human Services; and (d) overnight lodging facilities and buildings managed by the Game and Parks Commission, but no more than twenty-five percent of the overnight lodging facilities at each park location shall permit smoking.

(5) Designated smoking areas not to exceed fifty percent of the space used by the public may be established in state-owned buildings at Nebraska State Fairgrounds that possess a Class C, I, or M license for the sale of alcoholic liquor for consumption on the premises under the Nebraska Liquor Control Act.

(6) Smoking may be permitted in no more than forty percent of the residential housing rooms or units owned or leased on each campus under the control of the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges.".

Mr. Beutler filed the following amendment to LB 234:
AM0709

(Amendments to Standing Committee amendments, AM0249)

1. Insert the following new section:

"Sec. 14. Any electronic record authorized by statute to constitute the permanent record shall be electronically reproduced onto a protected backup file within five working days of the creation of the permanent record. Adequate protective technology shall be used by the keeper of the records to protect the backup file from electrical surges and from unauthorized tampering. The backup file shall be kept in a separate location from the permanent record to minimize the risk of destruction of both copies. Prior to January 1, 2000, the information management services administrator of the Department of Administrative Services shall notify all affected state agencies and other entities and governmental subdivisions keeping electronic records as authorized by statute of the requirements of this section.".

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. Insert the following new section:

"Sec. 3. Notwithstanding any other provision of law, if the appropriation to the Tax Equity and Educational Opportunities Fund when added to the allocation from the Insurance Tax Fund exceeds or is less than the aggregate amount certified to be paid pursuant to section 79-1022, the state aid certified for the ensuing school fiscal year shall be null and void and the department shall recertify state aid based on the appropriation.".

2. On page 2, line 3, strike "section 2" and insert "sections 2 and 3".

3. On page 28, line 11, after "to" insert "section 3 of this act and".

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

printed on recycled paper

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. Insert the following new section:

"Section 1. Section 77-3442, Revised Statutes Supplement, 1998, is amended to read:

77-3442. (1) Property tax levies for the support of local governments for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this section except as provided in section 77-3444.

(2)(a) Except as provided in subdivision (2)(b) of this section, school districts and multiple-district school systems may levy a maximum levy of (i) one dollar and ten cents per one hundred dollars of taxable valuation of property subject to the levy until fiscal year 2001-02 and (ii) one dollar per one hundred dollars of taxable valuation of property subject to the levy for fiscal year 2001-02 and all subsequent fiscal years. Excluded from this limitation are amounts levied to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment and amounts levied to pay for

special building funds and sinking funds established for projects commenced prior to April 1, 1996, for construction, expansion, or alteration of school district buildings. For purposes of this subsection, commenced means any action taken by the school board on the record which commits the board to expend district funds in planning, constructing, or carrying out the project.

(b) Federal aid school districts may exceed the maximum levy prescribed by subdivision (2)(a) of this section only to the extent necessary to qualify to receive federal aid pursuant to Title VIII of Public Law 103-382. For purposes of this subdivision, federal aid school district means any school district which receives ten percent or more of the revenue for its general fund budget from federal government sources pursuant to Title VIII of Public Law 103-382.

(c) Beginning with fiscal year 2002-2003, school districts and multiple district school systems may exceed the maximum levy prescribed by subdivision (2)(a) of this section in an amount equal to the net difference between the amount of state aid certified for the ensuing school fiscal year for the district or multiple district school system on or before March 1 and any amount certified under section 4 of this act.

(3) Community colleges may levy a maximum levy on each one hundred dollars of taxable property subject to the levy of (a) eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and (b) seven cents for fiscal year 2000-01 and each fiscal year thereafter.

(4) Natural resources districts may levy a maximum levy of four and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(5) Educational service units may levy a maximum levy of one and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(6) Incorporated cities and villages may levy a maximum levy of forty-five cents per one hundred dollars of taxable valuation of property subject to the levy plus an additional five cents per one hundred dollars of taxable valuation to provide financing for the municipality's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201, museum pursuant to section 51-501, visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637, or statue, memorial, or monument pursuant to section 80-202.

(7) Sanitary and improvement districts which have been in existence for more than five years may levy a maximum levy of forty cents per one hundred dollars of taxable valuation of property subject to the levy, and sanitary and improvement districts which have been in existence for five years or less shall not have a maximum levy.

(8) Counties may levy or authorize a maximum levy of fifty cents per one hundred dollars of taxable valuation of property subject to the levy, except that five cents per one hundred dollars of taxable valuation of property subject to the levy may only be levied to provide financing for the county's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201 or museum pursuant to section 51-501. The county may allocate up to fifteen cents of its authority to other political subdivisions subject to allocation of property tax 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 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.".

2. Insert the following new amendment:

"4. On page 44, line 9, after 'sections' insert '77-3442,'.".

3. On page 1, line 2, strike "Notwithstanding" and insert "Beginning January 1, 2002, notwithstanding".

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. Strike original section 2 and insert the following section:

"Sec. 2. Section 48-146.02, Reissue Revised Statutes of Nebraska, is amended to read:

48-146.02. (1)(a) If a three-judge panel of the Nebraska Workers' Compensation Court ~~shall find~~ finds, after due notice and hearing at which the ~~insurance organization shall be~~ workers' compensation insurer is entitled to be heard in person or by counsel and present evidence, that such ~~organization~~ insurer has ~~repeatedly~~ failed to comply with ~~its obligations~~ an obligation under the ~~provisions of the~~ Nebraska Workers' Compensation Act with such frequency as to indicate a general business practice to engage in that type of conduct, ~~it~~ the three-judge panel may request the Director of Insurance to suspend or revoke the authorization of such ~~organization~~ insurer to write workers' compensation insurance under the provisions of Chapter 44 and such act. Such suspension or revocation shall not affect the liability of any such ~~organization~~ insurer under policies in force prior to the suspension or revocation. The three-judge panel of the compensation court may also order payment of a monetary penalty of not more than one thousand dollars for each such failure, not to exceed an aggregate penalty of thirty thousand dollars.

~~(2)~~ (b) If ~~the Nebraska Workers' Compensation Court shall find~~ a three-judge panel of the compensation court finds, after due notice and hearing at which the risk management pool ~~shall be~~ is entitled to be heard in person or by counsel and present evidence, that such pool has ~~repeatedly~~ failed to comply with ~~its obligations~~ an obligation under the ~~provisions of the~~ Nebraska Workers' Compensation Act, as set out in subsection (1) of section 44-4319, with such frequency as to indicate a general business practice to engage in that type of conduct, the ~~compensation court~~ three-judge panel may suspend or revoke the authority of the pool to provide group self-insurance coverage of workers' compensation liability pursuant to the Intergovernmental Risk Management Act. Such suspension or revocation shall not affect the liability of any such

risk management pool under the terms of the agreement forming the pool in force prior to the suspension or revocation. The three-judge panel of the compensation court may also order payment of a monetary penalty of not more than one thousand dollars for each such failure, not to exceed an aggregate penalty of thirty thousand dollars.

(c) If a three-judge panel of the compensation court finds, after due notice and hearing at which the self-insurer is entitled to be heard in person or by counsel and present evidence, that such self-insurer has failed to comply with an obligation under the Nebraska Workers' Compensation Act with such frequency as to indicate a general business practice to engage in that type of conduct, the three-judge panel may suspend or revoke the approval of such self-insurer to provide self-insurance coverage of workers' compensation liability pursuant to section 48-145. Such suspension or revocation shall not affect the liability of any such self-insurer under an approval by the compensation court to self-insure in force prior to the suspension or revocation. The three-judge panel of the compensation court may also order payment of a monetary penalty of not more than one thousand dollars for each such failure, not to exceed an aggregate penalty of thirty thousand dollars.

(d) Appeal from an action by a three-judge panel of the compensation court pursuant to this subsection shall be in accordance with section 48-185.

(e) All penalties collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the permanent school fund.

(2) In addition to any other obligations under the Nebraska Workers' Compensation Act, the following acts or practices, when committed with such frequency as to indicate a general business practice to engage in that type of conduct, shall subject the compensation insurer, risk management pool, or self-insurer to action pursuant to subsection (1) of this section:

(a) Knowingly misrepresenting relevant facts or the provisions of the Nebraska Workers' Compensation Act or any rule or regulation adopted pursuant to such act;

(b) Failing to acknowledge with reasonable promptness pertinent communications with respect to claims arising under the act;

(c) Failing to promptly investigate claims arising under the act;

(d) Not attempting in good faith to effectuate prompt, fair, and equitable payment of benefits when compensability has become reasonably clear;

(e) Refusing to pay benefits without conducting a reasonable investigation;

(f) Failing to affirm or deny compensability of a claim within a reasonable time after having completed the investigation

related to such claim;

(g) Paying substantially less than amounts owed under the act where there is no reasonable controversy;

(h) Making payment to an injured employee, beneficiary of a deceased employee, or provider of medical, surgical, or hospital services without providing a reasonable and accurate explanation of the basis for the payment;

(i) Unreasonably delaying the investigation or payment of benefits by knowingly requiring excessive verification or duplication of information;

(j) Failing, in the case of the denial of compensability or the denial, change in, or termination of benefits, to promptly provide a reasonable and accurate explanation of the basis for such action to the injured employee or beneficiary of a deceased employee;

(k) Failing, in the case of the denial of payment for medical, surgical, or hospital services, to promptly provide a reasonable and accurate explanation of the basis for such action to the provider of such services; or

(l) Failing to provide the compensation court's address and telephone number to an injured employee or beneficiary of a deceased employee with instructions to contact the court for further information:

(i) At or near the time the compensation insurer, risk management pool, or self-insurer receives notice or has knowledge of the injury; and

(ii) At or near the time of the denial of compensability or the denial, change in, or termination of benefits.

(3) In order to determine compliance with obligations under the Nebraska Workers' Compensation Act, the compensation court or its designee may examine the workers' compensation records of (a) a compensation insurer, a risk management pool, or a self-insurer; or (b) an adjuster, a third party administrator, or other agent acting on behalf of such compensation insurer, risk management pool, or self-insurer. The authority of the compensation court pursuant to this subsection is subject to the limitations provided under the work-product doctrine and attorney-client privilege as recognized in Nebraska law.

(4) The compensation court may adopt and promulgate rules 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. On page 2, line 23, after "than" insert "a water well used for domestic purposes or".

LEGISLATIVE BILL 793. Placed on General File as amended.
Standing Committee amendment to LB 793:
AM0726

1. Strike original sections 5, 6, and 21 and insert the following new sections:

"Sec. 19. Section 37-406, Reissue Revised Statutes of Nebraska, is amended to read:

37-406. ~~Permits~~ (1) Licenses, permits, and stamps required under the Game Law shall be issued by the commission and may be procured from the secretary of the commission. The commission may provide for the electronic issuance of any license, permit, or stamp required under the Game Law and may enter into contracts to procure necessary services and supplies for the electronic issuance of licenses, permits, and stamps. The commission may designate ~~and from such~~ other persons, firms, and corporations ~~as may be designated by the commission~~ as agents to issue licenses, permits, and stamps and collect the prescribed fees. Any person, firm, or corporation, other than the secretary of the commission or an employee of the commission, authorized by the commission to ~~sell~~ issue licenses, permits, and stamps shall be entitled to collect and retain an additional fee of not less than fifty cents and not more than one dollar, as established by the commission pursuant to section 37-327, for each ~~resident and nonresident~~ license, permit, or stamp issued as reimbursement for the clerical work of issuing the license, permit, or stamp and collecting and remitting the ~~permit fee~~ fees.

(2) The commission shall adopt and promulgate rules and regulations regarding electronic issuance of licenses, permits, and stamps, including electronic issuance devices, deposits by agents, and remittance of fees.

(3) It shall be unlawful for any person to duplicate any electronically issued license, permit, or stamp. Any person violating this subsection shall be guilty of a Class III misdemeanor and shall be fined at least seventy-five dollars, and any license, permit, or stamp involved in such violation shall be confiscated by the court.

Sec. 75. Section 37-543, Reissue Revised Statutes of Nebraska, is amended to read:

37-543. (1) It shall be unlawful for any person to take any fish, except as provided in this section, by means other than fishing with hook and line.

(2) It shall be unlawful for any person to use, while fishing in this state in any lake, pond, or reservoir or in their inlets, outlets, and canals within one-half mile of such lake, pond, or reservoir, more than two lines with two hooks on each line, except that this subsection shall not apply to ice fishing.

(3) It shall be unlawful for any person to take any fish by snagging fish externally by hook and line, except in the Missouri River, as provided by rules and regulations of the

commission.

(4) It shall be unlawful for any person to use, while fishing in any waters in this state, a line having more than five hooks thereon or lines having more than fifteen hooks in the aggregate. One hook means a single, double, or treble pointed hook, and all hooks attached as a part of an artificial bait or lure shall be counted as one hook.

(5) Nongame fish may be taken by spearing or by bow and arrow as provided by rules and regulations of the commission.

(6) Sport fish may be taken by bow and arrow as provided by rules and regulations of the commission.

(7) The commission may by rules and regulations allow, control, regulate, or prohibit the use of seines, nets, and other devices and methods in the taking of fish. ~~from the Missouri River.~~ The commission may adopt rules and regulations as to the method of taking, bag limits, size limits, possession, transporting, or selling of all species of fish. ~~in the Missouri River.~~

(8) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 76. Section 37-545, Reissue Revised Statutes of Nebraska, is amended to read:

37-545. When authorized by the commission and when necessary for proper fish management, the owner of any privately owned pond may remove fish therefrom by methods other than hook and line and in any quantity. The commission shall adopt and promulgate rules and regulations which authorize the use of commercial fishing permits, equipment, and methods authorized in sections 37-4,104 and 37-543. Nongame fish and bullheads seined or taken pursuant to this section may be sold by the commercial fishing permitholder. Such sale of bullheads shall not be deemed a violation of section 37-505. The removal of fish in accordance with this section shall not be deemed a violation of section 37-507, 37-543, or 37-556, ~~or 37-623,~~ except that the owner of a privately owned pond which is privately stocked and which does not connect by inflow or outflow with other water outside such land shall be exempt from any regulation or control.

Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 77. Section 37-546, Reissue Revised Statutes of Nebraska, is amended to read:

37-546. (1) It shall be unlawful (a) to take baitfish except for use as bait; ~~(b) to take baitfish by the use of minnow seines of more than twenty feet in length or four feet in depth, (c) to take baitfish with minnow seines or traps, the meshes of which are other than one-fourth inch square,~~ (d) or (b) for any person except an aquaculturist or bait dealer to buy, sell, barter, offer to buy, sell, or barter, or have in his or her possession baitfish for any purpose whatsoever except for use as bait. No ;

~~and (c) to keep or retain any sport fish taken while taking baitfish for use as bait, and sport fish so taken, of whatever size, shall be immediately returned to the water from which taken and no~~ baitfish shall be taken from reservoirs, lakes, or bayous except as provided in rules and regulations of the commission.

(2) The commission may adopt and promulgate rules and regulations pertaining to the taking, transportation, possession, buying, selling, and bartering of baitfish.

(3) Any person violating this section or the rules and regulations adopted and promulgated under this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 93. Section 37-623, Reissue Revised Statutes of Nebraska, is amended to read:

37-623. Every device, net, and trap and every ferret possessed, used, or attempted to be used by any person in taking any game contrary to the Game Law is hereby declared to be a public nuisance and subject to seizure and confiscation by any conservation officer or other person charged with the enforcement of the Game Law. Ferrets and every device, net, and trap, the use of which is wholly prohibited, shall be destroyed upon seizure. All guns and nets while being used illegally shall be seized upon the arrest of the person so using them, but all guns, legal fish nets, or other hunting or fishing equipment, used illegally which are seized for evidence upon arrest, shall be returned by the court to the person from whom such guns, legal fish nets, or other hunting or fishing equipment was seized following disposition of the case. ~~The possession of any and all seines, except minnow nets, shall be construed as illegal possession and shall render such nets subject to confiscation and destruction by the state, and any person or persons possessing the same shall be guilty of a Class V misdemeanor. This section shall not apply to the possession and legal use of seines or nets as provided in sections 37-543 and 37-545.~~".

2. On page 3, lines 10 and 11, strike "10, 11, and 67" and insert "8, 9, and 65"; and in line 16 strike "10 and 11" and insert "8 and 9".

3. On page 6, line 27, after the last comma insert "as to conservation orders or similar wildlife management activities authorized by the United State Fish and Wildlife Service,".

4. On page 8, line 17, after the period insert "The commission may also close or reopen any season established by a conservation order under the same provisions pertaining to closing and reopening seasons in this section.".

5. On page 18, line 27, after the period insert "(1)".

6. On page 19, after line 12, insert the following new subsection:

"(2) An educational fishing project permit may be issued to any instructor of a university, college, or high school and his

or her students participating in an educational fishing project. Such persons shall be exempt from the payment of any fees provided by the Game Law for the privilege of fishing in Nebraska while participating in the project. Such exemption shall not extend to the privilege of commercial fishing or to the privilege of fishing for any species of fish on which an open season is limited to a restricted number of permits or to special permits for a restricted area. The commission shall adopt and promulgate rules and regulations necessary to carry out this subsection.".

7. On page 26, line 27, reinstate the stricken matter; and in line 28 reinstate "designated" through "permit", after the stricken "vendors" insert "agents", and reinstate "shall" through "to".

8. On page 27, lines 1 through 4, reinstate the stricken matter.

9. On page 49, line 4, strike "any" through "subsections" and insert "subsection (1) or (3) of this section"; and in line 5 after "dollars" insert "and any person convicted pursuant to subsection (4) of this section shall be fined at least fifty dollars".

10. On page 51, line 18, after "authority" insert ", except that this restriction shall not apply to novice hunter education provided under authority of a permit issued by the commission. The commission shall adopt and promulgate rules and regulations to carry out and administer the novice hunter education program and permit issuance under such program".

11. On page 52, after line 16 insert the following new subsection:

"(4) This section shall not apply to archery hunters hunting during a non-center-fire firearm season or in a management unit where a current center-fire season is not open.".

12. On page 64, line 13, strike "or employee" and show the old matter as stricken.

13. On page 71, line 28, strike "37-218, 37-219,".

14. On page 72, line 6, after "37-540," insert "37-543, 37-545, 37-546,"; and in line 7 after "37-622," insert "37-623,".

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. On page 8, line 25, strike "fourteen".

2. On page 9, after line 7 insert the following new subdivision:

"(f) A representative of the Department of Health and Human Services Regulation and Licensure;"; in line 8 strike "(f)" and insert "(g)"; in line 10 strike "(g)" and insert "(h)"; in line 12 strike "(h)" and insert "(i)"; in line 14 strike "(i)" and insert "(j)"; in line 16 strike "(j)" and insert "(k)"; in line 18 strike "(k)" and insert "(l)"; in line 20 strike "(l)" and insert "(m)"; in line 21 strike "(m)" and insert "(n)"; in line 22 strike "(n)" and insert "(o)"; and in line 27 strike "(2)(k)" and insert "(2)(l)".

3. On page 10, line 1, strike "(2)(l) through (2)(n)" and insert "(2)(m) through (2)(o)".

Mr. Schellpeper filed the following amendment to LB 126:
AM0734

(Amendments to Standing Committee amendments, AM0099)

1. On page 1, line 17, strike beginning with the first "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 OPINIONS

Opinion 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

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[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

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[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 dismisssed*** 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.

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[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.

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[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

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[1]See 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.

[2]See 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 instate 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-

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[3]According 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

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[4]Such 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

printed on recycled paper

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. On page 6, line 5, after "leave" insert ". When an agreement between the employer and a bargaining unit representative does not allocate vacation pay allowance or pay in lieu of vacation to a specified period of time during a period of temporary layoff or plant shutdown, the payment by the employer or his or her designated representative will be deemed to be wages as defined in this section in the week or weeks the vacation is actually taken. Notwithstanding any other provision of the Employment Security Law, an employee who is not employed during a plant shutdown for vacation purposes shall not be deemed to be on a leave of absence or unavailable for work merely by reason of the fact that his or

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

Excused and not voting, 13:

Brown	Crosby	Dierks	Engel	Hartnett

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

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

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.	Schimek	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

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. Strike original section 1 and insert the following new section:

"Section 1. Section 49-1493, Reissue Revised Statutes of Nebraska, is amended to read:

49-1493. The individuals listed in subdivisions (1) ~~to~~ through (11) of this section shall file with the commission a statement of financial interests as provided in sections 49-1496 and 49-1497 for the preceding calendar year on or before April 1 of each year in which such individual holds such a position. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed. Disclosure of the interest named in sections 49-1496 to 49-1498 shall be made by:

(1) An individual holding a state executive office as provided in Article IV of the Constitution of Nebraska, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and heads of such other executive departments as set forth in the Constitution or as may be established by law;

(2) An individual holding the office of Commissioner of Education, member of the State Board of Education, member of the

Board of Regents of the University of Nebraska with the exception of student members, or member of the Coordinating Commission for Postsecondary Education;

(3) A member of the Board of Parole;

(4) A member of the Public Service Commission;

(5) A member of the Legislature;

(6) A member of the board of directors or an officer of a district organized under the provisions of Chapter 70;

(7) A member of any board or commission of the state or any county which examines or licenses a business~~, trade, or profession~~ or which determines rates for or otherwise regulates a business;

(8) A member of a land-use planning commission, zoning commission, or authority of the state or any county with a population of more than one hundred thousand inhabitants;

(9) An elected official of a city of the primary or metropolitan class;

(10) An elected county official; and

(11) An official or employee of the state designated by rules and regulations of the commission who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(a) Contracting or procurement;

(b) Administering or monitoring grants or subsidies;

(c) Land-use planning or zoning;

(d) Inspecting, licensing, regulating, or auditing any person; or

(e) Any similar action.".

Mr. Jensen filed the following amendment to LB 324:
AM0705

1. Insert the following new section:

"Sec. 5. (1) For purposes of this section, Master Settlement Agreement means the settlement agreement (and related documents) entered into on November 23, 1998, by the state and leading United States tobacco manufacturers.

(2) The Tobacco Enforcement Fund is created. Any money received by the state from the State Enforcement Fund established as part of the Master Settlement Agreement shall be deposited into the Tobacco Enforcement Fund. The fund shall be used by the Attorney General to enforce the Master Settlement Agreement and to investigate and litigate potential violations of state tobacco laws. The Attorney General may contract with the Nebraska State Patrol and local law enforcement agencies to assist with the investigation. The contractual costs may be paid from the fund. 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. 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. On page 1, line 4, strike "a term" and insert "terms"; in line 5 strike the second "and"; and in line 6 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 574. Placed on Select File as amended.
E & R amendment to LB 574:
AM7082

1. On page 1, line 3, after "Agreement" insert "; and to declare an emergency".
2. On page 5, line 8, strike "Product Manufacturer" and insert "product manufacturer".
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. On page 9, line 11, strike "Services" and insert "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. Strike original section 3 and insert the following new sections:

"Sec. 3. Section 37-1012, Reissue Revised Statutes of Nebraska, is amended to read:

37-1012. (1) The Game and Parks Commission shall have the same responsibility with regard to division fences as a private landowner as provided in sections 34-101 to 34-117, except that in those areas where a state recreational trail is developed, the commission shall have the same responsibility as a railroad as provided in sections 74-601 to 74-604 where a single landowner's property is divided by a state recreational trail. In areas where a state recreational trail does not divide a single landowner's property, the commission shall be responsible for one hundred percent of the construction or replacement cost and the landowner shall be responsible for all of the maintenance of the fence, but the type of fence required under section 74-601 shall not be required for those areas where a state recreational trail is developed. In such areas the type of fence may be (a) wire fence of at least four barbed wires, of a size not less than twelve and one-half gauge fencing wire, to be secured to posts, the posts to be at no greater distance than one rod from each other or (b) a fence of any type that is agreed to by the commission and adjoining landowner.

(2) The commission shall adopt and promulgate rules and regulations to carry out this section.

Sec. 4. Section 37-1007, Reissue Revised Statutes of Nebraska, is amended to read:

37-1007. Whenever abandoned railroad right-of-way trails are developed pursuant to the Trail Development Assistance Act, boundary fences shall be constructed and maintained as required ~~for railroads in sections 74-601 to 74-604~~ under section 37-1012 unless such construction and maintenance is waived in writing by affected adjoining property owners. Such fences shall be deemed to be manifestly designed to exclude intruders for the purposes of subdivision (1)(c) of section 28-521.".

2. On page 4, line 14, after "37-303" insert ",

37-1007,".

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. On page 2, strike beginning with "(e)" in line 16 through "(f)" in line 17 and insert "or (e)".

2. On page 3, after line 10 insert the following new subsections:

"(5) If the Secretary of State refuses to accept for filing any initiative or referendum pursuant to subsection (2) of this section, any resident may apply, within ten days after such refusal, to the district court of Lancaster County for a writ of mandamus. If it is decided by the court that such petition complies with the requirements of subsection (2) of this section, the Secretary of State shall accept the petition for filing.

(6) If the Secretary of State accepts for filing any initiative or referendum petition pursuant to this section, any resident may apply, within ten days after such acceptance, to the district court of Lancaster County for an order enjoining the Secretary of State and all other officers from performing any of the other acts described in sections 32-1401 to 32-1416. If such a suit is filed, the person who is the sponsor of record of the petition shall be a necessary party defendant in such suit. If it is decided by the court that such petition violates the requirements set forth in subsection (2) of this section, it shall enter an order enjoining the Secretary of State and all other officers from performing any of the acts described in sections 32-1401 to 32-1416.

(7) Suits under subsections (5) and (6) of this section shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the Court of Appeals within ten days after a decision is rendered. The appeal procedures described in the Administrative Procedure Act shall not apply to this section."; and strike beginning with "(5)" in line 23 through "(6)" in line 24 and insert "or (5)".

3. On page 4, line 25, after the period insert "Any such suit may be commenced at any time after the initiative or referendum petition has been filed in the office of the Secretary

of State pursuant to section 32-1407 and prior to the election at which the initiative or referendum measure is to be submitted to the registered voters.".

4. On page 5, after line 5 insert the following new subsection:

"(5) For purposes of this section, not legally sufficient means that an initiative or referendum 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 comply with the procedural limitations imposed by the 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

printed on recycled paper

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. Insert the following new sections:

"Section 1. Section 43-1303, Reissue Revised Statutes of Nebraska, is amended to read:

43-1303. (1) The state board shall meet at least twice per year. The state board shall establish a statewide register of all foster care placements occurring within the state, and there shall be a monthly report made to the state board registry of all foster care placements by the Department of Health and Human Services, any child-placing agency, or any ~~or~~ court. For each child entering and leaving foster care, such monthly report shall consist of identifying information, placement information, and the plan or permanency plan developed by the person or court in charge of the child pursuant to section 43-1312. ~~Every~~ The department and every court and child-placing agency shall report any foster care placement within three working days. The report shall contain the

following information:

(a) Child identification information, including name, social security number, date of birth, gender, race, and religion;

(b) Identification information for parents and stepparents as necessary, including name, social security number, address, and status of parental rights;

(c) Placement information, including initial placement date, current placement date, and the name and address of the foster care provider;

(d) Court status information, including which court has jurisdiction, initial custody date, court hearing date, and results of the court hearing;

(e) Custodial entity;

(f) Case worker; and

(g) Case plan.

In order to achieve uniformity in reporting, the state board shall prescribe the format to be used in reporting the information required by this subsection.

(2) The state board shall review the activities of local boards and may adopt and promulgate its own rules and regulations. Such rules and regulations shall provide for the following:

~~(1)~~ (a) Establishment of training programs for local board members which shall include an initial training program and periodic inservice training programs;

~~(2)~~ (b) Development of procedures for local boards;

~~(3)~~ (c) Establishment of a central record-keeping facility for all local board files, including individual case reviews;

~~(4)~~ (d) Accumulation of data and the making of annual reports on children in foster care. Such reports shall include ~~(a)~~ (i) personal data on length of time in foster care, ~~(b)~~ (ii) number of placements, ~~(c)~~ (iii) frequency and results of court review, and ~~(d)~~ (iv) number of children supervised by the foster care programs in the state annually;

~~(5)~~ (e) To the extent not prohibited by section 43-1310, evaluation of the judicial and administrative data collected on foster care and the dissemination of such data to the judiciary, public and private agencies, the ~~Department of Health and Human Services~~ department, and members of the public; and

~~(6)~~ (f) Manner in which the state board shall determine the appropriateness of requesting a review hearing as provided for in section 43-1313.

(3) The state board, upon completion of a review of local board activities, shall report and make recommendations to the department and county welfare offices. Such reports and recommendations shall include, but not be limited to, the annual judicial and administrative data collected on foster care pursuant to ~~subdivision (4)~~ subsection (2) of this section and the annual evaluation of such data. In addition the state board shall provide

copies of such reports and recommendations to each court having the authority to make foster care placements. The state board may visit and observe foster care facilities in order to ascertain whether the individual physical, psychological, and sociological needs of each foster child are being met.

Sec. 2. Section 43-1304, Reissue Revised Statutes of Nebraska, is amended to read:

43-1304. The state board shall establish local foster care review boards for the review of cases of children in foster care placement. The state board shall select members to serve on local boards from a list of applications submitted to the state board. Each local board shall consist of ~~five~~ not less than four and not more than ten members. The members of the board shall reasonably represent the various social, economic, racial, and ethnic groups of the county or counties from which its members may be appointed. A person employed by the state board, the Department of Health and Human Services, a child-caring agency, a child-placing agency, or a court shall not be appointed to a local board. A list of the members of each local board shall be sent to the ~~Department of Health and Human Services~~ department.".

2. On page 3, line 15, strike "section" and insert "sections 43-1303, 43-1304, and"; and in line 16 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 698. Placed on General File as amended.
Standing Committee amendment to LB 698:
AM0696

1. Insert the following new sections:

"Sec. 10. Section 71-1774, Revised Statutes Supplement, 1998, is amended to read:

71-1774. For purposes of the Licensed Practical Nurse-Certified Act:

(1) Administration includes observing, initiating, monitoring, discontinuing, maintaining, regulating, adjusting, documenting, assessing, planning, intervening, and evaluating;

(2) Approved certification course means a course for the education and training of a licensed practical nurse-certified which the board has approved;

(3) Board means the Board of Nursing;

(4) ~~Delegation means the decision by a registered nurse to give the responsibility for the performance of an act or procedure to a licensed practical nurse-certified;~~

~~(5)~~ Department means the Department of Health and Human Services Regulation and Licensure;

~~(6)~~ (5) Direct supervision means that the licensed practitioner or registered nurse is in the clinical area and retains accountability for patient care;

~~(7)~~ (6) Initial venipuncture means the initiation of

intravenous therapy based on a new order from a licensed practitioner for an individual for whom a previous order for intravenous therapy was not in effect;

~~(8)~~ (7) Intravenous therapy means the therapeutic infusion or injection of substances through the venous system;

~~(9)~~ (8) Licensed practical nurse-certified means a licensed practical nurse ~~providing services in a long-term care facility or in a hospital~~ who meets the standards established pursuant to section 71-1777 and who holds a valid certificate issued by the department pursuant to the act;

~~(10)~~ (9) Licensed practitioner means any person authorized by state law to prescribe intravenous therapy and nasogastric tube insertion;

~~(11)~~ (10) Nasogastric tube insertion means the placing of a tube via the nares or mouth into the stomach; and

~~(12)~~ (11) Pediatric patient means a patient who is younger than eighteen years old and who weighs thirty-five kilograms or less.

Sec. 11. Section 71-1775, Reissue Revised Statutes of Nebraska, is amended to read:

71-1775. (1) Administration of intravenous therapy or nasogastric tube insertion shall be a responsibility of the registered nurse as ordered by a licensed practitioner.

(2) ~~A registered nurse may delegate the activities identified in section 71-1776 to a licensed practical nurse-certified in keeping with the registered nurse's professional judgment. The registered nurse so delegating shall remain accountable for the application of the nursing process and nursing theory when making the decision to delegate and for supervision.~~

~~(3)~~ A licensed practical nurse-certified may, under the direction of a registered nurse or licensed practitioner, perform the activities identified in ~~such section~~ section 71-1776 after the registered nurse or licensed practitioner has performed a physical assessment of the patient.

~~(4) A~~ (3) A registered nurse or licensed practitioner shall not direct a licensed practical nurse-certified to perform ~~and a registered nurse shall not delegate to a licensed practical nurse-certified~~ any activities associated with centrally inserted central venous lines except under direct supervision. Activities in centrally inserted central line therapy appropriate to ~~delegate to or~~ direct the licensed practical nurse-certified to perform, including types of central lines and methods of central line access, shall be defined in rules and regulations of the board.

~~(5)~~ (4) A licensed practitioner or registered nurse need not be on the premises in order for the licensed practical nurse-certified to perform directed ~~or delegated~~ activities except for (a) initial venipuncture for purposes of peripheral intravenous therapy, (b) initial nasogastric tube insertion, and (c) centrally inserted central-line activities.

~~(6)~~ (5) A licensed practitioner or registered nurse shall be present at least once during each twenty-four-hour interval and more frequently when a significant change in therapy or client condition has occurred to assess the client when the licensed practical nurse-certified is performing the activities identified in section 71-1776.

Sec. 12. Section 71-1776, Reissue Revised Statutes of Nebraska, is amended to read:

71-1776. A licensed practical nurse-certified may perform the following activities related to the administration of intravenous therapy and nasogastric tube insertion under the direction of a registered nurse or licensed practitioner: ~~or as delegated by a registered nurse:~~

(1) Calculate the rate of intravenous fluid infusions, except for pediatric patients;

(2) Perform venipuncture, excluding jugular, for purposes of peripheral intravenous therapy, except (a) for pediatric patients or (b) with devices which exceed three inches in length. Direct supervision by a licensed practitioner or registered nurse shall be required for initial venipuncture for purposes of peripheral intravenous therapy;

(3) Except in the case of a pediatric patient, add medicated solutions. ~~which have been commercially prepared or prepared by a pharmacist, licensed practitioner, or registered nurse to intravenous lines.~~ Acceptable methods of preparation and administration and acceptable medications shall be those for which nursing interventions are routine and predictable in nature related to individual responses and adverse reactions and as defined in rules and regulations of the board;

(4) Flush intravenous ports with heparin solution or saline solution; and

(5) ~~Add pain medication solutions which have been commercially prepared or prepared by a pharmacist, licensed practitioner, or registered nurse to a patient-controlled infusion pump if reprogramming of such pump is not required; and~~

~~(6)~~ Insert flexible nasogastric tubes that are non-stylet-guided. Direct supervision by a licensed practitioner or registered nurse shall be required for initial nasogastric tube insertion.

Sec. 14. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 9, line 16, strike "individual", show as stricken, and insert "adult"; in line 17 strike "that individual", show as stricken, and insert "such adult"; in lines 17 and 18 strike "any individual who is not competent" and insert "a minor child or legally incompetent adult"; in line 19 strike "individual", show as stricken, and insert "minor child or adult"; strike beginning with "individual" in line 21 through "individual" in line 27, show the old matter as stricken, and insert "minor

child or adult is unable to perform for himself or herself and which the attending physician or registered nurse determines can be safely performed in the home and community by a designated care aide as directed by a competent adult"; and in line 28 strike "individual", show as stricken, and insert "adult".

3. On page 10, strike the new matter in lines 1 through 3 and insert "For purposes of this section, caretaker means a person (1) who directs the health maintenance activities of a minor child or legally incompetent adult and (2) who is the parent, foster parent, legal guardian, or person with a durable power of attorney for the health care of such minor child or legally incompetent adult.".

4. On page 11, line 28, strike "and" and after the last comma insert "71-1775, and 71-1776,".

5. On page 12, line 2, strike "and 71-1,132.37" and insert "71-1,132.37, and 71-1774".

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. On page 1, strike beginning with "be" in line 12 through "shall" in line 13; and strike beginning with "Such" in 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. On page 2, line 6, after "felony" insert an underscored period; and strike beginning with "and" in line 6 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. On page 2, line 4, after "Governor" insert "and two ex officio members. The two ex officio members shall be the chairperson of the Transportation Committee of the Legislature or his or her designee and the chairperson of the Banking, Commerce and Insurance Committee of the Legislature or his or her designee" and after "The" insert "appointed".
2. On page 4, line 5, strike "January 1, 2000" and 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

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

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. Strike original section 28.
2. On page 38, line 8, strike "77-1330,".
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. On page 3, strike lines 12 through 25 and insert "building construction contract is required by law to be awarded, 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. Strike the original sections and insert the following new sections:

"Section 1. Section 43-1503, Reissue Revised Statutes of Nebraska, is amended to read:

43-1503. For the purposes of the Nebraska Indian Child Welfare Act, except as may be specifically provided otherwise, the

term:

(1) Child custody proceeding shall mean and include:

(a) Foster care placement which shall mean any action removing an Indian child from its parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;

(b) Termination of parental rights which shall mean any action resulting in the termination of the parent-child relationship;

(c) Preadoptive placement which shall mean the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; and

(d) Adoptive placement which shall mean the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

Such term or terms shall not include a placement based upon an act which, if committed by an adult, would be deemed a crime or upon an award, in a divorce proceeding, of custody to one of the parents;

(2) Extended family member shall be as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent;

(3) Indian means any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a regional corporation defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1606;

(4) Indian child means any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe;

(5) Indian child's tribe means (a) the Indian tribe in which an Indian child is a member or eligible for membership or (b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts;

(6) Indian custodian means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of such child;

(7) Indian organization means any group, association, partnership, limited liability company, corporation, or other legal entity owned or controlled by Indians or a majority of whose members are Indians;

(8) Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the secretary because of their status as Indians, including any Alaska Native village as defined in section 3(c) of the Alaska Native Claims Settlement Act, as amended, 42 U.S.C. 1602(c);

(9) Parent means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the unwed father when paternity has not been acknowledged or established;

(10) Reservation means Indian country as defined in 18 U.S.C. 1151 and any lands, not covered under such section, title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation;

(11) Secretary means the Secretary of the Interior; ~~and~~

(12) Tribal court means a court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings; and

(13) Tribal service area means a geographic area in which tribal services and programs are provided to Native American people.

Sec. 2. Section 71-1906, Reissue Revised Statutes of Nebraska, is amended to read:

71-1906. In order to achieve the goals and further the purposes of the federal Indian Child Welfare Act and the Nebraska Indian Child Welfare Act, it is the intent of the Legislature that Native American families have the option to meet separate licensing standards for Native American foster homes located outside the boundaries of any Indian reservation or tribal service area.

Sec. 3. Section 71-1906.02, Revised Statutes Supplement, 1998, is amended to read:

71-1906.02. An advisory committee is established which shall be made up of Native Americans knowledgeable in Indian child welfare matters jointly appointed by the executive director of the Commission on Indian Affairs and the Director of Health and Human Services. The advisory committee shall advise the department and the commission on the development of the appropriate standards for the licensing of Native American foster homes located outside the boundaries of any Indian reservation or tribal service area.

Sec. 4. Section 71-5009.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-5009.01. Regional governing boards shall not be required to provide the matching funds provided for in the Nebraska Comprehensive Community Mental Health Services Act for mental

health treatment programs located on Indian reservations or tribal service areas.

Sec. 5. Section 71-5027, Reissue Revised Statutes of Nebraska, is amended to read:

71-5027. The six regional governing boards established pursuant to section 71-5004 shall provide community alcoholism facilities, programs, and services. The boards shall provide funds for such community-based projects. Federal funding, private sources, third-party payments, and fees collected may be used as sources of necessary funds. Each regional governing board shall provide one dollar for every three dollars provided by the state General Fund. Of the amount provided by each regional governing board, not less than forty percent shall be provided by local and county taxes and the remainder shall come from other nonfederal sources. Regional governing boards shall not be required to provide such matching funds for alcohol treatment programs located on Indian reservations or programs administered by Indian tribes. The regional governing boards shall account for all sources and expenditure of funds for any agency receiving any state funds under the provisions of sections 71-5016 to 71-5040, 83-1009, and 83-1009.01.

Sec. 6. Section 81-2508, Reissue Revised Statutes of Nebraska, is amended to read:

81-2508. (1) For the purpose of administration of the Commission on Indian Affairs during the interim between its regular quarterly meetings, there is hereby established an executive board of the Commission on Indian Affairs consisting of the ~~chairman~~ chairperson of the commission, two members representing the reservations or tribal service areas, one member representing the urban areas, and one member who represents the western Nebraska areas or is the member at large.

(2) The executive board shall have the authority to enter into contracts for consultation services, supplies, and equipment if the amount contracted for does not exceed the sum of two thousand dollars in any one contract, and to supervise all programs relating to the affairs of Indian tribes instituted and authorized by the commission.

Sec. 7. Original sections 43-1503, 71-1906, 71-5009.01, 71-5027, and 85-2508, Reissue Revised Statutes of Nebraska, and section 71-1906.02, Revised Statutes Supplement, 1998, are 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. Strike original section 2 and insert the following new sections:

"Section 1. Section 49-1459, Reissue Revised Statutes of Nebraska, is amended to read:

49-1459. (1) Except as provided in subsection (2) of this section, campaign statements as required by the Nebraska Political Accountability and Disclosure Act shall be filed according to the following schedule:

(a) A first preelection campaign statement shall be filed not later than the thirtieth day before the election. The closing date for a campaign statement filed under this subdivision shall be

the thirty-fifth day before the election;

(b) A second preelection campaign statement shall be filed not later than the tenth day before the election. The closing date for a campaign statement filed under this subdivision shall be the fifteenth day before the election; and

(c) A postelection campaign statement shall be filed not later than the fortieth day following the primary election and the ~~sixtieth~~ seventieth day following the general election. The closing date for a postprimary election campaign statement filed under this subdivision shall be the thirty-fifth day following the election. The closing date for a postgeneral election campaign statement filed under this subdivision shall be December 31 of the year in which the election is held. If all liabilities of a candidate and committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the dates provided under this subdivision.

(2) Any committee may file a statement in writing with the commission indicating that the committee does not expect to receive contributions or make expenditures of more than one thousand dollars in the calendar year of an election. Such written statement shall be signed by the committee treasurer or the assistant treasurer, and in the case of a candidate committee, it shall also be signed by the candidate. Such written statement shall be filed on or before the thirtieth day before the election. A committee which files a written statement pursuant to this subsection is not required to file campaign statements according to the schedule prescribed in subsection (1) of this section but shall file a sworn statement of exemption not later than the fortieth day following the primary election and the ~~sixtieth~~ seventieth day following the general election stating only that the committee did not, in fact, receive or expend an amount in excess of one thousand dollars. If the committee receives contributions or makes expenditures of more than one thousand dollars during the election year, the committee is then subject to all campaign filing requirements under subsection (1) of this section.

Sec. 3. Original sections 49-1459 and 49-1493, Reissue Revised Statutes of Nebraska, are repealed.".

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

printed on recycled paper

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. Strike original section 2.
2. On page 2, lines 3 and 4, strike "personal property or"; and in line 10 strike "procedure to condemn property", show as stricken, and insert "power of eminent domain".
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. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. Section 43-2515, Reissue Revised Statutes of Nebraska, is amended to read:

43-2515. On or before October 1, 1993, and for each year

thereafter, the Department of Health and Human Services Finance and Support and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to school districts pursuant to the Early Intervention Act for special education services for children five years of age and older. ~~The~~ Except as provided in section 3 of this act, the General Fund appropriation to the State Department of Education for state special education aid shall be decreased by an amount equal to the amount that would have been reimbursed with state general funds to the school districts through the special education reimbursement process for special education services for children five years of age and older that was paid to school districts or approved cooperatives with federal medicaid funds.

It is the intent of the Legislature that an amount equal to the amount that would have been reimbursed with state general funds to the school districts, certified to the budget administrator, be appropriated from the General Fund to aid in carrying out the provisions of the Early Intervention Act and other related early intervention services.

Sec. 2. The Department of Health and Human Services Finance and Support may contract with school districts and educational service units to provide medicaid administrative outreach services.

Sec. 3. The Department of Health and Human Services Finance and Support shall take all lawful actions to provide federal medicaid funds to reimburse school districts and educational service units for allowable administrative costs expended in the delivery of outreach services to medicaid eligible children. Any such funding shall not be subject to section 43-2515. Federal medicaid funds made available under this section shall supplement and not supplant state special education funding. The department shall cooperate with school districts and educational service units to generate matching funds for medicaid administrative outreach services with district or educational service unit approval.

Sec. 6. This act becomes operative January 1, 2000.".

2. On page 2, lines 13 and 21, after "Services" insert "Finance and Support"; in line 15 strike "1" and insert "2"; in lines 19 and 20 strike "1 to 4" and insert "2 to 5"; in line 22 strike "December 1, 1999" and insert "February 1, 2000"; and in line 25 after "medicaid" insert "administrative".

3. Insert underscoring in original sections 3 and 4.

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 800. Placed on General File as amended.
Standing Committee amendment to LB 800:
AM0566

1. On page 3, line 18, after "assistant" insert an

underscored comma and strike "or a licensed dental hygienist," and show the old matter as stricken.

2. On page 5, line 26, strike "hygienist or" and insert "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. Strike original sections 11 to 13 and all amendments thereto and insert the following new sections:

"Sec. 11. A violation of the Telemarketing and Prize Promotions Act shall be a deceptive trade practice under the Uniform Deceptive Trade Practices Act and all the provisions of the Uniform Deceptive Trade Practices Act shall apply to such violations except as the Telemarketing and Prize Promotions Act may otherwise specifically provide.

Sec. 12. Section 87-302, Reissue Revised Statutes of Nebraska, is amended to read:

87-302. (a) A person engages in a deceptive trade practice when, in the course of his or her business, vocation, or occupation, he or she:

(1) Passes off goods or services as those of another;

(2) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(3) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;

(4) Uses deceptive representations or designations of geographic origin in connection with goods or services;

(5) Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he or she does not have;

(6) Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand, except that sellers may repair damage to and make adjustments on or replace parts of otherwise new goods in an effort to place such goods in compliance with factory specifications;

(7) Represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(8) Disparages the goods, services, or business of another by false or misleading representation of fact;

(9) Advertises goods or services with intent not to sell them as advertised;

(10) Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(11) Makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

(12) Uses or promotes the use of a chain distributor scheme in connection with the solicitation of business or personal investments from members of the public; ~~or~~

(13) With respect to a sale or lease to a natural person of goods or services purchased or leased primarily for personal, family, household, or agricultural purposes, uses or employs any referral or chain referral sales technique, plan, arrangement, or agreement; or

(14) Violates the Telemarketing and Prize Promotions Act.

(b) In order to prevail in an action under ~~sections 87-301 to 87-306~~ the Uniform Deceptive Trade Practices Act, a complainant need not prove competition between the parties.

(c) This section does not affect unfair trade practices otherwise actionable at common law or under other statutes of this state.

Sec. 13. Original section 87-302, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 2, line 1, strike "13" and insert "11".

3. Insert underscoring in the original sections and all 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. Strike original sections 2 and 4 and insert the following new sections:

"Sec. 2. Section 77-2602, Revised Statutes Supplement, 1998, is amended to read:

77-2602. (1) Every person engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On each package of cigarettes containing not more than twenty cigarettes, one dollar per package commencing on the effective date of this act until January 1, 2003, thirty-four cents per package on and after January 1, 2003; and on packages containing more than twenty cigarettes, the same tax as provided on packages containing not more than twenty cigarettes for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package. Commencing ~~July 1, 1994~~ on the effective date of this act, and continuing until ~~July 1, 2009~~ January 1, 2003, the State Treasurer shall place the equivalent of ~~twenty-one~~ twenty-six cents of such tax less three million dollars each fiscal year of proceeds of such tax in the General Fund. Commencing January 1, 2003, and continuing until July 1, 2009, the State Treasurer shall place the equivalent of twenty-one cents of such tax less three million dollars each fiscal year of the proceeds of such tax in the General Fund. Commencing July 1, 2009, the State Treasurer shall place the equivalent of twenty-one cents of such tax in the General Fund. For purposes of this section, the equivalent of a specified number of cents of the tax shall mean that portion of the proceeds of the tax equal to the specified number divided by one hundred until January 1, 2003, and thirty-four on and after January 1, 2003. The State Treasurer shall distribute the remaining proceeds of such tax in the following order:

(a) First, beginning July 1, 1980, the State Treasurer shall place the equivalent of one cent of such tax in the Nebraska Outdoor Recreation Development Cash Fund. For distributions occurring on or after July 1, 1999, and before January 1, 2003, the

distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(b) Second, ~~beginning July 1, 1993,~~ the State Treasurer shall place the equivalent of eight cents until January 1, 2003, and three cents on and after January 1, 2003, of such tax in the Department of Health and Human Services Finance and Support Cash Fund to carry out sections 81-637 to 81-640. For distributions occurring on or after July 1, 1999, and before January 1, 2003, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(c) Third, beginning July 1, 1995, the State Treasurer shall place the equivalent of two cents of such tax in the City of Omaha Public Events Facilities Fund for each fiscal year through fiscal year 2000-01. The Legislature shall appropriate all sums inuring to the fund to the city of Omaha upon evidence that any amounts so appropriated are matched with funds derived from sources other than state funds in amounts equivalent to one dollar for every two dollars appropriated. For distributions occurring on or after July 1, 1999, and before January 1, 2003, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(d) Fourth, beginning July 1, 1997, and continuing until July 1, 2001, the State Treasurer shall place the equivalent of seven cents of such tax in the Building Renewal Allocation Fund for each fiscal year, for the purposes stated in the Deferred Building Renewal Act. Beginning July 1, 2001, and continuing until all the purposes of the Deferred Building Renewal Act have been fulfilled, the State Treasurer shall place the equivalent of nine cents of such tax in the Building Renewal Allocation Fund. The Legislature shall appropriate each fiscal year all sums inuring to the fund, plus interest earnings for the Task Force for Building Renewal to be used to carry out its duties and to fulfill the purposes of the Deferred Building Renewal Act. Unexpended balances existing at the end of each fiscal year shall be, and are hereby, reappropriated. For distributions occurring on or after July 1, 1999, and before January 1, 2003, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(e) Fifth, the State Treasurer shall place the difference

between the equivalent of fifteen cents until January 1, 2003, and thirteen cents on and after January 1, 2003, of such tax and the sum of the amounts distributed pursuant to subdivisions (a) through (d) of this subsection in a special fund to be known as the Nebraska Capital Construction Fund; ~~and~~

(f) Sixth, beginning July 1, 1994, and continuing until July 1, 2009, the State Treasurer shall place in the Municipal Infrastructure Redevelopment Fund the sum of three million dollars each fiscal year to carry out the Municipal Infrastructure Redevelopment Fund Act. The Legislature shall appropriate the sum of three million dollars each year for fiscal year 1994-95 through fiscal year 2008-09;

(g) Seventh, beginning July 1, 1999, and until January 1, 2003, the State Treasurer shall place the equivalent of twenty-seven cents of such tax in the Excellence in Health Care Trust Fund; and

(h) Eight, beginning July 1, 1999, and until January 1, 2003, the State Treasurer shall place the remaining proceeds of such tax in the Tobacco Prevention, Control, and Enforcement Fund.

(2) The Legislature hereby finds and determines that the projects funded from the Municipal Infrastructure Redevelopment Fund, the City of Omaha Public Events Facilities Fund, and the Building Renewal Allocation Fund are of critical importance to the State of Nebraska. It is the intent of the Legislature that the allocations and appropriations made by the Legislature to such funds or, in the case of allocations for the Municipal Infrastructure Redevelopment Fund, to the particular municipality's account not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid or, in the case of the Municipal Infrastructure Redevelopment Fund, the earlier of such date or July 1, 2009, and that until such time any reductions in the cigarette tax rate made by the Legislature shall be simultaneously accompanied by equivalent reductions in the amount dedicated to the General Fund from cigarette tax revenue. Any provision made by the Legislature for distribution of the proceeds of the cigarette tax for projects or programs other than those to (a) the General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund, (c) the Department of Health and Human Services Finance and Support Cash Fund, (d) the Municipal Infrastructure Redevelopment Fund, (e) the City of Omaha Public Events Facilities Fund, ~~and~~ (f) the Building Renewal Allocation Fund, (g) the Excellence in Health Care Trust Fund, and (h) the Tobacco Prevention, Control, and Enforcement Fund shall not be made a higher priority than or an equal priority to any of the programs or projects specified in subdivisions (a) through ~~(f)~~ (h) of this subsection.

Sec. 4. Section 77-4008, Reissue Revised Statutes of Nebraska, is amended to read:

77-4008. (1) ~~Commencing on or after January 1, 1988, a~~ A tax is hereby imposed upon the first owner of tobacco products to be sold in this state. The tax shall be forty-five percent until January 1, 2003, and fifteen percent on and after January 1, 2003, of (a) the purchase price of such tobacco products paid by the first owner or (b) the price at which a first owner who made, manufactured, or fabricated the tobacco product sells the items to others. Such tax shall be in addition to all other taxes.

(2) Whenever any person who is licensed under section 77-4009 purchases tobacco products from another person licensed under section 77-4009, the seller shall be liable for the payment of the tax.".

LEGISLATIVE BILL 605. Placed on General File as amended.
Standing Committee amendment to LB 605:
AM0771

1. Strike the original sections and insert the following new sections:

"Section 1. Section 66-489, Reissue Revised Statutes of Nebraska, is amended to read:

66-489. (1) At the time of filing the return required by section 66-488, such supplier, distributor, wholesaler, or importer shall, in addition to the tax imposed pursuant to sections 66-4,140, 66-4,142, 66-4,145, and 66-4,146 and in addition to the other taxes provided for by law, pay a tax of ten and one-half cents per gallon upon all motor vehicle fuel as shown by such return, except that (a) from January 1, 2000, through the last day of the month that the State Treasurer certifies to the Department of Revenue that the balance in the Ethanol Production Incentive Cash Fund is less than one million dollars, the tax shall be two cents per gallon less on motor vehicle fuel containing a minimum of ten percent blend of agricultural ethyl alcohol, the purity of which is at least ninety-nine percent alcohol, than on motor vehicle fuel which does not contain such a blend, and (b) there shall be no tax on the motor vehicle fuel reported if ~~(a)~~ (i) the required taxes on the motor vehicle fuel have been paid, ~~(b)~~ (ii) the motor vehicle fuel has been sold to a licensed exporter exclusively for resale or use in another state, ~~(c)~~ (iii) the motor vehicle fuel has been sold from a Nebraska barge line terminal, pipeline terminal, or refinery by a licensed supplier to a licensed distributor, ~~(d)~~ (iv) the motor vehicle fuel has been sold by a licensed distributor or licensed importer to a licensed distributor or to a licensed wholesaler and the seller acquired ownership of the motor vehicle fuel directly from a licensed supplier at or from a refinery, barge, barge line, or pipeline terminal in this state or was the first importer of such fuel into this state, or ~~(e)~~ (v) as otherwise provided in this section. Such supplier, distributor, wholesaler, or importer shall remit such tax to the department.

(2) Agricultural ethyl alcohol shall be exempt from the

taxes imposed under this section and sections 66-4,140, 66-4,142, 66-4,145, and 66-4,146 and any other taxes provided for by law until the agricultural ethyl alcohol is (a) sold to any person who is not a Nebraska licensed motor vehicle fuels supplier, distributor, wholesaler, or importer, (b) placed directly into a motor vehicle, or (c) blended with gasoline. Agricultural ethyl alcohol that is blended with gasoline shall become subject to the taxes imposed under this section and sections 66-4,140, 66-4,142, 66-4,145, and 66-4,146 and any other taxes provided for by law at the same time as the gasoline with which it is blended becomes subject to such taxes or upon blending if such taxes have already been paid on the gasoline.

(3)(a) Motor vehicle fuel, methanol, and all blending agents or fuel expanders shall be exempt from the taxes imposed by this section and sections 66-4,140, 66-4,142, 66-4,145, and 66-4,146, when the fuel is used for buses equipped to carry more than seven persons for hire and engaged entirely in the transportation of passengers for hire within municipalities or within a radius of six miles thereof.

(b) The owner or agent of any bus equipped to carry more than seven persons for hire and engaged entirely in the transportation of passengers for hire within municipalities, or within a radius of six miles thereof, in lieu of the excise tax provided for in this section, shall pay an equalization fee of a sum equal to twice the amount of the registration fee applicable to such vehicle under the laws of this state. Such equalization fee shall be paid in the same manner as the registration fee and be disbursed and allocated as registration fees.

(c) Nothing in this section shall be construed as permitting motor vehicle fuel to be sold tax exempt. The department shall refund tax paid on motor vehicle fuel used in buses deemed exempt by this section.

Sec. 2. Section 66-4,105, Reissue Revised Statutes of Nebraska, is amended to read:

66-4,105. There is hereby levied and imposed an excise tax of ten and one-half cents per gallon, increased by the amounts imposed or determined under sections 66-4,140, 66-4,142, 66-4,145, and 66-4,146, upon the use of all motor vehicle fuel used in this state and due the State of Nebraska under section 66-489, except that from January 1, 2000, through the last day of the month that the State Treasurer certifies to the Department of Revenue that the balance in the Ethanol Production Incentive Cash Fund is less than one million dollars, the excise tax shall be two cents per gallon less on motor vehicle fuel containing a minimum of ten percent blend of agricultural ethyl alcohol, the purity of which is at least ninety-nine percent alcohol, than on motor vehicle fuel which does not contain such a blend. Users of motor vehicle fuel subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are

authorized and permitted by Chapter 66, article 4. For purposes of this section and section 66-4,106, use shall mean the purchase or consumption of motor vehicle fuel in this state.

Sec. 3. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the

Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) Beginning January 1, 2000, the State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to the reduction in the motor fuel tax due to the provisions of subdivision (1)(a) of section 66-489 and section 66-4,105. The Department of Revenue shall, at the end of each calendar month, notify the State Treasurer of the amount of motor fuel tax not collected in the preceding month due to such reduction in tax rates. When the balance in the Ethanol Production Incentive Cash Fund is less than one million dollars, the State Treasurer shall immediately certify such fact to the department. The department shall then notify each distributor, wholesaler, or importer that the reduction in tax rates for ethanol blended fuels shall cease at the end of the current calendar month.

(5) In the fourth year following the certification made in subsection (4) of this section, ~~On February 15, 2001,~~ the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.

Sec. 4. Original sections 66-489, 66-4,105, and 66-1345, 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. Strike original section 3.

2. On page 2, strike beginning with "Beginning" in line 1 through line 19 and insert "Sales of oxygenated gasoline in Nebraska shall be reported monthly by sellers to the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue on a form prescribed by the division. The division shall prepare a

report on oxygenated gasoline sales and submit the report to the Clerk of the Legislature no later than April 30, 2000. If the report concludes that less than one-half of all gasoline sold for use as motor fuel between October 1999 and March 2000 met the oxygen requirement in this subsection, then all gasoline sold for use as motor fuel in Nebraska shall meet the oxygen requirement in this subsection beginning July 1, 2000, except as provided in subsections (3) and (4) of this section. For purposes of this section, oxygenated gasoline means gasoline that contains an oxygen content equal to or greater than two and seven-tenths percent by weight except as provided in subsections (3) and (4) of this section.

(2) Beginning in 2001, the division shall prepare a report on oxygenated gasoline sales in the preceding year and submit the report to the Clerk of the Legislature no later than April 30 each year.".

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. On page 6, line 5, after "leave" insert ". When an agreement between the employer and a bargaining unit representative does not allocate vacation pay allowance or pay in lieu of vacation to a specified period of time during a period of temporary layoff or plant shutdown, the payment by the employer or his or her designated representative will be deemed to be wages as defined in 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

Notwithstanding any other provision of the Employment Security Law, an employee who is not employed during a plant shutdown for vacation purposes shall not be deemed to be on a leave of absence or unavailable for work merely by reason of the fact that his or 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

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Telephone Consumer Slamming Prevention Act.

Sec. 2. It is the policy of this state to ensure that all subscribers are protected from the unauthorized switching of a telecommunications company selected by the subscriber to provide telecommunications service.

Sec. 3. For purposes of the Telephone Consumer Slamming Prevention Act, the definitions found in section 86-802 shall be used.

Sec. 4. Except as provided in section 86-808, the Telephone Consumer Slamming Prevention Act shall apply to all telecommunications companies providing basic local exchange service, intra-LATA interexchange service, inter-LATA interexchange service, and any other telecommunications services to subscribers in this state.

Sec. 5. Except when a subscriber initiates or changes service by contacting the telecommunications company directly, no telecommunications company shall submit or execute a change in a subscriber's provider of basic local exchange service, intra-LATA interexchange service, or inter-LATA interexchange service without:

(1) Written change authorization from the subscriber;

(2) Toll-free electronic authorization placed from the telephone number which is the subject of the change order; or

(3) Oral authorization obtained by an independent third party.

A separate and distinct authorization shall be required to submit or execute a change of service for any or all of the following services provided to subscribers in this state: Basic local exchange service, intra-LATA interexchange service, inter-LATA interexchange service, or any other telecommunications services.

Sec. 6. Within thirty days after a subscriber changes his or her authorized provider of basic local exchange service, intra-LATA interexchange service, or inter-LATA interexchange service, the new authorized service provider shall provide to such subscriber written confirmation of such change. The written confirmation shall (1) describe clearly and simply the nature of

the subscription change, (2) not be a part of, or attached to, any other document, (3) not contain any promotion, offer, or inducement, and (4) be mailed to the subscriber's billing address.

Sec. 7. (1) The procedures in this section shall apply only after a subscriber has determined that an unauthorized change has occurred in violation of section 5 of this act, and the subscriber has paid charges to an allegedly unauthorized telecommunications company. Upon receiving notification from the subscriber or a company that a subscriber has been subjected to an unauthorized change and that the subscriber has paid charges to an allegedly unauthorized company, the properly authorized company shall, within thirty days, request from the allegedly unauthorized company proof of verification of the subscriber's authorization to change companies. Within ten days after receiving such request, the allegedly unauthorized company shall forward to the authorized company either:

(a) Proof of verification of the subscriber's authorization to change companies; or

(b) The following:

(i) An amount equal to all charges paid by the subscriber to the unauthorized company;

(ii) An amount equal to any charge required to return the subscriber to his or her properly authorized company, if applicable; and

(iii) Copies of any telephone bills issued from the unauthorized company to the subscriber.

(2) If an authorized telecommunications company incurs any billing and collection expenses in collecting charges from the unauthorized company, the unauthorized company shall reimburse the authorized company for reasonable expenses.

(3) When a subscriber notifies the unauthorized company, rather than the authorized company, of an unauthorized change, the unauthorized company shall immediately notify the authorized company.

(4) Upon receipt from the unauthorized company of the amount described in subdivision (1)(b)(i) of this section, the authorized company shall provide a refund or credit to the subscriber of all charges paid in excess of what the authorized company would have charged the subscriber absent the unauthorized change. If the authorized company has not received from the unauthorized company an amount equal to charges paid by the subscriber to the unauthorized company, the authorized company is not required to provide any refund or credit. The authorized company shall, within sixty days after it receives notification of the unauthorized change, inform the subscriber if it has failed to collect any charges from the unauthorized company and inform the subscriber of his or her right to pursue a claim against the unauthorized company for a refund of all charges paid to the 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

performance standards for telecommunications companies with respect to changes in an authorized telecommunications company pursuant to the act;

(4) Establish and administer a slamming complaint system for subscribers of telecommunications service and enforce the provisions of the act; and

(5) Are consistent with the rules and regulations prescribed by the Federal Communications Commission for the selection of telecommunications companies. The Public Service Commission may adopt and promulgate rules and regulations consistent with any regulations of the Federal Communications Commission which are consistent with the purposes of the act.

Sec. 11. (1) No telecommunications company shall initiate or bill additional telecommunications services not required by the Public Service Commission to be offered and for which the subscriber did not explicitly request or subscribe. If (a) a charge is assessed on a per-use basis for a service described in this subsection and (b) the subscriber notifies the providing telecommunications company that the subscriber did not utilize the service or the subscriber did not authorize the utilization of the service, the providing telecommunications company shall initiate a refund of the charge or apply the charge as a credit to the subscriber's next monthly bill.

(2) If a providing telecommunications company receives a notification pursuant to subdivision (1)(b) of this section, the company shall inform the subscriber of the ability to block services from future use by the subscriber and shall block the services from future use by the subscriber if the subscriber so requests. If a subscriber requests that the company not block the service or later requests to have the block lifted, the subscriber shall be responsible for charges caused by the future utilization of such service. The company shall not charge a reoccurring fee for blocking such service.

Sec. 11. If any section of this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 12. Since an emergency exists, this act takes 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

printed on recycled paper

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

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 Fickenscher - 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 Fickenscher - 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Telephone Consumer Slamming Prevention Act.

Sec. 2. It is the policy of this state to ensure that all subscribers are protected from the unauthorized switching of a telecommunications company selected by the subscriber to provide telecommunications service.

Sec. 3. For purposes of the Telephone Consumer Slamming Prevention Act, the definitions found in section 86-802 shall be used.

Sec. 4. Except as provided in section 86-808, the Telephone Consumer Slamming Prevention Act shall apply to all telecommunications companies providing basic local exchange service, intra-LATA interexchange service, inter-LATA interexchange service, and any other telecommunications services to subscribers in this state.

Sec. 5. Except when a subscriber initiates or changes service by contacting the telecommunications company directly, no telecommunications company shall submit or execute a change in a subscriber's provider of basic local exchange service, intra-LATA interexchange service, or inter-LATA interexchange service without:

(1) Written change authorization from the subscriber;

(2) Toll-free electronic authorization placed from the telephone number which is the subject of the change order; or

(3) Oral authorization obtained by an independent third party.

A separate and distinct authorization shall be required to submit or execute a change of service for any or all of the following services provided to subscribers in this state: Basic

local exchange service, intra-LATA interexchange service, inter-LATA interexchange service, or any other telecommunications services.

Sec. 6. Within thirty days after a subscriber changes his or her authorized provider of basic local exchange service, intra-LATA interexchange service, or inter-LATA interexchange service, the new authorized service provider shall provide to such subscriber written confirmation of such change. The written confirmation shall (1) describe clearly and simply the nature of the subscription change, (2) not be a part of, or attached to, any other document, (3) not contain any promotion, offer, or inducement, and (4) be mailed to the subscriber's billing address.

Sec. 7. (1) The procedures in this section shall apply only after a subscriber has determined that an unauthorized change has occurred in violation of section 5 of this act, and the subscriber has paid charges to an allegedly unauthorized telecommunications company. Upon receiving notification from the subscriber or a company that a subscriber has been subjected to an unauthorized change and that the subscriber has paid charges to an allegedly unauthorized company, the properly authorized company shall, within thirty days, request from the allegedly unauthorized company proof of verification of the subscriber's authorization to change companies. Within ten days after receiving such request, the allegedly unauthorized company shall forward to the authorized company either:

(a) Proof of verification of the subscriber's authorization to change companies; or

(b) The following:

(i) An amount equal to all charges paid by the subscriber to the unauthorized company;

(ii) An amount equal to any charge required to return the subscriber to his or her properly authorized company, if applicable; and

(iii) Copies of any telephone bills issued from the unauthorized company to the subscriber.

(2) If an authorized telecommunications company incurs any billing and collection expenses in collecting charges from the unauthorized company, the unauthorized company shall reimburse the authorized company for reasonable expenses.

(3) When a subscriber notifies the unauthorized company, rather than the authorized company, of an unauthorized change, the unauthorized company shall immediately notify the authorized company.

(4) Upon receipt from the unauthorized company of the amount described in subdivision (1)(b)(i) of this section, the authorized company shall provide a refund or credit to the subscriber of all charges paid in excess of what the authorized company would have charged the subscriber absent the unauthorized change. If the authorized company has not received from the

unauthorized company an amount equal to charges paid by the subscriber to the unauthorized company, the authorized company is not required to provide any refund or credit. The authorized company shall, within sixty days after it receives notification of the unauthorized change, inform the subscriber if it has failed to collect any charges from the unauthorized company and inform the subscriber of his or her right to pursue a claim against the unauthorized company for a refund of all charges paid to the 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 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 performance standards for telecommunications companies with respect to changes in an authorized telecommunications company pursuant to the act;

(4) Establish and administer a slamming complaint system for subscribers of telecommunications service and enforce the provisions of the act; and

(5) Are consistent with the rules and regulations prescribed by the Federal Communications Commission for the selection of telecommunications companies. The Public Service Commission may adopt and promulgate rules and regulations consistent with any regulations of the Federal Communications Commission which are consistent with the purposes of the act.

Sec. 11. (1) No telecommunications company shall initiate or bill additional telecommunications services not required by the Public Service Commission to be offered and for which the subscriber did not explicitly request or subscribe. If (a) a charge is assessed on a per-use basis for a service described in this subsection and (b) the subscriber notifies the providing telecommunications company that the subscriber did not utilize the service or the subscriber did not authorize the utilization of the service, the providing telecommunications company shall initiate a refund of the charge or apply the charge as a credit to the subscriber's next monthly bill.

(2) If a providing telecommunications company receives a notification pursuant to subdivision (1)(b) of this section, the company shall inform the subscriber of the ability to block services from future use by the subscriber and shall block the services from future use by the subscriber if the subscriber so requests. If a subscriber requests that the company not block the service or later requests to have the block lifted, the subscriber shall be responsible for charges caused by the future utilization of such service. The company shall not charge a reoccurring fee for blocking such service.

Sec. 12. If any section of this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 13. Since an emergency exists, this act takes 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. Strike original section 4 and insert the following new sections:

"Sec. 8. Section 9-329, Reissue Revised Statutes of Nebraska, is amended to read:

9-329. (1) ~~No sales agent~~ Unless otherwise authorized by the department, no person shall market, sell, or deliver any pickle card unit to any pickle card operator without first obtaining a license as a sales agent.

(2) Any person wishing to operate as a sales agent in this state shall file an application with the department for a license on a form prescribed by the department. Each application for a license shall include (a) the name, address, and social security number of the person applying for the license, (b) the name and state identification number of the licensed organization for which any pickle card units are to be marketed or sold by the applicant, and (c) such other information which the department deems necessary.

A statement signed by the person licensed as a utilization-of-funds member signifying that such licensed organization approves the applicant to act as a sales agent on behalf of such organization shall accompany each sales agent's application for a license. No person licensed as a utilization-of-funds member shall be licensed as a sales agent.

A fee of fifty dollars shall be charged for each license issued pursuant to this section. The department shall remit the proceeds from such fee to the State Treasurer for credit to the Charitable Gaming Operations Fund. Such licenses shall expire on September 30 of each year or such other date which the department may prescribe by rule and regulation and may be renewed annually. An application for license renewal shall be submitted to the department at least forty-five days prior to the expiration date of the license.

(3) The information required by this section shall be kept current. A sales agent shall notify the department within thirty days if any information in the application is no longer correct and shall supply the correct information.

(4) The department may prescribe a separate application form for renewal purposes.

(5) The department may issue a temporary license pending receipt of additional information or further inquiry.

Sec. 27. Section 9-352, Reissue Revised Statutes of Nebraska, is amended to read:

9-352. (1) Except when another penalty is specifically provided, any person or licensee, or employee or agent thereof, who violates any provision of the Nebraska Pickle Card Lottery Act, or who causes, aids, abets, or conspires with another to cause any person or licensee or any employee or agent thereof to violate the act, shall be guilty of a Class I misdemeanor for the first offense and a Class IV felony for any second or subsequent violation. Any licensee guilty of violating any provision of the act more than once in a twelve-month period may have its license canceled or revoked. Such matters may also be referred to any other state licensing agencies for appropriate action.

(2) Each of the following violations of the Nebraska Pickle Card Lottery Act shall be a Class IV felony:

(a) Giving, providing, or offering to give or provide, directly or indirectly, to any public official, employee, or agent

of this state, or any agencies or political subdivisions of this state, any compensation or reward or share of the money for property paid or received through gambling activities regulated under Chapter 9 in consideration for obtaining any license, authorization, permission, or privilege to participate in any gaming operations except as authorized under Chapter 9 or any rules and regulations adopted and promulgated pursuant to such chapter;

(b) Making or receiving payment of a portion of the purchase price of pickle cards by a seller of pickle cards to a buyer of pickle cards to induce the purchase of pickle cards or to improperly influence future purchases of pickle cards;

(c) Using bogus, counterfeit, or nonopaque pickle cards, pull tabs, break opens, punchboards, jar tickets, or any other similar card, board, or ticket or substituting or using any pickle cards, pull tabs, or jar tickets that have been marked or tampered with;

(d) Intentionally employing or possessing any device to facilitate cheating in any lottery by the sale of pickle cards or use of any fraudulent scheme or technique in connection with any lottery by the sale of pickle cards when the amount gained or intended to be gained through the use of such items, schemes, or techniques is three hundred dollars or more;

(e) Knowingly filing a false report under the Nebraska Pickle Card Lottery Act;

(f) Knowingly falsifying or making any false entry in any books or records with respect to any transaction connected with the conduct of a lottery by the sale of pickle cards; or

(g) Knowingly selling or distributing or knowingly receiving with intent to sell or distribute pickle cards, ~~or~~ pickle card units, or any pickle card dispensing devices authorized by section 1 of this act without first obtaining a license in accordance with the Nebraska Pickle Card Lottery Act pursuant to section 9-329, 9-329.03, 9-330, or 9-332.

(3) In all proceedings initiated in any court or otherwise under the act, it shall be the duty of the Attorney General and appropriate county attorney to prosecute and defend all such proceedings.

(4) The failure to do any act required by or under the Nebraska Pickle Card Lottery Act shall be deemed an act in part in the principal office of the department. Any prosecution under such act may be conducted in any county where the defendant resides or has a place of business or in any county in which any violation occurred.

(5) In the enforcement and investigation of any offense committed under the act, the department may call to its aid any sheriff, deputy sheriff, or other peace officer in the state.".

2. On page 2, line 2, after "any" insert "coin-operated or currency-operated"; in lines 3 and 4 strike "or other physical object"; in line 14 after "tokens" insert "nor shall such device

accumulate credits for winning pickle cards. No device authorized by this section shall have a top or candle light located on the upper surface of the device, have a handle located on the side of the device which may or may not be pulled, or display at any time spinning reels".

3. On page 3, lines 1 and 4, after "units" insert "or devices authorized by section 1 of this act".

4. On page 4, line 6, strike "electronically" and after "is" insert "electronically"; and in line 8 strike "or other physical object".

5. On page 11, line 23; page 12, line 28; page 15, line 18; page 26, lines 14, 18, and 23; page 27, line 5; page 28, line 23; page 32, line 7; page 33, line 28; page 34, lines 13 and 28; and page 35, lines 7, 12, and 21, before "electronic" insert "physical or".

6. On page 16, line 19, strike "of pickle cards or pickle card units" and show as stricken.

7. On page 17, line 1, after "operator" insert ", unless otherwise authorized by the department"; and in line 28 strike "and devices".

8. On page 18, line 6, strike "or", show as stricken, and insert an underscored comma; in line 7 strike "or any" and insert ", or"; in line 11 strike the second "or", show as stricken and insert ", or"; in line 12 after "pickle card units" insert ", or pickle card dispensing devices authorized by section 1 of this act"; and in line 13 after "Class II" insert "or Class III".

9. On page 19, line 26, strike "electronic".

10. On page 20, strike beginning with "selling" in line 7 through "state" in line 11 and show the old matter as stricken; and strike beginning with "of" in line 21 through "units" in line 22 and show as stricken.

11. On page 21, lines 5 and 13, after "constructed" insert "or electronically displayed"; in line 16 after "physically" insert "or electronically"; and strike the new matter beginning with "or" in line 16 through "act" in line 17.

12. On page 22, lines 6 and 10, strike "pickle card's tab or tabs", show the old matter as stricken, and insert "pickle cards"; in line 8 strike "tabs", show as stricken, and insert "pickle cards"; in line 11 strike "tab or tabs", show as stricken, and insert "pickle card"; in line 13 strike "tabs or" and show as stricken; in line 14 strike "tabs," and show the old matter as stricken; and in line 15 strike the underscored comma.

13. On page 23, line 9, strike "or", show as stricken, and insert an underscored comma; in lines 9 through 11 strike the new matter and insert ", or pickle card dispensing device authorized by section 1 of this act"; in lines 13 and 24, after "Class II" insert "or Class III"; in line 15 strike the second "or", show as stricken, and insert an underscored comma; in lines 16 and 17 strike the new matter and insert ", or pickle card

dispensing devices authorized by section 1 of this act"; in line 19 strike "No", show as stricken, and insert "Unless authorized by the department, no"; strike the new matter in lines 20 and 21 and insert "or any pickle card dispensing device authorized by section 1 of this act"; and in line 28 after "any" insert "pickle card".

14. On page 25, line 28, strike "Pickle", show as stricken, and insert "Unless otherwise authorized by the department, pickle" and strike "by the sales" and show as stricken.

15. On page 26, line 1, strike "agent to the", show as stricken, and insert "to a"; strike beginning with the first "in" in line 1 through the underscored comma in line 3 and insert "only by a sales agent's"; and in line 3 strike the first "or", show as stricken, and insert ", by", after the second "delivery" insert "arranged by a sales agent," and after "mail" insert an underscored comma.

16. On page 30, strike lines 7 through 11.

17. On page 34, line 8, strike "pickle cards or pickle card units", show as stricken, and insert "contraband goods"; and in line 25 strike "or", show as stricken, and insert an underscored comma and after "units" insert ", or coin-operated or currency-operated pickle card dispensing devices for the physical or electronic dispensing of pickle cards".

18. On page 35, line 23, strike "or", show as stricken, and insert an underscored comma and after "units" insert ", or coin-operated or currency-operated pickle card dispensing devices for the physical or electronic dispensing of pickle cards".

19. On page 36, line 11, strike "9-312,"; in line 12 after "9-322," insert "9-329," and in lines 13 and 14 strike "and 9-351," and insert "9-351, and 9-352,".

20. Renumber the remaining sections and correct internal 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

Sec. 3. Section 77-3507, Revised Statutes Supplement, 1998, is amended to read:

77-3507. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation on homesteads of qualified claimants a percentage of the exempt amount as limited by section 77-3506.03. The percentage of the exempt amount shall be determined based on the household income of a claimant pursuant to subsections (2) through ~~(6)~~ (4) of this section.

~~(2) For 1996, for a qualified married 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.~~

~~Column A~~ ~~Household Income~~ ~~In Dollars~~	~~Column B~~ ~~Percentage~~ ~~Of Relief~~
~~0 through 18,000~~	~~100~~
~~18,001 through 19,000~~	~~85~~
~~19,001 through 20,000~~	~~70~~
~~20,001 through 21,000~~	~~55~~
~~21,001 through 22,000~~	~~40~~
~~22,001 through 23,000~~	~~25~~
~~23,001 and over~~	~~0~~

~~(3) For 1996, 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.~~

~~Column A~~ ~~Household Income~~ ~~In Dollars~~	~~Column B~~ ~~Percentage~~ ~~Of Relief~~

~~0 through 15,500~~	~~100~~
~~15,501 through 16,300~~	~~85~~
~~16,301 through 17,100~~	~~70~~
~~17,101 through 17,900~~	~~55~~
~~17,901 through 18,700~~	~~40~~
~~18,701 through 19,500~~	~~25~~
~~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.~~

~~Column A Household Income In Dollars~~	~~Column B Percentage Of Relief~~
~~0 through 19,300~~	~~100~~
~~19,301 through 20,300~~	~~85~~
~~20,301 through 21,300~~	~~70~~
~~21,301 through 22,300~~	~~55~~
~~22,301 through 23,300~~	~~40~~
~~23,301 through 24,300~~	~~25~~
~~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.~~

~~Column A Household Income In Dollars~~	~~Column B Percentage Of Relief~~
~~0 through 16,600~~	~~100~~
~~16,601 through 17,400~~	~~85~~
~~17,401 through 18,200~~	~~70~~
~~18,201 through 19,000~~	~~55~~
~~19,001 through 19,800~~	~~40~~
~~19,801 through 20,600~~	~~25~~
~~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

table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 22,500	100
22,501 through 23,700	85
23,701 through 24,900	70
24,901 through 26,100	55
26,101 through 27,300	40
27,301 through 28,500	25
28,501 and over	0

(3) For 2000, 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.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 19,200	100
19,201 through 20,200	85
20,201 through 21,200	70
21,201 through 22,200	55
22,201 through 23,200	40
23,201 through 24,200	25
24,201 and over	0

(4) For exemption applications filed in calendar year 2001 and each year thereafter, the income eligibility amounts in subsections (2) and (3) 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 2000. 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 1996, for a married 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 Household Income In Dollars~~	~~Column B Percentage 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~~

~~(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 Household Income In Dollars~~	~~Column B Percentage 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 Household Income In Dollars~~	~~Column B Percentage 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 Household Income In Dollars~~	~~Column B Percentage 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~~

~~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 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 Household Income In Dollars	Column B Percentage Of Relief
0 through 24,700	100
24,701 through 25,900	85
25,901 through 27,100	70
27,101 through 28,300	55
28,301 through 29,500	40
29,501 through 30,700	25
30,701 and over	0

(3) For 2000, 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 Household Income In Dollars	Column B Percentage Of Relief
0 through 21,600	100
21,601 through 22,600	85
22,601 through 23,600	70
23,601 through 24,600	55
24,601 through 25,600	40
25,601 through 26,600	25
26,601 and over	0

(4) For exemption applications filed in calendar year 2001 and each year thereafter, the income eligibility amounts in subsections (2) and (3) 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 2000. 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.

Sec. 5. Section 77-3509, Revised Statutes Supplement, 1998, is amended to read:

77-3509. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation, on any homestead of (a) any veteran as defined in section 80-401.01 drawing compensation from the United States Department of Veterans Affairs because of one hundred

percent disability and not eligible for total exemption under sections 77-3526 to 77-3528 or the unremarried widow or widower of such veteran, (b) the unremarried widow or widower of any veteran, including those not listed in section 80-401.01, who died because of a service-connected disability, (c) the unremarried widow or widower of a serviceman or servicewoman who died while on active duty during the dates described in section 80-401.01, or (d) the unremarried widow or widower of a serviceman or servicewoman, including those not listed in section 80-401.01, whose death while on active duty was service-connected, a percentage of the exempt amount as limited by section 77-3506.03.

The exemption shall be based on the household income of a claimant pursuant to subsections (2) through ~~(6)~~ (4) of this section. Application for exemption under this section shall include certification of the status set forth in this section from the United States Department of Veterans Affairs.

~~(2) For 1996, for a married 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~~ ~~Household Income~~ ~~In Dollars~~	~~Column B~~ ~~Percentage~~ ~~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~~

~~(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~~ ~~Household Income~~ ~~In Dollars~~	~~Column B~~ ~~Percentage~~ ~~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 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 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 24,700	100
24,701 through 25,900	85
25,901 through 27,100	70
27,101 through 28,300	55
28,301 through 29,500	40
29,501 through 30,700	25

30,701 and over 0

(3) For 2000, 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 Household Income In Dollars	Column B Percentage Of Relief
0 through 21,600	100
21,601 through 22,600	85
22,601 through 23,600	70
23,601 through 24,600	55
24,601 through 25,600	40
25,601 through 26,600	25
26,601 and over	0

(4) For exemption applications filed in calendar year 2001 and each year thereafter, the income eligibility amounts in subsections (2) and (3) 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 2000. 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.

The first Standing Committee amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Mrs. Hudkins, Messrs. Engel, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The second Standing Committee amendment is as follows:
FA54

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-3501.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-3501.01. (1) For purposes of section 77-3507, exempt amount shall mean the lesser of (a) the taxable value of the homestead or (b) eighty percent of the average assessed value of single-family residential property in the claimant's county of residence as determined in section 77-3506.02 or ~~forty~~ fifty thousand dollars, whichever is greater.

(2) For purposes of sections 77-3508 and 77-3509, exempt amount shall mean the lesser of (a) the taxable value of the homestead or (b) one hundred percent of the average assessed value of single-family residential property in the claimant's county of residence as determined in section 77-3506.02 or ~~fifty~~ sixty thousand dollars, whichever is greater.

Sec. 2. Section 77-3505.02, Revised Statutes Supplement, 1998, is amended to read:

77-3505.02. Maximum value shall mean:

(1) For applicants eligible under section 77-3507, one hundred fifty percent of the average assessed value of single-family residential property in the claimant's county of residence as determined in section 77-3506.02 or ~~ninety-five~~ one hundred seventy-five thousand dollars, whichever is greater; and

(2) For applicants eligible under sections 77-3508 and 77-3509, one hundred seventy-five percent of the average assessed value of single-family residential property in the claimant's county of residence as determined in section 77-3506.02 or one hundred ~~ten~~ ninety thousand dollars, whichever is greater.

Sec. 4. Section 77-3508, Revised Statutes Supplement, 1998, is amended to read:

77-3508. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation, on any homestead of (a) veterans as defined in section 80-401.01 who are totally disabled by a non-service-connected accident or illness, (b) individuals who ~~are paralyzed in both legs such as to preclude locomotion without the regular aid of braces, crutches, canes, or wheelchairs, (c) individuals who have undergone amputation of both lower extremities such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs, (d) individuals with progressive neuromuscular or neurological disease such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs or who have permanently lost the use or control of both arms, and (e)~~ have a permanent physical disability or who have lost all mobility such as to preclude locomotion without the regular use of a mechanical aid or prostheses, and (c) individuals who have undergone amputation of both arms above the elbow or who have a permanent partial disability of both arms in excess of seventy-five percent, a percentage of the exempt amount as limited by section 77-3506.03. The exemption shall be based on the household income of a claimant pursuant to subsections (2) through ~~(6)~~ (4) of this section. Application for such exemption shall include certification from a qualified medical physician for subdivisions (1)(a) through ~~(1)(c)~~ (c) of this section or certification from the United States Department of Veterans Affairs affirming that the homeowner is totally disabled due to non-service-connected accident or illness for subdivision (1)(a) of this section. Such certification from a qualified medical physician shall be made on forms prescribed by the Department of Revenue.

Sec. 6. Section 77-3513, Revised Statutes Supplement, 1998, is amended to read:

77-3513. (1) For tax year 1996 and subsequent tax years, except as required by section 77-3514, if an owner is granted a

homestead exemption as provided in section 77-3507 or 77-3509 or subdivision (1)(b)~~;~~ or (c)~~; (d), or (e)~~ of section 77-3508, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant qualifies for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 as though a claim were made.

(2) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1)(a) of section 77-3508 to file an application therefor with the county assessor on or before June 30 of each year. Failure to do so shall constitute a waiver of the exemption for such year, except that the county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before July 20 of each year. An extension shall not be granted to an applicant who received an extension in the immediately preceding year.

Sec. 7. This act becomes operative on January 1, 2000.

Sec. 8. Original section 77-3501.01, Reissue Revised Statutes of Nebraska, and sections 77-3505.02, 77-3507 to 77-3509, 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. On page 1, line 2, after "Act" insert "; to provide a 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. In the Standing Committee amendment, FA50, on page 1, line 7, strike the underscored period.
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. Insert the following new sections:

"Sec. 2. Section 43-1503, Reissue Revised Statutes of Nebraska, is amended to read:

43-1503. For the purposes of the Nebraska Indian Child Welfare Act, except as may be specifically provided otherwise, the term:

(1) Child custody proceeding shall mean and include:

(a) Foster care placement which shall mean any action removing an Indian child from its parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;

(b) Termination of parental rights which shall mean any action resulting in the termination of the parent-child relationship;

(c) Preadoptive placement which shall mean the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; and

(d) Adoptive placement which shall mean the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

Such term or terms shall not include a placement based upon an act which, if committed by an adult, would be deemed a crime or upon an award, in a divorce proceeding, of custody to one of the parents;

(2) Extended family member shall be as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent;

(3) Indian means any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a regional corporation defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1606;

(4) Indian child means any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe;

(5) Indian child's tribe means (a) the Indian tribe in which an Indian child is a member or eligible for membership or (b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts;

(6) Indian custodian means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of such child;

(7) Indian organization means any group, association, partnership, limited liability company, corporation, or other legal

entity owned or controlled by Indians or a majority of whose members are Indians;

(8) Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the secretary because of their status as Indians, including any Alaska Native village as defined in section 3(c) of the Alaska Native Claims Settlement Act, as amended, 42 U.S.C. 1602(c);

(9) Parent means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the unwed father when paternity has not been acknowledged or established;

(10) Reservation means Indian country as defined in 18 U.S.C. 1151 and any lands, not covered under such section, title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation;

(11) Secretary means the Secretary of the Interior; ~~and~~

(12) Tribal court means a court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings; and

(13) Tribal service area means a geographic area in which tribal services and programs are provided to Native American people.

Sec. 3. Section 71-1906, Reissue Revised Statutes of Nebraska, is amended to read:

71-1906. In order to achieve the goals and further the purposes of the federal Indian Child Welfare Act and the Nebraska Indian Child Welfare Act, it is the intent of the Legislature that Native American families have the option to meet separate licensing standards for Native American foster homes located outside the boundaries of any Indian reservation or tribal service area.

Sec. 4. Section 71-1906.02, Revised Statutes Supplement, 1998, is amended to read:

71-1906.02. An advisory committee is established which shall be made up of Native Americans knowledgeable in Indian child welfare matters jointly appointed by the executive director of the Commission on Indian Affairs and the Director of Health and Human Services. The advisory committee shall advise the department and the commission on the development of the appropriate standards for the licensing of Native American foster homes located outside the boundaries of any Indian reservation or tribal service area.

Sec. 5. Section 71-5009.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-5009.01. Regional governing boards shall not be

required to provide the matching funds provided for in the Nebraska Comprehensive Community Mental Health Services Act for mental health treatment programs located on Indian reservations or tribal service areas.

Sec. 6. Section 71-5027, Reissue Revised Statutes of Nebraska, is amended to read:

71-5027. The six regional governing boards established pursuant to section 71-5004 shall provide community alcoholism facilities, programs, and services. The boards shall provide funds for such community-based projects. Federal funding, private sources, third-party payments, and fees collected may be used as sources of necessary funds. Each regional governing board shall provide one dollar for every three dollars provided by the state General Fund. Of the amount provided by each regional governing board, not less than forty percent shall be provided by local and county taxes and the remainder shall come from other nonfederal sources. Regional governing boards shall not be required to provide such matching funds for alcohol treatment programs located on Indian reservations or programs administered by Indian tribes. The regional governing boards shall account for all sources and expenditure of funds for any agency receiving any state funds under the provisions of sections 71-5016 to 71-5040, 83-1009, and 83-1009.01.

Sec. 7. Section 81-2508, Reissue Revised Statutes of Nebraska, is amended to read:

81-2508. (1) For the purpose of administration of the Commission on Indian Affairs during the interim between its regular quarterly meetings, there is hereby established an executive board of the Commission on Indian Affairs consisting of the ~~chairman~~ chairperson of the commission, two members representing the reservations or tribal service areas, one member representing the urban areas, and one member who represents the western Nebraska areas or is the member at large.

(2) The executive board shall have the authority to enter into contracts for consultation services, supplies, and equipment if the amount contracted for does not exceed the sum of two thousand dollars in any one contract, and to supervise all programs relating to the affairs of Indian tribes instituted and authorized by the commission.

Sec. 8. Original sections 43-1503, 71-1906, 71-5009.01, 71-5027, and 85-2508, Reissue Revised Statutes of Nebraska, and section 71-1906.02, Revised Statutes Supplement, 1998, are repealed.".

Mr. Raikes filed the following amendment to LB 142:
AM0697

1. On page 2, line 26, after the period insert "The amount allocated to each county, school district, and city or village pursuant to this section shall be further allocated to each

individual fund for which property taxes are levied for each subdivision in the same proportion that the levy of the fund bears to the total levy on taxable property within the subdivision.".

Mr. Beutler filed the following amendment to LB 142:
AM0818

1. Insert the following new sections:

"Section 1. Section 8-1120, Reissue Revised Statutes of Nebraska, is amended to read:

8-1120. (1) Except as otherwise provided in this section, the Securities Act of Nebraska shall be administered by the Director of Banking and Finance who may employ such assistants or counsel as may be reasonably necessary for the purpose thereof and who may designate one of such assistants as an assistant director. The director may delegate to such assistant director or counsel any powers, authority, and duties imposed upon or granted to the director under the act, such as may be lawfully delegated under the common law or the statutes of this state. The director may also employ special counsel with respect to any investigation conducted by him or her under the act or with respect to any litigation to which the director is a party under the act, except that security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company shall be registered, pursuant to the provisions of sections 8-1104 to 8-1109, with the Director of Insurance who shall as to such registrations administer and enforce the act, and as pertains to the administration and enforcement of such registration of such securities all references in the act to director shall mean the Director of Insurance.

(2) It shall be unlawful for the director or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. No provision of the act shall authorize the director or any of his or her officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under the act. No provision of the act shall either create or derogate from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the director or any of his or her officers or employees.

(3) The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the act. No rule or form may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the act.

In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of the Securities Act of Nebraska to achieve maximum

uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published and mailed to each registered broker-dealer.

(4) No provision of the act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form, or order of the director, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(5) Every hearing in an administrative proceeding shall be public unless the director in his or her discretion grants a request joined in by all the respondents that the hearing be conducted privately.

(6) The Securities Act Cash Fund is created. All filing fees, registration fees, and all other fees and all money collected by or paid to the director under any of the provisions of the act shall be remitted to the State Treasurer for credit to the fund, except that registration fees collected by or paid to the Director of Insurance pursuant to the provisions of the act shall be credited to the Department of Insurance Cash Fund. The Securities Act Cash Fund shall be used for the purpose of administering and enforcing the provisions of the act, except that (a) transfers may be made to the General Fund at the direction of the Legislature, (b) ~~and,~~ for the calendar years of 2000 and 2001, two million dollars shall be transferred in each year to the Affordable Housing Trust Fund, and (c) for fiscal year 1999-00, six million dollars shall be transferred to the Water Quality Trust Fund. All of such money is appropriated and shall be appropriated for such purposes. Any money in the Securities Act Cash 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.

(7) A document is filed when it is received by the director. The director shall keep a register of all applications for registration and registration statements which are or have ever been effective under the Securities Act of Nebraska and all denial, suspension, or revocation orders which have ever been entered under the act. The register shall be open for public inspection. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the director shall prescribe.

(8) Upon request and at such reasonable charges as he or she shall prescribe, the director shall furnish to any person photostatic or other copies, certified under his or her seal of office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under the act, any copy so certified shall be prima facie evidence of the contents of the entry or document certified.

(9) The director in his or her discretion may honor

requests from interested persons for interpretative opinions.

Sec. 2. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) ~~credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401,~~ (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not

sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.

Sec. 5. Section 77-4401, Reissue Revised Statutes of Nebraska, is amended to read:

77-4401. (1) ~~Through December 31, 1996, there shall be~~ There is imposed a fee of ~~four dollars~~ seventy-five cents per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers. ~~; and commencing January 1, 1997, through December 31, 2000, there shall be imposed a fee of one dollar per ton upon such gross tonnage.~~ The fee shall be paid by the purchaser of the commercial fertilizer. Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section. For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the ~~Department of Revenue for credit to the Ethanol Production Incentive Cash Fund through December 31, 1996, and to the~~ Natural Resources Enhancement Fund ~~on and after January 1, 1997,~~ based on the gross tonnage of commercial fertilizers sold during the preceding period. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers sold by the seller. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) For purposes of this section, gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing ten pounds or less.

(4) Any person who purchased commercial fertilizer prior

to May 1, 1993, and paid a fee greater than three dollars per ton shall be entitled to a refund of the amount paid in excess of three dollars per ton.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 3, line 6, strike "section 60-3003" and insert "sections 8-1120, 60-3003, 66-1345, and 77-4401"; and in line 7 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 142:
AM0817

1. Insert the following new sections:

"Section 1. Section 8-1120, Reissue Revised Statutes of Nebraska, is amended to read:

8-1120. (1) Except as otherwise provided in this section, the Securities Act of Nebraska shall be administered by the Director of Banking and Finance who may employ such assistants or counsel as may be reasonably necessary for the purpose thereof and who may designate one of such assistants as an assistant director. The director may delegate to such assistant director or counsel any powers, authority, and duties imposed upon or granted to the director under the act, such as may be lawfully delegated under the common law or the statutes of this state. The director may also employ special counsel with respect to any investigation conducted by him or her under the act or with respect to any litigation to which the director is a party under the act, except that security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company shall be registered, pursuant to the provisions of sections 8-1104 to 8-1109, with the Director of Insurance who shall as to such registrations administer and enforce the act, and as pertains to the administration and enforcement of such registration of such securities all references in the act to director shall mean the Director of Insurance.

(2) It shall be unlawful for the director or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. No provision of the act shall authorize the director or any of his or her officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under the act. No provision of the act shall either create or derogate from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the director or any of his or her officers or employees.

(3) The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the act. No rule or form may be made unless the director finds that the action is necessary or appropriate in the public interest or for

the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the act.

In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of the Securities Act of Nebraska to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published and mailed to each registered broker-dealer.

(4) No provision of the act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form, or order of the director, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(5) Every hearing in an administrative proceeding shall be public unless the director in his or her discretion grants a request joined in by all the respondents that the hearing be conducted privately.

(6) The Securities Act Cash Fund is created. All filing fees, registration fees, and all other fees and all money collected by or paid to the director under any of the provisions of the act shall be remitted to the State Treasurer for credit to the fund, except that registration fees collected by or paid to the Director of Insurance pursuant to the provisions of the act shall be credited to the Department of Insurance Cash Fund. The Securities Act Cash Fund shall be used for the purpose of administering and enforcing the provisions of the act, except that (a) transfers may be made to the General Fund at the direction of the Legislature, (b) ~~and,~~ for the calendar years of 2000 and 2001, two million dollars shall be transferred in each year to the Affordable Housing Trust Fund, and (c) for fiscal year 1999-00, six million dollars shall be transferred to the Water Quality Trust Fund. All of such money is appropriated and shall be appropriated for such purposes. Any money in the Securities Act Cash 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.

(7) A document is filed when it is received by the director. The director shall keep a register of all applications for registration and registration statements which are or have ever been effective under the Securities Act of Nebraska and all denial, suspension, or revocation orders which have ever been entered under the act. The register shall be open for public inspection. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the director shall prescribe.

(8) Upon request and at such reasonable charges as he or she shall prescribe, the director shall furnish to any person

photostatic or other copies, certified under his or her seal of office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under the act, any copy so certified shall be prima facie evidence of the contents of the entry or document certified.

(9) The director in his or her discretion may honor requests from interested persons for interpretative opinions.

Sec. 2. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 3, line 6, strike "section" and insert "sections 8-1120"; and in line 7 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 142:
AM0819

1. Insert the following new sections:

"Section 1. Section 8-1120, Reissue Revised Statutes of Nebraska, is amended to read:

8-1120. (1) Except as otherwise provided in this section, the Securities Act of Nebraska shall be administered by the Director of Banking and Finance who may employ such assistants or counsel as may be reasonably necessary for the purpose thereof and who may designate one of such assistants as an assistant director. The director may delegate to such assistant director or counsel any powers, authority, and duties imposed upon or granted to the director under the act, such as may be lawfully delegated under the common law or the statutes of this state. The director may also employ special counsel with respect to any investigation conducted by him or her under the act or with respect to any litigation to which the director is a party under the act, except that security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company shall be registered, pursuant to the provisions of sections 8-1104 to 8-1109, with the Director of Insurance who shall as to such registrations administer and enforce the act, and as pertains to the administration and enforcement of such registration of such securities all references in the act to director shall mean the Director of Insurance.

(2) It shall be unlawful for the director or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. No provision of the act shall authorize the director or any of his or her officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under the act. No provision of the act shall either create or derogate from any privilege which exists at common law or otherwise when documentary

or other evidence is sought under a subpoena directed to the director or any of his or her officers or employees.

(3) The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the act. No rule or form may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the act.

In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of the Securities Act of Nebraska to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published and mailed to each registered broker-dealer.

(4) No provision of the act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form, or order of the director, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(5) Every hearing in an administrative proceeding shall be public unless the director in his or her discretion grants a request joined in by all the respondents that the hearing be conducted privately.

(6) The Securities Act Cash Fund is created. All filing fees, registration fees, and all other fees and all money collected by or paid to the director under any of the provisions of the act shall be remitted to the State Treasurer for credit to the fund, except that registration fees collected by or paid to the Director of Insurance pursuant to the provisions of the act shall be credited to the Department of Insurance Cash Fund. The Securities Act Cash Fund shall be used for the purpose of administering and enforcing the provisions of the act, except that (a) transfers may be made to the General Fund at the direction of the Legislature, (b) ~~and,~~ for the calendar years of 2000 and 2001, two million dollars shall be transferred in each year to the Affordable Housing Trust Fund, and (c) for fiscal year 1999-00, six million dollars shall be transferred to the Water Quality Trust Fund. All of such money is appropriated and shall be appropriated for such purposes. Any money in the Securities Act Cash 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.

(7) A document is filed when it is received by the director. The director shall keep a register of all applications for registration and registration statements which are or have ever been effective under the Securities Act of Nebraska and all denial, suspension, or revocation orders which have ever been entered under

the act. The register shall be open for public inspection. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the director shall prescribe.

(8) Upon request and at such reasonable charges as he or she shall prescribe, the director shall furnish to any person photostatic or other copies, certified under his or her seal of office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under the act, any copy so certified shall be prima facie evidence of the contents of the entry or document certified.

(9) The director in his or her discretion may honor requests from interested persons for interpretative opinions.

Sec. 3. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar

quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer unexpended and unobligated funds remaining in the Ethanol Production Incentive Cash Fund, after all transfers from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund are completed, to the Water Quality Trust Fund. ~~On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.~~

Sec. 4. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 3, line 6, strike "section 60-3003" and insert "sections 8-1120, 60-3003, and 66-1345"; and in line 7 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Chambers filed the following amendment to LB 72:
AM0808

(Amendments to Final Reading (Second) copy)

1. Insert the following new section:

"Sec. 2. Section 29-1401, Reissue Revised Statutes of Nebraska, is amended to read:

29-1401. (1) The district courts are hereby vested with power to call grand juries. ~~It shall be mandatory for such district courts to call a grand jury in each case upon the petition~~

~~of the registered voters of the county of the number of not less than ten percent of the total vote cast for the office of Governor in such county at the most recent general election held for such office.~~

(2) A grand jury may be called and summoned in the manner provided by law on such day of a regular term of the district court in each year in each county of the state as the district court may direct and at such other times and upon such notice as the district court may deem necessary.

(3) District courts shall call a grand jury in each case that a petition meets the requirements of sections 29-1401.01 and 29-1401.02 and is signed by not less than ten percent of the registered voters of the county who cast votes for the office of Governor in such county at the most recent general election held for such office.

(4) District courts shall call a grand jury in each case upon certification by the county coroner or coroner's physician that ~~an individual~~ a person has died while being apprehended by or while in the custody of a law enforcement officer or detention personnel. In each case subject to this subsection:

(a) Law enforcement personnel from the jurisdiction in which the death occurred shall immediately secure the scene, preserve all evidence, and investigate the matter as in any other homicide. The case shall be treated as an open, ongoing matter until all evidence, reports, and other relevant material which has been assembled are transferred to the special prosecutor appointed pursuant to subdivision (b) of this subsection;

(b) As soon as practicable, the court shall appoint a special prosecutor who has had at least five years experience in criminal litigation, including felony litigation. The special prosecutor shall select a team of three peace officers, trained to investigate homicides, from jurisdictions outside the jurisdiction where the death occurred. The team shall examine all evidence concerning the cause of death and present the findings of its investigation to the special prosecutor; and

(c) A grand jury shall be impaneled within thirty days after the certification by the county coroner or coroner's physician, unless the court extends such time period upon the showing of a compelling reason. ~~Any grand jury called pursuant to this section shall be limited in its charge, powers, duties, proceedings, indictment, and report to the review of the incident or incidents which caused it to be called.~~".

2. On page 1, line 2; and page 3, line 19, after "25-1633" insert ", 29-1401,".

3. On page 1, line 4, after the semicolon insert "to change procedures relating to certain grand juries;".

4. On page 2, line 24, strike ", deliberations, and voting".

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

printed on recycled paper

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

Excused and not voting, 5:

Coordsen	Jones	Robak	Tyson	Vrtiska

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

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. Insert the following new section:

"Sec. 26. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 3, strike beginning with "swimming" in line 4 through line 6 and insert "in the water, (d) a bridge structure, (e) any watercraft, or (f) a sewage pump-out facility."; in lines 11 and 12 strike "an unsafe distance" and insert "a distance of less than thirty yards"; in line 19 after "person" insert "and the personal watercraft is recommended by the manufacturer to tow such 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. Strike the original sections and insert the following new sections:

"Section 1. In a county which has appointed a planning commission and is actively preparing a comprehensive development plan prior to June 1, 1999, a county board may adopt temporary zoning regulations by resolution after appropriate notice and hearing. Notice of the hearing shall be given in a newspaper of general circulation in the county at least one time at least ten days prior to the hearing. A copy of the proposed temporary zoning regulations, including any resolution, map, or regulations shall be available for inspection during regular business hours at the office of the county clerk at least ten days prior to the hearing.

Sec. 2. Temporary zoning regulations adopted pursuant to section 1 of this act:

(a) Shall consist of zoning regulations which have been adopted by or are in use in another county from no more than five of the closest geographically zoned counties. The county board may

adopt an entire set of zoning regulations from one county or may adopt portions of the zoning regulations from each county;

(b) May not implement a moratorium on livestock waste control facilities;

(c) Many not impact any land use existing and lawful at the time temporary zoning is adopted;

(d) May implement setbacks for livestock operations or livestock facilities of no more than one-half mile from the nearest occupied residence, other than that occupied by the owner or operator, or with the consent of the residence owner; and

(e) May prohibit livestock operations or livestock facilities to be located within one mile of an incorporated city or village or a concentration of ten or more residences within one-quarter square mile.

Sec. 3. Any temporary zoning regulations adopted pursuant to section 1 of this act shall expire January 1, 2001.

Sec. 4. Section 23-114, Revised Statutes Supplement, 1998, is amended to read:

23-114. (1) The county board shall have power: (a) To provide for temporary zoning as provided in sections 1 to 3 of this act; (b) to create a planning commission with the powers and duties set forth in sections 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376; ~~(b)~~ (c) to make, adopt, amend, extend, and implement a county comprehensive development plan; and ~~(c)~~ (d) to adopt a zoning resolution, which shall have the force and effect of law.

(2) The zoning resolution may regulate and restrict: (a) The location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, house trailers, and automobile trailers; (b) the percentage of lot areas which may be occupied; (c) building setback lines; (d) sizes of yards, courts, and other open spaces; (e) the density of population; (f) the uses of buildings; and (g) the uses of land for agriculture, forestry, recreation, residence, industry, and trade, after considering factors relating to soil conservation, water supply conservation, surface water drainage and removal, or other uses in the unincorporated area of the county.

(3)(a) The county board shall not adopt or enforce any zoning resolution or regulation which prohibits the use of land for a proposed residential structure for the sole reason that the proposed structure is a manufactured home if such manufactured home bears an appropriate seal which indicates that it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, the Nebraska Uniform Standards for Modular Housing Units Act, or the United States Department of Housing and Urban Development. The county board may require that a manufactured home be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply

to a site-built, single-family dwelling on the same lot. The county board may also require that manufactured homes meet the following standards:

(i) The home shall have no less than nine hundred square feet of floor area;

(ii) The home shall have no less than an eighteen-foot exterior width;

(iii) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;

(iv) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;

(v) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and

(vi) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

(b) The county board may not require additional standards unless such standards are uniformly applied to all single-family dwellings in the zoning district.

(c) Nothing in this subsection shall be deemed to supersede any valid restrictive covenants of record.

(4) For purposes of this section, manufactured home shall mean (a) a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or (b) a modular housing unit as defined in section 71-1557 bearing a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act.

(5) Special districts or zones may be established in those areas subject to seasonal or periodic flooding, and such regulations may be applied as will minimize danger to life and property.

(6) The powers conferred by this section shall not be exercised within the limits of any incorporated city or village nor within the area over which a city or village has been granted zoning jurisdiction and is exercising such jurisdiction. At such time as a city or village exercises control over an unincorporated area by the adoption or amendment of a zoning ordinance, the ordinance or amendment shall supersede any resolution or regulation of the county.

Sec. 5. Section 23-114.03, Reissue Revised Statutes of Nebraska, is amended to read:

23-114.03. Zoning regulations shall be adopted or

amended by the county board only after the adoption of the county comprehensive development plan by the county board and the receipt of the planning commission's specific recommendations or by adopting temporary zoning as provided in sections 1 to 3 of this act. Such zoning regulations shall be consistent with ~~the~~ an adopted comprehensive development plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Nebraska, including, among others, such specific purposes as:

(1) Developing both urban and nonurban areas;

(2) Lessening congestion in the streets or roads;

(3) Reducing the waste of excessive amounts of roads;

(4) Securing safety from fire and other dangers;

(5) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;

(6) Providing adequate light and air;

(7) Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;

(8) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;

(9) Protecting the tax base;

(10) Protecting property against blight and depreciation;

(11) Securing economy in governmental expenditures;

(12) Fostering the state's agriculture, recreation, and other industries;

(13) Encouraging the most appropriate use of land in the county; and

(14) Preserving, protecting, and enhancing historic buildings, places, and districts.

Within the area of jurisdiction and powers established by section 23-114, the county board may divide the county into districts of such number, shape, and area as may be best suited to carry out the purposes of this section and regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of nonfarm buildings or structures and the use, conditions of use, or occupancy of land. All such regulations shall be uniform for each class or kind of land or buildings throughout each district, but the regulations in one district may differ from those in other districts. An official map or maps indicating the districts and regulations shall be adopted, and within fifteen days after adoption of such regulations or maps, they shall be published in book or pamphlet form or once in a legal newspaper published in and of general circulation in the county or, if none is published in the county, in a legal newspaper of general circulation in the county. Such regulations shall also be spread in the minutes of

the proceedings of the county board and such map or maps filed with the county clerk. Nonfarm buildings are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

Sec. 6. Section 23-114.05, Reissue Revised Statutes of Nebraska, is amended to read:

23-114.05. The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile trailer, or land in violation of sections 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376 and sections 1 to 3 of this act or of any regulation made by the county board under such sections shall be a misdemeanor. Any person, partnership, limited liability company, association, club, or corporation violating such sections or any regulation of the county board or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the county board or the proper local authorities of the county, as well as any owner or owners of real estate within the district affected by the regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers of the county may institute proceedings to compel specific performance by the proper official or officials of any duty imposed by such sections or in resolutions adopted pursuant to such sections.

Sec. 7. Original sections 23-114.03 and 23-114.05, Reissue Revised Statutes of Nebraska, and section 23-114, Revised Statutes Supplement, 1998, are repealed.

Sec. 8. Since an emergency exists, this act takes effect 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. In the Landis amendment, AM0816:

a. On page 2, line 22; and page 4, line 14, strike the comma; and

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. In the Standing Committee amendments, AM0659:

a. On page 5, line 5; page 10, line 8; and page 15, line 2, after "claimant's" insert "household"; and

b. On page 16, strike beginning with "For" in line 12 through "except" in line 13, show as stricken, and insert "Except".

2. On page 1, line 1, after "amend" insert "section 77-3501.01, Reissue Revised Statutes of Nebraska, and" and after "sections" insert "77-3505.02,"; in line 2 after the first comma insert "and 77-3513,"; and in line 3 after the semicolon insert "to redefine terms; to harmonize provisions; to provide an operative date;".

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Revenue

Wednesday, March 24, 1999 1:00 p.m.
Tax Commissioner, Department of Revenue
Mary Jane Egr

(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. Strike the original "WHEREAS" paragraphs and all amendments thereto and insert the following:

"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.".

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. Insert the following new section:
"Sec. 3. This act becomes operative on January 1, 2000.".
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. On page 2, lines 15 and 22, strike "ten" and insert "thirty".

LEGISLATIVE BILL 76. Placed on General File as amended.
Standing Committee amendment to LB 76:
AM0785

1. Strike the original sections and insert the following new sections:

"Section 1. Section 29-2521.02, Reissue Revised Statutes of Nebraska, is amended to read:

29-2521.02. (1) The Supreme Court shall within a reasonable time after July 22, 1978, review and analyze all cases involving criminal homicide committed on or after April 20, 1973. Such review and analysis shall examine ~~(1)~~ (a) the facts including mitigating and aggravating circumstances, ~~(2)~~ (b) the charges filed, ~~(3)~~ (c) the crime for which defendant was convicted, and ~~(4)~~ (d) the sentence imposed. Such review shall be updated as new criminal homicide cases occur.

(2) Following the transmittal of a report of the Commission on Law Enforcement and Criminal Justice pursuant to subdivision (7) of section 81-1425 and subsequent reports updating such report, the Supreme Court may take judicial notice of such reports in undertaking the determinations required by sections 29-2521.01 to 29-2521.04.

Sec. 2. Section 29-2528, Reissue Revised Statutes of Nebraska, is amended to read:

29-2528. ~~In~~ (1) Except as provided in subsection (2) of this section, in all cases when the death penalty has been imposed by the district court, the Supreme Court shall, after consideration of the appeal, order the prisoner to be discharged, a new trial to be had, or appoint a day certain for the execution of the sentence.

(2)(a) The Supreme Court shall not appoint a day certain for the execution of a death sentence that falls during the period beginning on the effective date of this act and ending on September 1, 2002.

(b) During the moratorium period specified in subdivision (a) of this subsection, the special procedures in cases of homicide provided in sections 29-2519 to 29-2546 and any other proceedings

related to capital cases, including motions for postconviction relief, shall continue to be operative and shall proceed as if no such moratorium were in place, except that no day certain for execution shall be appointed that falls during the moratorium period.

(c) During the moratorium period specified in subdivision (a) of this subsection, the Supreme Court may appoint a day certain for the execution of a death sentence that does not fall during the moratorium period.

Sec. 3. Section 81-1425, Reissue Revised Statutes of Nebraska, is amended to read:

81-1425. The executive director of the commission shall:

(1) Supervise and be responsible for the administration of the policies established by the commission;

(2) Establish a Jail Standards subdivision within the commission and establish, consolidate, or abolish any other administrative subdivision within the commission and appoint and remove for cause the heads thereof, and delegate appropriate powers and duties to them;

(3) Establish and administer projects and programs for the operation of the commission;

(4) Appoint and remove employees of the commission and delegate appropriate powers and duties to them;

(5) Make rules and regulations for the management and the administration of policies of the commission and the conduct of employees under his or her jurisdiction;

(6) Collect, develop, and maintain statistical information, records, and reports as the commission may determine relevant to its functions;

(7) Prior to September 1, 2001, review and analyze all cases involving criminal homicide committed on or after April 20, 1973. The review and analysis shall examine (a) the facts, including mitigating and aggravating circumstances, (b) to the extent such can be ascertained, the race, gender, religious preference, and economic status of the defendant, (c) the charges filed, (d) the result of the judicial proceeding in each case, and (e) the sentence imposed. Upon the completion of such review, the report of such shall be transmitted to the Governor, the Clerk of the Legislature, and the Chief Justice of the Supreme Court. The review and analysis shall be updated as new cases of criminal homicide occur. The commission shall report on such updating annually to the parties named in this subdivision;

(8) Transmit monthly to the commission a report of the operations of the commission for the preceding calendar month;

~~(8)~~ (9) Execute and carry out the provisions of all contracts, leases, and agreements authorized by the commission with agencies of federal, state, or local government, corporations, or persons;

~~(9)~~ (10) Perform such additional duties as may be

assigned to him or her by the commission, the chairperson of the commission, or by law; and

~~(10)~~ (11) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

Sec. 4. Original sections 29-2521.02, 29-2528, and 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. On page 2, line 14, strike ", and providers" and insert "if the recipients are entitled to payment of or reimbursement for the costs of such medical services under the terms and provisions of a policy, subscription, or agreement with an insurer, a health maintenance organization, a preferred provider organization, or another similar source as provided in subdivision (1) of this section. Providers"; and strike beginning with "for" in line 15 through "sought" in line 16.

2. On page 3, line 11, after the semicolon insert "and"; and strike beginning with "Personally" in line 12 through "(3)" in line 14.

3. On page 5, line 9, after the second period insert "(1)"; and after line 27 insert the following new subsection:

"(2) Any person who denies medical services to any individual who is arrested, detained, taken into custody, or incarcerated, solely on the basis that the individual is without a policy, subscription, or agreement with an insurer, a health maintenance organization, a preferred provider organization, or other similar source of health insurance, shall be guilty of nonfeasance, shall be removed from his or her employment immediately, and shall be answerable to the individual denied medical services in civil damages.".

LEGISLATIVE BILL 224. Placed on General File as amended.
Standing Committee amendment to LB 224:
AM0738

1. On page 2, strike beginning with "the" in line 12 through line 13 and insert "SESAC, Inc.;".

2. On page 3, strike beginning with "and" in line 18 through line 23 and insert "relating to performing rights and remedies for the infringement of those rights. Upon request of the proprietor, the performing rights society shall provide documentation of such federal law.".

3. On page 4, line 23, after the period insert "The act does not apply to a contract or other license arrangement between a performing rights society and a proprietor resulting from a proceeding under 17 U.S.C. 501."; and in line 28 strike "Such investigations shall".

4. On page 5, strike line 1; and strike beginning with

"Any" in line 5 through line 8.

LEGISLATIVE BILL 476. Placed on General File as amended.
Standing Committee amendment to LB 476:
AM0761

1. On page 3, lines 6 and 7, strike "while in areas under the control of the Game and Parks Commission".

2. On page 4, line 16, strike "seventy-five" and insert "one hundred".

3. On page 5, line 18, after "residence" insert ", to the troop area commander of the Nebraska State Patrol,"; strike beginning with "The" in line 20 through "residence" in line 22 and insert "Any peace officer"; in line 24 after the comma insert "copies of offense reports, complaints, or investigative reports or".

4. On page 7, lines 5 and 18, after "involuntarily" insert "or voluntarily admitted under emergency protective custody"; in line 17, after "been" insert "(a)"; and in line 21 strike the second "or" and insert "within the three-year period immediately preceding the date on which the application for a license to carry a concealed handgun is submitted or (b)".

5. On page 8, line 4, after "(d)" insert "has received mental health treatment pursuant to a commitment order of a mental health board, and"; and in line 11 strike "and" and insert "unless the applicant has been".

6. On page 10, line 21, strike the first "the" and insert "an", after "and" insert "within thirty days after a", and strike the second "the".

7. On page 20, strike beginning with "portion" in line 5 through "premises" in line 6 and insert "room or rooms in which alcoholic liquor is dispensed of an establishment having a license issued under the Nebraska Liquor Control Act for the sale of alcoholic liquor for consumption on the premises".

8. On page 21, line 18 after "shall" insert "forthwith".

9. On page 22, line 17, after "disclosure" insert ", except that the Nebraska State Patrol shall not be restricted from interviewing, on a confidential basis, persons who are mentioned in reports or complaints submitted to the Nebraska State Patrol pursuant to subdivision (3)(b) of section 6 of this act".

10. On page 23, line 11, after "as" insert "the Superintendent of Law Enforcement and Public Safety certifies to the Governor that".

11. On page 41, lines 3 through 5, strike "such time as applications for licenses to carry concealed handguns are accepted by the Nebraska State Patrol" and insert "ninety days after the date the Superintendent of Law Enforcement and Public Safety certifies to the Governor that a system of maintaining a listing of licensees and pertinent information regarding issued licensees 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. On page 2, line 6, strike "any person residing" and insert "a Nebraska resident or a person attending an institution of higher education".

2. On page 7, line 1, after "dollars" insert ", except that the registration fee shall be one hundred dollars for a registrant under subsection (8) of this section"; in line 4 strike "and"; and in line 12 after "denial" insert "; and

(8) If the registrant files a certified copy of an athlete agent certification of registration, or document of similar import, from another state with the Secretary of State and such state's registration requirements are substantially similar to or more stringent than the provisions of the Athlete Agent Registration and Accountability Act, the Secretary of State shall accept the certified copy in lieu of the registration requirements in subsections (1) through (3) of this section. The certified copy shall not bear a date of more than sixty days prior to the date the registrant files with the Secretary of State".

LEGISLATIVE BILL 623. Placed on General File as amended.
Standing Committee amendment to LB 623:
AM0760

1. Insert the following new section:

"Sec. 6. The district courts may accept arraignments in writing if the detainee or prisoner has entered a not guilty plea in county court. The arraignment form shall contain the necessary consent and waiver of the right to a physical appearance and shall be signed by the detainee or prisoner and his or her counsel of record, if any.".

2. On page 2, line 2, strike "6" and insert "7"; in line 3 after "appearances" insert "and certain district court arraignments by writing".

3. On page 4, line 13, after "proceeding" insert "unless an appeal is taken, in which case the original videotape shall be preserved until all appeals are concluded".

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. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Controlled Substances Animal Welfare Act.

Sec. 2. The purpose of the Controlled Substances Animal Welfare Act is to allow animal welfare organizations to obtain proper controlled substances for the purpose of humane euthanasia of seized, stray, injured, sick, homeless, abandoned, or unwanted domesticated and nondomesticated or wild animals.

Sec. 3. For purposes of the Controlled Substances Animal Welfare Act:

(1) Animal welfare organization means a Nebraska nonprofit corporation whose purpose is promoting the welfare, protection, and humane treatment of animals, and whose activities may include the seizure, impoundment, boarding, or kenneling of stray, injured, sick, homeless, abandoned, or unwanted animals;

(2) Euthanizing drug means sodium pentobarbital or any controlled substance used for the purpose of humane euthanasia of seized, stray, injured, sick, homeless, abandoned, or unwanted animals; and

(3) Veterinarian means a person authorized by law to practice veterinary medicine in this state.

Sec. 4. Possession and administration of a euthanizing drug by an animal welfare organization shall be pursuant to a collaborating veterinarian agreement. A collaborating veterinarian agreement is between a veterinarian and an animal welfare organization and includes:

(1) Designation of the responsible individual or individuals for the animal welfare organization;

(2) Provisions for the proper storage and inventory of the euthanizing drugs;

(3) Maintenance of effective controls against the diversion of such drugs;

(4) Provisions for proper training of any animal welfare organization staff whose duties include administering a euthanizing drug. Such training includes information in at least the following areas: The pharmacology, proper administration, and storage of euthanizing drugs; federal and state laws regulating the storage and inventory of euthanizing drugs; stress management; and proper disposal of euthanized animals; and

(5) Maintenance of a valid veterinary-client-patient relationship.

Pursuant to a collaborating veterinarian agreement, a veterinarian shall maintain a separate registration at the

principal place of business of the animal welfare organization.

Sec. 5. If a veterinarian assists an animal welfare organization in obtaining euthanizing drugs pursuant to a collaborating veterinarian agreement authorized by the Controlled Substances Animal Welfare Act, such veterinarian is not liable for any acts or omissions on the part of the animal welfare organization, except that disciplinary action may be taken against the separate registration pursuant to section 28-409. The animal welfare organization is liable under the Uniform Controlled Substances Act for acts or omissions on the part of its staff members.".

LEGISLATIVE BILL 730. Placed on General File as amended.
Standing Committee amendment to LB 730:
AM0753

1. On page 2, line 7, after "Legislature" insert ", one of whom shall be the chairperson of the Agriculture Committee"; and after line 13 insert the following new paragraph:

"Members of the task force shall elect a chairperson and a vice-chairperson. Eight members constitute a quorum, and a majority vote of the entire membership is required for the recommendations of the task force to be valid and official. The task force shall meet at least six times prior to December 15, 1999.".

2. On page 3, strike lines 9 and 10 and insert:

"(f) The validity of protecting national security interests regarding food security.

A report of the".

LEGISLATIVE BILL 778. Placed on General File as amended.
Standing Committee amendment to LB 778:
AM0829

1. On page 3, line 13, after the period insert "A properly executed bill of sale means a bill of sale that is provided by the seller and received by the buyer.".

2. On page 12, strike beginning with "shall" in line 10 through "brand" in line 11 and insert "it is unlawful to use any brand for branding any livestock unless the person using such brand has recorded that brand with the Nebraska Brand Committee"; and in line 13 strike "for brand recording purposes".

3. On page 20, line 16, strike "of" and insert "in" and after "feedlot" insert "registered pursuant to sections 51 to 53 of this act".

4. On page 29, line 19, after "cattle" insert "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

printed on recycled paper

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. Strike the original sections and insert the following new sections:

"Section 1. Section 60-1436, Reissue Revised Statutes of Nebraska, is amended to read:

60-1436. A manufacturer or distributor shall not require

or coerce any new motor vehicle dealer in this state to do any of the following:

(1) Order or accept delivery of any new motor vehicle, part or accessory, equipment, or other commodity not required by law which was not voluntarily ordered by the new motor vehicle dealer. This section shall not be construed to prevent the manufacturer or distributor from requiring that new motor vehicle dealers carry a reasonable inventory of models offered for sale by the manufacturer or distributor;

(2) Offer or accept delivery of any new motor vehicle with special features, accessories, or equipment not included in the list price of the new motor vehicle as publicly advertised by the manufacturer or distributor;

(3) Participate monetarily in any advertising campaign or contest or purchase any promotional materials, display devices, or display decorations or materials at the expense of the new motor vehicle dealer;

(4) Enter into any agreement with the manufacturer or distributor or do any other act prejudicial to the new motor vehicle dealer by threatening to terminate a dealer agreement or any contractual agreement or understanding existing between the dealer and the manufacturer or distributor. Notice in good faith to any dealer of the dealer's violation of any terms or provisions of the dealer agreement shall not constitute a violation of Chapter 60, article 14;

(5) Change the capital structure of the new motor vehicle dealership or the means by or through which the dealer finances the operation of the dealership, if the dealership at all times meets any reasonable capital standards determined by the manufacturer in accordance with uniformly applied criteria;

(6) Refrain from participation in the management of, investment in, or the acquisition of any other line of new motor vehicle or related products as long as the dealer maintains a reasonable line of credit for each make or line of vehicle, remains in compliance with reasonable facilities requirements, and makes no change in the principal management of the dealer;

(7) Prospectively assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by Chapter 60, article 14, or require any controversy between the new motor vehicle dealer and a manufacturer or distributor to be referred to a person other than the duly constituted courts of the state or the United States, if the referral would be binding upon the new motor vehicle dealer; ~~and~~

(8) Change the location of the new motor vehicle dealership or make any substantial alterations to the dealership premises, if such changes or alterations would be unreasonable;

(9) Release, convey, or otherwise provide customer information if to do so is unlawful or if the customer objects in writing to doing so, unless the information is necessary for the

manufacturer, factory branch, or distributor to meet its obligations to consumers or the new motor vehicle dealer including vehicle recalls or other requirements imposed by state or federal law; and

(10) Release to any unaffiliated third party any customer information which has been provided by the new motor vehicle dealer to the manufacturer except as provided in subdivision (9) of this section.

Sec. 2. Section 60-1437, Reissue Revised Statutes of Nebraska, is amended to read:

60-1437. In addition to the restrictions imposed by section 60-1436, a manufacturer or distributor shall not:

(1) Fail to deliver new motor vehicles or new motor vehicle parts or accessories within a reasonable time and in reasonable quantities relative to the new motor vehicle dealer's market area and facilities, unless the failure is caused by acts or occurrences beyond the control of the manufacturer or distributor or unless the failure results from an order by the new motor vehicle dealer in excess of quantities reasonably and fairly allocated by the manufacturer or distributor;

(2) Refuse to disclose to a new motor vehicle dealer the method and manner of distribution of new motor vehicles by the manufacturer or distributor;

(3) Refuse to disclose to a new motor vehicle dealer the total number of new motor vehicles of a given model which the manufacturer or distributor has sold during the current model year within the dealer's marketing district, zone, or region, whichever geographical area is the smallest; ~~or~~

(4) Increase the price of any new motor vehicle which the new motor vehicle dealer had ordered and delivered to the same retail consumer for whom the vehicle was ordered, if the order was made prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a private retail consumer and binding on the dealer shall constitute evidence of such order. In the event of manufacturer or distributor price reduction or cash rebate, the amount of any reduction or rebate received by a dealer shall be passed on to the private retail consumer by the dealer. Any price reduction in excess of five dollars shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. A price difference applicable to a new model or series of motor vehicles at the time of the introduction of the new model or series shall not be considered a price increase or price decrease. This subdivision shall not apply to price changes caused by the following:

(a) The addition to a motor vehicle of required or optional equipment pursuant to state or federal law;

(b) In the case of foreign-made vehicles or components, revaluation of the United States dollar; or

(c) Any increase in transportation charges due to an

increase in rates charged by a common carrier or other transporter; or

(5) Fail or refuse to sell or offer to sell to all franchised new motor vehicle dealers in a line-make every new motor vehicle sold or offered for sale to any franchised new motor vehicle dealer of the same line-make. However, the failure to deliver any such new motor vehicle shall not be considered a violation of this section if the failure is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo, or any other cause over which the franchisor has no control. A manufacturer or distributor shall not require that any of its new motor vehicle dealers located in this state pay any extra fee, purchase unreasonable or unnecessary quantities of advertising displays or other materials, or remodel, renovate, or recondition the new motor vehicle dealer's existing facilities in order to receive any particular model or series of vehicles manufactured or distributed by the manufacturer for which the dealers have a valid franchise. Notwithstanding the provisions of this subdivision, nothing contained in this section shall be deemed to prohibit or prevent a manufacturer from requiring that its franchised dealers located in this state purchase special tools or equipment, stock reasonable quantities of certain parts, or participate in training programs which are reasonably necessary for those dealers to sell or service any model or series of new motor vehicles. This subdivision shall not apply to manufacturers of recreational vehicles.

Sec. 3. Original sections 60-1436 and 60-1437, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 393. Placed on General File as amended.
Standing Committee amendment to LB 393:
AM0827

1. On page 4, line 22, reinstate the stricken "a", strike the new matter, and after "permit" insert "pursuant to 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 Crocked 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. Insert the following new sections:

"Sec. 7. Section 60-1436, Reissue Revised Statutes of Nebraska, is amended to read:

60-1436. A manufacturer or distributor shall not require or coerce any new motor vehicle dealer in this state to do any of the following:

(1) Order or accept delivery of any new motor vehicle, part or accessory, equipment, or other commodity not required by law which was not voluntarily ordered by the new motor vehicle dealer. This section shall not be construed to prevent the manufacturer or distributor from requiring that new motor vehicle dealers carry a reasonable inventory of models offered for sale by the manufacturer or distributor;

(2) Offer or accept delivery of any new motor vehicle with special features, accessories, or equipment not included in the list price of the new motor vehicle as publicly advertised by the manufacturer or distributor;

(3) Participate monetarily in any advertising campaign or contest or purchase any promotional materials, display devices, or display decorations or materials at the expense of the new motor vehicle dealer;

(4) Enter into any agreement with the manufacturer or distributor or do any other act prejudicial to the new motor vehicle dealer by threatening to terminate a dealer agreement or any contractual agreement or understanding existing between the dealer and the manufacturer or distributor. Notice in good faith to any dealer of the dealer's violation of any terms or provisions of the dealer agreement shall not constitute a violation of Chapter 60, article 14;

(5) Change the capital structure of the new motor vehicle dealership or the means by or through which the dealer finances the operation of the dealership, if the dealership at all times meets any reasonable capital standards determined by the manufacturer in accordance with uniformly applied criteria;

(6) Refrain from participation in the management of, investment in, or the acquisition of any other line of new motor vehicle or related products as long as the dealer maintains a reasonable line of credit for each make or line of vehicle, remains in compliance with reasonable facilities requirements, and makes no change in the principal management of the dealer;

(7) Prospectively assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by Chapter 60, article 14, or require any controversy between the new motor vehicle dealer and a manufacturer or distributor to be referred to a person other than the duly constituted courts of the state or the United States, if the referral would be binding upon the new motor vehicle dealer; ~~and~~

(8) Change the location of the new motor vehicle

dealership or make any substantial alterations to the dealership premises, if such changes or alterations would be unreasonable;

(9) Release, convey, or otherwise provide customer information if to do so is unlawful or if the customer objects in writing to doing so, unless the information is necessary for the manufacturer, factory branch, or distributor to meet its obligations to consumers or the new motor vehicle dealer including vehicle recalls or other requirements imposed by state or federal law; and

(10) Release to any unaffiliated third party any customer information which has been provided by the new motor vehicle dealer to the manufacturer except as provided in subdivision (9) of this section.

Sec. 8. Section 60-1437, Reissue Revised Statutes of Nebraska, is amended to read:

60-1437. In addition to the restrictions imposed by section 60-1436, a manufacturer or distributor shall not:

(1) Fail to deliver new motor vehicles or new motor vehicle parts or accessories within a reasonable time and in reasonable quantities relative to the new motor vehicle dealer's market area and facilities, unless the failure is caused by acts or occurrences beyond the control of the manufacturer or distributor or unless the failure results from an order by the new motor vehicle dealer in excess of quantities reasonably and fairly allocated by the manufacturer or distributor;

(2) Refuse to disclose to a new motor vehicle dealer the method and manner of distribution of new motor vehicles by the manufacturer or distributor;

(3) Refuse to disclose to a new motor vehicle dealer the total number of new motor vehicles of a given model which the manufacturer or distributor has sold during the current model year within the dealer's marketing district, zone, or region, whichever geographical area is the smallest; ~~or~~

(4) Increase the price of any new motor vehicle which the new motor vehicle dealer had ordered and delivered to the same retail consumer for whom the vehicle was ordered, if the order was made prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a private retail consumer and binding on the dealer shall constitute evidence of such order. In the event of manufacturer or distributor price reduction or cash rebate, the amount of any reduction or rebate received by a dealer shall be passed on to the private retail consumer by the dealer. Any price reduction in excess of five dollars shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. A price difference applicable to a new model or series of motor vehicles at the time of the introduction of the new model or series shall not be considered a price increase or price decrease. This subdivision shall not apply to price changes caused by the following:

(a) The addition to a motor vehicle of required or optional equipment pursuant to state or federal law;

(b) In the case of foreign-made vehicles or components, revaluation of the United States dollar; or

(c) Any increase in transportation charges due to an increase in rates charged by a common carrier or other transporter; or

(5) Fail or refuse to sell or offer to sell to all franchised new motor vehicle dealers in a line-make every new motor vehicle sold or offered for sale to any franchised new motor vehicle dealer of the same line-make. However, the failure to deliver any such new motor vehicle shall not be considered a violation of this section if the failure is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo, or any other cause over which the franchisor has no control. A manufacturer or distributor shall not require that any of its new motor vehicle dealers located in this state pay any extra fee, purchase unreasonable or unnecessary quantities of advertising displays or other materials, or remodel, renovate, or recondition the new motor vehicle dealer's existing facilities in order to receive any particular model or series of vehicles manufactured or distributed by the manufacturer for which the dealers have a valid franchise. Notwithstanding the provisions of this subdivision, nothing contained in this section shall be deemed to prohibit or prevent a manufacturer from requiring that its franchised dealers located in this state purchase special tools or equipment, stock reasonable quantities of certain parts, or participate in training programs which are reasonably necessary for those dealers to sell or service any model or series of new motor vehicles. This subdivision shall not apply to manufacturers of recreational vehicles.".

2. On page 14, line 14, strike "and 60-1419" and insert "60-1419, 60-1436, and 60-1437".

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. Insert the following new section:

"Sec. 2. This act becomes operative on October 1, 1999.".

2. Renumber the remaining section accordingly.

(Signed) William R. Wickersham, Chairperson

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 72:
AM0852

(Amendments to Second Final Reading copy)

1. Insert the following new section:

"Sec. 2. Section 29-1401, Reissue Revised Statutes of Nebraska, is amended to read:

29-1401. (1) The district courts are hereby vested with power to call grand juries. ~~It shall be mandatory for such district courts to call a grand jury in each case upon the petition of the registered voters of the county of the number of not less than ten percent of the total vote cast for the office of Governor in such county at the most recent general election held for such office.~~

(2) A grand jury may be called and summoned in the manner provided by law on such day of a regular term of the district court in each year in each county of the state as the district court may direct and at such other times and upon such notice as the district court may deem necessary.

(3) District courts shall call a grand jury in each case that a petition meets the requirements of sections 29-1401.01 and 29-1401.02 and is signed by not less than ten percent of the registered voters of the county who cast votes for the office of Governor in such county at the most recent general election held for such office.

(4) District courts shall call a grand jury in each case upon certification by the county coroner or coroner's physician that ~~an individual~~ a person has died while being apprehended by or while in the custody of a law enforcement officer or detention personnel. In each case subject to this subsection:

(a) Law enforcement personnel from the jurisdiction in which the death occurred shall immediately secure the scene, preserve all evidence, and investigate the matter as in any other homicide. The case shall be treated as an open, ongoing matter until all evidence, reports, and other relevant material which has been assembled are transferred to the special prosecutor appointed pursuant to subdivision (b) of this subsection;

(b) Except as provided in subdivision (4)(d) of this

section, as soon as practicable, the court shall appoint a special prosecutor who has had at least five years experience in criminal litigation, including felony litigation. The special prosecutor shall select a team of three peace officers, trained to investigate homicides, from jurisdictions outside the jurisdiction where the death occurred. The team shall examine all evidence concerning the cause of death and present the findings of its investigation to the special prosecutor;

(c) A grand jury shall be impaneled within thirty days after the certification by the county coroner or coroner's physician, unless the court extends such time period upon the showing of a compelling reason; and

(d) A special prosecutor need not be appointed in those cases in which the death has been certified by a licensed practicing physician to be from natural causes and that finding is presented to a grand jury. ~~Any grand jury called pursuant to this section shall be limited in its charge, powers, duties, proceedings, indictment, and report to the review of the incident or incidents which caused it to be called.~~".

2. On page 1, line 2; and page 3, line 19, after "25-1633" insert ", 29-1401,".

3. On page 1, line 4, after the semicolon insert "to change procedures relating to certain grand juries;".

4. On page 2, line 24, strike ", deliberations, and voting".

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. Strike the original sections and insert the following sections:

"Section 1. Sections 1 to 31 of this act shall be known and may be cited as the Competitive Livestock Markets Act.

Sec. 2. For purposes of the Competitive Livestock Markets Act:

(1) Animal unit means one head of cattle, three calves under four hundred fifty pounds, or five swine;

(2) Department means the Department of Agriculture;

(3) Director means the Director of Agriculture or his or her designee;

(4) Livestock means live cattle or swine;

(5) Packer means a person, or agent of such person, engaged in the business of slaughtering livestock in Nebraska in excess of fifty thousand animal units per year; and

(6) Person includes individuals, firms, associations, limited liability companies, and corporations and employees, officers, or limited liability company members thereof.

Sec. 3. The Legislature finds that family farmers and ranchers have been experiencing, with greater frequency, severely depressed livestock market prices. These market conditions are

disproportionately affecting independent producers, which make up the majority of farms and ranches, and are threatening the economic stability of Nebraska's rural communities. The Legislature further finds that packer concentration, vertical integration, and contractual arrangements are undermining the system of price discovery. If the absence of any meaningful federal response to the conditions described, the purpose of the Competitive Livestock Markets Act is to increase livestock market price transparency, ensuring that producers can compete in a free and open market. This is accomplished by establishing minimum price and contract reporting requirements, eliminating volume premiums and volume-based incentives, scrutinizing livestock production contracts and marketing agreements, and statutorily reinforcing the constitutional prohibition against the ownership, keeping, or feeding of livestock by packers for the production of livestock or livestock products.

Sec. 4. After the effective date of this act, it is unlawful for a packer to be engaged in the ownership, keeping, or feeding of livestock for the production of livestock or livestock products.

Sec. 5. Whenever the Attorney General has reason to believe that a packer is violating section 4 of this act, he or she shall commence an action in district court to enjoin the livestock operation. The court, upon determination that such packer is in violation of section 4 of this act, shall order such livestock to be removed and sold and shall assess the packer a fine of not less than one thousand dollars for each day of violation.

Sec. 6. The proceeds from any livestock ordered to be sold pursuant to section 5 of this act shall not be distributed until all fines and costs associated with such action have been paid. All money collected as a fine shall be remitted to the State Treasurer for credit to the permanent school fund. All fines levied under this section remaining unpaid shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action, in the name of the State of Nebraska, in the district court of the county in which the violation occurred.

Sec. 7. Except as provided in sections 8 and 9 of this act, it is unlawful for a packer purchasing or entering into a contract to purchase swine to pay or enter into a contract to pay different prices to the sellers of the swine. This section shall not be construed to mean that a price or payment method must remain fixed throughout any marketing period.

Sec. 8. Section 7 of this act does not apply to any direct, spot, or cash purchase of swine if the following requirements are met:

(1) The difference in price is based on: (a) A payment method specifying prices paid for criteria relating to carcass merit; or (b) actual and quantifiable costs related to transporting

and acquiring the swine by the packer; and

(2) After making the payment to a seller, the packer publishes and reports the payment information required under section 13 of this act, including the payment method specifying prices paid for criteria relating to carcass merit and to transportation and acquisition costs.

Sec. 9. Section 7 of this act does not apply to any contract to purchase swine at a certain date or time if the following requirements are met:

(1) The difference in price is based on: (a) A payment method specifying prices paid for criteria relating to carcass merit; or (b) actual and quantifiable costs related to transporting and acquiring the swine by the packer;

(2) The packer publishes and reports the payment information required under section 13 of this act, including the payment method specifying prices paid for criteria relating to carcass merit and to transportation and acquisition costs;

(3) The packer publishes and reports the information required under section 13 of this act, including the price to be paid for swine to be delivered on specified delivery dates or times; and

(4) An offer to enter into a contract for the delivery of swine, according to the same terms and conditions, is made to other sellers.

Sec. 10. Any agreement made by a packer in violation of section 7 of this act is voidable by the seller.

Sec. 11. A seller may bring an action against any packer violating section 7 of this act to recover damages sustained by reason of such violation.

Sec. 12. Any packer acting in violation of section 7 of this act is guilty of a Class IV misdemeanor and shall be fined five hundred dollars per violation.

Sec. 13. Beginning January 3, 2000, a packer shall, three times each day during which swine are purchased, report to the department and to the United States Department of Agriculture, agricultural market service livestock news branch, all swine that are purchased in the cash, spot, or direct market since the last report. A packer shall, one time each day during which swine are purchased, report to the department and to the United States Department of Agriculture, agricultural market service livestock news branch, all swine that are purchased by contract that day. Such reports shall be completed on forms prepared by the department and shall include:

(1) The cash price paid and the number of swine purchased in the cash, spot, or direct market at price intervals representative of the day's trade;

(2) The base price paid and premium and discount payment adjustments for quality characteristics including grade, yield, and backfat;

(3) Base price and premium and discount factors for swine purchased by way of a formula-based pricing system; and

(4) The number of swine purchased under contract, in which the date of delivery is set for more than fourteen days after the making of the contract, the base price to be paid, or the formula that will be used to determine the base price to be paid.

The report shall not include information regarding the identity of a seller.

Sec. 14. The department shall make report information received under section 13 of this act available to the public in a timely manner to permit the use of the information while it is still relevant.

Sec. 15. The failure of a packer to report information to the department as required in section 13 of this act is punishable by a civil penalty not to exceed one thousand dollars for each day that a complete report is not made available to the department.

Sec. 16. The Attorney General shall enforce the provisions of sections 7 to 15 of this act and the director shall refer any violations of these provisions to the Attorney General. The Attorney General or any person injured by a violation of these provisions may bring an action in district court to restrain a packer from violating these provisions.

Sec. 17. It is unlawful for a packer to enter into a contract to purchase cattle for slaughter if:

(1) The contract specifies that the seller is not allowed to report the terms of the contract; or

(2) The date of delivery of such cattle is not specified.

Sec. 18. Section 17 of this act does not apply to any contract to purchase cattle for slaughter if the following conditions are met:

(1) The contract to purchase cattle for slaughter specifies the month of delivery and allows the seller to set the week for delivery within such month; and

(2) The packer publishes and reports the contract information as required under section 23 of this act, including specified delivery dates or times.

Sec. 19. It is unlawful for a packer to enter into a contract to purchase cattle for slaughter using a formula or grid pricing mechanism if the packer fails to negotiate a base price prior to the cattle being committed or scheduled for slaughter.

Sec. 20. Any contract to purchase cattle for slaughter that is in violation of section 17 or 19 of this act is voidable by the seller.

Sec. 21. A seller may bring an action against any packer violating section 17 or 19 of this act to recover damages sustained by reason of such violation.

Sec. 22. Any packer acting in violation of section 17 or 19 of this act shall be guilty of a Class IV misdemeanor and shall

be fined five hundred dollars per violation.

Sec. 23. Beginning January 3, 2000, a packer shall, three times each day during which cattle are purchased, report to the department and to the United States Department of Agriculture, agricultural market service livestock news branch, all cattle that are purchased in the cash, spot, or direct market since the last report. A packer shall, one time each day during which cattle are purchased, report to the department and to the United States Department of Agriculture, agricultural market service livestock news branch, all cattle that are purchased by contract that day. Such reports shall be completed on forms prepared by the department, in consultation with the agricultural market service and shall include:

(1) The cash price paid and the number of cattle purchased at price intervals representative of the day's trade;

(2) Quality characteristics, including sex of the cattle, estimated percentage of the meat which will be graded choice or better upon inspection based upon the United States Department of Agriculture official grades, and estimated live weight, as well as premium and discount factors that may apply to these characteristics;

(3) Base price and premium and discount factors for cattle purchased using a formula or grid pricing mechanism; and

(4) The delivery month, volume, and applicable basis level for all cattle purchased under basis contract.

The report shall not include information regarding the identity of a seller.

Sec. 24. The department shall make report information received under section 23 of this act available to the public in a timely manner to permit the use of the information while it is still relevant.

Sec. 25. The failure of a packer to report information to the director as required in section 23 of this act is punishable by a civil penalty not to exceed one thousand dollars for each day that a complete report is not made available to the department.

Sec. 26. The Attorney General shall enforce the provisions of sections 17 to 25 of this act and the director shall refer any violations of these provisions to the Attorney General. The Attorney General or any person injured by a violation of these provisions may bring an action in district court to restrain a packer from violating these provisions.

Sec. 27. The department shall assess a fee not to exceed two cents per animal unit reported under sections 13 and 23 of this act as direct purchased or contract purchased.

Sec. 28. The Competitive Livestock Market Fund is created. The fund shall be administered by the department. The fund shall consist of investigative and enforcement expense assessments against violators of the Competitive Livestock Markets Act and fees paid by a packer pursuant to section 27 of this act.

The money in the fund shall be used to defray the investigative, enforcement, and reporting expenses of the department in administering the 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. 29. The department shall adopt and promulgate rules and regulations to carry out the Competitive Livestock Markets Act.

Sec. 30. The Attorney General, for the enforcement of the Competitive Livestock Markets Act, shall have the authority to subpoena witnesses, compel their attendance, examine them under oath, and require the production of documents, records, or tangible things deemed relevant to the proper performance of his or her duties. Service of any subpoena shall be made in the manner prescribed by the rules of civil procedure.

Sec. 31. The Attorney General shall have the power and authority to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions, federal or state, for the exchange of information on a cooperative basis which may assist in the proper administration of the Competitive 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

printed on recycled paper

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. On page 4, line 1, strike "may" and insert "shall"; and strike lines 2 through 4 and insert "driver or registered owner of the motor vehicle upon showing proof that the operator's license, registration, and license plates are not suspended or have been reinstated. The decision of the law enforcement agency may be 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.

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 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.

Sincerely,
(Signed) 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

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

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

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

Present and not voting, 2:

Bourne	Kristensen

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.

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

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.

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

Present and not voting, 4:

Jensen	Preister	Suttle	Thompson

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 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
Bohlke	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	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

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

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

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

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

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. Strike original sections 3, 5, and 6 and insert the following new sections:

"Sec. 3. For purposes of the Nebraska Municipal Comparability Act, metropolitan area means an area so designated by the United State Office of Management and Budget.

Sec. 5. (1) In industrial disputes involving municipal employees, the Commission of Industrial Relations shall make comparisons in accordance with the following requirements:

(a) For a city of the first or second class or village, comparisons shall not include an employer located outside the State of Nebraska, unless:

(i) The population of the city in question exceeds thirty-nine thousand inhabitants;

(ii) The industrial dispute involves employees employed in a municipal power generation facility; or

(iii) The city or village is located within a metropolitan area in which a city of the metropolitan class is located;

(b) A comparison shall not include an employer located in a metropolitan area if the municipality which is the subject of the litigation is not included in a metropolitan area; and

(c) A comparison shall not include an employer located in an area with a population of more than double or less than one-half the city or village population or the metropolitan area population of the municipality which is the subject of the litigation.

(2) The requirements of the Nebraska Municipal Comparability Act shall not apply to cities of the metropolitan class or cities of the primary class.

Sec. 6. If the Commission of Industrial Relations finds

that any city of the first or second class or village does not have sufficient comparables inside the State of Nebraska under the population comparability requirements of the Nebraska Municipal Comparability Act, such cities or villages may be compared with out-of-state comparables in states contiguous to Nebraska which meet the population comparability requirements of the Nebraska Municipal Comparability Act.".

Mr. Wickersham filed the following amendment to LB 194:
AM0869

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 34. Sections 12, 13, 36, and 37 of this act become operative on January 1, 2000. The other sections of this act become operative on their effective date.

Sec. 36. Original sections 77-1233.04 and 77-1233.06, Revised Statutes Supplement, 1998, are repealed.

Sec. 37. The following section is outright repealed: Section 77-1233.05, Revised Statutes Supplement, 1998.".

2. On page 1, line 14, after the last semicolon insert "to provide operative dates;".

3. On page 36, line 10, strike the new matter and reinstate the stricken matter; and in line 28 strike "77-1233.04, 77-1233.06,".

4. On page 37, line 6, strike "sections 77-425 and 77-1233.05" and insert "section 77-425".

5. Renumber the remaining sections accordingly.

Mrs. Bohlke filed the following amendment to LB 475:
AM0873

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. (1) Teaching American Indian languages is essential to the proper education of American Indian children. School districts and postsecondary educational institutions may employ approved American Indian language teachers to teach their native language. For purposes of this section, approved American Indian language teacher means a teacher who has passed the tribe's written and oral approval test.

(2) Approved American Indian language teachers that do not also have a Nebraska teaching certificate shall not teach any subject other than the American Indian language they are approved to teach by the tribe.

(3) Each tribe shall develop both a written and an oral test that must be successfully completed in order to determine that a teacher is approved to teach the tribe's native language. When developing such approval tests, the tribe shall include, but not be limited to, which dialects will be used, whether it will standardize its writing system, and how the teaching methods will

be evaluated in the classroom. The teacher approval tests shall be administered at a community college or state college.".

2. On page 1, line 1, strike "public health and welfare" and insert "Native Americans"; and in line 3 after "residents" 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. On page 2, line 5, after "work" insert ", other than a motion picture or audiovisual work or part of a motion picture or audiovisual work,".

2. On page 4, line 23, after "sections" insert "28-1323 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. On page 20, line 23, strike the last "the" and insert "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. Strike original sections 1 to 6 and 8 to 10.
2. On page 8, line 2, strike "1999-2000" and insert "2000-01" and after "year" insert "beginning with the assessment of reading and writing".
3. On page 9, line 2, after the period insert the following new subsection:

"(5) Any school district selected to participate in the National Assessment of Educational Progress shall participate to the full extent requested by the National Center for Educational Statistics or its designated subcontractors.".

4. On page 22, strike beginning with "79-808" in line 22 through the third comma in line 23; and strike beginning with "and" in line 23 through "are" in line 24 and insert "Revised Statutes Supplement, 1998, is".

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

printed on recycled paper

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. On page 1, strike beginning with "any" in line 5 through "funds" in line 7 and insert "money"; and strike beginning with "The" in line 10 through the period in line 14.

2. On page 3, strike beginning with "Up" in line 14 through "(6)" in line 22; and in line 26 strike "(7)" and insert "(6)".

3. On page 4, line 3, strike "(8)" and insert "(7)".

AM0861

(Amendments to E & R amendments, AM7084)

1. On page 1, line 20, after "if" insert "the district has budgeted and used its maximum allowable reserve funds, the district is unable to borrow the amount requested from other sources at reasonable rates, and".

2. On page 3, line 11, after "The" insert "district has budgeted and used its maximum allowable reserve funds, the district is unable to borrow the amount requested from other sources at reasonable rates, and the".

AM0862

(Amendments to E & R amendments, AM7084)

1. On page 1, line 18, after "district" insert "in the sparse or very sparse cost grouping as described in section 79-1007.02".

2. On page 2, lines 4 and 9 strike "standard" and insert "district's".

AM0863

(Amendments to E & R amendments, AM7084)

1. On page 1, line 22, strike beginning with "include" through "not" and insert "are".

AM0864

(Amendments to E & R amendments, AM7084)

1. On page 2, line 5, after the semicolon insert "and"; strike lines 6 through 10; and in line 11 strike "(c)" and insert "(b)".

AM0865

(Amendments to E & R amendments, AM7084)

1. On page 1, line 7; page 3, line 27; and page 14, line 26, strike "reimbursed" and insert "repaid".

2. On page 2, strike beginning with "If" in line 13 through the second "the" in line 15 and insert "The"; in line 15 strike "reimburse" and insert "repay"; and strike beginning with "and" in line 23 through "fund" in line 24; and in line 24 strike "repayment" and insert "the district's repayment to the fund".

3. On page 3, line 12, strike "make" through "to" and insert "repay".

4. On page 4, lines 10 and 11, strike "any repayment conditions" and insert "amounts repaid".

AM0866

(Amendments to E & R amendments, AM7084)

1. On page 1, line 18, strike "A" and insert "For school 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 than any person employed by or serving on the school board of the 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 new section:

"Section 1. Section 9-812, Revised Statutes Supplement, 1998, is amended to read:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Cash Fund. In accordance with legislative appropriations, money for payments for expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Cash Fund, which fund is hereby created. All money necessary for the payment of lottery prizes

shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. The amount used by the division for compensation of lottery game retailers shall be at least six percent of the dollar amount of the lottery tickets which have been sold. At least ~~twenty-five~~ fifteen percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred from the State Lottery Operation Trust Fund to the Education Innovation Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in sections 83-162.01 to 83-162.04. The division shall report on a quarterly basis lottery ticket sales, prize expenses, and operating expenses to the General Affairs Committee of the Legislature, the Excellence in Education Council, the Nebraska Environmental Trust Board, and the Nebraska Advisory Commission on Compulsive Gambling.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated in the following manner: Up to ten percent to fund the mentor teacher program pursuant to the Quality Education Accountability Act; up to seventy percent as quality education incentives pursuant to the act; and up to twenty percent of the fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such incentive grants allocated by the Governor are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

From the funds allocated by the Governor, minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include

statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

In addition to the minigrants granted for the development of strategic school improvement plans, school districts with annual budget expenditures of three hundred fifty thousand dollars or less are eligible for minigrants from the funds allocated by the Governor for the purposes allowed in subdivisions (2)(a) through (q) of this section. The amount of this type of minigrant shall not exceed five thousand dollars. The school district shall present a curriculum support plan with its application for the grant. The curriculum support plan must show how the district is working to achieve one or more of the allowed purposes and how the grant will be used to directly advance the plan to achieve one or more of these purposes. The plan must be signed by the school administrator and a school board representative. The application for the grant shall be brief. The Excellence in Education Council shall select the recipients of this type of minigrant and shall administer such minigrants.

From the funds allocated by the Governor, major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which such major competitive grants would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration pursuant to the state's goal of ensuring that all kindergarten through grade twelve public school districts or affiliated school systems have a direct connection to a statewide public computer information network by June 30, 2000. The telecomputing equipment and services needed to meet this goal may be funded under this subsection, sections 79-1233 and 79-1310, or any combination of such subsection and sections. Such

telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education only after review by the technical panel created in section 86-1511;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood and parent education which emphasizes child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time;

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom;

(p) Approved accelerated or differentiated curriculum programs under sections 79-1106 to 79-1108.03; and

(q) Programs for students with disabilities receiving special education under the Special Education Act and students needing support services as defined in section 79-1185, which programs demonstrate improved outcomes for students through emphasis on prevention and collaborative planning.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council to administer the Education Innovation Fund, including the Quality Education Accountability Act. The council shall have the following powers

and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of incentive grants allocated by the Governor for programs pursuant to this subsection, including minigrants;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding. For projects recommended under subdivision (2)(c) of this section, the council shall also provide recommendations to the Nebraska Information Technology Commission for its review and recommendations to the Governor;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by incentive grants allocated by the Governor from the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts;

(vi) Carry out its duties pursuant to the Quality Education Accountability Act; and

(vii) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund, including the Quality Education Accountability Act.

(3) Recipients of incentive grants allocated by the Governor from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, or the Education Innovation 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.

(5) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for 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. Insert the following new sections:

"Sec. 2. Section 77-27,136, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,136. The Legislature shall appropriate seventeen million ~~nine~~ two hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to incorporated municipalities, ~~thirteen million five~~ twelve million eight hundred thousand dollars for aid to counties, and ~~seven~~ two million one hundred thousand dollars for aid to natural resources districts.

Sec. 4. Original section 77-27,136, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 3, line 5, strike "This act becomes" and insert "Sections 1 and 5 of this act become" and after the period insert "The other sections of this act become operative on their

effective date.".

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
Coordsen	Jones	Price	Schrock	Tyson
Cudaback	Landis	Raikes	Smith	Wickersham

Present and not voting, 4:

Bromm	Dierks	Janssen	Schmitt

Excused and not voting, 4:

Engel	Quandahl	Robak	Vrtiska

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. In the Standing Committee amendments, AM0733, on page 9, line 20; and page 32, line 13, strike "retirement".
2. On page 1, strike beginning with "the" in line 1 through line 10 and insert "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 repeal the original sections; to outright 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. On page 9, strike beginning with "unless" in line 20 through "expunged" in line 23.

AM0922
1. On page 9, strike beginning with "within" in line 16 through "submitted" in line 18.

AM0921
1. On page 9, line 3, strike "three-year" and insert "twenty-year".

AM0920
1. On page 8, line 22, strike "three" and insert "twenty".

AM0919
1. On page 8, line 20, strike "three" and insert "twenty".

AM0918
1. On page 8, line 11, strike "five" and insert "twenty".

AM0917
1. On page 8, line 5, strike "five" and insert "twenty".

AM0913
1. On page 7, line 1, strike "three" and insert "twenty".

AM0914
1. On page 7, line 2, strike "three" and insert "twenty".

AM0915
1. On page 7, lines 9 and 14, strike "three-year" and insert "twenty-year".

AM0916
1. On page 7, line 22, strike "three-year" and insert "twenty-year".

Mrs. Thompson filed the following amendments to LB 476:
AM0907
1. On page 20, line 2, after the semicolon insert "organized sporting event not related to firearms;".

AM0925
1. On page 7, lines 1 and 2; page 8, lines 20 and 22; and page 9, lines 20 and 22, strike "three" and insert "ten".
2. On page 9, line 16, strike "three-year" and insert "ten-year".

AM0906
1. On page 10, line 1, after "(14)" insert "He or she has not, within the ten-year period preceding submittal of the permit application, been adjudicated as being a juvenile described in subdivision (2) of section 43-247 or under a similar law of any other state for an act that would have constituted a felony had the applicant been an adult at the time of the commission of the act and does not have any unresolved charges for such an act pending in this state , any other state, or the United States. If the applicant was committed to the Office of Juvenile Services pursuant to subdivision (1) of section 43-286, the ten-year period is calculated from the date of release from commitment, otherwise the ten-year period is calculated from the date of adjudication;
(15) He or she has not, within the ten-year period preceding submittal of the permit application, (a) been adjudicated as being a juvenile described in subdivision (1) of section 43-247 for any act that would constitute third degree assault under section 28-310, misdemeanor third degree sexual assault under section 28-320, misdemeanor child abuse under section 28-707, or a

violation of any city or village ordinance or any law of another state or the United States that includes similar elements or (b) been adjudicated as being a juvenile described in subdivision (1) or (2) of section 43-247 for committing an offense involving the use of force against a spouse, a former spouse, or a child, which would have constituted a misdemeanor or a felony had the applicant been an adult at the time of the commission of the act, and the applicant does not have any unresolved charges for any such acts pending in this state, any other state, or the United States. If the applicant was committed to the Office of Juvenile Services pursuant to subdivision (1) of section 43-286, the ten-year period is calculated from the date of release from commitment, otherwise the ten-year period is calculated from the date of adjudication;

(16)"; in line 4 strike "(15)" and insert "(17)"; in line 7 strike "(16)" and insert "(18)"; and in line 9 strike "(17)" and 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 12:45 p.m.
NE Investment Council Annual Report

(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. On page 3, line 8, strike the first "or"; and in line 9 after "purposes" insert ", or (d) for the sale of or subscription to a newspaper authorized by law to provide public notice in Nebraska about activities of state government or its political 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

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. Strike sections 55, 60, and 63.
2. On page 2, line 4, strike "87" and insert "84".
3. On page 5, strike beginning with "cutting" in line 13 through "person" in line 16 and insert "attaching, applying, fitting, shaping, or adjusting artificial nails using acrylic, resin, fabric, or gel application systems"; strike beginning with

"attaching" in line 19 through "systems" in line 21 and insert "cutting, filing, buffing, shaping, trimming, polishing, coloring, tinting, cleansing, reshaping, or other cosmetic acts on the nails of a person when done in conjunction with the activities described in subdivisions (1) and (2) of this section"; in line 22 strike "use" and insert "application"; and in line 24 after "person" insert "when done in conjunction with the activities described in subdivisions (1) and (2) of this section".

4. On page 6, line 28, strike "person licensed under the act" and insert "licensed nail technologist or nail technology instructor".

5. On page 8, line 1, strike the new matter.

6. On page 12, strike line 18 and insert:

"Instructor 10-300 16-500 25-75".

7. On page 14, lines 23 and 24, strike "school" and insert "establishment".

8. On page 15, line 14, strike "59" and insert "58".

9. On page 16, line 18; and page 21, line 1, strike "six hundred hours" and insert "not less than one hundred fifty hours and not more than three hundred hours, as set by the board".

10. On page 16, line 22; and page 21, line 12, strike "six hundred hours" and insert "not less than one hundred fifty hours and not more than three hundred hours, as set by the board,".

11. On page 22, line 27, after "once" insert "for each temporary practitioner".

12. On page 24, strike beginning with "renewal" in line 25 through "dollars" in line 26 and insert "fees".

13. On page 25, strike beginning with "If" in line 13 through line 18.

14. On page 30, lines 9 and 26, after "inactive" insert "or revoked"; and in lines 14, 16, 19, and 22 after "inactive" insert "or revoked for".

15. On page 33, strike beginning with "The" in line 9 through "(c)" in line 14; and in line 15 strike "(d)" and insert "(c)".

16. On page 34, line 19, after "cosmetology" insert ", barbering,".

17. On page 36, line 10, strike "61" and insert "59"; and strike beginning with "or" in line 18 through "license" in line 19.

18. On page 37, line 21, strike "cosmetology or".

19. On page 41, line 2, strike "licensees" and insert "persons licensed or registered under the Nebraska Cosmetology Act"; in line 14 strike "81" and insert "78"; strike beginning with "Cosmetology" in line 18 through the period in line 19; and strike beginning with "A" in line 26 through line 28.

20. On page 42, line 1, strike "technology program.".

21. On page 43, line 16, after "persons" insert "licensed or registered under the act".

22. On page 48, line 13, strike "76" and insert "73".
23. On page 50, lines 5 and 24; page 51, line 19; and page 52, lines 2, 10, 20 and 21, and 24, strike "cosmetology salon or".
24. On page 50, line 6, strike "cosmetologists and".
25. On page 60, line 3, after the second comma insert "nail technology temporary practitioners,".
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. Strike sections 40, 78, 136, and 168.
2. On page 4, lines 14 and 15, strike "sections 5, 78, and 136" and insert "section 5".
3. On page 49, lines 3 and 4; and page 76, lines 20 and 21, reinstate the stricken matter and strike the new matter.
4. On page 158, line 5; and page 159, lines 17 and 18, strike the new matter.
5. On page 193, line 1, strike "71-148,".
6. Renumber the remaining sections accordingly.

Mrs. Kiel filed the following amendments to LB 476:
AM0928

1. On page 10, strike lines 7 and 8 and insert
"(16) He or she has a demonstrable need to carry a concealed handgun. A person who has a demonstrable need means a person who has been threatened or someone who currently has a protection order, a harassment protection order, a foreign protection order, or a foreign harassment protection order against someone else.".

AM0936

1. On page 20, strike lines 18 through 28 and insert:
"(6) A licensee shall not carry a concealed handgun onto the premises of a private business unless the owner, business or commercial lessee, or manager of the private business permits licensees to carry concealed handguns onto the premises. If the building or the premises are open to the public, the owner, business or commercial lessee, or manager of the private business shall post conspicuous signs at all entrances to the building or premises informing patrons and employees that the carrying of concealed handguns is permitted in the building or on the premises. An employee who is a licensee is prohibited from carrying a concealed handgun onto the property of his or her employer unless authorized by the employer. An employee who is a licensee shall have written authorization from his or her employer on his or her person at all times while carrying a concealed handgun on the

property of the employer. If an employer permits employees who are licensees to carry concealed handguns, the employer shall post conspicuous signs at all entrances to the building or premises informing patrons and employees that one or more employees are permitted to carry concealed handguns. An employee who is a licensee may carry a concealed handgun in his or her vehicle which is in the employer's building or on the employer's premises so long as the handgun is not removed from the vehicle or brandished while the vehicle is in the employer's building or on the employer's premises. An employee who is a licensee shall not carry a concealed handgun in a vehicle owned by the employer unless the employer has given such employee written authorization to carry a concealed handgun in a vehicle owned by the employer.".

2. On page 21, strike lines 1 through 8.

AM0935

1. On page 24, after line 22, insert the following new paragraph:

"A licensee who points or brandishes a handgun while driving will be considered to have indicated an indifferent or wanton disregard for the safety of persons or property to the standard of reckless driving as provided in section 60-6,213 and shall be subject to all penalties for a violation of such section.".

AM0934

1. On page 20, line 4, after the last semicolon insert "day care facility, day care grounds, vehicle owned by a day care, or an activity or event sponsored by a day care;".

AM0933

1. On page 20, line 12, after "(b)" insert "A licensee shall not carry a concealed handgun into any place of worship.

(c)".

AM0932

1. On page 20, line 12 after "(b)" insert "A licensee under the Concealed Handgun License Act shall not carry a concealed handgun into any establishment that sells firearms, firearm modification equipment, or ammunition. A person's license to sell firearms will be suspended for one year if any licensee under the act carries a concealed handgun into such an establishment regardless of whether such person has knowledge of the concealed handgun or not.

(c)".

AM0931

1. On page 38, line 3, after "prohibit" insert "or otherwise modify or restrict the"; in lines 3 and 4 strike "except

as provided in" and insert "including licensees under"; in line 22 after "punish" insert "or otherwise modify or restrict"; and in line 23 strike "except as provided in" and insert "including licensees under".

2. On page 39, line 18, after "punish" insert "or otherwise modify or restrict" and strike "except as provided in" and insert "including licensees under".

AM0930

1. On page 20, line 4, after the last semicolon insert "law firm, law office, or other place where an attorney or 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. On page 4, line 22, after "Counties" insert "using the alphanumeric system shall affix on the license plates of vehicles licensed therein a sticker with the name of the county on it. Such sticker shall be designed and provided by the Department of Motor Vehicles.

(3) Counties".

LEGISLATIVE BILL 585. Placed on General File as amended.
Standing Committee amendment to LB 585:
AM0858

1. Insert the following new sections:

"Section 1. Section 53-186, Reissue Revised Statutes of Nebraska, is amended to read:

53-186. (1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to consume alcoholic liquor ~~(a) in the public streets, alleys, parking areas, roads, or highways, (b) inside vehicles while upon the public streets, alleys, parking areas, roads, or highways, or (c)~~ upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property.

(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska

Liquor Control Act.

Sec. 2. (1) For purposes of this section, open alcoholic beverage container means any bottle, can, or other receptacle:

(a) That contains any amount of alcoholic liquor; and

(b)(i) That is open or has a broken seal or (ii) the contents of which are partially removed.

(2) Except as provided in subsection (4) of this section, it is unlawful for any person in the passenger compartment of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this state.

(3) Except as provided in section 53-186, it is unlawful for any person to consume alcoholic liquor (a) in a public parking area or on any highway in this state or (b) inside motor vehicles while in a public parking area or on any highway in this state.

(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

(b) Persons who are passengers in the living quarters of a self-propelled mobile home or cabin trailer as defined in section 60-301, but who are not operating the self-propelled mobile home or motor vehicle towing the cabin trailer, may possess open alcoholic beverage containers while such vehicle is in a public parking area or on any highway in this state.

Sec. 3. Section 60-4,182, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,182. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the director. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 60-6,196, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to

be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or urine or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 60-6,196 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 60-6,212 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 60-6,213 -- 5 points;

(10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

(a) Not more than five miles per hour over the speed limit -- 1 point;

(b) More than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; and

(c) More than ten miles per hour over the speed limit -- 3 points; ~~; except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour the speed limits provided for in subdivision (1)(e), (f), or (g) of section 60-6,186;~~

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02, not including violations involving an occupant protection system pursuant to section 60-6,270, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 60-4,188.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which

the operator was charged.

The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle.

Sec. 5. Section 60-682.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-682.01. (1) ~~Any~~ Except as provided in subsection (2) of this section, 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) Any person who operates a vehicle in violation of any maximum speed limit established for the National System of Interstate and Defense Highways is guilty of a traffic infraction and upon conviction shall be fined:

(a) Fifty dollars for traveling one to five miles per hour over the authorized speed limit;

(b) One hundred dollars for traveling six to ten miles per hour over the authorized speed limit;

(c) One hundred fifty dollars for traveling eleven to fifteen miles per hour over the authorized speed limit;

(d) Two hundred dollars for traveling sixteen to twenty miles per hour over the authorized speed limit; and

(e) Three hundred dollars for traveling twenty-one miles per hour or more over the authorized speed limit.

(3) The fines prescribed in ~~subsection~~ subsections (1) and (2) of this section shall be doubled if the violation occurs within a maintenance, repair, or construction zone established pursuant to section 60-6,188. For purposes of this subsection, maintenance, repair, or construction zone means (a) the portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction or (b) the portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to section 60-6,188. The maintenance, repair, or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

~~(3)~~ (4) The fines prescribed in subsection (1) of this section shall be doubled if the violation occurs within a school 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

facility without an operating permit or interim use authorization from the department.

(2) Livestock waste control facilities shall be classified according to the maximum number of animal units for which the livestock waste control facility is designed. The council, in adopting rules and regulations under section 54-2413, shall set out the requirements for any livestock waste control facility which is reclassified after permit issuance. Classifications shall be as follows:

(a) A class I livestock waste control facility is designed for one thousand or less animal units;

(b) A class II livestock waste control facility is designed for more than one thousand and five thousand or less animal units;

(c) A class III livestock waste control facility is designed for more than five thousand animal units and twenty thousand or less animal units; and

(d) A class IV livestock waste control facility is designed for more than twenty thousand animal units.

(3)(a) No new class II, class III, or class IV livestock waste control facility shall be permitted in any part of a watershed that feeds into a cold water class A stream, as defined by the Department of Environmental Quality for trout streams, except for:

(i) Existing livestock waste control facilities. If an existing livestock operation does not currently have a waste control facility and upon inspection by the department a determination is made that one is necessary, the owner or operator will be required to construct such a facility in accordance with the Livestock Waste Management Act;

(ii) New livestock waste control facilities for which an application has been received and deemed complete by the department prior to January 1, 1999; and

(iii) Livestock operations that are exempt from permit requirements as set forth in rules and regulations adopted under the act.

(b) Expansion of facilities in existence on January 1, 1999, in any part of a watershed that feeds into a cold water class A stream, shall be limited as follows:

(i) Class I facilities may expand up to and not to exceed a class II facility and no further expansion is allowed in a livestock operation at that site;

(ii) Class II facilities may expand up to and not to exceed a class III facility and no further expansion is allowed in a livestock operation at that site;

(iii) Class III facilities may expand up to a thirty thousand animal unit class IV facility and no further expansion is allowed in a livestock operation at that site;

(iv) Class IV facilities may expand up to fifty percent

of the animal units in the operation as of January 1, 1999, and no further expansion is allowed in a livestock operation at that site; and

(v) Each class is limited to the expansion allowed which can occur over a period of time.

The owner or operator of any such facility shall request the department to inspect the existing facilities and make a determination as to whether the existing facilities meet the requirements for any expansion or whether additional facilities would be needed to accommodate the proposed expansion according to rules and regulations adopted and promulgated by the Environmental Quality Council.

(c) For any new construction of a class I waste control facility in any part of a watershed that feeds into a cold water class A stream, the livestock operation shall be limited to three hundred animal units.

Sec. 3. A map delineating segments and watershed boundaries for cold water class A streams, prepared by the Department of Environmental Quality and the Nebraska Natural Resources Commission, shall be maintained by the department.

Sec. 4. Original sections 54-2401 and 54-2404, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. Since an emergency exists, this act takes effect 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. On page 5, line 19, after "district" insert "or if not less than ninety percent of the area of the district is owned for other than residential uses".

LEGISLATIVE BILL 771. Placed on General File as amended.
Standing Committee amendment to LB 771:
AM0821

1. On page 2, line 18; and page 4, lines 6 and 7, strike "a wind-generated resource" and insert "renewable energy sources".

2. On page 2, lines 25 and 26; and page 4, line 14, strike "through a wind-generated resource" and insert "from renewable energy sources".

3. On page 3, line 3; and page 4, line 18, after the period insert the following new paragraph:

"For purposes of this section:

(1) Biomass means crops that are grown for energy production and co-fired in coal-fired power plants if an annual average of five percent or more of the power plant's fuel consists of biomass. The same percentage of the electricity produced as the biomass used for fuel shall be considered renewable energy; and

(2) Renewable energy means wind, solar energy, dedicated energy crops, landfill gas, geothermal resources, organic waste biomass except incineration of municipal solid waste, or hydropower that does not involve construction or significant expansion of hydropower dams.".

(Signed) D. Paul Hartnett, Chairperson

AMENDMENT - Print in Journal

Mr. Bruning filed the following amendment to LB 495:
AM0951

1. Insert the following new sections:

"Section 13. Sections 13 to 20 of this act shall be known and may be cited as the Nebraska Youth Mentoring Act.

Sec. 14. The Legislature finds:

(1) The Nebraska Youth Mentoring Act is a comprehensive program to increase Nebraska's collective capacity for youth mentoring in Nebraska;

(2) The act will expand and promote successful youth mentoring and skill-building programs which provide effective mentoring services to young people in the state who are at risk for alcohol and other drug use, teen pregnancy, school failure or dropping out of school, and juvenile delinquency;

(3) The act will provide the necessary resources to expand these and similar recognized programs and to create new youth mentoring programs; and

(4) The goal of the act is to establish at least ten thousand new, sustained mentoring relationships by December 31, 2003.

Sec. 15. For purposes of the Nebraska Youth Mentoring Act, mentoring means a structured relationship pursuant to an approved mentoring program (1) between a youth and an adult who offers support, guidance, and education and (2) which shall not replace or substitute for parental authority and support but shall augment existing parental and community supports available to the youth.

Sec. 16. The State Board of Education shall implement the Nebraska Youth Mentoring Act. The board shall:

(1) Assist with the creation and ongoing support of recognized youth mentoring programs and networks;

(2) Annually distribute funds appropriated to the board by the Legislature to carry out the act as grants to youth

mentoring programs and community or multi-community youth mentoring networks according to the following guidelines:

(a) Receipt of grants is contingent upon program implementation of recognized quality standards that promote youth skill-building and safety, mentor training and competence, and overall program success; and

(b) Recipients shall track, monitor, and evaluate the youth mentoring programs according to standards approved by the board and shall submit results to the board annually;

(3) Provide funding and support for a youth mentoring web page, a youth mentoring program directory, a youth mentoring database and library, and youth mentor training;

(4) Annually report to the Governor and the Legislature on programs pursuant to the act;

(5) Assign responsibility to educational service units to develop a mentor training program for approval by the board; and

(6) Promote support among state agency directors for state employees to become involved as volunteer mentors.

Sec. 17. The Nebraska State Patrol shall provide state screening and state criminal history record information checks on volunteer mentors at no cost to the youth mentoring program or regional or community youth mentoring network.

Sec. 18. The Legislature finds that outstanding volunteer and mentor service should be encouraged and recognized. For that purpose, the Governor is authorized to provide an award, to be known as the Governor's Award for Excellence in Volunteer and Mentor Service, to recognize outstanding volunteer or mentor service for each fiscal year beginning with fiscal year 1999-2000. The State Board of Education shall transmit a final list of nominees to the Governor for his or her consideration.

Sec. 19. The State Board of Education shall adopt and promulgate rules and regulations to carry out the Nebraska Youth Mentoring Act.

Sec. 20. It is the intent of the Legislature to annually appropriate $2,200,000 to the State Board of Education to carry out the Nebraska Youth Mentoring Act. These funds shall be distributed to applicants and educational service units by the State Board of Education.".

2. In the Stuhr amendment, AM0875, on page 7, line 18, strike beginning with "up" through "fund", show the old matter as stricken, and insert "of the remaining five percent, two million two hundred thousand dollars annually shall be allocated to carry out section 20 of this act and the rest".

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

printed on recycled paper

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. Strike sections 6 and 10.

2. On page 1, line 5, strike "9" and insert "8".

3. On page 2, line 19, strike "Beginning with" and insert "For".

4. On page 4, strike beginning with the first "for" in line 24 through "years" in line 25.

5. On page 24, line 17, strike beginning with "9-812" through the second comma and insert "79-1003".

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

SPEAKER KRISTENSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Mr. Vrtiska filed the following amendment to LB 216:
AM0721

1. Insert the following new sections:

"Section 1. Section 48-119, Reissue Revised Statutes of Nebraska, is amended to read:

48-119. No compensation shall be allowed for the first seven calendar days ~~after disability begins~~ of disability, except as provided in section 48-120, but if disability extends beyond the period of seven calendar days, compensation shall begin on the eighth calendar day ~~after the injury; PROVIDED, HOWEVER,~~ of disability, except that if such disability continues for six weeks or longer, compensation shall be computed from the date ~~of the injury~~ disability began. For purposes of this section, a partial day of disability shall be deemed a calendar day of disability.

Sec. 4. Section 48-121, Reissue Revised Statutes of Nebraska, is amended to read:

48-121. The following schedule of compensation is hereby established for injuries resulting in disability:

(1) For total disability, the compensation during such disability shall be sixty-six and two-thirds percent of the wages received at the time of injury, but such compensation shall not be more than the maximum weekly income benefit specified in section 48-121.01 nor less than the minimum weekly income benefit specified in section 48-121.01; ~~PROVIDED,~~ except that if at the time of injury the employee receives wages of less than the minimum weekly income benefit specified in section 48-121.01, then he or she shall receive the full amount of such wages per week as compensation. Nothing in this subdivision shall require payment of compensation after disability shall cease.

(2) For disability partial in character, except the particular cases mentioned in subdivision (3) of this section, the compensation shall be sixty-six and two-thirds percent of the difference between the wages received at the time of the injury and the earning power of the employee thereafter, but such compensation shall not be more than the maximum weekly income benefit specified in section 48-121.01. This compensation shall be paid during the period of such partial disability but not beyond three hundred weeks. Should total disability be followed by partial disability, the period of three hundred weeks mentioned in this subdivision shall be reduced by the number of weeks during which compensation

was paid for such total disability.

(3) For disability resulting from permanent injury of the ~~following~~ classes listed in this subdivision, the compensation shall be in addition to the amount paid for temporary disability, except that, ; ~~PROVIDED,~~ the compensation for temporary disability shall cease as soon as the extent of the permanent disability is ascertainable. For disability resulting from permanent injury of the following classes, compensation shall be: ; ~~viz:~~ For the loss of a thumb, sixty-six and two-thirds percent of daily wages during sixty weeks. For the loss of a first finger, commonly called the index finger, sixty-six and two-thirds percent of daily wages during thirty-five weeks. For the loss of a second finger, sixty-six and two-thirds percent of daily wages during thirty weeks. For the loss of a third finger, sixty-six and two-thirds percent of daily wages during twenty weeks. For the loss of a fourth finger, commonly called the little finger, sixty-six and two-thirds percent of daily wages during fifteen weeks. The loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of one-half of such thumb or finger and compensation shall be for one-half of the periods of time above specified, and the compensation for the loss of one-half of the first phalange shall be for one-fourth of the periods of time above specified. The loss of more than one phalange shall be considered as the loss of the entire finger or thumb; ~~PROVIDED,~~ except that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand. For the loss of a great toe, sixty-six and two-thirds percent of daily wages during thirty weeks. For the loss of one of the toes other than the great toe, sixty-six and two-thirds percent of daily wages during ten weeks. The loss of the first phalange of any toe shall be considered equal to the loss of one-half of such toe, and compensation shall be for one-half of the periods of time above specified. The loss of more than one phalange shall be considered as the loss of the entire toe. For the loss of a hand, sixty-six and two-thirds percent of daily wages during one hundred seventy-five weeks. For the loss of an arm, sixty-six and two-thirds percent of daily wages during two hundred twenty-five weeks. For the loss of a foot, sixty-six and two-thirds percent of daily wages during one hundred fifty weeks. For the loss of a leg, sixty-six and two-thirds percent of daily wages during two hundred fifteen weeks. For the loss of an eye, sixty-six and two-thirds percent of daily wages during one hundred twenty-five weeks. For the loss of an ear, sixty-six and two-thirds percent of daily wages during twenty-five weeks. For the loss of hearing in one ear, sixty-six and two-thirds percent of daily wages during fifty weeks. For the loss of the nose, sixty-six and two-thirds percent of daily wages during fifty weeks.

In any case in which there is a loss or loss of use of more than one member or parts of more than one member set forth in

this subdivision, but not amounting to total and permanent disability, compensation benefits shall be paid for the loss or loss of use of each such member or part thereof, with the periods of benefits to run consecutively. The total loss or permanent total loss of use of both hands, or both arms, or both feet, or both legs, or both eyes, or hearing in both ears, or of any two thereof, in one accident, shall constitute total and permanent disability and be compensated for according to subdivision (1) of this section. In all other cases involving a loss or loss of use of both hands, both arms, both feet, both legs, both eyes, or hearing in both ears, or of any two thereof, total and permanent disability shall be determined in accordance with the facts. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent total loss of the use of a finger, hand, arm, foot, leg, or eye shall be considered as the equivalent of the loss of such finger, hand, arm, foot, leg, or eye. In all cases involving a permanent partial loss of the use or function of any of the members mentioned in this subdivision, the compensation shall bear such relation to the amounts named in such subdivision as the disabilities bear to those produced by the injuries named therein. If the employer and the employee are unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, the amount of compensation shall be settled according to sections 48-173 to 48-185. Compensation under this subdivision shall not be more than the maximum weekly income benefit specified in section 48-121.01 nor less than the minimum weekly income benefit specified in section 48-121.01; ~~PROVIDED,~~ except that if at the time of the injury the employee received wages of less than the minimum weekly income benefit specified in section 48-121.01, then he or she shall receive the full amount of such wages per week as compensation.

(4) For disability resulting from permanent disability, if immediately prior to the accident the rate of wages was fixed by the day or hour, or by the output of the employee, the weekly wages shall be taken to be computed upon the basis of a workweek of a minimum of five days, if the wages are paid by the day, or upon the basis of a workweek of a minimum of forty hours, if the wages are paid by the hour, or upon the basis of a workweek of a minimum of five days or forty hours, whichever results in the higher weekly wage, if the wages are based on the output of the employee.

(5) The employee shall be entitled to compensation from his or her employer for temporary disability while undergoing physical or medical rehabilitation and while undergoing vocational rehabilitation whether ~~the~~ such vocational rehabilitation is voluntarily offered by the employer and accepted by the employee or

is ordered by the Nebraska Workers' Compensation Court or any judge of the compensation court.

Sec. 5. Section 48-125, Reissue Revised Statutes of Nebraska, is amended to read:

48-125. (1) Except as hereinafter provided, all amounts of compensation payable under the Nebraska Workers' Compensation Act shall be payable periodically in accordance with the methods of payment of wages of the employee at the time of the injury or death, except that ; ~~PROVIDED,~~ fifty percent shall be added for waiting time for all delinquent payments after thirty days' notice has been given of disability or after thirty days from the entry of a final order, award, or judgment of the compensation court. Such payments shall be sent directly to the person entitled to compensation or his or her designated representative except as otherwise provided in section 48-149. Whenever the employer refuses payment of compensation or medical payments subject to section 48-120, or when the employer neglects to pay compensation for thirty days after injury or neglects to pay medical payments subject to such section after thirty days' notice has been given of the obligation for medical payments, and proceedings are held before the Nebraska Workers' Compensation Court, a reasonable attorney's fee shall be allowed the employee by the compensation court in all cases when the employee receives an award. Attorney's fees allowed shall not be deducted from the amounts ordered to be paid for medical services nor shall attorney's fees be charged to the medical providers. If the employer files an application for review before the compensation court from an award of a judge of the compensation court and fails to obtain any reduction in the amount of such award, the compensation court shall allow the employee a reasonable attorney's fee to be taxed as costs against the employer for such review, and the Court of Appeals or Supreme Court shall in like manner allow the employee a reasonable sum as attorney's fees for the proceedings in the Court of Appeals or Supreme Court. If the employee files an application for a review before the compensation court from an order of a judge of the compensation court denying an award and obtains an award or if the employee files an application for a review before the compensation court from an award of a judge of the compensation court when the amount of compensation due is disputed and obtains an increase in the amount of such award, the compensation court may allow the employee a reasonable attorney's fee to be taxed as costs against the employer for such review, and the Court of Appeals or Supreme Court may in like manner allow the employee a reasonable sum as attorney's fees for the proceedings in the Court of Appeals or Supreme Court. A reasonable attorney's fee allowed pursuant to this section shall not affect or diminish the amount of the award.

(2) When an attorney's fee is allowed pursuant to this section, there shall further be assessed against the employer an amount of interest on the final award obtained, computed from the

date compensation was payable, as provided in section 48-119, at a rate equal to the rate of interest allowed per annum under section 45-104.01, as such rate may from time to time be adjusted by the Legislature. Interest shall apply only to those weekly compensation benefits awarded which have accrued at the time payment is made by the employer. If the employer pays or tenders payment of compensation, the amount of compensation due is disputed, and the award obtained is greater than the amount paid or tendered by the employer, the assessment of interest shall be determined solely upon the difference between the amount awarded and the amount tendered or paid.

Sec. 12. Section 48-166, Reissue Revised Statutes of Nebraska, is amended to read:

48-166. On or before January 1 of each year, the Nebraska Workers' Compensation Court shall issue an annual report for the past fiscal year which shall include (1) ~~a statement of the number and amounts of~~ pertinent information regarding settlements and awards made by the compensation court, (2) the causes of the accidents leading to the injuries for which the settlements and awards were made, (3) a statement of the total expense of the compensation court, (4) any other matters which the compensation court deems proper to include, and (5) any recommendations it may desire to make.".

2. On page 7, strike lines 27 and 28, show the old matter as stricken, and insert "has the same meaning as in section 48-151.".

3. On page 18, strike beginning with "The" in line 7 through "time" in line 10, show as stricken, and insert "Physician means any person licensed to practice medicine and surgery, osteopathic medicine, chiropractic, podiatry, or dentistry in the State of Nebraska or in the state in which the physician is practicing".

4. On page 27, line 17, strike "48-120, 48-120.02," and insert "48-119, 48-120, 48-120.02, 48-121, 48-125,"; and in line 18 after "48-163," insert "48-166,".

5. Renumber the remaining sections accordingly.

Mr. Bourne filed the following amendment to LB 175:
AM0859

1. Strike original section 6.

2. On page 5, line 7, strike the new matter and reinstate the stricken matter.

3. On page 7, line 2, strike "76-1446, and 76-1483" and insert "and 76-1446".

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. Strike the original sections and insert the following new sections:

"Section 1. Section 86-301, Reissue Revised Statutes of Nebraska, is amended to read:

86-301. (1) Any ~~telegraph or telephone~~ telecommunications company, incorporated or qualified to do business in this state, is granted the right to construct, operate, and maintain ~~telegraph and telephone~~ telecommunications lines and related facilities along, upon, across, and under the public ~~roads~~ highways of this state, and upon and under lands in this state, whether state or privately owned, except ~~; PROVIDED,~~ that (a) such lines and related facilities shall be so constructed and maintained as not to interfere with the ordinary use of such lands or of such ~~roads~~ highways by the public; and ~~that~~ (b) all aerial wires and cables shall be placed at a height of not less than eighteen feet above all ~~road~~ highway crossings. Nothing in sections 86-301 to 86-304 shall transfer the rights now vested in ~~cities, incorporated towns and villages~~ municipalities in relation to the regulation of the poles, wires, cables, and other appliances.

(2) Sections 86-301 to 86-304 shall not authorize a telecommunications company to erect any poles or construct any conduit, cable, or other facilities along, upon, across, or under a public highway within a municipality without first obtaining the consent of the governing body of the municipality. The municipality shall not exercise any authority over any rights the telecommunications company may have to deliver telecommunications services as authorized by the Public Service Commission or the Federal Communications Commission.

(3) Consent from a governing body for the use of a public highway within a municipality shall be based upon a lawful exercise of its statutory and constitutional authority and shall not be unreasonably withheld, nor shall any preference or disadvantage be created through the granting or withholding of such consent. A 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:

86-302. Every ~~such~~ telecommunications company is authorized to enter upon private lands to survey the ~~same, and every~~ lands for the purpose of obtaining a right-of-way. Every owner of an interest in private lands to be occupied by any ~~such~~ telecommunications lines shall be compensated for any right-of-way thus appropriated. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 3. Section 86-303, Reissue Revised Statutes of Nebraska, is amended to read:

86-303. Any right-of-way obtained under sections 86-301 to 86-304 by condemnation proceedings for poles, aerial wires, and aerial cables~~,~~ shall be located only on section boundary lines as established by law or property boundary lines adjoining public highways as established by law. All expense of surveying, court costs, and reasonable ~~attorneys'~~ attorney's fees shall be paid by the telecommunications company obtaining the right-of-way. ~~Should any telegraph or telephone~~ If any telecommunications line constructed under sections 86-301 to 86-303 ~~be~~ is abandoned for three years, the right-of-way or easement shall revert to the property affected.

Sec. 4. Section 86-303.01, Reissue Revised Statutes of Nebraska, is amended to read:

86-303.01. If the public ~~road~~ highway, along, upon, across, or under which the right to construct, operate, and maintain the ~~telephone or telegraph line~~ telecommunications lines and related facilities is granted, is a state or federal highway, then the location and installation of such lines and related facilities, insofar as they pertain to the present and future use of the right-of-way for highway purposes, shall be subject to such reasonable regulations and restrictions as are or may be prescribed by the Department of Roads. If the future use of ~~said~~ the state or federal highway requires the moving or relocating of ~~said~~ the facilities, then such facilities shall be removed or relocated by the owner~~,~~ at the owner's cost and expense~~,~~ and as directed by the Department of Roads except as provided by ~~the provisions of~~ section 39-1304.02.

Sec. 5. Section 86-304, Reissue Revised Statutes of Nebraska, is amended to read:

86-304. Any person ~~or persons~~ who ~~shall~~ willfully and maliciously ~~break, injure, destroy or otherwise interfere~~ breaks, injures, destroys, or otherwise interferes with the poles, wires, or ~~fixtures~~ other facilities of any ~~telegraph, telephone~~ telecommunications or railroad company or electric light and power company in this state~~,~~ or who ~~shall~~ willfully and purposely ~~interrupt or interfere~~ interrupts or interferes with the transmission of ~~telegraph or telephone~~ telecommunications messages or the transmission of light, heat, and power in this state~~,~~ shall be subject to the action and penalty prescribed in section 28-519.

Sec. 6. Original sections 86-301 to 86-304, Reissue

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 60-3003, Reissue Revised Statutes of Nebraska, is amended to read:

60-3003. (1) The county treasurer or designated county official pursuant to section 23-186 shall annually determine the motor vehicle tax on each motor vehicle registered in the county based on the age of the motor vehicle pursuant to section 60-3004 and cause a notice of the amount of the tax to be mailed to the registrant at the address shown upon his or her registration certificate. The notice shall be printed on a prenumbered statement form prescribed by the Department of Motor Vehicles and shall be mailed on or before the first day of the last month of the registration period.

(2) The motor vehicle tax, motor vehicle fee, and registration fee shall be paid to the county treasurer or designated county official prior to the registration of the motor vehicle for the following registration period. After retaining one percent of the motor vehicle tax proceeds collected for costs, the remaining motor vehicle tax proceeds shall be allocated to each ~~taxing unit levying taxes on taxable property~~ county, school district, city, and village in the tax district in which the motor vehicle has situs. Twenty-two percent of the remaining motor vehicle tax proceeds shall be allocated to the county, sixty percent shall be allocated to the school district, and eighteen percent shall be allocated to the city or village, except that (a) if the tax district is not in a city or village, forty percent shall be allocated to the county, and (b) in counties containing a city of the metropolitan class, eighteen percent shall be allocated to the county and twenty-two percent shall be allocated to the city or village. ~~in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the motor vehicle has situs.~~

(3) Proceeds from the motor vehicle tax shall be treated as property tax revenue for purposes of expenditure limitations, matching of state or federal funds, and other purposes.

Sec. 2. This act becomes operative on July 1, 1999.

Sec. 3. Original section 60-3003, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 4. Since an emergency exists, this act takes effect 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. Insert the following new sections:

"Section 11. Sections 11 to 18 of this act shall be known and may be cited as the Nebraska Youth Mentoring Act.

Sec. 12. The Legislature finds:

(1) The Nebraska Youth Mentoring Act is a comprehensive program to increase Nebraska's collective capacity for youth mentoring in Nebraska;

(2) The act will expand and promote successful youth mentoring and skill-building programs which provide effective mentoring services to young people in the state who are at risk for alcohol and other drug use, teen pregnancy, school failure or dropping out of school, and juvenile delinquency;

(3) The act will provide the necessary resources to expand these and similar recognized programs and to create new youth mentoring programs; and

(4) The goal of the act is to establish at least ten thousand new, sustained mentoring relationships by December 31, 2003.

Sec. 13. For purposes of the Nebraska Youth Mentoring Act, mentoring means a structured relationship pursuant to an approved mentoring program (1) between a youth and an adult who offers support, guidance, and education and (2) which shall not replace or substitute for parental authority and support but shall

augment existing parental and community supports available to the youth.

Sec. 14. The State Board of Education shall implement the Nebraska Youth Mentoring Act. The board shall:

(1) Assist with the creation and ongoing support of recognized youth mentoring programs and networks;

(2) Annually distribute funds appropriated to the board by the Legislature to carry out the act as grants to youth mentoring programs and community or multi-community youth mentoring networks according to the following guidelines:

(a) Receipt of grants is contingent upon program implementation of recognized quality standards that promote youth skill-building and safety, mentor training and competence, and overall program success; and

(b) Recipients shall track, monitor, and evaluate the youth mentoring programs according to standards approved by the board and shall submit results to the board annually;

(3) Provide funding and support for a youth mentoring web page, a youth mentoring program directory, a youth mentoring database and library, and youth mentor training;

(4) Annually report to the Governor and the Legislature on programs pursuant to the act;

(5) Assign responsibility to educational service units to develop a mentor training program for approval by the board; and

(6) Promote support among state agency directors for state employees to become involved as volunteer mentors.

Sec. 15. The Nebraska State Patrol shall provide state screening and state criminal history record information checks on volunteer mentors at no cost to the youth mentoring program or regional or community youth mentoring network.

Sec. 16. The Legislature finds that outstanding volunteer and mentor service should be encouraged and recognized. For that purpose, the Governor is authorized to provide an award, to be known as the Governor's Award for Excellence in Volunteer and Mentor Service, to recognize outstanding volunteer or mentor service for each fiscal year beginning with fiscal year 1999-2000. The State Board of Education shall transmit a final list of nominees to the Governor for his or her consideration.

Sec. 17. The State Board of Education shall adopt and promulgate rules and regulations to carry out the Nebraska Youth Mentoring Act.

Sec. 18. It is the intent of the Legislature to appropriate $1,000,000 to the State Board of Education to carry out the Nebraska Youth Mentoring Act from the balance of the competitive grants portion of the Education Innovation Fund money existing on June 30, 1999, to be distributed pursuant to this section in school year 1999-2000. These funds shall be distributed to applicants and educational service units by the State Board of Education.".

2. On page 2, line 23, strike "three million two" and insert "one million five".
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

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.

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. On page 13, after line 17 insert the following new subsection:

"(6) No paid advertisement or promotion of lottery games

shall refer to educational programs created or funded from revenue generated by such lottery games pursuant to the State Lottery Act 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

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. Insert the following new section:

"Sec. 2. Section 60-6,110, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,110. (1) Any person who knowingly fails or refuses to obey any lawful order of any peace officer who is controlling or directing traffic shall be guilty of a traffic infraction.

(2) Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of a Class III misdemeanor whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or of a person whom such officer reasonably believes has violated the rules.

(3) Except as permitted by section 60-6,115, any person who drives any motor vehicle into any section of a highway

designated as temporarily closed to through traffic by traffic control devices, personnel of the Department of Roads, state emergency response team members, peace officers, firefighters, emergency care providers, emergency medical personnel, or other emergency management workers, unless directed to do so by any such personnel, shall be guilty of a Class III misdemeanor.".

2. Renumber the remaining sections and correct internal 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. Strike the original sections and insert the following new sections:

"Section 1. (1) Any new state building shall meet or exceed the requirements of the 1998 International Energy Conservation Code.

(2) Any new lighting, heating, cooling, ventilating, or water heating equipment or controls in a state-owned building and any new building envelope components installed in a state-owned building shall meet or exceed the requirements of the 1998 International Energy Conservation Code.

(3) The State Building Administrator of the Department of Administrative Services, in consultation with the State Energy Office, may specify:

(a) A more recent edition of the International Energy Conservation Code;

(b) Additional energy efficiency or renewable energy requirements for buildings; and

(c) Waivers of specific requirements which are demonstrated through life-cycle cost analysis to not be in the state's best interest. The agency receiving the funding shall be required to provide a life-cycle cost analysis to the State Building Administrator.

Sec. 2. The International Energy Conservation Code applies to all new buildings constructed in whole or in part with state funds after January 1, 2000. The State Energy Office shall review building plans and specifications necessary to determine

whether a building will meet the requirements of this section. The State Energy Office shall provide a copy of its review to the agency receiving funding. The agency receiving the funding shall verify that the building as constructed meets or exceeds the code. The verification shall be provided to the State Energy Office. The State Energy Office shall, in consultation with the State Building Administrator of the Department of Administrative Services, adopt and promulgate rules and regulations to carry out this section.

Sec. 3. The enforcement provisions of Chapter 1 of the 1998 International Energy Conservation Code shall not apply to 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. On page 1, before the period in the last "WHEREAS" clause insert "; 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"; and strike the second and third "THEREFORE" clauses and insert:

"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.".

(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

printed on recycled paper

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. Strike the original sections and insert the following new sections:

"Section 1. All laboratories performing human genetic testing for clinical diagnosis and treatment purposes shall be accredited by the College of American Pathologists--American College of Medical Genetics Molecular Pathology Program or any other national accrediting body or public agency which has requirements that are substantially equivalent to or more comprehensive than such program.

Sec. 2. All forensic DNA laboratories performing work on behalf of the state or a political subdivision shall be certified by the American Society of Crime Lab Directors or the National Forensic Science Technology Center.

Sec. 3. Section 13-607, Reissue Revised Statutes of Nebraska, is amended to read:

13-607. (1) The full out-of-pocket cost or expense that may be charged to a sexual assault victim in connection with a forensic medical examination shall be paid for by the law enforcement agency of a political subdivision if such law enforcement agency is the primary investigating law enforcement agency investigating the reported sexual assault.

(2) All forensic DNA tests shall be performed by a laboratory which is certified by the American Society of Crime Lab Directors or the National Forensic Science Technology Center.

Sec. 4. Section 29-4105, Revised Statutes Supplement, 1998, is amended to read:

29-4105. (1) The Nebraska State Patrol shall prescribe procedures to be used in the collection, submission, identification, analysis, storage, and disposition of DNA samples and DNA records under the DNA Detection of Sexual and Violent Offenders Act. These procedures shall include quality assurance guidelines for laboratories which submit DNA records to the State DNA Data Base and shall require that all laboratories be certified by the American Society of Crime Lab Directors or the National Forensic Science Technology Center. The State DNA Data Base shall be compatible with the procedures specified by the Federal Bureau of Investigation, including the use of comparable test procedures, laboratory equipment, supplies, and computer software. The DNA records shall be securely stored in the State DNA Data Base and retained in a manner consistent with the procedures established by the Federal Bureau of Investigation.

(2) The Nebraska State Patrol may contract with the University of Nebraska Medical Center to establish the State DNA Sample Bank at the medical center and for DNA typing tests. The State DNA Sample Bank shall serve as the repository of DNA samples collected under the act. The University of Nebraska Medical Center in contracting under the act is subject to the same restrictions and requirements of the act, insofar as applicable, as the Nebraska State Patrol, as well as any additional restrictions imposed by the patrol.

(3) The DNA samples and DNA records shall only be used by the Nebraska State Patrol to create a separate population data base comprised of DNA records obtained under the act after all personal identification is removed. The patrol may share or disseminate the population data base with other law enforcement agencies or forensic DNA laboratories which assist the patrol with statistical data bases. The population data base may be made available to and searched by other agencies participating in the Combined DNA Index System.

Sec. 5. Section 43-1414, Reissue Revised Statutes of Nebraska, is amended to read:

43-1414. In any proceeding to establish paternity, the

court may, on its own motion, or shall, on a timely request of a party, after notice and hearing, require the child, the mother, and the alleged father to submit to genetic testing to be performed on blood or any other appropriate tissue. Failure to comply with such requirement for genetic testing shall constitute contempt and may be dealt with in the same manner as other contempts. If genetic testing is required, the court shall direct that inherited characteristics be determined by appropriate testing procedures and shall appoint an expert in genetic testing and qualified as an examiner of genetic markers to analyze and interpret the results and to report to the court. The court shall determine the number of experts required.

In any proceeding to establish paternity, the Director of Health and Human Services, county attorneys, and authorized attorneys have the authority to require the child, the mother, and the alleged father to submit to genetic testing to be performed on blood or any other appropriate tissue. All genetic testing shall be performed by a laboratory accredited by the College of American Pathologists--American College of Medical Genetic Molecular Pathology Program or any other national accrediting body or public agency which has requirements that are substantially equivalent to or more comprehensive than such program.

For purposes of sections 43-1414 to 43-1418, an expert in genetic testing means a person who has formal doctoral training or postdoctoral training in human genetics.

Sec. 6. Section 71-2620, Reissue Revised Statutes of Nebraska, is amended to read:

71-2620. The Department of Health and Human Services Regulation and Licensure may enter into agreements, not exceeding one year in duration, with any other governmental agency relative to the provision of certain laboratory tests and services to the agency. Such services shall be provided as stipulated in the agreement and for such fee, either lump sum or by the item, as is mutually agreed upon and as complies with the provisions of section 71-2619. All laboratories performing human genetic testing for clinical diagnosis and treatment purposes shall be accredited by the College of American Pathologists--American College of Medical Genetics Molecular Pathology Program or any other national accrediting body or public agency which has requirements that are substantially equivalent to or more comprehensive than such program.

Sec. 7. Section 71-6810, Reissue Revised Statutes of Nebraska, is amended to read:

71-6810. Laboratory shall mean an establishment, place, or location where biological, hematological, microbiological, serological, chemical, immunohematological, cytological, pathological, or other examinations of material derived from the human body are conducted for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or

impairment of the health of humans or for the assessment of the health of humans or an establishment, place, or location that provides transfusion services and bloodbanking.

Laboratories performing human genetic testing for clinical diagnosis and treatment purposes shall be accredited by the College of American Pathologists--American College of Medical Genetics Molecular Pathology Program or any other national accrediting body or public agency which has requirements that are substantially equivalent to or more comprehensive than such program. Laboratories performing forensic DNA testing shall be certified by the American Society of Crime Lab Directors or the National Forensic Science Technology Center.

Locations where such testing is done by oneself, by one's family, or by someone acting in lieu of one's family shall not constitute laboratories under the Clinical Laboratories Certification Act if the tests used in such locations have been determined by the director, upon the recommendation of the board, to have been approved for home use.

Sec. 8. Section 71-6811, Reissue Revised Statutes of Nebraska, is amended to read:

71-6811. Laboratory certificate or certificate shall mean a permit to operate a laboratory that meets the requirements prescribed in sections 71-6819 or 71-6820 to ~~71-6822~~ 71-6823.

Sec. 9. Section 71-6816, Revised Statutes Supplement, 1998, is amended to read:

71-6816. (1) Except as provided in section 71-6817, no laboratory shall operate in this state unless the department has issued a laboratory certificate to the laboratory. The laboratory director of a laboratory in existence on July 1, 1991, shall submit an application for a laboratory certificate within forty-five days of such date. After such date, every laboratory director shall apply for a certificate within forty-five days before accepting specimens for testing.

(2) Applications for certificates or renewal thereof shall be made on a form provided by the department. The forms shall include the following information:

(a) The name of the laboratory owner;

(b) The name of the laboratory director;

(c) The location of the laboratory;

(d) The names and evidence of qualifications of clinical laboratory practitioners employed at the laboratory;

(e) Copies of any certification or accreditation achieved by the laboratory from regional or national certification associations or accrediting bodies or agencies;

(f) A list of all laboratory tests performed in the laboratory and, in the case of a renewal application, any changes in the list of laboratory tests performed;

~~(f)~~ (g) Proficiency testing services subscribed to by the laboratory;

~~(g)~~ (h) If the applicant is an individual, his or her social security number; and

~~(h)~~ (i) Such other information as the department deems necessary to evaluate the scope of testing by the laboratory.

(3) The application shall be accompanied by the biennial certification fee as provided in section 71-6831. If the applicant withdraws the application or the department rejects the application, the department shall return the certification fee except for an administrative fee of twenty-five dollars.

(4) If an applicant for an initial certificate files an application for certification within ninety days prior to the biennial renewal date of such a certificate, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the certificate until the biennial renewal date and pay only the fee for initial certification; or

(b) Request that a certificate which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial certification and an additional fee of one-fourth of the biennial fee.

(5) The department shall review each application and approve or deny such application within forty-five days after the application is filed. A laboratory in existence on July 1, 1991, may continue to operate pending a decision by the department to approve or deny its application.

(6) Certificates shall be renewed every two years and shall expire on May 1 of each even-numbered year beginning in 1992.

(7) The department shall publish annually a list of laboratories which have been issued certificates.

Sec. 10. Section 71-6818, Reissue Revised Statutes of Nebraska, is amended to read:

71-6818. The department shall approve an application and issue a certificate to each laboratory that meets the requirements prescribed in sections 71-6819 or 71-6820 to ~~71-6822~~ 71-6823.

Sec. 11. Section 71-6819, Reissue Revised Statutes of Nebraska, is amended to read:

71-6819. (1) The department may issue a certificate to a laboratory upon receipt of evidence of compliance with accreditation or certification requirements of one of the following national accrediting bodies or public agencies if the director determines that the requirements are substantially equivalent to or more comprehensive than the requirements of sections 71-6820 to ~~71-6822~~ 71-6823:

(a) The United States Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or Title XIX of the Social Security Act;

(b) The College of American Pathologists;

(c) The Joint Commission on Accreditation of Health Care

Organizations;

(d) ~~The National Institute on Drug Abuse;~~

~~(c)~~ The Commission on Office Laboratory Assessment; and

~~(f)~~ (e) Such other accreditation or certification programs as may be approved by the director with the consent of the board.

(2) If a laboratory has been issued a certificate under subsection (1) of this section and its accreditation or certification is terminated or withdrawn for any reason, it shall notify the department within fifteen days. The laboratory shall cease to operate until it applies for and receives a new certificate pursuant to sections 71-6820 to ~~71-6822~~ 71-6823.

Sec. 12. Section 71-6826, Reissue Revised Statutes of Nebraska, is amended to read:

71-6826. If the department denies, suspends, or revokes a certificate, the department shall notify the certificate holder in writing. Any person aggrieved by the decision may request a hearing. The methods and procedures for notification and conduct of a hearing and the provisions for finality of the department's decision shall be identical to those pertaining to denial, suspension, or revocation of a license for the operation of health care facilities under section 71-2023. Any decision to deny, suspend, or revoke a certificate may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act. When the department's denial, suspension, or revocation is final, the laboratory shall cease to operate until it applies for and receives a new certificate pursuant to sections 71-6819 or 71-6820 to ~~71-6822~~ 71-6823.

Sec. 13. Section 71-6830, Reissue Revised Statutes of Nebraska, is amended to read:

71-6830. The director, upon the advice of the board, shall adopt and promulgate rules and regulations:

(1) For the administration and enforcement of the Clinical Laboratories Certification Act;

(2) To establish application and certificate forms pursuant to section 71-6816;

(3) To identify accreditation and certification programs pursuant to section 71-6819;

(4) To establish minimum standards governing proficiency testing programs;

(5) To establish minimum standards governing quality assurance programs;

(6) To establish fees; and

(7) To establish reasonable standards in the public interest governing approval of tests for home use as described in section 71-6810. Standards of the Food and Drug Administration may be used as the basis for such standards.

The minimum standards and requirements for the operation of laboratories shall be consistent with and no more or less

stringent than the minimum requirements and standards established by sections 71-6820 to ~~71-6822~~ 71-6823.

Sec. 14. Section 81-2010, Reissue Revised Statutes of Nebraska, is amended to read:

81-2010. A criminalistics laboratory is hereby established within the Nebraska State Patrol, under the direction of the Superintendent of Law Enforcement and Public Safety. The laboratory shall perform services necessary for the recognition and proper preservation, identification and scientific analysis of evidence materials pertaining to the investigation of crimes. By October 1, 2003, the laboratory shall be certified by the American Society of Crime Lab Directors or the National Forensic Science Technology Center.

Sec. 15. Section 81-2010.03, Revised Statutes Supplement, 1998, is amended to read:

81-2010.03. (1) The full out-of-pocket cost or expense that may be charged to a sexual assault victim in connection with a forensic medical examination shall be paid for by the Nebraska State Patrol if the patrol is the primary investigating law enforcement agency investigating the reported sexual assault.

(2) All forensic DNA tests shall be performed by a laboratory which is certified by the American Society of Crime Lab Directors or the National Forensic Science Technology Center.

Sec. 16. Sections 7 to 13 and 18 of this act become operative October 1, 1999. The other sections of this act become operative on their effective date.

Sec. 17. Original sections 13-607, 43-1414, 71-2620, and 81-2010, Reissue Revised Statutes of Nebraska, and sections 29-4105, 71-6816, and 81-2010.03, Revised Statutes Supplement, 1998, are repealed.

Sec. 18. Original sections 71-6810, 71-6811, 71-6818, 71-6819, 71-6826, and 71-6830, Reissue Revised Statutes of Nebraska, and section 71-6816, Revised Statutes Supplement, 1998, 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. On page 6, line 4, after the period insert "The intentional reporting of false information by a packer in the report to the department required in section 13 of this act is a Class IV misdemeanor.".

2. On page 8, line 17, after the period insert "The intentional reporting of false information by a packer in the report to the department required in section 23 of this act is a 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

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. On page 2, line 5, strike "who" and insert "that".

2. On page 3, line 7, strike "by" and insert "between" and strike "leading" and insert "specific"; in line 8 after "manufacturers" insert "and related documents to such agreement"; in line 15 strike "placing the" and insert "that places such"; and in lines 23 and 24 strike the parentheses.

3. On page 4, line 14, strike "shall" and insert "does"; in line 19 after "manufacturer" insert a comma; and in lines 20, 21, 22, and 23 strike the parentheses.

4. On page 5, lines 1, 3, 5, 6, and 10, strike the parentheses and insert a comma; in line 11 strike the parenthesis; in line 15 after "of" insert "the years"; in line 16 strike "2003 through 2006" and insert "the years 2003, 2004, 2005, and 2006"; in line 18 strike "each of" and insert "the year"; and in line 23 strike "themselves".

5. On page 7, line 17, after "escrow" insert ". Such civil penalty shall be disposed of in accordance with Article VII, section 5, of the Constitution of Nebraska"; in line 19 after "state" insert a comma; in line 20 strike the parenthesis; in line 21 strike the parenthesis and insert a comma; and in line 23 strike "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
2. On page 4, line 16, strike "seventy-five" and insert "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. On page 1, line 12, strike "voluntarily".

Mrs. Thompson filed the following amendment to LB 476:
AM0979
1. Insert the following new sections:
"Sec. 33. The Governor shall commission a study of the Nebraska State Patrol for purposes of examining its mission, structure, and staffing and shall make recommendations for any needed changes. The study shall:
(1) Assess the current structure and mission of the Nebraska State Patrol;
(2) Review the growth and viability of the mission-related duties of the Nebraska State Patrol as they relate to the patrol's work capacity;
(3) Assess the relationship of local law enforcement and the Nebraska State Patrol including, but not limited to, cooperative traffic enforcement, participation in drug task forces, and mutual assistance responses;
(4) Review the staffing of the Nebraska State Patrol including the resource needs of sparsely populated areas of the state;
(5) Review the communication capabilities of the Nebraska

State Patrol;

(6) Examine the effect that a reduction of current grant funding would have on the mission and budget of the Nebraska State Patrol; and

(7) Review any promising programs and strategies implemented by other jurisdictions with respect to their state police departments.

Sec. 34. The study shall be conducted by a task force consisting of the Superintendent of Law Enforcement and Public Safety, two other members of the Nebraska State Patrol designated by the superintendent, the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice or his or her designee, and the Director of Research of the Legislature or his or her designee. In addition, the Executive Board of the Legislative Council shall appoint to the task force two members of the Legislature, a representative of the Fraternal Order of Police, a county sheriff or chief of police from each of the six Nebraska State Patrol troop sites, and two at-large members from the general public. The Executive Board of the Legislative Council shall appoint a chairperson of the task force from the task force members. The appointments to the task force shall be made no later than June 1, 1999.

Sec. 35. The task force may gather information from interested parties through public hearings and other appropriate means to assure ample opportunities for outside input to be received for consideration. The task force shall complete its work and issue a final report outlining its findings and recommendations to the Governor and the Legislature no later than December 1, 1999. The Department of Public Administration of the University of Nebraska at Omaha will provide administrative support to the task force and shall be responsible for the production and distribution of the final report. Members of the task force shall be reimbursed pursuant to sections 81-1174 to 81-1177 for their actual and necessary expenses during service. It is the intent of the Legislature that any money appropriated by the Legislature for this study shall be appropriated to the Department of Public Administration of the University of Nebraska at Omaha.

Sec. 36. The task force shall cease to exist on December 31, 1999.

Sec. 39. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining sections accordingly.

Mrs. Kiel filed the following amendment to LB 476:
AM0987

1. On page 10, line 8, strike "and"; and in line 14 after "act" insert "; and

(18) He or she is an active or retired state or federal 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. On page 10, line 8, strike "and"; and in line 14 after "Act" insert "; and

(18) An applicant shall demonstrate mental fitness and competence to be a licensed concealed handgun carrier by satisfactorily completing a psychological evaluation of the same type law enforcement personnel of the applicant's municipality or county are subject to".

AM0985

1. On page 20, line 4, after the last semicolon insert "passenger train, high speed train, or other surface transportation system;".

AM0986

1. On page 10, line 8, strike "and"; and in line 14 after "Act" insert "; and

(18) He or she shows proof of minimum personal liability insurance in the amount of one hundred thousand dollars".

AM0988

(Amendments to AM0987)

1. On page 1, line 4, after "officer" insert "or an active or retired state or federal judge".

AM0989

(Amendments to AM0987)

1. On page 1, line 4, after "officer" insert "or an active or retired state or federal correctional officer".

AM0991

(Amendments to AM0987)

1. On page 1, line 4, after "officer" insert "or a currently elected or formerly elected county official".

AM0992

(Amendments to AM0987)

1. On page 1, line 4, after "officer" insert "or a currently elected or formerly elected municipal or village official".

AM0993

(Amendments to AM0987)

1. On page 1, line 4, after "officer" insert "or a 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

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. Strike original sections 1 and 2 and insert the following new sections:

"Sec. 3. Section 81-15,160, Revised Statutes Supplement, 1998, is amended to read:

81-15,160. (1) The Waste Reduction and Recycling Incentive Fund is created. The department shall deduct from the fund amounts sufficient to reimburse itself for its costs of administration of the fund. The fund shall be administered by the Department of Environmental Quality. The fund shall consist of proceeds from the fees imposed pursuant to ~~sections 81-15,159 to 81-15,165~~ the Waste Reduction and Recycling Incentive Act.

(2) The fund may be used for purposes which include, but

are not limited to:

(a) Technical and financial assistance to political subdivisions for creation of recycling systems and for modification of present recycling systems;

(b) Recycling and waste reduction projects, including public education, planning, and technical assistance;

(c) Market development for recyclable materials separated by generators, including public education, planning, and technical assistance;

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

(e) Programs which develop and implement composting of yard waste and composting with sewage sludge;

(f) Technical assistance for waste reduction and waste exchange for waste generators;

(g) Programs to assist communities and counties to develop and implement household hazardous waste management programs;

(h) Incentive grants to political subdivisions to assist and encourage the closure of landfills operating without a permit, the regional consolidation of solid waste disposal facilities operating with a permit, and the use of transfer stations. Grants awarded for programs involving land disposal shall include provisions for waste reduction and recycling; and

(i) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources.

(3) No grant shall be made under section 81-15,161 to a political subdivision which operates a landfill operating without a permit unless the grant will be used to meet permit standards and the landfill is issued a permit within two years after the award of the grant.

~~(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction~~

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction, except that on or before June 1, 2001, up to one million dollars will be available for scrap tire projects only, if acceptable scrap tire project applications are received. Eligible categories of disbursement may include:

(a) Studies to determine economic and technical feasibility of uses of scrap tires or tire-derived product, with disbursements of up to one hundred percent of the cost of the study;

(b) Reimbursement for the purchase of crumb rubber generated and used in Nebraska, with disbursements not to exceed

fifty percent of the cost of the crumb rubber;

(c) Reimbursement for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content, with disbursements not to exceed twenty-five percent of the product's retail cost;

(d) Participation in the capital costs of building, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived product, with disbursements not to exceed fifty percent of such costs or five hundred thousand dollars, whichever is less;

(e) Participation in the capital costs of building, equipment, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not to exceed fifty percent of such costs;

(f) Cost-sharing for the manufacturing of tire-derived product, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(g) Cost-sharing for the processing of scrap tires, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(h) Cost-sharing for the use of scrap tires for civil engineering applications for specified projects, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually.

The director shall give preference to projects which utilize scrap tires generated and used in Nebraska.

(5) The department may disburse (a) to any person up to one hundred percent of the costs incurred in cleaning up scrap tire collection sites existing on June 11, 1997, if application for such cleanup is submitted prior to June 1, 1999, and the cleanup is completed by September 1, 2000, or (b) to a political subdivision up to one hundred percent of costs incurred in cleaning up collection sites if application for such cleanup is submitted prior to June 1, 1999, and the cleanup is completed by September 1, 2000.

(6) Priority for grants made under section 81-15,161 shall be given to grant proposals demonstrating a formal public/private partnership except for grants awarded from funds collected under subsection (6) of section 13-2042.

(7) Grants awarded from fees collected under subsection (6) of section 13-2042 may be renewed for up to a five-year grant period. Such applications shall include an updated solid waste management plan pursuant to section 13-2032. Annual disbursements are subject to available funds and the grantee meeting established grant conditions. Priority for such grants shall be given to grant proposals showing regional participation and programs which address the first waste management hierarchy as stated in section 13-2018 which shall include toxicity reduction. Disbursements for any one

year shall not exceed fifty percent of the total funds collected after rebates under subsection (6) of section 13-2042 during that year. ~~; except that on or before June 30, 1999, grant proposals that will be used for the recycling of tires or tire waste reduction shall be submitted and considered under section 81-15,162.02 and shall not be funded from the Waste Reduction and Recycling Incentive Fund.~~

~~(5)~~ (8) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the fund. 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. 4. Section 81-15,162, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,162. (1) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on each tire of every new motor vehicle, trailer, or semitrailer sold at retail in this state. Such fee shall be collected by the county treasurer at the time of registration of the motor vehicle, trailer, or semitrailer and remitted to the Department of Revenue.

(2) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on every tire sold at retail in this state, including every farm tractor tire, which tires are not on a motor vehicle, trailer, or semitrailer pursuant to subsection (1) of this section. Such fee shall be collected from the purchaser by the tire retailer at the time of purchase and shall be remitted to the Department of Revenue.

(3) For purposes of this section, tire shall have the definition found in section 81-15,159.02 and shall include a pneumatic and solid tire but shall not include a recapped or regrooved tire.

(4) Subject to section 81-15,165:

(a) On or before June 30, 1999, the fees remitted to the Department of Revenue under this section shall be remitted to the State Treasurer for credit to the Scrap Tire Reduction and Recycling Incentive Fund; and

(b) After June 30, 1999, the fees remitted to the Department of Revenue under this section along with any unobligated balance in the Scrap Tire Reduction and Recycling Incentive Fund shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. Fees collected in excess of one million dollars shall be available for grants to political subdivisions under rules and regulations adopted pursuant to subsection (7) of section 13-2042.

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

2. On page 7, lines 2 and 3 and 20 through 25, strike the new matter.

3. On page 8, line 24, strike "13-2001," and strike

"and" and after the last comma insert "and 81-15,162,"; and in line 25 after the comma insert "and section 81-15,160, Revised Statutes Supplement, 1998,".

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. On page 2, line 19, strike "chairperson" through "Resources" and insert "Governor"; in lines 20 and 21 strike "chairperson" through "Agriculture" and insert "Governor"; in line 25 after "Agriculture" insert "as an ex officio, nonvoting member"; and in line 26 after "Resources" insert "as an ex officio, nonvoting member".

Messrs. Bromm and Cudaback filed the following amendment to LB 90:
AM0763

(Amendments to AM0288)

1. On page 1, lines 3 through 11, strike the new matter and insert "No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be 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. On page 2, line 5, strike "xxx" and insert "two 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 31 of this act shall be known and may be cited as the Competitive Livestock Markets Act.

Sec. 2. For purposes of the Competitive Livestock Markets Act:

(1) Animal unit means one head of cattle, three calves under four hundred fifty pounds, or five swine;

(2) Department means the Department of Agriculture;

(3) Director means the Director of Agriculture or his or her designee;

(4) Livestock means live cattle or swine;

(5) Packer means a person, or agent of such person, engaged in the business of slaughtering livestock in Nebraska in excess of fifty thousand animal units per year; and

(6) Person includes individuals, firms, associations, limited liability companies, and corporations and employees, officers, or limited liability company members thereof.

Sec. 3. The Legislature finds that family farmers and ranchers have been experiencing, with greater frequency, severely depressed livestock market prices. These market conditions are disproportionately affecting independent producers, which make up the majority of farms and ranches, and are threatening the economic stability of Nebraska's rural communities. The Legislature further finds that packer concentration, vertical integration, and contractual arrangements are undermining the system of price discovery. In the absence of any meaningful federal response to the conditions described, the purpose of the Competitive Livestock Markets Act is to increase livestock market price transparency, ensuring that producers can compete in a free and open market. This is accomplished by establishing minimum price and contract reporting requirements, eliminating volume premiums and volume-based incentives, scrutinizing livestock production contracts and marketing agreements, and statutorily reinforcing the constitutional prohibition against the ownership, keeping, or feeding of livestock by packers for the production of livestock or livestock products.

Sec. 4. After the effective date of this act, it is unlawful for a packer to be engaged in the ownership, keeping, or feeding of livestock for the production of livestock or livestock products.

Sec. 5. Whenever the Attorney General has reason to believe that a packer is violating section 4 of this act, he or she shall commence an action in district court to enjoin the livestock operation. The court, upon determination that such packer is in violation of section 4 of this act, shall order such livestock to be removed and sold and shall assess the packer a fine of not less than one thousand dollars for each day of violation.

Sec. 6. The proceeds from any livestock ordered to be sold pursuant to section 5 of this act shall not be distributed until all fines and costs associated with such action have been paid. All money collected as a fine shall be remitted to the State Treasurer for credit to the permanent school fund. All fines levied under this section remaining unpaid shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action, in the name of the State of Nebraska, in the district court of the county in which the violation occurred.

Sec. 7. Except as provided in sections 8 and 9 of this act, it is unlawful for a packer purchasing or entering into a

contract to purchase swine to pay or enter into a contract to pay different prices to the sellers of the swine. This section shall not be construed to mean that a price or payment method must remain fixed throughout any marketing period.

Sec. 8. Section 7 of this act does not apply to any direct, spot, or cash purchase of swine if the following requirements are met:

(1) The difference in price is based on: (a) A payment method specifying prices paid for criteria relating to carcass merit; or (b) actual and quantifiable costs related to transporting and acquiring the swine by the packer; and

(2) After making the payment to a seller, the packer publishes and reports the payment information required under section 13 of this act, including the payment method specifying prices paid for criteria relating to carcass merit and transportation and acquisition costs.

Sec. 9. Section 7 of this act does not apply to any contract to purchase swine at a certain date or time if the following requirements are met:

(1) The difference in price is based on: (a) A payment method specifying prices paid for criteria relating to carcass merit; or (b) actual and quantifiable costs related to transporting and acquiring the swine by the packer;

(2) The packer publishes and reports the payment information required under section 13 of this act, including the payment method specifying prices paid for criteria relating to carcass merit and transportation and acquisition costs;

(3) The packer publishes and reports the information required under section 13 of this act, including the price to be paid for swine to be delivered on specified delivery dates or times; and

(4) An offer to enter into a contract for the delivery of swine, according to the same terms and conditions, is made to other sellers.

Sec. 10. Any agreement made by a packer in violation of section 7 of this act is voidable by the seller.

Sec. 11. A seller may bring an action against any packer violating section 7 of this act to recover damages sustained by reason of such violation.

Sec. 12. Any packer acting in violation of section 7 of this act is guilty of a Class IV misdemeanor and shall be fined five hundred dollars per violation.

Sec. 13. Beginning January 3, 2000, a packer shall, three times each day during which swine are purchased, report to the department and to the United States Department of Agriculture, agricultural market service livestock news branch, all swine that are purchased in the cash, spot, or direct market since the last report. A packer shall, one time each day during which swine are purchased, report to the department and to the United States

Department of Agriculture, agricultural market service livestock news branch, all swine that are purchased by contract that day. Such reports shall be completed on forms prepared by the department, in consultation with the agricultural market service livestock news branch, and shall include:

(1) The cash price paid and the number of swine purchased in the cash, spot, or direct market at price intervals representative of the day's trade;

(2) The base price paid and premium and discount payment adjustments for quality characteristics including grade, yield, and backfat;

(3) Base price and premium and discount factors for swine purchased using a formula-based pricing system; and

(4) The number of swine purchased under contract, in which the date of delivery is set for more than fourteen days after the making of the contract, and the base price to be paid or the formula that will be used to determine the base price to be paid.

The report shall not include information regarding the identity of a seller.

Sec. 14. The department shall make report information received under section 13 of this act available to the public in a timely manner to permit the use of the information while it is still relevant.

Sec. 15. The failure of a packer to report information to the department as required in section 13 of this act is punishable by a civil penalty not to exceed one thousand dollars for each day that a complete report is not made available to the department. The intentional reporting of false information by a packer in the report to the department required in section 13 of this act is a Class IV misdemeanor.

Sec. 16. The Attorney General shall enforce the provisions of sections 7 to 15 of this act, and the director shall refer any violations of these provisions to the Attorney General. The Attorney General or any person injured by a violation of these provisions may bring an action in district court to restrain a packer from violating these provisions.

Sec. 17. It is unlawful for a packer to enter into a contract to purchase cattle for slaughter if:

(1) The contract specifies that the seller is not allowed to report the terms of the contract; or

(2) The date of delivery of such cattle is not specified.

Sec. 18. Section 17 of this act does not apply to any contract to purchase cattle for slaughter if the following conditions are met:

(1) The contract to purchase cattle for slaughter specifies the month of delivery and allows the seller to set the week for delivery within such month; and

(2) The packer publishes and reports the contract information as required under section 23 of this act, including

specified delivery dates or times.

Sec. 19. It is unlawful for a packer to enter into a contract to purchase cattle for slaughter using a formula or grid pricing mechanism if the packer fails to negotiate a base price prior to the cattle being committed or scheduled for slaughter.

Sec. 20. Any contract to purchase cattle for slaughter that is in violation of section 17 or 19 of this act is voidable by the seller.

Sec. 21. A seller may bring an action against any packer violating section 17 or 19 of this act to recover damages sustained by reason of such violation.

Sec. 22. Any packer acting in violation of section 17 or 19 of this act shall be guilty of a Class IV misdemeanor and shall be fined five hundred dollars per violation.

Sec. 23. Beginning January 3, 2000, a packer shall, three times each day during which cattle are purchased, report to the department and to the United States Department of Agriculture, agricultural market service livestock news branch, all cattle that are purchased in the cash, spot, or direct market since the last report. A packer shall, one time each day during which cattle are purchased, report to the department and to the United States Department of Agriculture, agricultural market service livestock news branch, all cattle that are purchased by contract that day. Such reports shall be completed on forms prepared by the department, in consultation with the agricultural market service livestock news branch, and shall include:

(1) The cash price paid and the number of cattle purchased at price intervals representative of the day's trade;

(2) Quality characteristics, including sex of the cattle, estimated percentage of the meat which will be graded choice or better upon inspection based upon the United States Department of Agriculture official grades, and estimated live weight, as well as premium and discount factors that may apply to these characteristics;

(3) Base price and premium and discount factors for cattle purchased using a formula or grid pricing mechanism; and

(4) The delivery month, volume, and applicable basis level for all cattle purchased under basis contract.

The report shall not include information regarding the identity of a seller.

Sec. 24. The department shall make report information received under section 23 of this act available to the public in a timely manner to permit the use of the information while it is still relevant.

Sec. 25. The failure of a packer to report information to the department as required in section 23 of this act is punishable by a civil penalty not to exceed one thousand dollars for each day that a complete report is not made available to the department. The intentional reporting of false information by a

packer in the report to the department required in section 23 of this act is a Class IV misdemeanor.

Sec. 26. The Attorney General shall enforce the provisions of sections 17 to 25 of this act, and the director shall refer any violations of these provisions to the Attorney General. The Attorney General or any person injured by a violation of these provisions may bring an action in district court to restrain a packer from violating these provisions.

Sec. 27. The department shall assess a fee not to exceed two cents per animal unit reported under sections 13 and 23 of this act as direct-purchased or contract-purchased.

Sec. 28. The Competitive Livestock Markets Fund is created. The fund shall be administered by the department. The fund shall consist of investigative and enforcement expense assessments against violators of the Competitive Livestock Markets Act and fees paid by a packer pursuant to section 27 of this act. The money in the fund shall be used to defray the investigative, enforcement, and reporting expenses of the department in administering the 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. 29. The department shall adopt and promulgate rules and regulations to carry out the Competitive Livestock Markets Act.

Sec. 30. The Attorney General, for the enforcement of the Competitive Livestock Markets Act, shall have the authority to subpoena witnesses, compel their attendance, examine them under oath, and require the production of documents, records, or tangible things deemed relevant to the proper performance of his or her duties. Service of any subpoena shall be made in the manner prescribed by the rules of civil procedure.

Sec. 31. The Attorney General shall have the power and authority to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions, federal or state, for the exchange of information on a cooperative basis which may assist in the proper administration of the Competitive Livestock Markets Act.".

2. On page 1, lines 1 and 2, strike "Livestock Price 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

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

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

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

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

Excused and not voting, 4:

Bromm	Kiel	Landis	Robak

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
Bohlke	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.

Excused and not voting, 4:

Bromm	Kiel	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.

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

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

Excused and not voting, 3:

Kiel	Landis	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 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. Insert the following new sections:

"Sec. 5. Section 71-7614, Revised Statutes Supplement, 1998, is amended to read:

71-7614. (1) Beginning January 15, 1999, the Excellence in Health Care Trust Fund shall be used for (a) awarding grants or making loan guarantees as described in section 71-7613 for conversion of nursing facilities to assisted-living facilities or other alternatives to nursing facility care, (b) awarding grants for public health services which focus on health education, preventive health measures, and environmental health, assessment, and assurance, including services for reservation or service areas of federally recognized Native American tribes in Nebraska and organizations that focus on the health of minority groups, (c) awarding grants for activities related to the design, maintenance, or enhancement of the statewide trauma system, support of emergency medical services programs, and support for the emergency medical services programs for children, (d) awarding grants for conversion of hospitals in rural areas of the state to limited-service rural hospitals, (e) awarding grants for education, recruitment, and retention of primary care professionals, behavioral health professionals, and nurses for medically underserved areas, (f) awarding grants for health infrastructure development which is supportive of telemedicine capability, including, but not limited to, high-speed data and medical information transmission, (g) awarding grants for the development and expansion of community-based aging services designed to promote the independent living status of and delay institutional care for elderly persons,

including, but not limited to, personal care, respite care, homemaker care, and chore and transportation services, and (h) the state's matching share for children's health insurance under Title XXI of the federal Social Security Act in excess of the funds distributed under subdivision (2)(b) of section 71-7612. No more than one-half of the money in the Excellence in Health Care Trust Fund may be used for conversion projects under subdivision (a) of this subsection. No funds shall be used under this section for abortion, abortion counseling, referral for abortion, or school-based health clinics.

(2) The ~~Governor shall establish the~~ Excellence in Health Care Council ~~within the Department of Health and Human Services Finance and Support~~ is created. The Director of Finance and Support or his or her designee shall be an ex officio member of the council. The ~~Governor shall appoint~~ council shall consist of a chairperson and five additional members ~~to the council~~ appointed by the Governor with the approval of a majority of the Legislature. The chairperson and additional members shall be appointed for three-year terms, except that of the initial members, two shall be appointed for one-year terms and two for two-year terms. Any member appointed prior to the effective date of this act shall be subject to the approval of a majority of the Legislature. The membership shall include at least one consumer and one health care provider. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term. The Department of Health and Human Services Finance and Support shall provide staff support for the council. The Department of Health and Human Services and the Department of Health and Human Services Regulation and Licensure shall also assist the Department of Health and Human Services Finance and Support and the council as may be necessary. Members of the council shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The council, with the approval of the Director of Finance and Support, shall award grants or make loan guarantees under subdivision (1)(a) of this section and shall award grants under subdivisions (1)(b) through (g) of this section to a person or entity for expenditures, including, but not limited to, startup and training expenses and operating losses, which will improve access to or delivery of health care services to medically underserved individuals or in medically underserved areas or which will help contain or reduce the cost or improve the quality of health care services. The Director of Finance and Support, with the advice of the Nursing Home Advisory Council and the Policy Cabinet created in section 81-3009, shall use the procedures and criteria of section 71-7613 to make recommendations for grants to be awarded or loan guarantees to be made by the Excellence in Health Care Council under subdivision (1)(a) of this section.

(4) Eligible activities under subdivision (1)(b) of this section shall include, but not be limited to, (a) projects to

implement the Community Health Care Act, (b) the hiring of school nurses by educational service units, school districts, public health entities, or partnerships between schools and public health entities in order to identify children for medicaid eligibility and to provide immunizations and other public health services, (c) health education and activities that focus on prenatal care, proper diet, physical activity, the reduction of teen and other unintended pregnancies, the prevention of disease, and other public health problems, (d) staffing needs for public health services or education, including recruitment and training, (e) pregnancy testing, (f) tests and screenings for blood pressure, cholesterol, sexually transmitted diseases, cervical cancer, breast cancer, communicable diseases, and other potential public health problems, (g) matching funds for state and federal health programs designed to address public health needs, (h) laboratory equipment to enable the Department of Health and Human Services Regulation and Licensure to carry out its powers and duties relating to laboratory services, (i) public health environmental services, and (j) education, research, and outreach programs that specifically address the cause and prevention of smoking-related diseases and smoking prevention and cessation.

(5) This section does not create an entitlement to any funds available for grants or loan guarantees under this section, and the council may award grants or make loan guarantees to the extent funds are available and, within its discretion, to the extent such applications are approved.

(6) The department shall:

(a) In consultation with the Excellence in Health Care Council, develop criteria for the awarding of grants from the Excellence in Health Care Trust Fund pursuant to subdivisions (1)(b) through (g) of this section;

(b) Have the power to approve or disapprove decisions by the council regarding the selection of projects to be funded and the distribution and duration of project funding;

(c) In consultation with the council, establish standards, formats, procedures, and timelines for the successful implementation of approved projects;

(d) In consultation with the council, assist grant recipients in determining the effectiveness of the project and measure the accomplishment of the grant objectives; and

(e) Provide annual reports to the Governor and the Legislature concerning the projects. Each report shall include the number of applicants and approved applicants, an overview of the various projects, and detailed reports of the cost of each project.

(7) The department shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of projects funded from the fund pursuant to subdivisions (1)(b) through (g) of this section. Recipients of

such grants shall be required to provide, upon request, such data relating to the funded projects as the department deems necessary.

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

2. On page 1, line 2; and page 4, line 11, strike "and 71-7612" and insert "71-7612, and 71-7614".

3. On page 1, line 4, after the first semicolon insert "to change provisions relating to the Excellence in Health Care Council;"; in line 5 after "provide" insert "and change" and strike the second "and"; and in line 6 after "sections" insert "; and to declare an emergency".

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:

"Sec. 34. Section 79-1016, Revised Statutes Supplement, 1998, is amended to read:

79-1016. (1) On or before August 25, the county assessor shall certify to the Property Tax Administrator the total taxable value by school district in the county for the current assessment year on forms prescribed by the Property Tax Administrator. On or before ~~July 1 of each year~~ October 10, the Property Tax Administrator shall compute and certify to the State Department of Education the adjusted valuation for the current ~~calendar year of each local system~~ assessment year for each class of property in each such local system. The adjusted ~~so that the~~ valuation of property for each local system, for purposes of determining state aid pursuant to the Tax Equity and Educational Opportunities Support Act, shall reflect as nearly as possible state aid value as defined in subsection (2) of this section. The Property Tax Administrator shall also notify each local system of its adjusted valuation for the current ~~calendar~~ assessment year by class of property on or before ~~July 1 of each year~~ October 10. Establishment of the adjusted valuation shall be based on assessment practices established by rule and regulation adopted and promulgated by the Property Tax Administrator. The assessment practices may include, but not be limited to, the appraisal methods listed in section 77-112.

(2) For purposes of this section, state aid value means:

(a) For real property other than agricultural land, one hundred percent of market value;

(b) For agricultural land, eighty percent of market value as provided in sections 77-1359 to 77-1363; and

(c) For personal property, the net book value as defined in section 77-120.

(3) On or before ~~July 31~~ November 10, any local system may file with the Property Tax Administrator written objections to the adjusted valuations prepared by the Property Tax Administrator, stating the reasons why such adjusted valuations are not the valuations required by subsection (2) of this section. The Property Tax Administrator shall fix a time for a hearing. Either party shall be permitted to introduce any evidence in reference thereto. On or before ~~November~~ January 1, the Property Tax Administrator shall enter an order modifying or declining to modify, in whole or in part, the adjusted valuations and shall certify the order to the State Department of Education. Modification by the Property Tax Administrator shall be based upon the evidence introduced at hearing and shall not be limited to the modification requested in the written objections or at hearing. The final determination of the Property Tax Administrator may be appealed to the Tax Equalization and Review Commission in accordance with the Tax Equalization and Review Commission Act.

(4) On or before ~~June 15, 1998, for adjusted valuations certified in 1997, and on or before October 31 for adjusted~~

~~valuations certified each year thereafter~~ November 10, any local system or county official may file with the Property Tax Administrator a written request for a nonappealable correction of the adjusted valuation due to clerical error or, for agricultural land, assessed value changes by reason of land qualified or disqualified for special use valuation pursuant to sections 77-1343 to 77-1348. For purposes of this subsection, clerical error means transposition of numbers, allocation of value to the wrong school district, mathematical error, and omitted value. On or before ~~June 30, 1998, for adjusted valuations certified in 1997, and on or before November 30 for valuations certified each year thereafter~~ the following January 1, the Property Tax Administrator shall approve or deny the request and, if approved, certify the corrected adjusted valuations resulting from such action to the State Department of Education.

(5) No injunction shall be granted restraining the distribution of state aid based upon the adjusted valuations pursuant to this section.

(6) ~~Beginning with the 1997-98 school fiscal year, in the school fiscal year beginning during the calendar year that a county board adopts special valuation for all qualifying property in the county pursuant to sections 77-1343 to 77-1348, the adjusted valuation used in the calculation of state aid shall not exceed one hundred eight percent of the assessed valuation for the property tax year on which the adjusted valuation is based.~~

~~(7)~~ A school district whose state aid is to be calculated pursuant to ~~subsections (4) and (6)~~ subsection (4) of this section and whose state aid payment is postponed as a result of failure to calculate state aid pursuant to such subsections may apply to the state board for lump-sum payment of such postponed state aid. Such application may be for any amount up to one hundred percent of the postponed state aid. The state board may grant the entire amount applied for or any portion of such amount. The state board shall notify the Director of Administrative Services of the amount of funds to be paid in a lump sum and the reduced amount of the monthly payments. The Director of Administrative Services shall, at the time of the next state aid payment made pursuant to section 79-1022, draw a warrant for the lump-sum amount from appropriated funds and forward such warrant to the district.

Sec. 35. Section 79-1022, Revised Statutes Supplement, 1998, is amended to read:

79-1022. (1) On or before December 1 of each year, the department shall determine the amounts to be distributed to each local system and each district pursuant to the Tax Equity and Educational Opportunities Support Act based on estimated funding levels provided by the Legislative Fiscal Analyst and shall certify the amounts to the Director of Administrative Services, the Auditor of Public Accounts, and each district. The Legislative Fiscal Analyst shall provide such estimated funding level not later than

November 1 of each year. The amount to be distributed to each district from the amount certified for a local system shall be proportional based on the weighted formula students attributed to each district in the local system.

(2) Except as provided in subsection ~~(7)~~ (6) of section 79-1016, the amounts certified pursuant to subsection (1) of this section shall be distributed in ten as nearly as possible equal payments on the last business day of each month beginning in September of each ensuing school fiscal year and ending in June of the following year. Such certified state aid amounts shall be shown as budgeted non-property-tax receipts and deducted prior to calculating the property tax request in the district's general fund budget statement as provided to the Auditor of Public Accounts pursuant to section 79-1024.".

2. On page 1, line 7, strike "and"; and in line 8 after the first comma insert "79-1016, and 79-1022,".

3. On page 31, line 27, after the period insert "The Property Tax Administrator, upon written request from the county assessor, may extend the statutory due dates provided in this section and sections 77-1381, 77-1381.01, 77-1384, and 77-5027.".

4. Correct the operative date section and repealer so that the sections added by this amendment become operative on January 1, 2000.

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. On page 2, line 20, strike "fifteen" and insert "twenty-five".

LEGISLATIVE BILL 499. Placed on General File as amended.
Standing Committee amendment to LB 499:

AM0716

1. On page 2, line 23, reinstate the stricken matter and after the reinstated matter insert "to"; and in line 28 strike the new matter and reinstate the stricken matter.

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. Strike sections 1 and 2.

2. On page 17, strike beginning with "section" in line 4 through the second comma in line 5 and insert "sections"; and in line 5 strike the third comma.

3. Renumber the remaining sections accordingly.

Mrs. Thompson filed the following amendment to LB 476:
AM1022

1. On page 4, strike line 22 and insert "on its face the specific handgun, including the serial number of the handgun, for 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. On page 1, line 4, before the period insert "; and on page 23, line 15, after the period insert 'It is the intent of the Legislature that the Concealed Handgun License Act be revenue neutral. No application to carry a concealed handgun shall be accepted and no license issued at any time when the Concealed Handgun License Fund does not have sufficient funds to pay all the 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

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

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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. Insert the following new sections:

"Sec. 2. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e)

~~credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f)~~ credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.

Sec. 3. Section 77-4401, Reissue Revised Statutes of Nebraska, is amended to read:

77-4401. (1) ~~Through December 31, 1996, there shall be~~ There is imposed a fee of ~~four dollars~~ one dollar per ton upon the

gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers. ~~; and commencing January 1, 1997, through December 31, 2000, there shall be imposed a fee of one dollar per ton upon such gross tonnage.~~ The fee shall be paid by the purchaser of the commercial fertilizer. Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section. For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the ~~Department of Revenue for credit to the Ethanol Production Incentive Cash Fund through December 31, 1996, and to the~~ Natural Resources Enhancement Fund ~~on and after January 1, 1997,~~ based on the gross tonnage of commercial fertilizers sold during the preceding period. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers sold by the seller. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) For purposes of this section, gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing ten pounds or less.

(4) Any person who purchased commercial fertilizer prior to May 1, 1993, and paid a fee greater than three dollars per ton shall be entitled to a refund of the amount paid in excess of three dollars per ton.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 2, line 14, strike "section 60-3003" and insert "sections 60-3003, 66-1345, and 77-4401"; and in line 15 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

AM1012

(Amendments to E & R amendments, AM7091)

1. Insert the following new sections:

"Sec. 2. Section 77-27,136, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,136. The Legislature shall appropriate seventeen million ~~nine~~ one hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to incorporated municipalities, ~~thirteen million five~~ twelve million seven hundred thousand dollars for aid to counties, and ~~seven~~ two million three hundred thousand dollars for aid to natural resources districts.

Sec. 4. Original section 77-27,136, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 2, line 13, strike "This act becomes" and insert "Sections 1 and 5 of this act become" and after the period insert "The other sections of this act become operative on their effective date.".

3. Renumber the remaining sections accordingly.

AM1013

(Amendments to E & R amendments, AM7091)

1. Insert the following new sections:

"Sec. 2. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31,

2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer unexpended and unobligated funds remaining in the Ethanol Production Incentive Cash Fund, after all transfers from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund are completed, to the Water Quality Trust Fund. ~~On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.~~

Sec. 3. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 2, line 14, strike "section 60-3003" and insert "sections 60-3003 and 66-1345"; and in line 15 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

AM1014

(Amendments to E & R amendments, AM7091)

1. Insert the following new sections:

"Sec. 2. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a)

appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) ~~credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401,~~ (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer unexpended and unobligated funds remaining in the Ethanol Production Incentive Cash Fund, after all transfers from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund

are completed, to the Water Quality Trust Fund. ~~On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.~~

Sec. 3. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Section 77-4401, Reissue Revised Statutes of Nebraska, is amended to read:

77-4401. (1) ~~Through December 31, 1996, there shall be~~ There is imposed a fee of ~~four dollars~~ seventy-five cents per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers. ~~; and commencing January 1, 1997, through December 31, 2000, there shall be imposed a fee of one dollar per ton upon such gross tonnage.~~ The fee shall be paid by the purchaser of the commercial fertilizer. Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section. For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the ~~Department of Revenue for credit to the Ethanol Production Incentive Cash Fund through December 31, 1996, and to the~~ Natural Resources Enhancement Fund ~~on and after January 1, 1997,~~ based on the gross tonnage of commercial fertilizers sold during the preceding period. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers sold by the seller. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) For purposes of this section, gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing ten pounds or less.

(4) Any person who purchased commercial fertilizer prior to May 1, 1993, and paid a fee greater than three dollars per ton shall be entitled to a refund of the amount paid in excess of three dollars per ton.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 2, line 14, strike "section 60-3003" and insert "sections 60-3003, 66-1345, and 77-4401"; and in line 15

strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

AM1015

(Amendments to E & R amendments, AM7091)

1. Insert the following new sections:

"Section 1. Section 8-1120, Reissue Revised Statutes of Nebraska, is amended to read:

8-1120. (1) Except as otherwise provided in this section, the Securities Act of Nebraska shall be administered by the Director of Banking and Finance who may employ such assistants or counsel as may be reasonably necessary for the purpose thereof and who may designate one of such assistants as an assistant director. The director may delegate to such assistant director or counsel any powers, authority, and duties imposed upon or granted to the director under the act, such as may be lawfully delegated under the common law or the statutes of this state. The director may also employ special counsel with respect to any investigation conducted by him or her under the act or with respect to any litigation to which the director is a party under the act, except that security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company shall be registered, pursuant to the provisions of sections 8-1104 to 8-1109, with the Director of Insurance who shall as to such registrations administer and enforce the act, and as pertains to the administration and enforcement of such registration of such securities all references in the act to director shall mean the Director of Insurance.

(2) It shall be unlawful for the director or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. No provision of the act shall authorize the director or any of his or her officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under the act. No provision of the act shall either create or derogate from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the director or any of his or her officers or employees.

(3) The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the act. No rule or form may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the act.

In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of the Securities Act of Nebraska to achieve maximum uniformity in the form and content of registration statements,

applications, and reports wherever practicable. All rules and forms of the director shall be published and mailed to each registered broker-dealer.

(4) No provision of the act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form, or order of the director, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(5) Every hearing in an administrative proceeding shall be public unless the director in his or her discretion grants a request joined in by all the respondents that the hearing be conducted privately.

(6) The Securities Act Cash Fund is created. All filing fees, registration fees, and all other fees and all money collected by or paid to the director under any of the provisions of the act shall be remitted to the State Treasurer for credit to the fund, except that registration fees collected by or paid to the Director of Insurance pursuant to the provisions of the act shall be credited to the Department of Insurance Cash Fund. The Securities Act Cash Fund shall be used for the purpose of administering and enforcing the provisions of the act, except that (a) transfers may be made to the General Fund at the direction of the Legislature, (b) ~~and,~~ for the calendar years of 2000 and 2001, two million dollars shall be transferred in each year to the Affordable Housing Trust Fund, and (c) for fiscal year 1999-00, six million dollars shall be transferred to the Water Quality Trust Fund. All of such money is appropriated and shall be appropriated for such purposes. Any money in the Securities Act Cash 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.

(7) A document is filed when it is received by the director. The director shall keep a register of all applications for registration and registration statements which are or have ever been effective under the Securities Act of Nebraska and all denial, suspension, or revocation orders which have ever been entered under the act. The register shall be open for public inspection. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the director shall prescribe.

(8) Upon request and at such reasonable charges as he or she shall prescribe, the director shall furnish to any person photostatic or other copies, certified under his or her seal of office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under the act, any copy so certified shall be prima facie evidence of the contents of the entry or document certified.

(9) The director in his or her discretion may honor requests from interested persons for interpretative opinions.

Sec. 2. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) ~~credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401,~~ ~~(f)~~ credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then

the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.

Sec. 5. Section 77-4401, Reissue Revised Statutes of Nebraska, is amended to read:

77-4401. (1) ~~Through December 31, 1996, there shall be~~ There is imposed a fee of ~~four dollars~~ seventy-five cents per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers. ~~, and commencing January 1, 1997, through December 31, 2000, there shall be imposed a fee of one dollar per ton upon such gross tonnage.~~ The fee shall be paid by the purchaser of the commercial fertilizer. Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section. For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the ~~Department of Revenue for credit to the Ethanol Production Incentive Cash Fund through December 31, 1996, and to the~~ Natural Resources Enhancement Fund ~~on and after January 1, 1997,~~ based on the gross tonnage of commercial fertilizers sold during the preceding period. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers sold by the seller. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) For purposes of this section, gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing ten pounds or less.

(4) Any person who purchased commercial fertilizer prior to May 1, 1993, and paid a fee greater than three dollars per ton

shall be entitled to a refund of the amount paid in excess of three dollars per ton.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 2, line 14, strike "section 60-3003" and insert "sections 8-1120, 60-3003, 66-1345, and 77-4401"; and in line 15 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

AM1016

(Amendments to E & R amendments, AM7091)

1. Insert the following new sections:

"Section 1. Section 8-1120, Reissue Revised Statutes of Nebraska, is amended to read:

8-1120. (1) Except as otherwise provided in this section, the Securities Act of Nebraska shall be administered by the Director of Banking and Finance who may employ such assistants or counsel as may be reasonably necessary for the purpose thereof and who may designate one of such assistants as an assistant director. The director may delegate to such assistant director or counsel any powers, authority, and duties imposed upon or granted to the director under the act, such as may be lawfully delegated under the common law or the statutes of this state. The director may also employ special counsel with respect to any investigation conducted by him or her under the act or with respect to any litigation to which the director is a party under the act, except that security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company shall be registered, pursuant to the provisions of sections 8-1104 to 8-1109, with the Director of Insurance who shall as to such registrations administer and enforce the act, and as pertains to the administration and enforcement of such registration of such securities all references in the act to director shall mean the Director of Insurance.

(2) It shall be unlawful for the director or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. No provision of the act shall authorize the director or any of his or her officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under the act. No provision of the act shall either create or derogate from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the director or any of his or her officers or employees.

(3) The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the act. No rule or form may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly

intended by the policy and provisions of the act.

In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of the Securities Act of Nebraska to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published and mailed to each registered broker-dealer.

(4) No provision of the act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form, or order of the director, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(5) Every hearing in an administrative proceeding shall be public unless the director in his or her discretion grants a request joined in by all the respondents that the hearing be conducted privately.

(6) The Securities Act Cash Fund is created. All filing fees, registration fees, and all other fees and all money collected by or paid to the director under any of the provisions of the act shall be remitted to the State Treasurer for credit to the fund, except that registration fees collected by or paid to the Director of Insurance pursuant to the provisions of the act shall be credited to the Department of Insurance Cash Fund. The Securities Act Cash Fund shall be used for the purpose of administering and enforcing the provisions of the act, except that (a) transfers may be made to the General Fund at the direction of the Legislature, (b) ~~and,~~ for the calendar years of 2000 and 2001, two million dollars shall be transferred in each year to the Affordable Housing Trust Fund, and (c) for fiscal year 1999-00, six million dollars shall be transferred to the Water Quality Trust Fund. All of such money is appropriated and shall be appropriated for such purposes. Any money in the Securities Act Cash 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.

(7) A document is filed when it is received by the director. The director shall keep a register of all applications for registration and registration statements which are or have ever been effective under the Securities Act of Nebraska and all denial, suspension, or revocation orders which have ever been entered under the act. The register shall be open for public inspection. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the director shall prescribe.

(8) Upon request and at such reasonable charges as he or she shall prescribe, the director shall furnish to any person photostatic or other copies, certified under his or her seal of

office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under the act, any copy so certified shall be prima facie evidence of the contents of the entry or document certified.

(9) The director in his or her discretion may honor requests from interested persons for interpretative opinions.

Sec. 2. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 2, line 14, strike "section" and insert "sections 8-1120 and"; and in line 15 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

AM1017

(Amendments to E & R amendments, AM7091)

1. Insert the following new sections:

"Section 1. Section 8-1120, Reissue Revised Statutes of Nebraska, is amended to read:

8-1120. (1) Except as otherwise provided in this section, the Securities Act of Nebraska shall be administered by the Director of Banking and Finance who may employ such assistants or counsel as may be reasonably necessary for the purpose thereof and who may designate one of such assistants as an assistant director. The director may delegate to such assistant director or counsel any powers, authority, and duties imposed upon or granted to the director under the act, such as may be lawfully delegated under the common law or the statutes of this state. The director may also employ special counsel with respect to any investigation conducted by him or her under the act or with respect to any litigation to which the director is a party under the act, except that security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company shall be registered, pursuant to the provisions of sections 8-1104 to 8-1109, with the Director of Insurance who shall as to such registrations administer and enforce the act, and as pertains to the administration and enforcement of such registration of such securities all references in the act to director shall mean the Director of Insurance.

(2) It shall be unlawful for the director or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. No provision of the act shall authorize the director or any of his or her officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under the act. No provision of the act shall either create or derogate from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the

director or any of his or her officers or employees.

(3) The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the act. No rule or form may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the act.

In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of the Securities Act of Nebraska to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published and mailed to each registered broker-dealer.

(4) No provision of the act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form, or order of the director, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(5) Every hearing in an administrative proceeding shall be public unless the director in his or her discretion grants a request joined in by all the respondents that the hearing be conducted privately.

(6) The Securities Act Cash Fund is created. All filing fees, registration fees, and all other fees and all money collected by or paid to the director under any of the provisions of the act shall be remitted to the State Treasurer for credit to the fund, except that registration fees collected by or paid to the Director of Insurance pursuant to the provisions of the act shall be credited to the Department of Insurance Cash Fund. The Securities Act Cash Fund shall be used for the purpose of administering and enforcing the provisions of the act, except that (a) transfers may be made to the General Fund at the direction of the Legislature, (b) ~~and,~~ for the calendar years of 2000 and 2001, two million dollars shall be transferred in each year to the Affordable Housing Trust Fund, and (c) for fiscal year 1999-00, six million dollars shall be transferred to the Water Quality Trust Fund. All of such money is appropriated and shall be appropriated for such purposes. Any money in the Securities Act Cash 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.

(7) A document is filed when it is received by the director. The director shall keep a register of all applications for registration and registration statements which are or have ever been effective under the Securities Act of Nebraska and all denial, suspension, or revocation orders which have ever been entered under the act. The register shall be open for public inspection. The

information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the director shall prescribe.

(8) Upon request and at such reasonable charges as he or she shall prescribe, the director shall furnish to any person photostatic or other copies, certified under his or her seal of office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under the act, any copy so certified shall be prima facie evidence of the contents of the entry or document certified.

(9) The director in his or her discretion may honor requests from interested persons for interpretative opinions.

Sec. 3. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such

sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer unexpended and unobligated funds remaining in the Ethanol Production Incentive Cash Fund, after all transfers from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund are completed, to the Water Quality Trust Fund. ~~On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.~~

Sec. 4. The Water Quality Trust Fund is created. The interest earned on the fund shall be transferred to the Natural Resources Enhancement Fund. Any money in the Water Quality Trust Fund shall be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 2, line 14, strike "section 60-3003" and insert "sections 8-1120, 60-3003, and 66-1345"; and in line 15 strike "is" and insert "are".

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

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 "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. On page 2, line 22, after "New" insert "and 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. On page 3, strike beginning with "shall" in line 3 through line 18 and insert "is limited to expansion of up to four thousand animal units and no further expansion is allowed in a livestock operation at that site. Such expansion may occur over a 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. On page 4, after line 2, insert:
"(d) The land application of waste from any new class II, class III, or class IV livestock waste control facility shall not be permitted in any part of a watershed that feeds directly or indirectly into a cold water class A stream when the location of the livestock waste control facility is outside of the cold water 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

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. Insert the following new section:

"Sec. 4. Nothing in the Livestock Waste Management Act prohibits the application of duly enacted zoning regulations by the authorized local political subdivisions.".

2. On page 1, line 5, strike "section 3" and insert "sections 3 and 4".

AM1048

(Amendments to Standing Committee amendments, AM0948)

1. Insert the following new section:

"Sec. 4. The changes made by this legislative bill apply to all cold water class A streams designated before the effective date of this act and to all cold water class A streams designated on or after the effective date of this act beginning on the date of the formal designation as a cold water class A stream.".

2. On page 1, line 5, strike "section 3" and insert "sections 3 and 4".

AM1047

(Amendments to Standing Committee amendments, AM0948)

1. Insert the following new section:

"Sec. 4. The department shall regularly monitor the water quality of all cold water class A streams and may with the approval of the natural resources district having jurisdiction make any additional best management practice requirements relating to the land application of chemicals in any watershed directly or indirectly feeding into a cold water class A stream when the quality of the stream is shown to be deteriorating.".

2. On page 1, line 5, strike "section 3" and insert "sections 3 and 4".

AM1043

(Amendments to Standing Committee amendments, AM0948)

1. On page 4, after line 2, insert:

"(4) No new livestock waste control facility shall be located within one mile of any existing livestock waste control facility.".

AM1041

(Amendments to Standing Committee amendments, AM0948)

1. On page 3, line 16, strike "and"; and in line 18 after "time" insert "; and

(vi) Expansion permits issued under subdivision (3)(b) of this section may require that wastes be applied to lands outside of

the protected stream watershed".

AM1044

(Amendments to Standing Committee amendments, AM0948)

1. On page 4, line 3, before "map" insert "legally sufficient"; and in line 6 after "department" insert "and used to define a cold water class A watershed".

AM1040

(Amendments to Standing Committee amendments, AM0948)

1. On page 2, line 21, after the semicolon insert "and"; and strike beginning with the semicolon in line 24 through line 27 and insert an underscored period.

AM1038

(Amendments to Standing Committee amendments, AM0948)

1. On page 2, line 18, strike beginning with "upon" in line 18 through the comma in line 19 and insert "if such existing livestock operation has requested an inspection prior to January 1, 2000, by the department to determine the necessity of such a facility and a livestock waste control facility is determined by 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. On page 127, line 6, after "covers" add "crops growing or to be grown or".

2. On page 156, line 15, after "security interest" add "or agricultural lien".

3. On page 203, line 7, strike "A" and insert "(a) Except for financing statements covering crops growing or to be grown or timber to be cut, a"; and after line 12 insert the following new subsection:

"(b) If a financing statement covers crops growing or to be grown or timber to be cut, the financing statement sufficiently indicates the collateral that it covers only if the financing statement provides:

(1) a description of the collateral pursuant to section 9-108; and

(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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 14-2115, Reissue Revised Statutes of 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.

Whenever any invitation to bid is received by the board of directors of a metropolitan utilities district, the invitation to bid will be considered by the board at its next regularly scheduled monthly meeting.

Sec. 3. Sections 4 to 8 of this act shall be applicable to an investor-owned natural gas utility only when it is operating in a county in which there is located the natural gas service area, or portion of the service area, of a metropolitan utilities district.

Sec. 4. No investor-owned natural gas utility or metropolitan utilities district may extend or enlarge its natural gas service area or extend or enlarge its natural gas mains or natural gas services unless it is in the public interest to do so. In determining whether or not an extension or enlargement is in the public interest, the district or the utility shall consider the following:

(1) The economic feasibility of the extension or enlargement;

(2) The impact the enlargement will have on the existing and future natural gas ratepayers of the metropolitan utilities district or the investor-owned natural gas utility;

(3) Whether the extension or enlargement contributes to the orderly development of utility infrastructure;

(4) Whether the extension or enlargement will result in duplicative or redundant utility infrastructure; and

(5) Whether the extension or enlargement is applied in a nondiscriminatory manner.

Sec. 5. In determining whether an enlargement or extension of a natural gas service area, natural gas mains, or

natural gas services is in the public interest pursuant to section 4 of this act, the following shall constitute rebuttable presumptions:

(1) Any enlargement or extension by a metropolitan utilities district within a city of the metropolitan class or its extraterritorial zoning jurisdiction is in the public interest;

(2) Any enlargement or extension by an investor-owned natural gas utility within a city of the primary, first, or second class or village in which it serves natural gas on a franchise basis on the effective date of this act or its extraterritorial zoning jurisdiction is in the public interest; and

(3) Any enlargement or extension by a metropolitan utilities district within its statutory boundary or within a city of the first or second class or village in which it serves natural gas on a franchise basis on the effective date of this act or its extraterritorial zoning jurisdiction is in the public interest.

Sec. 6. A metropolitan utilities district or investor-owned natural gas utility shall not extend duplicative or redundant interior natural gas mains or natural gas services into a subdivision, whether residential, commercial, or industrial, which has existing natural gas utility infrastructure or which has contracted for natural gas utility infrastructure with another utility.

Sec. 7. If any aggrieved ratepayer of the investor-owned natural gas utility or of the metropolitan utilities district or the investor-owned natural gas utility or the metropolitan utilities district disagrees with a determination by an investor-owned natural gas utility or a metropolitan utilities district that a proposed extension or enlargement is in the public interest, the matter may be submitted to the Public Service Commission for hearing and determination in the county where the extension or enlargement is proposed and shall be subject to the applicable procedures provided in sections 75-112, 75-129, and 75-134 to 75-136. In making a determination whether a proposed extension or enlargement is in the public interest, the Public Service Commission shall consider the factors set forth in sections 4 and 5 of this act. The Public Service Commission shall have no jurisdiction over a metropolitan utilities district or natural gas utility beyond the determination of disputes brought before it under section 14-2115 and sections 2 to 8 of this act.

Sec. 8. All books, records, vouchers, papers, contracts, engineering designs, and any other data of the metropolitan utilities district relating to the public interest of an extension or enlargement of natural gas mains or natural gas services or relating to natural gas service areas, whether in written or electronic form, shall be open and made available for public inspection, investigation, comment, or protest upon reasonable request during business hours, except that such books, records, vouchers, papers, contracts, designs, and other data shall be

subject to section 84-712.05. Any such books, records, vouchers, papers, contracts, designs, or other data not made available to the metropolitan utilities district or an investor-owned natural gas utility pursuant to this section shall not be considered by the Public Service Commission in determining whether an enlargement or extension is in the public interest.

Sec. 9. Original section 14-2115, Reissue Revised 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. Strike original section 12 and renumber the remaining section accordingly.

2. On page 11, lines 21 and 22, strike "32-534, and 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

printed on recycled paper

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, Mses. 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. Insert the following new section:

"Sec. 4. The department shall regularly monitor the water quality of all cold water class A streams and consult thereon with the Game and Parks Commission. The department shall recommend to the natural resources district or districts having jurisdiction additional best management practice requirements relating to the land application of animal wastes or chemicals in any watershed directly or indirectly feeding into a cold water class A stream when the quality of the stream is shown to be deteriorating and the application of animal wastes or chemicals is a contributing factor.".

2. On page 1, line 5, strike "section 3" and insert "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. Insert the following new section:

"Sec. 4. Nothing in the Livestock Waste Management Act prohibits the application of more restrictive zoning regulations by the authorized local political subdivisions.".

2. On page 1, line 5, strike "section 3" and insert "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

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. On page 2, line 1, strike "$8,750,000" and insert "$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
"Section 1. Section 60-330, Reissue Revised Statutes of Nebraska, is amended to read:
60-330. The registration fee on local trucks shall be based on the gross vehicle weight as defined in section 60-331, and

local trucks shall be registered at a fee of thirty percent of the commercial registration fee, except that (1) no local truck shall be registered for a fee of less than eighteen dollars, (2) the registration fee for each pickup truck with a factory-rated capacity of one ton or less shall be eighteen dollars, and (3) commercial pickup trucks with a gross load of over three tons shall be registered for the fee provided for commercial trucks. For the registration of farm trucks, except for trucks or combinations of trucks or truck-tractors and trailers or semitrailers having a gross vehicle weight exceeding sixteen tons, the registration fee shall be eighteen dollars for up to and including five tons gross vehicle weight, and in excess of five tons the fee shall be twenty-two dollars. For a truck or a combination of a truck or truck-tractor and trailer or semitrailer weighing in excess of sixteen tons registered as a farm truck, except as provided in sections 60-331.04 and 60-332, the registration fee shall be based upon the gross vehicle weight as defined in section 60-331. The registration fee on such trucks weighing in excess of sixteen tons shall be at the following rates: For a gross weight in excess of sixteen tons up to and including twenty tons, forty dollars plus five dollars for each ton of gross weight over seventeen tons, and for gross weight exceeding twenty tons, sixty-five dollars plus ten dollars for each ton of gross weight over twenty tons. ~~Such a combination of a truck-tractor and trailer or semitrailer shall not be used in exchange of services.~~ Pole and cable reel trailers owned and operated exclusively by public utility companies shall be licensed at a fee based on two dollars for each one-thousand-pound load to be hauled or any fraction thereof, and such load shall not 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. Strike the original amendments and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. Section 14-2115, Reissue Revised Statutes of 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.

Whenever any invitation to bid is received by the board of directors of a metropolitan utilities district, the invitation to bid will be considered by the board at its next regularly scheduled monthly meeting.

Sec. 3. Sections 4 to 8 of this act shall be applicable to an investor-owned natural gas utility only when it is operating in a county in which there is located the natural gas service area, or portion of the service area, of a metropolitan utilities district.

Sec. 4. No investor-owned natural gas utility or metropolitan utilities district may extend or enlarge its natural gas service area or extend or enlarge its natural gas mains or natural gas services unless it is in the public interest to do so. In determining whether or not an extension or enlargement is in the public interest, the district or the utility shall consider the following:

(1) The economic feasibility of the extension or enlargement;

(2) The impact the enlargement will have on the existing and future natural gas ratepayers of the metropolitan utilities district or the investor-owned natural gas utility;

(3) Whether the extension or enlargement contributes to the orderly development of utility infrastructure;

(4) Whether the extension or enlargement will result in duplicative or redundant utility infrastructure; and

(5) Whether the extension or enlargement is applied in a nondiscriminatory manner.

Sec. 5. In determining whether an enlargement or extension of a natural gas service area, natural gas mains, or natural gas services is in the public interest pursuant to section 4 of this act, the following shall constitute rebuttable presumptions:

(1) Any enlargement or extension by a metropolitan utilities district within a city of the metropolitan class or its extraterritorial zoning jurisdiction is in the public interest;

(2) Any enlargement or extension by an investor-owned natural gas utility within a city of the primary, first, or second class or village in which it serves natural gas on a franchise basis on the effective date of this act or its extraterritorial zoning jurisdiction is in the public interest; and

(3) Any enlargement or extension by a metropolitan utilities district within its statutory boundary or within a city of the first or second class or village in which it serves natural gas on a franchise basis on the effective date of this act or its extraterritorial zoning jurisdiction is in the public interest.

Sec. 6. A metropolitan utilities district or investor-owned natural gas utility shall not extend duplicative or redundant interior natural gas mains or natural gas services into a subdivision, whether residential, commercial, or industrial, which

has existing natural gas utility infrastructure or which has contracted for natural gas utility infrastructure with another utility.

Sec. 7. If any aggrieved ratepayer of the investor-owned natural gas utility or of the metropolitan utilities district or the investor-owned natural gas utility or the metropolitan utilities district disagrees with a determination by an investor-owned natural gas utility or a metropolitan utilities district that a proposed extension or enlargement is in the public interest, the matter may be submitted to the Public Service Commission for hearing and determination in the county where the extension or enlargement is proposed and shall be subject to the applicable procedures provided in sections 75-112, 75-129, and 75-134 to 75-136. In making a determination whether a proposed extension or enlargement is in the public interest, the Public Service Commission shall consider the factors set forth in sections 4 and 5 of this act. The Public Service Commission shall have no jurisdiction over a metropolitan utilities district or natural gas utility beyond the determination of disputes brought before it under section 14-2115 and sections 2 to 8 of this act.

Sec. 8. All books, records, vouchers, papers, contracts, engineering designs, and any other data of the metropolitan utilities district relating to the public interest of an extension or enlargement of natural gas mains or natural gas services or relating to natural gas service areas, whether in written or electronic form, shall be open and made available for public inspection, investigation, comment, or protest upon reasonable request during business hours, except that such books, records, vouchers, papers, contracts, designs, and other data shall be subject to section 84-712.05. Any such books, records, vouchers, papers, contracts, designs, or other data not made available to the metropolitan utilities district or an investor-owned natural gas utility pursuant to this section shall not be considered by the Public Service Commission in determining whether an enlargement or extension is in the public interest.

Sec. 9. Original section 14-2115, Reissue Revised Statutes of Nebraska, is repealed.'.".

Mr. Tyson filed the following amendment to LB 480:
AM1055

1. On page 2, line 6, after "education" insert "by the Department of Health and Human Services".

2. On page 3, line 6, after "Initiative" insert "Advisory"; in line 8 strike "shall" and insert "may"; in line 9 strike "(1)" and insert "(a)"; in line 10 strike "(2)" and insert "(b)"; in line 11 strike "(3)" and insert "(c)" and strike "(4)" and insert "(d)"; in line 12 strike "(5)" and insert "(e)"; in line 13 strike "(6)" and insert "(f)" and strike "(7)" and insert "(g)"; in line 14 strike "(8)" and insert "(h)" and strike "(9)" and

insert "(i)"; in line 15 strike "(10)" and insert "(j)"; in line 16 strike "(11)" and insert "(k)"; in line 17 strike "(12)" and insert "(l)"; in line 18 strike "(13)" and insert "(m)"; and in line 28 after "appoint" insert "advisory".

3. On page 4, line 4, after "the" insert "advisory"; strike beginning with "The" in line 7 through line 9; strike beginning with "The" in line 18 through line 21 and insert "The advisory council shall meet as determined by the Department of Health and Human Services in order to provide meaningful input for the Women's Health Initiative of Nebraska."; in line 22 strike "commission shall" and insert "advisory council may"; in line 24 after the period insert "Funds for reimbursement for expenses shall be from the Women's Health Initiative Fund."; in line 25 after "The" insert "advisory"; and in line 26 after "Nebraska" insert "of the Department of Health and Human Services".

4. On page 5, strike beginning with "shall" in line 1 through the "for" in line 2 and insert "will determine how the Department of Health and Human Services will provide personnel to carry out"; strike beginning with the second "and" in line 3 through "director" in line 4; in line 4 after "personnel" insert ", including an executive director,"; and in line 27 strike "shall" and insert "may".

5. On page 6, line 1, after "Initiative" insert "Advisory" and after the period insert "No state or private funds expended or received by or through the initiative may be paid or granted to organizations or affiliates of organizations which perform, promote, or refer for abortions. The services, policy, advocacy, and education performed by or through the initiative shall be provided, developed, or conducted in a manner consistent with the state's interests in favoring childbirth over abortion."; and in line 6 after "powers" insert "as determined by the 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. On page 1, lines 8 and 9, strike "to create privately owned scholarship funds" and insert "for the administration of privately endowed scholarship programs".

GENERAL FILE

LEGISLATIVE BILL 704. The second Standing Committee amendment is as follows:
FA77

Sec. 33. Section 75-363, Revised Statutes Supplement, 1998, as amended by section 1 of Legislative Bill 161, Ninety-sixth Legislature, First Session, is amended to read:

75-363. (1) The parts of the federal Motor Carrier Safety Regulations, 49 C.F.R., ~~listed in subdivisions (a) through (j) of this subsection or~~ as modified in this section and any other parts referred to by such parts, in existence and effective as of January 1, 1999, are adopted as Nebraska law. ~~The~~ Except as otherwise provided in this section, the regulations shall be applicable to all carriers, drivers, and vehicles to which the federal regulations apply, to all vehicles of intrastate motor carriers with a gross vehicle weight rating over ten thousand pounds, to all intrastate motor carriers in the operation of vehicles with a gross vehicle weight rating over ten thousand pounds, and to all drivers of such vehicles if the drivers are operating a commercial motor vehicle as defined in section 60-465 which requires a commercial driver's license. ~~except as provided~~

~~in subsections (2) and (3) of this section.~~ The Legislature hereby adopts, as modified in this section:

(a) Part 382 -- Controlled Substances And Alcohol Use And Testing;

(b) Part 385 -- Safety Fitness Procedures;

(c) Part 390 -- Federal Motor Carrier Safety Regulations: General;

(d) Part 391 -- Qualifications Of Drivers;

(e) Part 392 -- Driving Of Motor Vehicles;

(f) Part 393 -- Parts And Accessories Necessary For Safe Operations;

(g) Part 395 -- Hours Of Service Of Drivers;

(h) Part 396 -- Inspection, Repair And Maintenance;

(i) Part 397 -- Transportation Of Hazardous Materials; Driving And Parking Rules; and

(j) Part 398 -- Transportation Of Migrant Workers.

(2) The provisions of subpart E, Physical Qualifications And Examinations, of 49 C.F.R. part 391, Qualifications Of Drivers, shall not apply to any driver subject to this section who: (a) Operates a commercial motor vehicle exclusively in intrastate commerce; and (b) holds, or has held, a commercial driver's license issued by this state prior to July 30, 1996.

(3) The regulations adopted in subsection (1) of this section shall not apply to farm trucks registered pursuant to section 60-330 with a gross weight of sixteen tons or less or to fertilizer and agricultural chemical application and distribution equipment transported in units with a capacity of three thousand five hundred gallons or less if the equipment is not required to be placarded pursuant to section 75-364. The following parts and sections of the federal Motor Carrier Safety Regulations shall not apply to drivers of farm trucks registered pursuant to section 60-330 and operated solely in intrastate commerce:

(a) All of part 391;

(b) Section ~~395.08~~ 395.8 of part 395; and

(c) Section 396.11 of part 396.

(4) For purposes of this section, intrastate motor carriers shall not include any motor carrier or driver excepted from the federal Motor Carrier Safety Regulations by section 390.3(f) of part 390 or any nonprofit entity, operating solely in intrastate commerce, organized for the purpose of furnishing electric service.

(5) Part 395 -- Hours Of Service Of Drivers, ~~of the federal Motor Carrier Safety Regulations adopted in subsection (1) of this section,~~ shall apply to motor carriers and drivers who engage in intrastate commerce as defined in section 75-302, except that no motor carrier who engages in intrastate commerce shall permit or require any driver used by it to drive nor shall any driver drive:

(a) More than twelve hours following eight consecutive

hours off duty; or

(b) For any period after having been on duty sixteen hours following eight consecutive hours off duty.

No motor carrier who engages in intrastate commerce shall permit or require a driver of a commercial motor vehicle, regardless of the number of motor carriers using the driver's services, to drive for any period after:

(i) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate every day of the week; or

(ii) Having been on duty eighty hours in any period of eight consecutive days if the employing motor carrier operates motor vehicles every day of the week.

(6) Part 395 -- Hours Of Service Of Drivers, ~~of the federal Motor Carrier Safety Regulations~~ as adopted in subsections (1) and (5) of this section relating to maximum driving and on-duty time for drivers, shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes when the transportation of such commodities or supplies occurs within a one-hundred-air-mile radius of the source of the commodities or the distribution point for the supplies when such transportation occurs during the period beginning on February 15 up to and including December 15 of each calendar year.

(7) ~~Part~~ Section 390.21 of part 390 -- Federal Motor Carrier Safety Regulations: General, ~~of the federal Motor Carrier Safety Regulations, adopted in subsection (1) of this section relating to~~ 49 C.F.R. 390.21 -- Marking of commercial motor vehicles, shall not apply to farm trucks and farm truck-tractors registered pursuant to section 60-330 and operated solely in intrastate commerce. ~~apply to all Nebraska intrastate motor carriers operating vehicles solely in intrastate commerce and:~~

~~(a) All motor vehicles or combinations of vehicles in intrastate commerce that transport property or passengers and have a manufacturer's gross vehicle weight rating over ten thousand pounds; or~~

~~(b) All farm trucks and farm truck tractors, except for those farm trucks and farm truck tractors registered pursuant to section 60-330 with a gross weight of sixteen tons or less; or~~

~~(c) All motor vehicles required to be placarded pursuant 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

Sec. 2. Section 60-484, Reissue Revised Statutes of Nebraska, is amended to read:

60-484. (1) Except as otherwise provided in the Motor

Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of the State of Nebraska until the person has obtained an operator's license for that purpose.

(2) Application for an operator's license ~~shall~~ may be made ~~under oath or affirmation~~ on uniform blanks prepared and furnished by the director to the county treasurers; and the examiners of the Department of Motor Vehicles; ~~and any local examiners~~ prior to January 1, 2003. The standard application blanks shall be sufficient in form and content to substantially carry out the purposes of the act.

(3) Beginning October 1, 2000, application for an operator's license may also be made in a manner prescribed by the department. Such application may be made to an examiner in any county. The examiner shall personally conduct the examination of the applicant and deliver to each successful applicant an examiner's certificate containing the statements made pursuant to subsection (4) of this section.

(4) In addition to any other information and questions necessary to comply with the requirements and purposes of the act, the ~~application~~ applicant (a) shall ~~include the~~ provide his or her name, age, post office address, place of residence, date of birth, sex, social security number, and brief description of ~~the applicant~~ himself or herself, (b) may complete the voter registration portion pursuant to section 32-308, (c) shall be provided the advisement language required by subsection (10) of section 60-6,197, and (d) shall answer the following:

~~(a) Do you suffer from any physical impairment that would detract from normal ability to safely operate a motor vehicle?~~

~~(b) Have you suffered dismemberment of foot, leg, hand, or arm?~~

~~(c) Are you subject to vertigo or fainting spells?~~

~~(d) Has your operator's license ever been revoked or suspended in Nebraska or in any other state or jurisdiction in the United States and, if so, give date and period of and reason for each such occurrence.~~

~~(c)~~ (i) Have you within the last three months (e.g. due to diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, etc.):

(A) lost voluntary control or consciousness ... yes ... no

(B) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no

(C) experienced disorientation ... yes ... no

(D) experienced seizures ... yes ... no

(E) experienced impairment of memory, memory loss ... yes ... no

Please explain: .....

(ii) Do you experience any condition which affects your

ability to operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, leg, hand, arm; neurological or neuromuscular disease, etc.) .... yes .... no

Please explain: .....

(iii) Since the issuance of your last driver's license/permit has your health or medical condition changed or worsened? .... yes .... no

Please explain, including how the above affects your ability to drive:

.....

(iv) Do you wish to register to vote as part of this application process?

OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

~~(f)~~ (v) Do you wish to make an anatomical gift?*

If yes: ~~so, please complete the following:~~

~~I give:~~

~~(i)~~ (A) ..... any needed organs or tissues~~:~~

~~(ii)~~ (B) ..... only the following organs or tissues

.....

~~(specify the organ or tissue)~~

~~for transplantation, therapy, or medical or dental education or research.~~

~~(iii)~~ (C) ..... my body for anatomical study, if needed.**

Limitations or special wishes if any .....

~~(g)~~ (vi) Do you wish to receive any additional specific information regarding anatomical gifts?

*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

**In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

.....	.....
~~Signature of Donor~~	~~Date of Birth of Donor~~
.....	.....
~~Date Signed~~	~~City and State~~
.....	.....
~~Witness~~	~~Witness~~

.....	.....	.....
Signature of Donor	Date of Birth	Date Signed
.....	.....	.....
City and State	Witness	Witness

~~(2)~~ (5) Application for an operator's license shall be made under oath or affirmation of the applicant.

(6) In addition to the information prescribed in subsection ~~(1)~~ (4) of this section, ~~beginning on January 1, 1998,~~ the application or examiner's certificate shall also provide in a clear and conspicuous manner a notice that the personal information on the application or examiner's certificate is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

~~(3)~~ (7) The social security number shall not be printed on the operator's license and shall be used only (a) to furnish driver record information to the United States Selective Service System under section 60-483, (b) with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, or (c) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06.

~~(4)(a)~~ (8)(a) Except for an individual under the age of eighteen years, each individual ~~making an application~~ applying for an operator's license or a state identification card shall furnish proof of date of birth and identity by a valid Nebraska operator's license, a valid Nebraska learner's permit, a valid Nebraska school permit, a valid operator's license from another state or jurisdiction of the United States, a certified birth certificate, ~~a notarized birth registration,~~ a certified birth registration, a valid United States passport, a valid United States military identification card, United States military discharge papers, or other United States-based identification as approved by the director.

(b) Any individual under the age of eighteen years ~~making an application~~ applying for an operator's license or a state identification card shall provide a certified copy of his or her birth certificate, ~~a notarized birth registration,~~ a certified birth registration, or other reliable proof of his or her identity and age accompanied by an affidavit signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant may be required to furnish proof to the examiner that the parent or guardian signing any written information is in fact the parent or guardian of such applicant.

Sec. 12. Section 60-4,114, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,114. (1) The county treasurer may employ such additional clerical help as may be necessary to assist him or her in the performance of the ministerial duties required of him or her under the Motor Vehicle Operator's License Act and, for such additional expense, shall be reimbursed as set out in section 60-4,115.

(2) The director may, in his or her discretion, appoint

one or more examining officers who shall personally examine all applicants who ~~do not possess and who cannot present an operator's license and~~ apply for an initial license or whose licenses have been revoked, canceled, or suspended ~~in accordance with rules and regulations of the director~~ to ascertain such person's ability to operate a motor vehicle properly and safely.

(3) The application process. ~~Such examination shall,~~ in addition to the other requisites of the act, shall include the following:

~~(1)~~ (a) An inquiry into the ~~physical fitness~~ medical condition and visual ability of the applicant to operate a motor vehicle;

~~(2)~~ (b) An inquiry into the applicant's ability to drive and maneuver a motor vehicle;

~~(3)~~ (c) An inquiry touching upon the applicant's knowledge of the motor vehicle laws of this state, which shall include sufficient questions to indicate familiarity with the provisions thereof; and

~~(4)~~ (d) An inquiry into the applicant's knowledge of the laws for operating a motor vehicle to avoid arrest.

(4) If an applicant is denied or refused a certificate for license by the examiners, such applicant shall have the right to an immediate appeal to the director from the decision of such examiners. It shall be the duty of the director to ~~pass upon the appeal and to render a prompt finding~~ review the appeal and issue a final order, to be made not later than ten days ~~from~~ after the receipt of the appeal by the director, except that if the director requests the advice of the Health Advisory Board on the matter, the director shall have up to forty-five days ~~from~~ after the day a medical or vision problem is referred to him or her to consult with members of the board to obtain the medical opinion necessary to make a decision and shall ~~render a prompt finding~~ issue a final order not later than ten days following receipt of the medical opinion. ~~If after~~ After consideration of the advice of the board, the director ~~determines that the applicant lacks the~~ shall make a determination of the applicant's physical or mental ability to operate a motor vehicle~~, the director shall notify the applicant in writing of the decision~~ and shall issue a final order. The order shall be in writing, shall be accompanied by findings of fact and conclusions of law, and shall be sent by registered or certified mail to the applicant's last-known address. The order may be appealed as provided in section 60-4,105.

Sec. 17. Section 60-4,141, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,141. (1) Except as provided in subsections (2) and (3) of this section, no person shall operate any class of commercial motor vehicle upon the highways of this state unless such person possesses a valid commercial driver's license authorizing the operation of the class of commercial motor vehicle

being operated, except that (a) any person possessing a valid commercial driver's license authorizing the operation of a Class A commercial motor vehicle may lawfully operate any Class B or C commercial motor vehicle and (b) any person possessing a valid commercial driver's license authorizing the operation of a Class B commercial motor vehicle may lawfully operate a Class C commercial motor vehicle. No person shall operate upon the highways of this state any commercial motor vehicle which requires a specific endorsement unless such person possesses a valid commercial driver's license with such endorsement. No person possessing a restricted commercial driver's license shall operate upon the highways of this state any commercial motor vehicle to which such restriction is applicable.

(2) Any person holding an LPC-learner's permit may operate a commercial motor vehicle for learning purposes upon the highways of this state if accompanied by a person who is twenty-one years of age or older, who holds a commercial driver's license valid for the class of commercial motor vehicle being operated, and who occupies the seat beside the person for the purpose of giving instruction in the operation of the commercial motor vehicle. Any person holding an LPC-learner's permit may operate a commercial motor vehicle upon the highways of this state for purposes of taking a driving skills examination if accompanied by an examiner who is designated by the director under section 60-4,149 or employed by a third-party tester certified pursuant to section 60-4,158 and who occupies the seat beside the person for the purpose of giving the examination.

(3) The provisions of subsection (1) of this section shall not apply to any nonresident until the state of residence of such nonresident begins the issuance of commercial drivers' licenses in conformance with the requirements of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and such nonresident is required by his or her state of residence to possess a commercial driver's license to operate a commercial motor vehicle. Any nonresident who is in this state for a period of thirty consecutive days or more shall apply for a Nebraska-issued commercial driver's license and shall surrender to the Department of Motor Vehicles any operator's license issued to such nonresident by any other state.

(4) Any person who operates a commercial motor vehicle upon the highways of this state in violation of this section shall, upon conviction, be guilty of a Class III misdemeanor.

Sec. 18. Section 60-4,144, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,144. (1) Application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction ~~shall~~ may be made upon uniform blanks prepared and furnished by the director to the examiners of the Department of Motor Vehicles prior to

January 1, 2003.

(2) Beginning October 1, 2000, application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction may be made in a manner prescribed by the department. Such application may be made to an examiner in any county. The examiner shall personally conduct the examination of the applicant and deliver to each successful applicant an examiner's certificate containing the statements made pursuant to subsection (3) of this section. ~~All applications shall be made under oath or affirmation of the applicant and~~

(3) The application or examiner's certificate shall include the voter registration portion pursuant to section 32-308, the advisement language required by subsection (10) of section 60-6,197, and the following:

(a) The full name and current mailing and residential addresses of the applicant;

(b) A physical description of the applicant, including sex, height, weight, and eye and hair colors;

(c) The applicant's date of birth;

(d) The applicant's social security number;

(e) The applicant's signature;

(f) Certification that the commercial motor vehicle in which the applicant takes any driving skills examination is representative of the class of commercial motor vehicle that the applicant operates or expects to operate;

(g) The certification required pursuant to section 60-4,145 or 60-4,146;

(h) The following specific ~~question~~ questions:

(i) Have you within the last three months (e.g. due to diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, etc.):

(A) lost voluntary control or consciousness ... yes ... no

(B) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no

(C) experienced disorientation ... yes ... no

(D) experienced seizures ... yes ... no

(E) experienced impairment of memory, memory loss ... yes ... no

Please explain: .....

(ii) Do you experience any condition which affects your ability to operate a motor vehicle? (e.g. due to loss of or impairment of foot, leg, hand, or arm; neurological or neuromuscular disease, etc.) .... yes .... no

Please explain: .....

(iii) Since the issuance of your last driver's license/permit has your health or medical condition changed or worsened? .... yes .... no

Please explain. including how the above affects your ability to drive:

.....

(i) Do you wish to register to vote as part of this application process?

~~(i) Any other information required by the director; and~~

~~(j) The following questions regarding anatomical gifts:~~

OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

~~(i)~~ (j) Do you wish to make an anatomical gift?*

If yes: ~~so, please complete the following:~~

~~I give:~~

~~(A)~~ (i) ..... any needed organs or tissues.

~~(B)~~ (ii) ..... only the following organs or tissues

.....

~~(specify the organ or tissue)~~

~~for transplantation, therapy, or medical or dental education or research.~~

(C) (iii) ..... my body for anatomical study, if needed.**

Limitations or special wishes if any .....

~~(ii)~~ (k) Do you wish to receive any additional specific information regarding anatomical gifts?

*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of the human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

**In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

.....	.....
~~Signature of Donor~~	~~Date of Birth of Donor~~
.....	.....
~~Date Signed~~	~~City and State~~
.....	.....
~~Witness~~	~~Witness~~

.....	.....	.....
Signature of Donor	Date of Birth	Date Signed
.....	.....	.....
City and State	Witness	Witness

~~(2)~~ (4) Application shall be made under oath or affirmation of the applicant.

(5) In addition to the information prescribed in subsection ~~(1)~~ (3) of this section, ~~beginning on January 1, 1998,~~ the application or examiner's certificate shall also provide in a

clear and conspicuous manner a notice that the personal information on the application or examiner's certificate is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

Sec. 19. Section 60-4,145, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,145. Upon making any application pursuant to section 60-4,144, any applicant who operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and who is subject to part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363 shall certify that the applicant meets the qualification requirements of part 391. A commercial driver's license examiner may require any applicant making certification pursuant to this section to demonstrate with or without the aid of corrective devices sufficient powers of eyesight to enable him or her to operate a commercial motor vehicle in conformance with the minimum vision requirements of part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363. If from the examination given it appears that any applicant's powers of eyesight are such that he or she cannot meet the minimum vision requirements, the examiner shall allow the applicant to present an ophthalmologist's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a commercial driver's license to the applicant. If the examination given by the commercial driver's license examiner or the ophthalmologist's or optometrist's certificate indicates that the applicant must wear a corrective device to meet the minimum vision requirements established by this section, the applicant shall have the use of the commercial driver's license issued to him or her restricted to wearing a corrective device while operating a motor vehicle. An applicant who has been issued a waiver or exemption by the Federal Highway Administration from the vision requirements set forth in 49 C.F.R. 391.41(b)(10) may be issued an interstate commercial driver's license without meeting the vision requirements set forth in 49 C.F.R. 391.41(b)(10).

Sec. 20. Section 60-4,146, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,146. (1) Upon making application pursuant to section 60-4,144, any applicant who operates or expects to operate a commercial motor vehicle solely in intrastate commerce and who is not subject to 49 C.F.R. part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363 shall certify that he or she is not subject to 49 C.F.R. part 391. Any applicant for a Class A commercial driver's license shall satisfy the examiner that he or she is eighteen years of age or older. Any applicant for a Class B or C commercial driver's license shall satisfy the examiner that he or she is eligible for issuance of a

Class O operator's license. Any applicant making certification pursuant to this section shall meet the physical and vision requirements established in section 60-4,118 and shall be subject to the provisions of such section relating to the Health Advisory Board.

(2) An applicant who certifies that he or she is exempt from the physical qualifications and examination requirements of 49 C.F.R. part 391 pursuant to subsection (2) of section 75-363 shall meet the physical and vision requirements established in section 60-4,118 and shall be subject to the provisions of such section relating to the Health Advisory Board. A successful applicant shall be issued a commercial driver's license which restricts the holder to operating a commercial motor vehicle solely in intrastate commerce and which also indicates that the holder is exempt from the physical qualifications and examination requirements prescribed by 49 C.F.R. part 391. Two years after the initial issuance of such license and upon renewal, and every two years following renewal, the holder of the commercial driver's license shall present to the Department of Motor Vehicles upon request, on a form to be prescribed by the department, a statement from a physician detailing that based upon his or her examination of the applicant the medical or physical condition in existence prior to July 30, 1996, which would otherwise render the individual not qualified under federal standards, has not significantly worsened or that another nonqualifying medical or physical condition has not developed.

(3) An applicant who certifies that he or she is not subject to 49 C.F.R. part 391 under subsection (1) of this section or who certifies that he or she is exempt from 49 C.F.R. part 391 under subsection (2) of this section shall answer the following questions on the application:

(a) Have you within the last three months (e.g. due to diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, etc.):

(i) lost voluntary control or consciousness ... yes ... no

(ii) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no

(iii) experienced disorientation ... yes ... no

(iv) experienced seizures ... yes ... no

(v) experienced impairment of memory, memory loss ... yes ... no

Please explain: .....

(b) Do you experience any condition which affects your ability to operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, leg, hand, arm; neurological or neuromuscular disease, etc.) .... yes .... no

Please explain: .....

(c) Since the issuance of your last driver's

license/permit has your health or medical condition changed or worsened? .... yes .... no

Please explain, including how the above affects your ability to drive:

.....

Sec. 25. Section 60-4,153, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,153. Prior to the issuance of any original or renewal commercial driver's license or the reissuance of any commercial driver's license with a change of any classification, endorsement, or restriction, the Department of Motor Vehicles shall, within twenty-four hours prior to issuance if the applicant does not currently possess a valid commercial driver's license issued by this state and within ten days prior to the issuance or reissuance for all other applicants:

(1) Check the driving record of the applicant as maintained by the department or by any other state which has issued an operator's license to the applicant;

(2) Contact the Commercial Driver License Information System to determine whether the applicant possesses any valid commercial driver's license issued by any other state, whether such license or the applicant's privilege to operate a commercial motor vehicle has been suspended, revoked, or canceled, or whether the applicant has been disqualified from operating a commercial motor vehicle; and

(3) Contact the National Driver Register to determine if the applicant (a) has been disqualified from operating any motor vehicle, (b) has had an operator's license suspended, revoked, or canceled for cause in the three-year period ending on the date of application, or (c) has been convicted of operation of a motor vehicle while under the influence of or while impaired by alcohol or a controlled substance, a traffic violation arising in connection with a fatal traffic accident, reckless driving, racing on the highways, failure to render aid or provide identification when involved in an accident which resulted in a fatality or personal injury, or perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law, rule, or regulation related to the operation of a motor vehicle.

Sec. 26. Section 60-4,158, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,158. (1) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the Department of Motor Vehicles. Such rules and regulations shall substantially comply with the requirements of 49 C.F.R. 383.75. An examiner employed by a certified third-party tester may administer a driving skills examination and occupy the seat beside the applicant without holding a commercial driver's license.

(2) A certification to conduct third-party testing shall be valid for two years, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester. The department shall remit the fees collected to the State Treasurer for credit to the General Fund.

(3) Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his or her certification revoked by the department.

Sec. 32. Section 60-544, Reissue Revised Statutes of Nebraska, is amended to read:

60-544. When an insurance carrier has certified a motor vehicle liability policy under sections 60-529 to 60-531, the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified is mailed to the insured. If the insurance is not reinstated by the insured within ten days, the insurance carrier shall provide notice to the department by filing a notice of the cancellation or termination in the office of the department. A motor vehicle liability ~~shall be filed in the office of the department, except that such a~~ policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

2. On page 13, line 1, strike "on or after" and insert "not later than".

3. On page 15, lines 13 and 14; page 16, lines 3 and 4 and 21 and 22; and page 32, lines 1 and 2, strike the new matter and insert "of issuance".

4. On page 18, lines 4 and 5, strike the new matter and reinstate the stricken matter; and in line 7 strike "On or after" and insert "Not later than".

5. On page 20, after line 6, insert the following new subsection:

"(7) An applicant for an original operator's license shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state if he or she surrenders to the examiner his or her valid Nebraska LPD-learner's permit issued after January 1, 1999.".

6. On page 28, line 16, after the period insert "(1)"; in line 22 after the period insert paragraphing and "(2)"; and in line 28 after the period insert "An examiner may administer a driving skills examination and occupy the seat beside the applicant without holding a commercial driver's license.

(3)".

7. On page 34, line 12, strike "60-484," and insert "60-330, 60-484, 60-486,"; in line 13 after "60-494," insert "60-497.03,"; in line 14 after "60-4,127," insert "60-4,141," and after "60-4,144," insert "60-4,145, 60-4,146,"; in line 15 after

"60-4,149.01," insert "60-4,153, 60-4,158,", strike "and" and insert "60-4,178,", and after "60-4,181," insert "60-507, 60-524, and 60-544,"; in line 16 after the comma insert "and section 75-363, Revised Statutes Supplement, 1998, as amended by section 1 of Legislative Bill 161, Ninety-sixth Legislature, First Session,"; 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

Sec. 3. Section 60-486, Reissue Revised Statutes of Nebraska, is amended to read:

60-486. (1) No person shall be licensed to operate a motor vehicle by the State of Nebraska if such person has an operator's license currently under suspension or revocation in any other state or jurisdiction in the United States.

(2) If a license is issued to a person while his or her operator's license was suspended or revoked in any other state or jurisdiction, the Department of Motor Vehicles may cancel the license upon forty-five days' written notice by registered or certified mail to the licensee's last-known address. The cancellation may be appealed as provided in section 60-4,105.

(3) When such a person presents to the ~~Department of Motor Vehicles~~ department an official notice from the state or jurisdiction that suspended or revoked his or her motor vehicle operator's license that such suspension or revocation has been terminated, he or she may then be licensed to operate a motor vehicle by the State of Nebraska.

Sec. 8. Section 60-497.03, Reissue Revised Statutes of Nebraska, is amended to read:

60-497.03. To enable the director punctually and economically to perform his or her ministerial duties in revoking or suspending operators' licenses and to insure uniformity in the keeping of the records of operators' licenses suspended or revoked by courts of the state, the director shall authorize electronic transmission of abstract-of-conviction reports. The director ~~in consultation with the State Court Administrator~~ shall prescribe the standard format of abstract-of-conviction reports.

In the administration of any section of the Motor Vehicle Operator's License Act, the powers and duties conferred upon the director or his or her subordinates or successors with respect to the revocation or suspension of any operator's license are ministerial in character. The director may revoke or suspend operators' licenses only when positively directed to do so by the terms of the abstract of the judgment of conviction transmitted by the trial court except as otherwise provided in section 60-4,183 and Chapter 60, articles 4 and 5.

Sec. 9. Section 60-4,105, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,105. ~~Any person who feels aggrieved because of any order of the director on account of a refusal to issue any operator's license contemplated under sections 60-4,101 and 60-4,107~~ (1) Unless otherwise provided by statute, any person aggrieved by a final decision or order of the director or the Department of Motor Vehicles to cancel, suspend, revoke, or refuse to issue or renew any operator's license, any decision of the director made after consideration of advice from the Health Advisory Board, or suspension of an operator's license under the License Suspension Act may appeal to either the district court of the county in which the ~~application for the license was~~ person originally ~~made~~ applied for the license or to the district court of the county in which such person resides within thirty days after the date of the final decision or order.

(2) Summons shall be served on the department within thirty days after the filing of the petition in the manner provided for service of a summons in section 25-510.02. Within thirty days after service of the petition and summons, the department shall prepare and transmit to the petitioner a certified copy of the official record of the proceedings before the department. The department shall require payment of a five-dollar fee prior to the transmittal of the official record. The petitioner shall file the transcript with the court before answer day as provided in section 25-821. ~~as provided in this section.~~

~~The director shall reduce the ruling, order, or decision to writing, file a copy in his or her office, and furnish a copy together with a statement of reasons for the ruling to the applicant or licensee, as the case may be, upon request. The ruling, order, or decision of the director in refusing to issue or reinstate such license or in suspending, canceling, or revoking the same shall be as final and binding as the final order or judgment of a court of general jurisdiction.~~

~~The applicant, licensee, or appellant shall, within thirty days from the date of the final order complained of, execute a bond for costs to the State of Nebraska in the sum of two hundred dollars with sufficient surety to be approved by the Auditor of Public Accounts. The bond shall be filed in the office of the director. In lieu of the bond, the sum of two hundred dollars in cash, certified check, or money order may be deposited at the office of the director.~~

~~It shall be the duty of the director, on payment or tender of the cost of preparing the transcript at the rate of ten cents per hundred words, to prepare a complete transcript of the proceedings relating to the refusal to issue or to reinstate any license or relating to the proceedings concerning the suspension, cancellation, or revocation of such license.~~

~~The applicant or licensee shall file a petition in such~~

~~district court within thirty days from the date of filing of the director's final order in the matter and shall file the transcript before answer day as provided in section 25-821.~~

(3) The district court shall hear the appeal as in equity without a jury and determine anew all questions raised before the director. Either party may appeal from the decision of the district court to the Court of Appeals.

(4) The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

Sec. 28. Section 60-4,178, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,178. The director may cancel, suspend, revoke, or refuse to issue or renew a school or instructor's license in any case when he or she finds the licensee or applicant has not complied with or has violated any of the provisions of sections 60-4,173 to 60-4,179 or any rule or regulation adopted and promulgated by the director under such sections. A suspended or revoked license shall be returned to the director by the licensee, and its holder shall not be eligible to apply for a license under such sections until twelve months have elapsed since the date of such suspension or revocation. Any action taken by the director to cancel, suspend, revoke, or refuse to issue or renew a license shall comply with the Administrative Procedure Act. ~~A licensee or applicant may appeal the cancellation, suspension, or revocation of or the refusal to issue or renew a license, and the appeal shall be in accordance with section 60-4,105.~~

Sec. 30. Section 60-507, Reissue Revised Statutes of Nebraska, is amended to read:

60-507. (1) Within ~~ninety~~ one hundred twenty days after the receipt by the Department of Roads of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person, including such operator, to an apparent extent in excess of five hundred dollars, the Department of Motor Vehicles shall suspend (a) the license of each operator of a motor vehicle in any manner involved in such accident and (b) the privilege, if such operator is a nonresident, of operating a motor vehicle within this state, unless such operator deposits security in a sum which shall be sufficient, in the judgment of the Department of Motor Vehicles, to satisfy any judgment or judgments for damages resulting from such accident which may be recovered against such operator and unless such operator gives proof of financial responsibility.

Notice of such suspension shall be sent by the Department of Motor Vehicles by first-class mail to such operator not less than twenty days prior to the effective date of such suspension at his or her last-known mailing address as shown by the records of the department and shall state the amount required as security and the requirement of proof of financial responsibility. In the event a person involved in a motor vehicle accident within this state

fails to make a report to the Department of Motor Vehicles indicating the extent of his or her injuries or the damage to his or her property within thirty days after the accident, and the department does not have sufficient information on which to base an evaluation of such injury or damage, the department, after reasonable notice to such person, may not require any deposit of security for the benefit or protection of such person. If the operator fails to respond to the notice on or before twenty days after the date of the notice, the director shall summarily suspend the operator's license or privilege and issue an order of suspension.

(2) The order of suspension provided for in subsection (1) of this section shall not be entered by the Department of Motor Vehicles if the department determines that in its judgment there is no reasonable possibility of a judgment being rendered against such operator.

(3) In determining whether there is a reasonable possibility of judgment being rendered against such operator, the department shall consider all reports and information filed in connection with the accident.

(4) The order of suspension provided for in subsection (1) of this section shall advise the operator that he or she has a right to appeal the order of suspension in accordance with the provisions set forth in section 60-503.

(5) The order of suspension provided for in subsection (1) of this section shall be sent by registered or certified mail to the person's last-known mailing address as shown by the records 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

Sec. 31. Section 60-524, Reissue Revised Statutes of Nebraska, is amended to read:

60-524. (1) Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction, the department shall also suspend all registrations in the name of such person, except that it shall

not suspend such registrations, unless otherwise required by law, if such person has previously given or shall immediately give and shall maintain for three years proof of financial responsibility.

(2) Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction, and such person was not the owner of the motor vehicle used at the time of the violation resulting in the conviction, the department shall also suspend the license and all registrations in the name of the owner of the motor vehicle so used, if such vehicle was operated with such owner's permission or consent at the time of the violation, unless such owner has previously given or shall immediately give and maintain for three years proof of financial responsibility. This subsection shall not apply to such owner if he or she had in effect at the time of the violation an automobile liability policy or bond with respect to such motor vehicle; or if there was then in effect an automobile liability policy or bond with respect to the operation of the motor vehicle; or if the liability of such operator or owner was then, in the judgment of the department, covered by any other form of liability insurance policy or bond; or if the owner or operator was then qualified as a self-insurer under sections 60-562 to 60-564.

(3) ~~Whenever a person whose license has been suspended or revoked and he has been committed to or incarcerated in a state institution, penal or otherwise, for a period of longer than one year, such person shall be entitled to have his operator's license restored to him upon his release from the institution by passing a satisfactory examination for obtaining an operator's license.~~

~~(4)~~ Whenever the department, pursuant to any law of this state, suspends or revokes the license of any person after having received a record of conviction of the licensee, such person shall not be eligible for reinstatement of his or her driving privilege until he or she shall give and thereafter maintain proof of financial responsibility.

and in

line 18 strike "Section" and insert "Sections 60-4,101 and".

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 Governor shall notify in writing each of the governors of the other compact states and the chairperson of the Central Interstate Low-Level Radioactive Waste Compact Commission that the withdrawal 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. On page 7, line 4, strike "and"; in line 6 after "percent" insert ", and (d) individuals who have mental impairment that substantially limits one or more major life activities, such as walking, talking, hearing, seeing, breathing, learning, performing manual tasks, caring for oneself, or working"; in line 12 strike "(c)" and insert "(d)"; and in line 17 after the period insert "For purposes of subdivision (1)(d) of this section, substantially limits means the individual is unable to perform, or is significantly limited in the ability to perform, an activity compared to an average person in the general population. When determining whether an individual's impairment substantially limits a major life activity, its nature and severity, how long it will last or is expected to last, and its permanent or long-term impact or expected impact shall be considered.".

2. On page 16, line 15, strike the new matter, reinstate the first and second stricken commas and the stricken "(d)", and 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

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.

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

Printed on recycled paper

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. On page 7, line 24, after the first comma insert "line 9, after '(3)' insert '(a) Any immobilized motor vehicle shall be released by the court without legal or physical restraints to any registered owner who is not the registered owner convicted of a second or subsequent violation of section 60-6,196 or 60-6,197 if an affidavit is submitted to the court by such registered owner stating that the affiant is employed, that the motor vehicle subject to immobilization is necessary to continue that employment, that such employment is necessary for the well-being of the affiant's dependent children or parents, that the affiant will not authorize the use of the motor vehicle by any person who has been convicted of a second or subsequent violation of section 60-6,196 or 60-6,197, that affiant will immediately report to a local law enforcement agency any unauthorized use of the motor vehicle by any person who has been convicted of a second or subsequent conviction of section 60-6,196 or 60-6,197, and that failure to release the motor vehicle would cause undue hardhip to the affiant.

(b) A registered owner who executes an affidavit pursuant to subdivision (a) of this subsection which is acted upon by the court and who fails to immediately report an unauthorized use of the motor vehicle which is the subject of the affidavit is guilty of a Class IV misdemeanor and may not file any additional affidavits pursuant to subdivision (a) of this subsection.

(4)';" and strike the second comma; and in line 26 strike "(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. Insert the following new sections:

"Section 1. Section 53-186, Reissue Revised Statutes of Nebraska, is amended to read:

53-186. (1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to consume alcoholic liquor ~~(a) in the public streets, alleys, parking areas, roads, or highways, (b) inside vehicles while upon the public streets, alleys, parking areas, roads, or highways, or (c)~~ upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property.

(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act.

Sec. 2. (1) For purposes of this section, open alcoholic beverage container means any bottle, can, or other receptacle:

(a) That contains any amount of alcoholic liquor; and

(b)(i) That is open or has a broken seal or (ii) the contents of which are partially removed.

(2) Except as provided in subsection (4) of this section, it is unlawful for any person in the passenger compartment of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this state.

(3) Except as provided in section 53-186, it is unlawful for any person to consume alcoholic liquor (a) in a public parking area or on any highway in this state or (b) inside motor vehicles while in a public parking area or on any highway in this state.

(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

(b) Persons who are passengers in the living quarters of a self-propelled mobile home or cabin trailer as defined in section 60-301, but who are not operating the self-propelled mobile home or motor vehicle towing the cabin trailer, may possess open alcoholic beverage containers while such vehicle is in a public parking area 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. On page 5, line 1, after the period insert "A peace officer may not search or inspect a motor vehicle, its contents, the driver, or any passenger solely because of a violation of this section.".

Mrs. Bohlke filed the following amendment to LB 661:
AM1028

1. On page 2, line 22, after the period insert "In addition, the defendant shall not be liable for any damages resulting from a computer date failure which occurs on January 1, 2000, or on January 1, 1900, whichever the defendant's computer 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

Sec. 3. Section 60-4,182, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,182. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the director. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 60-6,196, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or urine or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 60-6,196 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 60-6,212 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 60-6,213 -- 5 points;

(10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

(a) Not more than five miles per hour over the speed limit -- 1 point;

(b) More than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; and

(c) More than ten miles per hour over the speed limit -- 3 points; ~~, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour the speed limits provided for in subdivision (1)(e), (f), or (g) of section 60-6,186;~~

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02, not including violations involving an occupant protection system pursuant to section 60-6,270, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks -- 1

point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 60-4,188.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

The point system shall not apply to persons convicted of 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 they 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. Strike sections 1 and 4.
2. On page 3, line 14, strike "nursing student or per".
3. On page 5, line 25, strike "sections" through "and" and insert "section"; and in line 26 strike "71-5662,".

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. On page 31, line 1, strike "seventy-five" and insert "sixty".

Mr. Lynch filed the following amendment to LB 594:
AM1093

1. Insert the following new section:

"Sec. 17. Section 68-1020, Revised Statutes Supplement, 1998, is amended to read:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and on behalf of all individuals less than twenty-one years of age who are eligible under section 1905(a) of the federal Social Security Act, as amended.

(2) The Director of Finance and Support shall adopt and promulgate rules and regulations governing provision of such medical assistance benefits to qualified individuals:

(a) Who are presumptively eligible as allowed under 42 U.S.C. 1396a, as amended, and section 1920A of the federal Social Security Act, as amended;

(b) Who have income at or below one hundred eighty-five percent of the Office of Management and Budget poverty line, as allowed under Title XIX and Title XXI of the federal Social Security Act, as amended, without regard to resources, including all children under nineteen years of age and pregnant women as allowed under 42 U.S.C. 1396a, as amended, and section 2110 of the federal Social Security Act, as amended. Children described in this subdivision shall remain eligible for a twelve-month period of time from the date of eligibility prior to redetermination of eligibility; or

(c) Who are medically needy caretaker relatives as allowed under section 1905(a)(ii) of the federal Social Security Act, as amended, and who have children with allocated income as follows:

(i) At or below one hundred fifty percent of the Office of Management and Budget poverty line with eligible children one year of age or younger;

(ii) At or below one hundred thirty-three percent of the Office of Management and Budget poverty line with eligible children over one year of age and under six years of age; or

(iii) At or below one hundred percent of the Office of Management and Budget poverty line with eligible children six years of age or more and under fifteen years of age.

(3) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii), medical assistance shall be paid on behalf of disabled persons as defined in section 68-1005 who are in families whose net income is less than two hundred fifty percent of the Office of Management and Budget income poverty line applicable to a family of the size involved and who but for earnings in excess of the limit established under 42 U.S.C. 1396d(q)(2)(B) of the federal Social Security Act, as amended, would be considered to be receiving federal Supplemental Security Income. The Department of Health and Human Services shall apply for a waiver to disregard any unearned income that is contingent upon a trial work period in applying the Supplemental Security Income standard. Such disabled persons shall be subject to payment of premiums as a percentage of the family's net income beginning at not less than two hundred percent of the Office of Management and Budget net income poverty line. Such premiums shall be graduated based on family income and shall not be less than two percent or more than ten percent of family net income.".

2. Amend the operative date and repealer sections so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal 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

Sec. 5. Section 60-682.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-682.01. (1) ~~Any~~ Except as provided in subsection (2) of this section, 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) Any person who operates a vehicle in violation of any maximum speed limit established for the National System of Interstate and Defense Highways is guilty of a traffic infraction and upon conviction shall be fined:

(a) Fifty dollars for traveling one to five miles per hour over the authorized speed limit;

(b) One hundred dollars for traveling six to ten miles per hour over the authorized speed limit;

(c) One hundred fifty dollars for traveling eleven to fifteen miles per hour over the authorized speed limit;

(d) Two hundred dollars for traveling sixteen to twenty miles per hour over the authorized speed limit; and

(e) Three hundred dollars for traveling twenty-one miles per hour or more over the authorized speed limit.

(3) The fines prescribed in ~~subsection~~ subsections (1) and (2) of this section shall be doubled if the violation occurs within a maintenance, repair, or construction zone established pursuant to section 60-6,188. For purposes of this subsection, maintenance, repair, or construction zone means (a) the portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction or (b) the portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to section 60-6,188. The maintenance, repair, or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

~~(3)~~ (4) The fines prescribed in subsection (1) of this section shall be doubled if the violation occurs within a school crossing zone as defined in section 60-658.01.".

2. On page 2, line 3, strike "section 4" and insert "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. On page 5, strike beginning with "Except" in line 19 through line 27 and show the old matter as stricken.

2. On page 6, strike beginning with line 1 through "(2)"

in line 6 and show as stricken; in line 7 after "for" insert "any highway or"; in line 20 strike "(3)" and insert "(2)" and reinstate "subsection" and strike "subsections"; and in line 21 strike "and (2)".

3. On page 7, line 6, strike the new matter and 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. Strike section 2 and insert the following new sections:

"Sec. 2. Section 71-509, Revised Statutes Supplement, 1998, is amended to read:

71-509. (1) If a health care facility or alternate facility determines that a patient treated or transported by an emergency services provider has been diagnosed or detected with an infectious airborne disease, the health care facility or alternate

facility shall notify the department as soon as practical but not later than forty-eight hours after the determination has been made. The department shall investigate all notifications from health care facilities and alternate facilities and notify as soon as practical the physician medical director of each emergency medical service with an affected out-of-hospital emergency medical services provider employed by or associated with the service, the fire chief of each fire department with an affected firefighter employed by or associated with the department, the head of each law enforcement agency with an affected peace officer employed by or associated with the agency, the funeral director of each funeral establishment with an affected individual employed by or associated with the funeral establishment, and any emergency services provider known to the department with a significant exposure who is not employed by or associated with an emergency medical service, a fire department, a law enforcement agency, or a funeral establishment. Notification of affected individuals shall be made as soon as practical.

(2) Whenever an emergency services provider believes he or she has had a significant exposure while acting as an emergency services provider, he or she may complete a significant exposure report form. A copy of the completed form shall be given by the emergency services provider to the health care facility or alternate facility, to the emergency services provider's supervisor, and to the designated physician.

(3) Upon receipt of the significant exposure form, if a patient has been diagnosed during the normal course of treatment as having an infectious disease or condition or information is received from which it may be concluded that a patient has an infectious disease or condition, the health care facility or alternate facility receiving the form shall notify the designated physician pursuant to subsection (5) of this section. If the patient has not been diagnosed as having an infectious disease or condition and upon the request of the designated physician, the health care facility or alternate facility shall request the patient's attending physician or other responsible person to order the necessary diagnostic testing of the patient to determine the presence of an infectious disease or condition. Upon such request, the patient's attending physician or other responsible person shall order the necessary diagnostic testing subject to section 71-510. Each health care facility shall develop a policy or protocol to administer such testing and assure confidentiality of such testing.

(4) Results of tests conducted under this section and section 71-510 shall be reported by the health care facility or alternate facility that conducted the test to the designated physician and to the patient's attending physician, if any.

(5) Notification of the patient's diagnosis of infectious disease or condition, including the results of any tests, shall be made orally to the designated physician within forty-eight hours of confirmed diagnosis. A written report shall be forwarded to the

designated physician within seventy-two hours of confirmed diagnosis.

(6) Upon receipt of notification under subsection (5) of this section, the designated physician shall notify the emergency services provider of the exposure to infectious disease or condition and the results of any tests conducted under this section and section 71-510.

(7) The notification to the emergency services provider shall include the name of the infectious disease or condition diagnosed but shall not contain the patient's name or any other identifying information. Any person receiving such notification shall treat the information received as confidential and shall not disclose the information except as provided in sections 71-507 to 71-513.

(8) The provider agency shall be responsible for the costs of diagnostic testing required under this section and section 71-510, except that if a person renders emergency care gratuitously as described in section 25-21,186, such person shall be responsible for the costs.

(9) The patient's attending physician shall inform the patient of test results for all tests conducted under such sections.

Sec. 3. Original sections 71-507 and 71-509, Revised 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

printed on recycled paper

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. On page 4, lines 4 and 6 through 10 strike the new matter and reinstate the stricken matter; in line 18 strike "and" and show as stricken; and in line 28 after "dollars" insert "; and

(c) A refundable credit for individuals who qualify for an income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 1999, under the Internal Revenue Code of 1986, as amended".

2. On page 8, line 1, strike the new matter and reinstate the stricken matter; and in line 12 strike "one-half" and insert "eight-tenths".

3. On page 9, line 2, strike "one-half" and insert "eight-tenths"; in line 13 strike "two and one-half" and insert "four"; and in line 22 strike "five" and insert "eight".

4. On page 17, strike beginning with "The" in line 15 through "Three" in line 26 and insert "One individual representing lenders of agricultural credit;

(4) One individual of the academic community with extensive knowledge and insight in the analysis of agricultural economic issues;

(5) Two".

5. On page 18, line 3, strike "(9)" and insert "(6)"; and in lines 5 and 6 strike "(4) through (9)" and insert "(3) through (6)".

6. On page 22, lines 7 and 10, strike "so terminated or is"; and in line 28 after the period insert "Any person aggrieved by a decision of the board may appeal pursuant to the

Administrative Procedure Act.".

7. On page 23, line 3, strike "one" and insert "five"; 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. On page 2, line 10, strike "infrastructure" and after "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. Insert the following new section:

"Sec. 10. Section 77-27,139.03, Revised Statutes Supplement, 1998, is amended to read:

77-27,139.03. (1) State aid provided to municipalities pursuant to sections 77-27,139.01 to 77-27,139.04 shall be calculated by determining the average property tax levy for operational purposes other than for principal and interest payments on the indebtedness of all incorporated municipalities. The Auditor of Public Accounts shall provide to the Department of Revenue a list of the bond and nonbond tax request amounts from the most recent budgets filed by incorporated municipalities. The information shall be used to calculate the bond and nonbond tax levies for aid purposes under this section. The auditor shall provide the information to the department by February 1 each year.

(2) Each municipality shall receive state aid from the Municipal Equalization Fund equal to (a) the product of the average per capita property tax of the appropriate population group multiplied by the current population of the municipality minus (b) the product of the average property tax levy multiplied by the certified valuation within the incorporated municipality, except

that a municipality shall not receive any aid under this section if the calculation results in a negative number.

(3) If a municipal tax levy for operational purposes was less than ~~forty cents per one hundred dollars of valuation~~ the average property tax levy in the immediately preceding fiscal year, the state aid provided to such municipality shall be reduced by twenty percent for each one-cent increment the levy was below ~~forty cents~~ the average property tax levy.

(4) Aid distributed to a municipality shall not exceed the amount which would have been necessary to reduce the municipal tax levy for operational purposes below ~~thirty-five cents per one hundred dollars of taxable valuation~~ the average property tax levy in the immediately preceding fiscal year.

(5) If the amount of money in the Municipal Equalization Fund is less than the total amount of state aid for all municipalities as required by the allocation formula in subsection (2) of this section, the money in the fund shall be allocated on a prorated basis to such municipalities. If the amount of money in the fund is more than the total amount of state aid for municipalities as required by the allocation formula, the excess money in the fund shall be transferred to and distributed from the Municipal Infrastructure Redevelopment Fund.".

2. On page 1, lines 6 and 7, strike "airport authorities" and insert "public airports".

3. On page 1, line 4; and page 28, line 22, after the fourth comma insert "77-27,139.03,".

4. On page 2, line 8; page 18, line 9; page 19, lines 10 and 11; and page 20, lines 15 and 16, strike "an airport authority" and insert "a public airport".

5. On page 2, line 10; page 18, line 11; page 19, line 13; and page 20, line 18, strike "authority" and insert "public airport".

6. Renumber the remaining sections accordingly.

Mr. D. Pederson filed the following amendment to LB 548:
AM1079

(Amendments to Standing Committee amendments, AM0699)

1. Strike amendments 1 through 4 and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. Section 43-2511, Reissue Revised Statutes of Nebraska, is amended to read:

43-2511. (1) There is hereby established a statewide billing system for accessing federal medicaid funds for special education and related services provided by school districts. The system shall apply to all students verified with disabilities from date of diagnosis to twenty-one years of age as allowed under the federal Medicare Catastrophic Coverage Act of 1988. The system

shall be developed jointly by the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, and the State Department of Education. School districts, educational service units, or approved cooperatives providing special education and related services shall be required to participate in the statewide billing system. It is the intent of this section that costs to school districts associated with the implementation of such a system shall be eligible for payment through the medicaid reimbursement rates to be established for each therapy.

(2) On and after January 1, 2000, the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, and the State Department of Education shall jointly develop a plan to utilize the statewide billing system under subsection (1) of this section to access matching federal medicaid funds for medicaid administrative outreach services which are not reimbursed through the medicaid reimbursement rates established for each therapy under such subsection. The Director of Finance and Support shall apply for and secure any federal waivers and state medicaid plan amendments required to implement this subsection. Only administrative outreach services delivered by school districts or educational service units under contract with the Department of Health and Human Services Finance and Support which are not reimbursed through the administrative component of the reimbursement rates under subsection (1) of this section shall be eligible for reimbursement under this subsection. Prior to entering into such a contract, the school district or educational service unit shall certify (a) that it shall expend nonfederal funds in an amount sufficient to meet the required nonfederal match of expenditures, (b) that all funds received under this subsection shall be used only to offset costs incurred in providing medicaid administrative outreach services under this subsection, (c) compliance with all applicable federal and state rules and regulations, and (d) any other certification required by the department. The department shall require audits, reports, and certifications as it deems necessary to oversee such contracts and shall adopt and promulgate rules and regulations necessary to implement this subsection. Nothing in this subsection shall require any school district or educational service unit to enter into a contract with the department under this subsection. Nothing in this subsection shall prohibit the department from contracting with other public or private providers of medicaid administrative outreach services. The department shall be allowed three percent of the total amount of federal funds accessed under this subsection for administration of this subsection. Federal medicaid funds provided to school districts or educational service units under this subsection shall not be subject to section 43-2515.

Sec. 2. Section 43-2515, Reissue Revised Statutes of

Nebraska, is amended to read:

43-2515. On or before October 1, 1993, and for each year thereafter, the Department of Health and Human Services Finance and Support and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to school districts pursuant to the Early Intervention Act for special education services for children five years of age and older. ~~The~~ Except as provided in subsection (2) of section 43-2511, the General Fund appropriation to the State Department of Education for state special education aid shall be decreased by an amount equal to the amount that would have been reimbursed with state general funds to the school districts through the special education reimbursement process for special education services for children five years of age and older that was paid to school districts or approved cooperatives with federal medicaid funds.

It is the intent of the Legislature that an amount equal to the amount that would have been reimbursed with state general funds to the school districts, certified to the budget administrator, be appropriated from the General Fund to aid in carrying out the provisions of the Early Intervention Act and other related early intervention services.

Sec. 3. This act becomes operative January 1, 2000.

Sec. 4. Original sections 43-2511 and 43-2515, Reissue Revised Statutes of Nebraska, are repealed.'.".

Mr. Hartnett filed the following amendment to LB 704:
AM1112

1. On page 18, line 15, after the period insert "The license or card issued to a minor shall be clearly marked with the words MINOR UNTIL DATE, and 'DATE' shall be replaced with the date the minor becomes twenty-one years of age. Beginning October 1, 1999, every minor shall be required to have a license or card with such statement on it for operating a motor vehicle or 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

printed on recycled paper

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

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

Excused and not voting, 3:

Bohlke	Peterson, C.	Vrtiska

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. On page 1, line 10, strike "Supplements" and insert "Supplement"; and in line 16 after the first semicolon insert "to

change provisions of the Uniform Commercial Code;".

2. On page 2, line 2, after the first "to" insert "9-110, 9-112 to"; and in line 3 after the second "to" insert "9-415,".

3. On page 3, line 4, strike "section" and show as stricken; and in line 5 strike the new matter and insert "subdivision (a)(1) of section 9-501".

4. On page 5, line 28, after "villages" insert an underscored comma.

5. On page 25, line 19, strike the comma and show as stricken.

6. On page 39, line 19, after "him" insert "or her".

7. On page 40, lines 5 and 6, strike "article 9, Uniform Commercial Code", show as stricken, and insert "article 9, Uniform Commercial Code".

8. On page 149, line 22, strike the second comma.

9. On page 195, line 11, strike ". Unless" and insert "unless".

10. On page 196, line 13, strike the last comma.

11. On page 228, line 7, strike "it" and insert "the office of the Secretary of State".

12. On page 230, line 16, strike "and".

13. On page 232, lines 7 and 8 and 27 and 28, strike "subdivision (a)(1) of section 9-501" and insert "section 9-501(a)(1)".

14. On page 233, line 14, after the second comma insert "or".

15. On page 234, line 12, strike the first comma; and in line 14 strike "and".

16. On page 237, line 17, strike "section" and insert "sections".

17. On page 248, line 24, strike "9-614(3)" and insert "9-614(4)".

18. On page 252, line 8, strike "(4)" and insert "(5)" and strike "(3)" and insert "(4)"; in line 11 strike "(5)" and insert "(6)" and strike "(3)" and insert "(4)"; in line 15 strike "(6)" and insert "(7)"; and in line 16 strike "(3)" and insert "(4)".

19. On page 272, line 24; page 273, line 21; and page 274, line 11, after "date" insert "of this act".

20. On page 280, line 17, after the first "to" insert "9-110, 9-112 to"; and in line 18 after the first "to" insert "9-415,".

LEGISLATIVE BILL 822. Placed on Select File as amended.
E & R amendment to LB 822:
AM7093

1. Strike the original sections and all amendments thereto 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 sections 3 and 4 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 facility without an operating permit or interim use authorization from the department.

(2) Livestock waste control facilities shall be classified according to the maximum number of animal units for which the livestock waste control facility is designed. The council, in adopting rules and regulations under section 54-2413, shall set out the requirements for any livestock waste control facility which is reclassified after permit issuance. Classifications shall be as follows:

(a) A class I livestock waste control facility is designed for one thousand or less animal units;

(b) A class II livestock waste control facility is designed for more than one thousand and five thousand or less animal units;

(c) A class III livestock waste control facility is designed for more than five thousand animal units and twenty thousand or less animal units; and

(d) A class IV livestock waste control facility is designed for more than twenty thousand animal units.

(3)(a) No new class II, class III, or class IV livestock waste control facility shall be permitted in any part of a watershed that feeds directly or indirectly into a cold water class A stream, as defined by the department for trout streams, except for:

(i) Existing livestock waste control facilities. If an existing livestock operation does not currently have a waste control facility and upon inspection by the department a determination is made that one is necessary, the owner or operator will be required to construct such a facility in accordance with the Livestock Waste Management Act;

(ii) New and expansions to existing livestock waste control facilities for which an application has been received and deemed complete by the department prior to January 1, 1999; and

(iii) Livestock operations that are exempt from permit requirements as set forth in rules and regulations adopted under the act.

(b) Expansion of facilities in existence on January 1, 1999, in any part of a watershed that feeds directly or indirectly into a cold water class A stream, shall be limited as follows:

(i) Class I facilities may expand up to and not to exceed a class II facility and no further expansion is allowed in a livestock operation at that site;

(ii) Class II facilities may expand up to and not to exceed a class III facility and no further expansion is allowed in a livestock operation at that site;

(iii) Class III facilities may expand up to a thirty-thousand-animal-unit class IV facility and no further expansion is allowed in a livestock operation at that site;

(iv) Class IV facilities may expand up to fifty percent of the animal units in the operation as of January 1, 1999, and no further expansion is allowed in a livestock operation at that site; and

(v) Each class is limited to the expansion allowed which can occur over a period of time.

The owner or operator of any such facility shall request the department to inspect the existing facilities and make a determination as to whether the existing facilities meet the requirements for any expansion or whether additional facilities would be needed to accommodate the proposed expansion according to rules and regulations adopted and promulgated by the council.

(c) For any new construction of a class I livestock waste control facility in any part of a watershed that feeds directly or indirectly into a cold water class A stream, the livestock operation shall be limited to three hundred animal units.

Sec. 3. A map delineating segments and watershed boundaries for cold water class A streams, prepared by the department and the Nebraska Natural Resources Commission, shall be maintained by the department.

Sec. 4. Nothing in the Livestock Waste Management Act prohibits the application of more restrictive zoning regulations by the authorized local political subdivisions.

Sec. 5. Original sections 54-2401 and 54-2404, Reissue Revised Statutes of Nebraska, are repealed.

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

2. On page 1, strike lines 2 through 4 and insert "sections 54-2401 and 54-2404, Reissue Revised Statutes of Nebraska; 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.".

(Signed) Adrian M. Smith, Chairperson

AMENDMENT - Print in Journal

Mr. Engel filed the following amendment to LB 594:
AM1110

1. Insert the following new section:

"Sec. 31. Section 71-5830.01, Revised Statutes Supplement, 1998, is amended to read:

71-5830.01. Notwithstanding any other provisions of the Nebraska Health Care Certificate of Need Act, a certificate of need is not required for:

(1) A change in classification between an intermediate care facility, a nursing facility, or a skilled nursing facility; ~~and~~

(2) A project of a county in which is located a city of the metropolitan class for which a bond issue has been approved by the electorate of such county on or after January 1, 1994; and

(3) A project of a federally recognized Indian tribe to be located on tribal lands within the exterior boundaries of the State of Nebraska where a determination has been made by the tribe's governing body that the cultural needs of the tribe's members cannot be adequately met by existing facilities if such project has been approved by the tribe's governing body.".

2. In the Standing Committee amendments, AM0455, on page 1, line 3, strike "36, and 39" and insert "37, and 40".

3. On page 71, line 10, before "71-8228" insert "71-5830.01,".

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 8:00 a.m.
Department of Environmental Quality
Michael Linder

(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 Maurce, 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. On page 4, line 4, strike "shall" and insert "shall, in consultation with the commission,"; in line 9 after the semicolon insert "strike beginning with 'separate' in line 22 through line 24 and insert 'The department, in consultation with the commission, shall establish separate identification or proof of ownership requirements for transporting taken domesticated cervine animals.';"; and in line 14 after the semicolon insert "in line 6 after the period insert 'The commission may, on a case-by-case basis, extend the number of days for a permitholder to recapture or 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. On page 3, line 12, after the period insert "Such rules and regulations shall provide that the decision to initiate, continue, or terminate the employment of the employee is and shall remain that of the employer.".

Messrs. Jensen and Kristensen filed the following amendment to LB 559:
AM1129

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Medicaid Telehealth Act.

Sec. 2. The Legislature finds that:

(1) Access to health care facilities and health care practitioners is critically important to the citizens of Nebraska;

(2) Access to a continuum of health care services is restricted in some medically underserved areas of Nebraska, and many health care practitioners in such areas are isolated from mentors, colleagues, and information resources necessary to support them personally and professionally;

(3) The use of telecommunications technology to deliver health care services can reduce health care costs, improve health care quality, improve access to health care, and enhance the economic health of communities in medically underserved areas of Nebraska; and

(4) The full potential of delivering health care services through Telehealth cannot be realized without the assurance of payment for such services and the resolution of existing legal and policy barriers to such payment.

Sec. 3. For purposes of the Medicaid Telehealth Act:

(1) Department means the Department of Health and Human Services Finance and Support;

(2) Health care practitioner means a Nebraska medicaid-enrolled provider who is licensed, registered, or certified to practice in this state by the Department of Health and Human Services Regulation and Licensure;

(3) Telehealth means the use of telecommunications technology by a health care practitioner to deliver health care services within his or her scope of practice at a site other than the site where the patient is located; and

(4) Telehealth consultation means any contact between a patient and a health care practitioner relating to the health care diagnosis or treatment of such patient that requires the use of telecommunications technology, but does not include a telephone conversation, electronic mail message, or facsimile transmission between a health care practitioner and a patient or a consultation between two health care practitioners.

Sec. 4. The Medicaid Telehealth Act does not alter the scope of practice of any health care practitioner or authorize the delivery of health care services in a setting or manner not otherwise authorized by law.

Sec. 5. (1) Prior to any telehealth consultation, the health care practitioner delivering health care services through telehealth shall ensure that the informed written consent of the patient is obtained as provided in this section. The person

obtaining such informed consent shall ensure that at least all of the following information is provided to the patient orally and in writing:

(a) A statement that the patient retains the option to withhold or withdraw consent at any time without affecting the patient's right to future care or treatment and without risking the loss or withdrawal of any program benefits to which the patient would otherwise be entitled;

(b) A statement that all existing confidentiality protections shall apply to the telehealth consultation;

(c) A statement that the patient shall have access to all medical information resulting from the telehealth consultation as provided in state law for patient access to his or her medical records; and

(d) A statement that dissemination of any patient identifiable images or information from the telehealth consultation to researchers or other entities shall not occur without the written consent of the patient.

(2) The patient shall sign a written statement prior to any telehealth consultation, indicating that the patient understands the oral and written information provided pursuant to subsection (1) of this section and that this information has been discussed with the health care practitioner or his or her designee. Such signed statement shall become a part of the patient's medical record.

(3) If the patient is a minor or is incapacitated or mentally incompetent such that he or she is unable to give informed consent, this section shall apply to the patient's legally authorized representative.

(4) This section shall not apply in an emergency situation in which the patient is unable to give informed consent and the patient's legally authorized representative is unavailable.

(5) This section shall not apply to a patient who is a person committed to the Department of Correctional Services.

Sec. 6. (1) On or after July 1, 2000, in-person contact between a health care practitioner and a patient shall not be required under the medical assistance program established in sections 68-1018 to 68-1025 and Title XXI of the federal Social Security Act, as amended, for health care services delivered through telehealth that are otherwise eligible for reimbursement under such program and federal act. Such services shall be subject to reimbursement policies developed pursuant to such program and federal act. This section also applies to managed care plans which contract with the department pursuant to the Managed Care Plan Act only to the extent that:

(a) Health care services delivered through telehealth are covered by and reimbursed under the medicaid fee-for-service program; and

(b) Managed care contracts with managed care plans are

amended to add coverage of health care services delivered through telehealth and any appropriate capitation rate adjustments are incorporated.

(2) The reimbursement rate for a telehealth consultation shall, as a minimum, be set at the same rate as the medical assistance program rate for a comparable in-person consultation.

(3) The department shall not require a telehealth consultation if the patient has the option to choose a health care practitioner reasonably available where a patient resides or works.

(4) The department shall establish rates for transmission cost reimbursement, considering, to the extent applicable, reductions in travel costs by health care practitioners and patients to deliver or to access health care services and such other factors as the department deems relevant.

Sec. 7. A health care facility licensed pursuant to sections 71-2017 to 71-2029 that receives reimbursement under the Medicaid Telehealth Act for telehealth consultations delivered by physicians who practice at such facility or other health care practitioners at such facility who provide or facilitate such consultations shall establish quality of care protocols and patient confidentiality guidelines to ensure that such consultants meet the requirements of the act and acceptable patient care standards.

Sec. 8. By July 1, 2000, the department shall adopt and promulgate rules and regulations to carry out the Medicaid Telehealth Act, including rules and regulations to:

(1) Ensure that appropriate care is provided to patients who receive health care services through telehealth; and

(2) Prevent fraud and abuse in the delivery of health care services to such patients through telehealth, including, but not limited to, rules and regulations relating to the filing of claims and records required to be maintained in relation to health 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

printed on recycled paper

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. On page 21, strike beginning with "June" in line 8 through "agreement" in line 9, show as stricken, and insert "the date specified in the interlocal agreement, except that the date shall be on or after June 1 and on or before September 1 for a specified year".

2. On page 45, line 17, strike both occurrences of "the", show as stricken, and insert "each"; and in line 24 strike "the", show as stricken, and insert "each".

3. On page 46, lines 3 and 10, strike the first "the", show as stricken, and insert "each"; in line 5 strike the second "the", show as stricken, and insert "each"; in line 11, strike "or" and show as stricken; in line 12 strike "The", show as stricken, and insert "(A) Less than one and one-half formula students per square mile in the local system and (B) more than two hundred seventy-five square miles in the local system; or

(iv)(A) Less than two formula students per square mile in the local system and (B) the" and after "includes" insert "an area equal to"; and in line 13, strike "a county", show as stricken, and insert "the square miles in the largest county in which a high 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. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 4 of this act shall be known and may be cited as the Rural Technology Development Act.

Sec. 2. The purposes of the Rural Technology Development Act are to:

(1) Promote cooperation between political subdivisions in order to create the potential to reduce taxes at the local level through the efficient use of modern technology;

(2) Provide an efficient system to provide technological support and training;

(3) Recognize that the year 2000 issue may require extensive computer technology acquisitions and that the most efficient solution to resolving this issue is through a cooperative effort;

(4) Encourage the state's goal of efficient, available, online government; and

(5) Create greater purchasing power through quantity purchases by certain political subdivisions, and provide a mechanism to allocate costs across multiple years.

Sec. 3. The Nebraska Information Technology Commission shall include in the statewide technology plan recommendations regarding the computer and networking needs of rural governments, based upon a study of representative areas of the state. The study shall include an analysis of the requirements of rural governments for access to information, a review of available resources, and identification of options. The recommendations shall address funding, training, technical assistance, the role of state government, and a technology planning process for rural communities.

Sec. 4. The intergovernmental data services division of the Department of Administrative Services shall coordinate aggregate purchasing of personal computers by political subdivisions as part of an effort to address year 2000 issues. The intergovernmental data services division shall collaborate with the material division of the department, the information management 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

quorum" and insert "dispute resolution, quorum, and annual report"; 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. On page 1, line 1, strike "section" and insert "sections" and after the comma insert "71-20,118, 71-20,119, and 71-7614,"; in line 3 strike "and" and insert "to harmonize provisions;"; and in line 4 strike "section" and insert "sections; 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 48-1229, Reissue Revised Statutes of Nebraska, is amended to read:

48-1229. For purposes of the Nebraska Wage Payment and Collection Act, unless the context otherwise requires:

(1) Employer ~~shall mean~~ means the state or any individual, partnership, limited liability company, association, joint-stock company, trust, corporation, political subdivision, or personal representative of the estate of a deceased individual, or the receiver, trustee, or successor thereof, within or without the state, employing any person within the state as an employee; ~~except that employer shall not be construed to include the state;~~

(2) Employee ~~shall mean~~ means any individual permitted to work by an employer pursuant to an employment relationship or who has contracted to sell the goods of an employer and to be compensated by commission. Services performed by an individual for an employer shall be deemed to be employment, unless it is shown that (a) such individual has been and will continue to be free from control or direction over the performance of such services, both under his or her contract of service and in fact, (b) such service is either outside the usual course of business for which such service is performed or such service is performed outside of all the places of business of the enterprise for which such service is performed, and (c) such individual is customarily engaged in an independently established trade, occupation, profession, or

business. This subdivision is not intended to be a codification of the common law and shall be considered complete as written;

(3) Fringe benefits ~~shall include~~ includes sick and vacation leave plans, disability income protection plans, retirement, pension, or profit-sharing plans, health and accident benefit plans, and any other employee benefit plans or benefit programs regardless of whether the employee participates in such plans or programs; and

(4) Wages ~~shall mean~~ means compensation for labor or services rendered by an employee, including fringe benefits, when previously agreed to and conditions stipulated have been met by the employee, whether the amount is determined on a time, task, fee, commission, or other basis. Wages ~~shall include~~ includes commissions on all orders delivered and all orders on file with the employer at the time of termination of employment less any orders returned or canceled at the time suit is filed.

Sec. 2. Original section 48-1229, Reissue Revised 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. Strike sections 6 to 9 and all amendments thereto and insert the following new sections:

"Sec. 3. Section 77-27,196.01, Revised Statutes Supplement, 1998, is amended to read:

77-27,196.01. (1) The changes made in sections 77-27,188, 77-27,188.02, 77-27,190, 77-27,192, 77-27,193, and 77-27,194 by Laws 1997, LB 886, shall become operative for all credits earned in tax years beginning, or deemed to begin, on and after January 1, 1998. For all credits earned in tax years beginning, or deemed to begin, prior to January 1, 1998, the provisions of the Employment Expansion and Investment Incentive Act as they existed immediately prior to such date shall apply.

(2) The changes made in sections 77-27,187.01 and 77-27,188 by this legislative bill shall become operative for all credits earned in tax years beginning, or deemed to begin, on and after January 1, 1999. For all credits earned in tax years beginning, or deemed to begin, prior to January 1, 1999, the provisions of the Employment Expansion and Investment Incentive Act

as they existed immediately prior to such date shall apply.

Sec. 7. Section 77-4112, Reissue Revised Statutes of Nebraska, is amended to read:

77-4112. (1) The changes made in sections 77-4103 to 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative for all applications filed on and after January 1, 1988. For all applications filed prior to January 1, 1988, the provisions of the Employment and Investment Growth Act as they existed immediately prior to such date shall apply.

(2) Section 77-4113 and the changes made in section 77-4104 by Laws 1996, LB 1290, shall become operative for all applications filed on or after May 1, 1996.

(3) The changes made in sections 77-4101 and 77-4103 by this legislative bill and section 6 of this act shall become operative for any taxpayer with an agreement in effect on or after January 1, 1999. Such changes and section 6 of this act shall be applied on a consistent basis for determining benefits for tax years beginning, or deemed to begin, on and after January 1, 1999. For all benefit determinations in tax years beginning, or deemed to begin, prior to January 1, 1999, the provisions of the Employment and Investment Growth Act as they existed immediately prior to such date shall apply.

Sec. 8. Original 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, are repealed.".

2. Insert the following new amendment:

"2. Renumber the remaining sections and correct internal references accordingly.".

Mr. Raikes filed the following amendment to LB 142:
AM0950

(Amendments to E & R amendments, AM7091)

1. On page 2, line 7, after the period insert "Until July 1, 2002, the amount allocated to each county, school district, and city or village pursuant to this section shall be further allocated to each individual fund for which property taxes are levied for each subdivision in the same proportion that the levy of the fund bears to the total levy on taxable property of the subdivision.".

Mrs. Thompson filed the following amendment to LB 652:
AM0949

(Amendments to Standing Committee amendments, AM0717)

1. On page 3, lines 9 through 12, reinstate the stricken matter.

2. On page 4, lines 1 through 12; page 5, lines 19 through 27; page 6, lines 1 and 2; and page 11, lines 6 through 12, strike the new matter and strike the old matter and show as

stricken.

3. On page 5, line 12, strike the new matter and 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. On page 11, strike lines 9 through 16 and insert:
"Sec. 8. (1) Leased public real property shall be taxed or exempted from taxation as if the real property was owned by the leaseholder. The value of the property shall be determined as under section 77-112. Taxes shall be paid by the leaseholder and shall be a lien against the lienholder's interest."; and strike 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. On page 4, lines 17 and 19 and 20, strike "necessary 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

printed on recycled paper

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. Strike section 50.

2. On page 1, line 11; and page 102, line 12, strike "79-1162,".

3. On page 4, line 18, after the first "the" insert "other".

4. On page 77, line 6, after "means" insert "either"; and in line 10 after "development" insert ", or a diagnosed physical or mental condition that has a high probability of resulting in a substantial delay in function in one or more of such areas".

5. Renumber the remaining sections and correct internal 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. Insert the following new section:

"Sec. 2. Section 48-621, Reissue Revised Statutes of Nebraska, is amended to read:

48-621. The administrative fund shall consist of the Employment Security Administration Fund and the Employment Security Special Contingent Fund. Each fund shall be maintained as a separate and distinct account in all respects, as follows:

(1) There is hereby created in the state treasury a special fund to be known as the Employment Security Administration Fund. All money ~~deposited or paid into~~ credited to this fund is hereby appropriated and made available to the Commissioner of Labor. All money in this fund shall be expended solely for the purposes and in the amounts found necessary as defined by the specific federal programs, state statutes, and contract obligations for the proper and efficient administration of all programs of the Department of Labor. The fund shall consist of all money appropriated by this state and all money received from the United States of America or any agency thereof, including the Department of Labor and the Railroad Retirement Board, or from any other source for such purpose. Money received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency, any amounts received pursuant to any surety bond or insurance policy for losses sustained by the Employment Security Administration Fund or by reason of damage to equipment or supplies purchased from money in such fund, and any proceeds realized from the sale or disposition of any equipment or supplies which may no longer be necessary for the proper administration of such law shall also be ~~paid into~~ credited to this fund. All money in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Any balances in this fund, except balances of money therein appropriated from the General Fund of this state, shall not lapse at any time but shall be continuously available to the commissioner for expenditure consistent with the Employment Security Law. ~~Notwithstanding any other provisions of this section, all money requisitioned and deposited in this fund pursuant to section 903 of the federal Social Security Act, as amended, shall remain part of the Unemployment Compensation Fund and shall be used only in accordance with the conditions specified in section 903 of the federal Social Security Act.~~ Any money in the Employment Security Administration 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; and

(2) There is hereby created in the state treasury a special fund to be known as the Employment Security Special Contingent Fund. Any money in the Employment Security Special Contingent 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. All money collected under section 48-655 as interest on delinquent

contributions, less refunds, shall be ~~paid into~~ credited to this fund from the clearing account of the Unemployment Compensation Fund at the end of each calendar quarter. Such money shall not be expended or available for expenditure in any manner which would permit its substitution for or a corresponding reduction in federal funds which would in the absence of such money be available to finance expenditures for the administration of the unemployment insurance law, but nothing in this section shall prevent the money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such federal funds when received. The money in this fund may be used by the Commissioner of Labor only as follows:

(a) To replace within a reasonable time any money received by this state pursuant to section 302 of the federal Social Security Act, as amended, and required to be paid under section 48-622;

(b) To meet special extraordinary and contingent expenses which are deemed essential for good administration but which are not provided in grants from the Secretary of Labor of the United States and, for this purpose, no expenditures shall be made from this fund except on written authorization by the Governor at the request of the Commissioner of Labor;

(c) To be transferred to the Nebraska Community College Aid Cash Fund; and

(d) To be transferred to the Job Training Cash Fund.

(3)(a) Money credited to the account of this state in the Unemployment Trust Fund by the United States Secretary of the Treasury pursuant to section 903 of the Social Security Act may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of the Employment Security Law and public employment offices. Such money may be requisitioned pursuant to section 48-619 for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of the Employment Security Law and public employment offices but only pursuant to a specific appropriation by the Legislature and only if the expenses are incurred and the money is requisitioned after the date of enactment of an appropriation law which specifies the purposes for which such money is appropriated and the amounts appropriated therefor. Such appropriation is subject to the following conditions:

(i) The period within which such money may be obligated is limited to a period ending not more than two years after the effective date of the appropriation law; and

(ii) The amount which may be obligated is limited to an amount which does not exceed the amount by which the aggregate of the amounts transferred to the account of this state pursuant to

section 903 of the Social Security Act exceeds the aggregate of the amounts used by this state pursuant to the Employment Security Law and charged against the amounts transferred to the account of this state.

(b) For purposes of subdivision (3)(a)(ii) of this section, the amounts obligated under an appropriation for the administrative purposes described in such subdivision shall be charged against transferred amounts at the exact time the obligation is entered into.

(c) The appropriation, obligation, and expenditure or other disposition of money appropriated under this subsection shall be accounted for in accordance with standards established by the United States Secretary of Labor.

(d) Money appropriated as provided in this subsection for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and, upon requisition, shall be credited to the Employment Security Administration Fund from which such payments shall be made. Money so credited shall, until expended, remain a part of the Employment Security Administration Fund and, if it will not be immediately expended, shall be returned promptly to the account of this state in the Unemployment Trust Fund.

(e) Notwithstanding subdivision (3)(a) of this section, money credited with respect to federal fiscal years 1999, 2000, and 2001 shall be used solely for the administration of the unemployment compensation program and are not subject to appropriation by the Legislature.".

2. On page 10, line 12, after "48-602" insert ", 48-621,".

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. On page 3, after line 15 insert
"Claim No. 99-100, against the Department of Revenue, pay to Muckels Aerial Inc., P.O. Box 1107, Grand Island, NE 68802,
out of the General Fund 5,750.00";
and after line 28 insert
"Claim No. 99-261, against the Department of Revenue
pay to Record Printing Company, P.O. Box 530, Cairo, NE 68824,
out of the General Fund 25,072.03".
On page 4, lines 5 and 6, strike "1,045,736.95" and insert "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. Strike the original sections and all amendments thereto and insert the following new sections:
"Section 1. Section 76-1002, Reissue Revised Statutes of Nebraska, is amended to read:
76-1002. (1) Transfers in trust of real property may be made to secure (a) existing debts or obligations created simultaneously with the execution of the trust deed, (b) future advances necessary to protect the security, (c) any future advances to be made at the option of the parties, or (d) the performance of an obligation of any other person named in the trust deed to a beneficiary.
(2) Future advances necessary to protect the security shall include, but not be limited to, advances for payment of real property taxes, special assessments, prior liens, hazard insurance premiums, maintenance charges imposed under a condominium declaration or other covenant, and costs of repair, maintenance, or improvements.
(3)(a) Except as provided in subdivision (b) of this subsection, all items identified in subsection (1) of this section

are equally secured by the trust deed from the time of filing the trust deed as provided by law and have the same priority as the trust deed over the rights of all other persons who acquire any rights in or liens upon the trust property subsequent to the time the trust deed was filed.

(b)(i) The trustor or his or her successor in title may limit the amount of optional future advances secured by the trust deed under subdivision (a) of this subsection by filing a notice for record in the office of the register of deeds of each county in which the trust property or some part thereof is situated. A copy of such notice shall be sent by certified mail to the beneficiary. The amount of such secured optional future advances shall be limited to not less than the amount actually advanced at the time of receipt of such notice by the beneficiary.

(ii) If any optional future advance is made by the beneficiary to the trustor or his or her successor in title after receiving written notice of the filing for record of any trust deed, mortgage, lien, or claim against such trust property, then the amount of such optional future advance shall be junior to such trust deed, mortgage, lien, or claim.

(iii) Subdivisions (b)(i) and (ii) of this subsection shall not limit or determine the priority of optional future advances as against construction liens governed by section 52-139.

~~(2)~~ (4) The reduction to zero or elimination of the obligation evidenced by any of the transfers in trust authorized by this section shall not invalidate the operation of this section as to any future advances unless a notice or release to the contrary is filed for record as provided by law. All right, title, interest, and claim in and to the trust property acquired by the trustor or his or her successors in interest subsequent to the execution of the trust deed shall inure to the trustee as security for the obligation or obligations for which the trust property is conveyed in like manner as if acquired before execution of the trust deed.

Sec. 2. Original section 76-1002, Reissue Revised 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 34-106, Reissue Revised Statutes of Nebraska, is amended to read:

34-106. Upon request of any landowner, the county clerk shall appoint and maintain a panel of at least six individuals to

serve as fence viewers, but the clerk may not compel membership on the panel of fence viewers. Fence viewers shall be owners of agricultural land in the county where the dispute has originated, and at least three members of each panel shall be owners of livestock. Fence viewers shall not be considered employees of the county and shall receive compensation only as provided in section 34-110. Upon resignation of a member, the clerk shall appoint another individual to fill the vacancy.

Sec. 2. Section 34-107, Reissue Revised Statutes of Nebraska, is amended to read:

34-107. Upon receipt of a written request of any landowner, the county clerk shall assign three fence viewers from the panel of fence viewers appointed under section 34-106 to determine any controversy arising under sections 34-101 to 34-117. None of the fence viewers assigned shall be related by blood or marriage to the contending parties nor be financially interested in the outcome of the dispute. If the county clerk is unable to assign three fence viewers for any reason, the clerk shall notify the county sheriff who shall serve in place of the fence viewers or as one of the fence viewers, and all references to fence viewers in this section and sections 34-104 to 34-111 shall be construed to mean the county sheriff if the sheriff is serving in place of the fence viewers.

Before assigning the fence viewers, the clerk shall first require the landowner to show proof that notice has been given to adjoining landowners. Such notice shall be served upon any nonresident landowner by publication in a newspaper published in the county where the land is situated or by delivering a copy of the letter requesting the assignment of fence viewers to the occupant of such adjoining land or the landowner's agent in charge of such land. The fence viewers so assigned shall examine the premises and hear the allegations of the parties. The decision of any two of them shall be final upon the parties to such disputes and upon all parties holding under them.

Sec. 3. Section 34-115, Reissue Revised Statutes of Nebraska, is amended to read:

34-115. Lawful fences of different kinds used for fence to enclose lands shall be as hereinafter defined. (1) A rail fence shall consist of at least six rails, such rails to be secured by stakes at the end of each panel, well set in the ground, with a rider on the stakes. (2) A board fence shall consist of not less than three boards of at least five inches in width and one inch thick; such boards to be well secured to posts; the posts to be not more than eight feet apart. (3) A rail and post fence shall consist of at least three rails, well secured at each end to posts; the posts not to be more than ten feet apart. (4) A pole and post fence shall consist of not less than four poles, to be well secured to posts; the posts not to be more than seven feet apart. (5) A wire fence shall consist of at least four wires, of a size not less

than number nine fencing wire, to be well secured to posts, the posts to be at no greater distance than one rod from each other; and there shall be placed between every two of the posts one stake or post to which the wire shall be attached. Any ~~; PROVIDED, that any~~ of such wires may be a barbed wire composed of two or more single wire strands twisted into a cable wire with metal barbs thereon averaging not more than five inches apart, each of such single wire strands to be of a size not less than number twelve and one-half gauge fencing wire. (6) A hog and sheep tight fence shall consist of one barb wire at the ground, next above, one section of woven wire twenty-six inches high, consisting of not less than seven strands, the upper and lower strands to be number nine wire, intermediate strands to be number eleven wire with stays not more than twelve inches apart, and at the top, three barb wires at intervals of six, nine, and nine inches; and the whole shall be securely fastened to posts at no greater distance than one rod from each other, and there shall be placed between every two of the posts one stake or post to which the wire shall be attached. (7) All other fences made and constructed of boards, rails, poles, stones, hedge plants, or other material which upon evidence is declared to be as strong and well calculated to protect enclosures and is as effective for resisting breaching stock shall be considered a lawful fence.

Sec. 4. Original sections 34-106, 34-107, and 34-115, 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 71-5661, Reissue Revised Statutes of Nebraska, is amended to read:

71-5661. (1) The financial incentives provided by the Rural Health Systems and Professional Incentive Act shall consist of ~~(1)~~ (a) student loans to eligible students for attendance at an eligible school as determined pursuant to section 71-5662 and ~~(2)~~ (b) the repayment of qualified educational debts owed by eligible health professionals as determined pursuant to such section. Funds for such incentives shall be appropriated from the General Fund to the department for such purposes.

~~There is hereby created in the department the~~ (2) The Rural Health Professional Incentive Fund ~~into which~~ is created. Money credited pursuant to section 2 of this act, payments received pursuant to section 71-5666, and appropriations from the General Fund shall be ~~credited~~ remitted to the State Treasurer for credit

to the fund. 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. 2. On and after the effective date of this act, any money remaining in the Rural Health Opportunities Loan Pool Fund and any money remitted to the State Treasurer for credit to such fund shall be credited by the State Treasurer to the Rural Health Professional Incentive Fund created under section 71-5661 and used to carry out the purposes of the Rural Health Systems and Professional Incentive Act.

Sec. 3. Section 71-5663, Revised Statutes Supplement, 1998, is amended to read:

71-5663. (1) The amount of financial assistance provided through student loans pursuant to the Rural Health Systems and Professional Incentive Act shall be limited to ten thousand dollars for each recipient for each academic year and shall not exceed forty thousand dollars per medical student or twenty thousand dollars per physician assistant student.

(2) The amount of financial assistance provided by the state through loan repayments pursuant to the act (a) for physicians and clinical psychologists shall be limited to ten thousand dollars per recipient per year of full-time practice in a designated health profession shortage area and shall not exceed thirty thousand dollars per recipient and (b) for physician assistants, nurses, nurse practitioners, pharmacists, dentists, physical therapists, occupational therapists, and master's level mental health professionals shall be limited to five thousand dollars per recipient per year of full-time practice in a designated health profession shortage area and shall not exceed fifteen thousand dollars per recipient.

Sec. 4. Section 71-5665, Revised Statutes Supplement, 1998, is amended to read:

71-5665. The commission shall periodically designate health profession shortage areas within the state for the following professions: Medicine and surgery, physician assistants' practice, nursing practice, nurse practitioners' practice, clinical psychology, and master's level mental health practice. The commission shall also periodically designate separate health profession shortage areas for each of the following professions: Pharmacy, dentistry, physical therapy, and occupational therapy. In making such designations the commission shall consider, after consultation with other appropriate agencies concerned with health services and with appropriate professional organizations, among other factors:

(1) The latest reliable statistical data available regarding the number of health professionals practicing in an area and the population to be served by such practitioners;

(2) Inaccessibility of health care services to residents

of an area;

(3) Particular local health problems;

(4) Age or incapacity of local practitioners rendering services; and

(5) Demographic trends in an area both past and future.

Sec. 5. Section 71-5668, Revised Statutes Supplement, 1998, is amended to read:

71-5668. Each loan repayment recipient shall execute an agreement with the department and a local entity. Such agreement shall include, at a minimum, the following terms:

(1) The loan repayment recipient agrees to practice his or her profession, and a physician also agrees to practice an approved specialty, in a designated health profession shortage area for at least three years and to accept medicaid patients in his or her practice;

(2) In consideration of the agreement by the recipient, the State of Nebraska and a local entity within the designated health profession shortage area will provide equal funding for the repayment of the recipient's qualified educational debts, in amounts up to ten thousand dollars per year per recipient for physicians and clinical psychologists and up to five thousand dollars per year per recipient for physician assistants, nurses, nurse practitioners, pharmacists, dentists, physical therapists, occupational therapists, and master's level mental health professionals toward qualified educational debts for up to three years. The department shall make payments directly to the recipient; and

(3) If the loan repayment recipient discontinues practice in the shortage area prior to completion of the three-year requirement, the recipient shall repay to the state one hundred twenty-five percent of the total amount of funds provided to the recipient for loan repayment. Upon repayment by the recipient to the department, the department shall reimburse the local entity its share of the funds.

Sec. 6. Original section 71-5661, Reissue Revised Statutes of Nebraska, and sections 71-5663, 71-5665, and 71-5668, Revised Statutes Supplement, 1998, are repealed.

Sec. 7. The following sections are outright repealed: Sections 71-5671 to 71-5677 and 71-5679, Reissue Revised Statutes of Nebraska, and section 71-5678, Revised Statutes Supplement, 1998.".

2. On page 1, strike beginning with "the" in line 1 through the third comma in line 6 and insert "rural health education; to amend section 71-5661, Reissue Revised Statutes of Nebraska, and sections 71-5663, 71-5665, and 71-5668, Revised Statutes Supplement, 1998; to change provisions relating to the Rural Health Systems and Professional Incentive Act; to provide for repayments; to eliminate the Rural Health Opportunities Loan Act; to harmonize provisions; to repeal the original sections; and to

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. In the Standing Committee amendments, AM0349, on page 6, line 26, strike "act" and insert "Nebraska Real Estate License Act".

2. On page 1, line 2, strike "81-885.01, and 81-885.24" and insert "and 81-885.01"; and in line 4 strike "value" and insert "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. On page 1, line 1, strike "section 71-507" and insert "sections 71-507 and 71-509"; in line 3 after the semicolon insert "to change provisions relating to liability for costs of diagnostic 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 71-183.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-183.01. Nothing in section 71-183 shall apply to the following practices, acts, and operations:

(1) To the practice of his or her profession by a physician or surgeon licensed as such under the laws of this state unless he or she practices dentistry as a specialty;

(2) To the giving by a qualified anesthetist or registered nurse of an anesthetic for a dental operation under the direct supervision of a licensed dentist or physician;

(3) The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Navy, Public Health Service, Coast Guard, or Department of Veterans Affairs;

(4) The practice of dentistry by a licensed dentist of other states or countries at meetings of the Nebraska Dental Association or components thereof, or other like dental organizations approved by the board, while appearing as clinicians;

(5) To the filling of work authorizations of a licensed

and registered dentist as provided in this subdivision by any person or persons, association, corporation, or other entity for the construction, reproduction, or repair of prosthetic dentures, bridges, plates, or appliances to be used or worn as substitutes for natural teeth if such person or persons, association, corporation, or other entity does not solicit or advertise, directly or indirectly by mail, card, newspaper, pamphlet, radio, or otherwise, to the general public to construct, reproduce, or repair prosthetic dentures, bridges, plates, or other appliances to be used or worn as substitutes for natural teeth;

(6) To the use of roentgen or X-ray machines or other rays for making radiograms or similar records of dental or oral tissues under the supervision of a licensed dentist or physician if such service is not advertised by any name whatever as an aid or inducement to secure dental patronage, and no person shall advertise that he or she has, leases, owns, or operates a roentgen or X-ray machine for the purpose of making dental radiograms of the human teeth or tissues or the oral cavity or administering treatment thereto for any disease thereof;

(7) To the performance by a licensed dental hygienist, under the supervision of a licensed dentist, of the oral prophylaxis procedure which shall include the scaling and polishing of teeth and such additional procedures as are prescribed in accordance with rules and regulations adopted by the Department of Health and Human Services Regulation and Licensure;

(8) To the performance by a dental assistant, ~~auxiliary other than a licensed dental hygienist,~~ under the supervision of a licensed dentist, of duties prescribed in accordance with rules and regulations adopted by the ~~Department of Health and Human Services Regulation and Licensure~~ department; or

(9) To the performance by a licensed dental hygienist, by virtue of training and professional ability, under the supervision of a licensed dentist, of taking dental roentgenograms. Any other person is hereby authorized, under the supervision of a licensed dentist, to take dental roentgenograms but shall not be authorized to do so until he or she has satisfactorily completed a course in dental radiology recommended by the Board of Examiners in Dentistry and approved by the ~~Department of Health and Human Services Regulation and Licensure~~ department.

Sec. 2. Section 71-183.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-183.02. For purposes of sections 71-183 to ~~71-193.14~~ 71-193.20, dental assistant means ~~shall mean~~ a person, other than a dental hygienist, employed by a licensed dentist for the purpose of assisting such dentist in the performance of his or her clinical and clinical-related duties.

Sec. 3. Section 71-193.13, Reissue Revised Statutes of Nebraska, is amended to read:

71-193.13. Any licensed dentist, public institution, or

school may employ dental ~~auxiliaries~~ assistants, in addition to licensed dental hygienists. Such dental ~~auxiliaries~~ assistants, under the supervision of a licensed dentist, may perform such duties as are prescribed in accordance with rules and regulations adopted and promulgated by the Department of Health and Human Services Regulation and Licensure.

Sec. 4. Section 71-193.14, Reissue Revised Statutes of Nebraska, is amended to read:

71-193.14. The Board of Examiners in Dentistry shall recommend rules and regulations to the Department of Health and Human Services Regulation and Licensure governing the performance of duties by licensed dental hygienists and ~~other~~ dental ~~auxiliaries~~ assistants. The ~~Department of Health and Human Services Regulation and Licensure~~ department shall adopt rules and regulations for such purpose upon the recommendations being submitted by the ~~Board of Examiners in Dentistry~~ board.

Sec. 5. Section 71-193.15, Reissue Revised Statutes of Nebraska, is amended to read:

71-193.15. A licensed dental hygienist shall perform the traditional dental hygiene functions set forth in section 71-193.17 only when authorized to do so by a licensed dentist who shall be responsible for the total oral health care of the patient. The Department of Health and Human Services Regulation and Licensure in the conduct of public health-related services may authorize a licensed dental hygienist to conduct preliminary charting and screening examinations, provide oral health education for patients including the teaching of appropriate plaque control techniques, and perform or provide all of the duties that any ~~other~~ dental ~~auxiliary~~ assistant is authorized to perform.

Sec. 6. Section 71-193.16, Reissue Revised Statutes of Nebraska, is amended to read:

71-193.16. As used in sections 71-183 to 71-193.20, (1) general supervision ~~shall mean~~ means the directing of the authorized activities of a dental hygienist or ~~other~~ dental ~~auxiliary~~ assistant by a licensed dentist and shall not be construed to require the physical presence of the supervisor when directing such activities and (2) indirect supervision ~~shall mean~~ means supervision when the licensed dentist authorizes the procedure to be performed by a dental hygienist or dental ~~auxiliary~~ assistant and the licensed dentist is physically present on the premises when such procedure is being performed by the dental ~~auxiliary~~ hygienist pursuant to section 71-193.18 or the dental assistant.

Sec. 7. Section 71-193.17, Reissue Revised Statutes of Nebraska, is amended to read:

71-193.17. When properly authorized, a licensed dental hygienist, under the general supervision of a licensed dentist, may perform the following intra and extra oral procedures:

(1) Scaling of teeth, including subgingival regions and

root planing with hand and ultrasonic instruments;

(2) Polish all exposed tooth surfaces with motor-driven and hand instruments in the oral prophylaxis procedure, including polishing amalgam restorations;

(3) Conduct preliminary charting and screening examinations;

(4) Periodontal probing and charting;

(5) Gingival curettage;

(6) Place and remove periodontal dressings;

(7) Remove sutures;

(8) Provide preventive measures, such as the application of fluorides, sealants, and other recognized topical agents for the prevention of oral disease;

(9) Provide impressions for study casts;

(10) Apply topical desensitizing agents;

(11) Provide radiographic exposures;

(12) Provide oral health education for patients including the teaching of appropriate plaque control techniques; and

(13) Perform or provide all of the duties that any ~~other~~ dental ~~auxiliary~~ assistant is authorized to perform.

Sec. 8. Section 71-193.28, Reissue Revised Statutes of Nebraska, is amended to read:

71-193.28. General anesthesia and parenteral sedation shall not be administered by a dentist without the presence and assistance of ~~one or more dental auxiliaries~~ a dental hygienist or a dental assistant.

Sec. 9. Section 71-193.31, Reissue Revised Statutes of Nebraska, is amended to read:

71-193.31. Permits issued by the board pursuant to sections 71-193.26, 71-193.27, and 71-193.29 shall be valid for four years. The department, upon the recommendation of the board, shall adopt and promulgate rules and regulations to define criteria for the reevaluation of credentials, facilities, equipment, dental ~~auxiliary personnel,~~ hygienists, and dental assistants and procedures of a previously qualified dentist to renew his or her permit for each additional four-year period.

The department shall adopt and promulgate rules and regulations setting the fees for issuance of any of the permits specified in such sections at not less than fifty dollars nor more than two hundred dollars. A fee of not less than twenty-five dollars nor more than one hundred dollars shall be charged for renewal of any of such permits.

Sec. 10. Section 71-3507, Reissue Revised Statutes of Nebraska, is amended to read:

71-3507. (1) The department shall adopt and promulgate rules and regulations for the issuance, amendment, suspension, and revocation of general and specific licenses. Such licenses shall be for byproduct material, source material, special nuclear material, and radioactive material not under the authority of the

federal Nuclear Regulatory Commission and for devices or equipment utilizing such materials. The rules and regulations shall provide:

(a) For written applications for a specific license which include the technical, financial, and other qualifications determined by the department to be reasonable and necessary to protect occupational and public health and safety and the environment;

(b) For additional written statements and inspections, as required by the department, at any time after filing an application for a specific license and before the expiration of the license to determine whether the license should be issued, amended, suspended, or revoked;

(c) That all applications and statements be signed by the applicant or licensee;

(d) The form, terms, and conditions of general and specific licenses;

(e) That no license or right to possess or utilize sources of radiation granted by a license shall be assigned or in any manner disposed of without the written consent of the department; and

(f) That the terms and conditions of all licenses are subject to amendment by rules, regulations, or orders issued by the department.

(2) The department may require registration or licensing of radioactive material not enumerated in subsection (1) of this section in order to maintain compatibility and equivalency with the standards and regulatory programs of the federal government or to protect the occupational and public health and safety and the environment.

(3) The department shall require licensure of persons providing measurement and mitigation services of radon or its decay products in order to protect the occupational and public health and safety and the environment. The department shall adopt and promulgate rules and regulations establishing education, experience, training, and examination requirements for radon measurement specialists, radon measurement technicians, radon mitigation specialists, and radon mitigation technicians. The department shall adopt and promulgate rules and regulations establishing staffing, proficiency, quality control, reporting, worker health and safety, equipment, and record-keeping requirements for radon measurement businesses and radon mitigation businesses and mitigation system installation requirements for radon mitigation businesses.

(4) The department shall license persons practicing medical radiography, including medical radiographers and limited radiographers, in order to protect the occupational and public health and safety and the environment. The licenses shall be renewable biennially. For medical radiographers and limited radiographers, the department shall adopt and promulgate rules and

regulations establishing examination requirements for licensure, continuing education requirements for renewal of a license, and approval requirements for examinations. For medical radiographers, the department shall adopt and promulgate rules and regulations establishing requirements for education and training and for approval of courses of training. Persons authorized under sections 71-193.15 and 71-193.17 to practice as dental hygienists and dental ~~auxiliaries~~ assistants who meet the requirements of section 71-193.13 shall not be required to be licensed under this section.

(5) The department may exempt certain sources of radiation or kinds of uses or users from licensing or registration requirements established under the Radiation Control Act when the department finds that the exemption will not constitute a significant risk to occupational and public health and safety and the environment.

(6) The department may provide by rule and regulation for the recognition of other state or federal licenses compatible and equivalent with the standards established by the department for Nebraska licensees.

(7) The department may enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with the act and rules and regulations adopted and promulgated pursuant to the act, except that entry into areas under the jurisdiction of the federal government shall be effected only with the concurrence of the federal government or its duly designated representative.

(8) The department shall cause to be registered with the department such sources of radiation as the department determines to be reasonably necessary to protect occupational and public health and safety and the environment as follows:

(a) The department shall, by public notice, establish a date on or before which date such sources of radiation shall be registered with the department, and the department shall provide appropriate forms for such registration. Each application for registration shall be in writing and shall state such information as the department by rules or regulations may determine to be necessary and reasonable to protect occupational and public health and safety and the environment;

(b) Registration of sources of radiation shall be an initial registration with appropriate notification to the department in the case of alteration of equipment, acquisition of new sources of radiation, or the transfer, loss, or destruction of sources of radiation and shall include the registration of persons installing or servicing sources of radiation;

(c) Failure to register or reregister sources of radiation in accordance with rules and regulations adopted and promulgated by the department shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars; and

(d) The department may provide by rule and regulation for

reregistration of sources of radiation.

(9) The results of any surveys or inspections of sources of radiation conducted by the department shall be public records subject to sections 84-712 to 84-712.09. In addition, the following information shall be deemed confidential:

(a) The names of individuals in dosimetry reports;

(b) Emergency response procedures which would present a clear threat to security or disclose names of individuals; and

(c) Any other information that is likely to present a clear threat to the security of radioactive material. The department shall make such reports of results of surveys or inspections available to the owner or operator of the source of radiation together with any recommendations of the department regarding deficiencies noted.

(10) The department shall have the right to survey or inspect again any source of radiation previously surveyed without limitation of the number of surveys or inspections conducted on a given source of radiation.

(11) The department may enter into contracts with persons or corporations to perform the inspection of X-ray radiation-generating equipment or devices which emit radiation from radioactive materials and to aid the department in the administration of the act.

Sec. 11. Original 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, 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) Notwithstanding any other provision of law, sections 1 to 5 of this act shall govern responsibility for payment of the costs of medical services for any person ill, wounded, injured, or otherwise in need of such services at the time such person is arrested, detained, taken into custody, or incarcerated.

(2) For purposes of sections 1 to 5 of this act, the term medical services includes medical and surgical care and treatment, hospitalization, transportation, medications and prescriptions, and other associated items.

Sec. 2. Primary responsibility for payment of the costs of medical services provided to individuals who are arrested, detained, taken into custody, or incarcerated shall be with the

recipients of such services if the recipients are entitled to payment of or reimbursement for the costs of such medical services under the terms and provisions of a policy, subscription, or agreement with an insurer, a health maintenance organization, a preferred provider organization, or another similar source as provided in subdivision (1) of this section. Providers of such medical services shall seek reimbursement from the following sources in the following order:

(1) From an insurer, a health maintenance organization, a preferred provider organization, or other similar source, if the recipient of medical services is entitled to payment of or reimbursement for the costs of such medical services under the terms and provisions of a policy, subscription, or agreement with an insurer, a health maintenance organization, a preferred provider organization, or another similar source. This section does not extend or enlarge the liability of any such insurer, health maintenance organization, preferred provider organization, or other similar source, and no such insurer, health maintenance organization, preferred provider organization, or other similar source is responsible for paying or reimbursing any costs of medical services for which it is not otherwise responsible under the terms of the applicable policy, subscription, or agreement. Any individual who is entitled to payment or reimbursement for the costs of medical services under the terms of a policy, subscription, or agreement with an insurer, a health maintenance organization, a preferred provider organization, or other similar source shall cooperate with the providers of such services by making whatever applications, assignment, or other arrangements that are necessary in order to secure payment for the services provided; and

(2) From any other available source, including, when appropriate, the United States Department of Veterans Affairs, the Social Security Administration, the Department of Health and Human Services, or other similar source.

Sec. 3. (1) Upon a showing that reimbursement from the sources enumerated in section 2 of this act is not available, in whole or in part, the costs of medical services shall be paid by the appropriate governmental agency. Such payment shall be made within ninety days after such showing. For purposes of this section, a showing shall be deemed sufficient if a provider of medical services signs an affidavit stating that (a) in the case of an insurer, health maintenance organization, preferred provider organization, or other similar source, a written denial of payment has been issued or (b) in all other cases, efforts have been made to identify sources and to collect from those sources and more than one hundred eighty days have passed or the the normal collection efforts are exhausted since the medical services were rendered but full payment has not been received. Such affidavit shall be forwarded to the appropriate governmental agency. In no event

shall the provider of medical services be required to file a suit in a court of law or retain the services of a collection agency to satisfy the requirement of showing that reimbursement is not available pursuant to this section.

(2) In the case of medical services necessitated by injuries or wounds suffered during the course of apprehension or arrest, the appropriate governmental agency shall be the arresting agency. In all other cases, the appropriate governmental agency shall be the agency responsible for operation of the institution or facility in which the recipient of the services is lodged, except that when the agency is holding the individual solely for another jurisdiction, the agency may, by contract or otherwise, seek reimbursement from the other jurisdiction for the costs of the medical services provided to the individual being held for that jurisdiction.

(3) Except as provided in section 5 of this act, a governmental agency shall not be responsible for paying the costs of any medical services provided to an individual if such services are provided after he or she is released from the legal custody of the governmental agency or when the individual is released on parole.

(4) Any governmental agency requesting medical services for an individual who is arrested, detained, taken into custody, or incarcerated shall notify the provider of such services of (a) all information possessed by the agency concerning potential sources of payment and (b) the name of the appropriate governmental agency pursuant to subsection (2) of this section.

Sec. 4. The costs of routine medical services provided in the ordinary course of the duties of regular staff of a jail, prison, or other similar holding or detention facility shall not be considered reimbursable under sections 1 to 5 of this act.

Sec. 5. (1) Sections 1 to 4 of this act do not release any governmental agency from liability for the costs of medical services made necessary by the negligence, recklessness, or intentional misconduct of the agency or its employees or the costs of medical care resulting from an accident or occupational disease arising out of and in the course of the individual's performance of tasks assigned by the staff of the facility or institution holding that individual. Any recipient or provider of medical services or any insurer, health maintenance organization, preferred provider organization, or other similar source that may be responsible for the costs of medical services pursuant to sections 1 to 4 of this act shall be entitled to reimbursement from the appropriate governmental agency for the costs of medical services made necessary by the negligence, recklessness, or intentional misconduct of the governmental agency or its employees or the costs of medical care resulting from an accident or occupational disease arising out of and in the course of the individual's performance of tasks assigned by the staff of the facility or institution holding

that individual.

(2) Any person who denies medical services to any individual who is arrested, detained, taken into custody, or incarcerated, solely on the basis that the individual is without a policy, subscription, or agreement with an insurer, a health maintenance organization, a preferred provider organization, or other similar source of health insurance, is guilty of nonfeasance, shall be removed from his or her employment immediately, and shall be answerable in civil damages to the individual denied medical services.

Sec. 6. Since an emergency exists, this act takes effect 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. Insert the following new sections:

"Sec. 4. Section 46-636, Reissue Revised Statutes of Nebraska, is amended to read:

46-636. The Legislature finds that the pumping of water for irrigation purposes from water wells located within fifty feet of ~~the bank~~ a perennially flowing channel of any natural stream may have a direct effect on the surface flow of such stream.

Sec. 5. Section 46-637, Reissue Revised Statutes of Nebraska, is amended to read:

46-637. The use of water described in section 46-636 may only be made after securing a permit from the Department of Water Resources for such use. If the applicant is an individual, the application for a permit shall include the applicant's social security number. In approving or disapproving applications for such permits, the Director of Water Resources shall take into account the effect that such pumping may have on the amount of water in the stream and its ability to meet the requirements of appropriators from the stream. This section shall not apply to (1) water wells located within fifty feet of ~~the bank~~ a perennially flowing channel of any natural stream which were in existence on ~~September 9, 1993~~ the operative date of this section, and (2) replacement water wells as defined in subsection (3) of section 46-602 that are located within fifty feet of ~~the banks~~ a perennially flowing channel of a stream if the water wells being replaced were originally constructed prior to ~~September 9, 1993~~ the operative date of this section, and were located within fifty feet of ~~the bank~~ a perennially flowing channel of any natural stream.

Sec. 7. Sections 4, 5, 7, 9, and 10 of this act become operative on their effective date. The other sections of this act become operative three calendar months after adjournment of this legislative session.

Sec. 9. Original sections 46-636 and 46-637, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 2, after the second comma insert "46-636, 46-637,"; and strike line 4 and insert "fee provisions and provisions relating to pumping for irrigation; to provide operative dates; to repeal the original sections; and to declare an emergency.".

3. Renumber the remaining sections accordingly.

Mrs. Bohlke filed the following amendment to LB 144:
AM0880

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. Section 79-760, Revised Statutes Supplement, 1998, is amended to read:

79-760. (1) The State Board of Education shall implement a statewide system for the assessment of student learning and for reporting the performance of school districts. The assessment and reporting system shall be aligned with the standards approved by the board. The board shall adopt an assessment and reporting plan and begin implementation of the assessment and reporting system in the 2000-01 school year beginning with the assessment of reading and writing. ~~assessment program for students in a selected grade in each of the grade ranges four through six, seven through nine, and ten through twelve each fall semester beginning with the fall semester of 2000. The assessment program shall consist of one assessment purchased from an assessment service for each selected grade which tests students in the areas of mathematics, reading, science, and social studies, plus one writing assessment, either developed within the state by educators with expertise in writing assessment or purchased as a part of the assessment for the other specified subjects.~~

(2) The purposes of the assessment ~~program~~ and reporting system are to:

(a) Determine how well public schools are performing in terms of the learning of public school students related to the approved standards;

(b) Report the performance of public schools based upon the results of the assessment;

(c) Provide information for the public and policymakers on the performance of public schools; and

(d) Provide for the comparison of Nebraska public schools to their peers and to school systems of other states and other countries.

(3) The assessment and reporting plan shall include all public schools and all public school students. The board shall adopt criteria for the inclusion of students with disabilities, students entering the school for the first time, and students with limited English proficiency.

(4) The assessment and reporting plan shall provide for the confidentiality of the individual students.

(5) Any school district selected to participate in the National Assessment of Education Progress shall participate to the full extent requested by the National Center for Educational Statistics or its designated subcontractors. ~~Evaluate whether or not students in a school system have acquired skills and knowledge which allow them to meet or exceed academic standards established by the state board;~~

~~(b) Measure progress of students in a school system toward meeting academic standards established by the state board;~~

~~(c) Provide information for analysis of adopted standards and consideration of new standards;~~

~~(d) Allow comparisons to be made between the academic achievement of students in a local system and students in another Nebraska local system; and~~

~~(e) Allow comparisons to be made between the academic achievement of Nebraska students with the academic achievement of students in other states.~~

~~(3) All public school districts shall participate in the assessment; and all students enrolled in the designated grade levels in such districts shall be assessed except as provided in this subsection. The state board shall establish criteria that schools may use to exempt special education students from assessment in any or all subject areas. The state board may also adopt alternative assessments or means of scoring for special education students and students with limited English proficiency.~~

~~(4) The individual assessment scores shall be confidential, shall be reported to the school district for educational purposes, and shall not be reported to the State Department of Education. Aggregate results for each school district shall be reported to the department by the assessment service and writing assessment scorers. School districts may also make aggregate data available based on attendance centers.~~

~~(5) The department shall be responsible for the cost of the assessment materials and scoring.~~".

2. On page 3, line 9, strike "79-1022" and insert "79-760".

Mr. Tyson filed the following amendment to LB 131:
AM0358

1. On page 7, strike lines 15 through 19, show as stricken, and insert:

"(e) The applicant has been fingerprinted and the fingerprints submitted to the Nebraska State Patrol for a criminal history record check. If no disqualifying record is located at the state level, the fingerprints shall be forwarded by the patrol to the Identification Division of the Federal Bureau of Investigation for a national criminal history record check.".

Mr. Tyson filed the following amendment to LB 131:
AM1163

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

Excused and not voting, 5:

Jensen	Landis	Lynch	Thompson	Wehrbein

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. On page 4, strike line 23 and insert "not leased or is leased at fair market value,".
2. On page 5, strike line 11 and insert "leased or is leased at fair market value by".

Mr. Smith filed the following amendment to LB 271:
AM1198
(Amendments to Standing Committee amendments, AM0853)
1. On page 4, line 18, after "purpose" insert "or the ownership of the property during the lease term is to carry out a public purpose".

Mr. Smith filed the following amendment to LB 271:
AM1199

(Amendments to Standing Committee amendments, AM0853)

1. On page 4, line 6, after "subdivisions" insert ", and leaseholds thereof,".

Mrs. Hudkins filed the following amendment to LB 499:
AM1195

(Amendments to E & R amendments, AM7106)

1. On page 2, line 6, strike "two", show as stricken, and insert "at least half" and strike "initially" and show as stricken.

Mr. Dierks filed the following amendment to LB 835:
AM1192

(Amendments to E & R amendments, AM7092)

1. On page 3, line 22, strike "publishes and".
2. On page 4, lines 6 and 10, strike "publishes and"; and in line 26 strike "three" and insert "two".
3. On page 6, line 25, strike "publishes and".
4. On page 7, line 15, strike "three" and insert "two".
5. On page 9, line 6, after "Markets" insert "Cash"; and in line 18 strike beginning with "the" through "Act" and insert "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. Insert the following new sections:

"Section 1. In a county which has appointed a planning commission and is preparing or has adopted a comprehensive development plan prior to June 1, 2000, a county board may adopt temporary zoning regulations by resolution after appropriate notice and hearing. Notice of the hearing shall be given in a newspaper of general circulation in the county at least one time at least ten days prior to the hearing. A copy of the proposed temporary zoning regulations, including any resolution, map, or regulations shall be available for inspection during regular business hours at the office of the county clerk at least ten days prior to the hearing.

Sec. 2. Temporary zoning regulations adopted pursuant to section 1 of this act:

(a) Shall consist of zoning regulations which have been adopted by or are in use in another county from no more than five of the closest geographically zoned counties. The county board may adopt an entire set of zoning regulations from one county or may adopt portions of the zoning regulations from each county;

(b) May not implement a moratorium on livestock waste control facilities;

(c) Many not impact any land use existing and lawful at

the time temporary zoning is adopted;

(d) May implement setbacks for livestock operations or livestock facilities of no more than one-half mile from the nearest occupied residence, other than that occupied by the owner or operator, or with the consent of the residence owner; and

(e) May prohibit livestock operations or livestock facilities to be located within one mile of an incorporated city or village or a concentration of ten or more residences within one-quarter square mile.

Sec. 3. Any temporary zoning regulations adopted pursuant to section 1 of this act shall expire January 1, 2002.

Sec. 4. Section 23-114, Revised Statutes Supplement, 1998, is amended to read:

23-114. (1) The county board shall have power: (a) To provide for temporary zoning as provided in sections 1 to 3 of this act; (b) to create a planning commission with the powers and duties set forth in sections 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376; ~~(b)~~ (c) to make, adopt, amend, extend, and implement a county comprehensive development plan; and ~~(c)~~ (d) to adopt a zoning resolution, which shall have the force and effect of law.

(2) The zoning resolution may regulate and restrict: (a) The location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, house trailers, and automobile trailers; (b) the percentage of lot areas which may be occupied; (c) building setback lines; (d) sizes of yards, courts, and other open spaces; (e) the density of population; (f) the uses of buildings; and (g) the uses of land for agriculture, forestry, recreation, residence, industry, and trade, after considering factors relating to soil conservation, water supply conservation, surface water drainage and removal, or other uses in the unincorporated area of the county.

(3)(a) The county board shall not adopt or enforce any zoning resolution or regulation which prohibits the use of land for a proposed residential structure for the sole reason that the proposed structure is a manufactured home if such manufactured home bears an appropriate seal which indicates that it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, the Nebraska Uniform Standards for Modular Housing Units Act, or the United States Department of Housing and Urban Development. The county board may require that a manufactured home be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. The county board may also require that manufactured homes meet the following standards:

(i) The home shall have no less than nine hundred square feet of floor area;

(ii) The home shall have no less than an eighteen-foot exterior width;

(iii) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;

(iv) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;

(v) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and

(vi) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

(b) The county board may not require additional standards unless such standards are uniformly applied to all single-family dwellings in the zoning district.

(c) Nothing in this subsection shall be deemed to supersede any valid restrictive covenants of record.

(4) For purposes of this section, manufactured home shall mean (a) a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or (b) a modular housing unit as defined in section 71-1557 bearing a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act.

(5) Special districts or zones may be established in those areas subject to seasonal or periodic flooding, and such regulations may be applied as will minimize danger to life and property.

(6) The powers conferred by this section shall not be exercised within the limits of any incorporated city or village nor within the area over which a city or village has been granted zoning jurisdiction and is exercising such jurisdiction. At such time as a city or village exercises control over an unincorporated area by the adoption or amendment of a zoning ordinance, the ordinance or amendment shall supersede any resolution or regulation of the county.

Sec. 5. Section 23-114.03, Reissue Revised Statutes of Nebraska, is amended to read:

23-114.03. Zoning regulations shall be adopted or amended by the county board only after the adoption of the county comprehensive development plan by the county board and the receipt of the planning commission's specific recommendations or by adopting temporary zoning as provided in sections 1 to 3 of this act. Such zoning regulations shall be consistent with ~~the~~ an

adopted comprehensive development plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Nebraska, including, among others, such specific purposes as:

(1) Developing both urban and nonurban areas;

(2) Lessening congestion in the streets or roads;

(3) Reducing the waste of excessive amounts of roads;

(4) Securing safety from fire and other dangers;

(5) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;

(6) Providing adequate light and air;

(7) Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;

(8) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;

(9) Protecting the tax base;

(10) Protecting property against blight and depreciation;

(11) Securing economy in governmental expenditures;

(12) Fostering the state's agriculture, recreation, and other industries;

(13) Encouraging the most appropriate use of land in the county; and

(14) Preserving, protecting, and enhancing historic buildings, places, and districts.

Within the area of jurisdiction and powers established by section 23-114, the county board may divide the county into districts of such number, shape, and area as may be best suited to carry out the purposes of this section and regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of nonfarm buildings or structures and the use, conditions of use, or occupancy of land. All such regulations shall be uniform for each class or kind of land or buildings throughout each district, but the regulations in one district may differ from those in other districts. An official map or maps indicating the districts and regulations shall be adopted, and within fifteen days after adoption of such regulations or maps, they shall be published in book or pamphlet form or once in a legal newspaper published in and of general circulation in the county or, if none is published in the county, in a legal newspaper of general circulation in the county. Such regulations shall also be spread in the minutes of the proceedings of the county board and such map or maps filed with the county clerk. Nonfarm buildings are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

Sec. 6. Section 23-114.05, Reissue Revised Statutes of Nebraska, is amended to read:

23-114.05. The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile trailer, or land in violation of sections 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376 and sections 1 to 3 of this act or of any regulation made by the county board under such sections shall be a misdemeanor. Any person, partnership, limited liability company, association, club, or corporation violating such sections or any regulation of the county board or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the county board or the proper local authorities of the county, as well as any owner or owners of real estate within the district affected by the regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers of the county may institute proceedings to compel specific performance by the proper official or officials of any duty imposed by such sections or in resolutions adopted pursuant to such sections.".

2. Renumber the remaining sections and correct the 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

printed on recycled paper

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. Strike the original sections and insert the following new section:

"Section 1. The Department of Health and Human Services may contract with the Nebraska Dental Association or another appropriate and qualified organization to develop and operate a Donated Dental Services program to benefit needy disabled, aged, and medically compromised individuals. The Donated Dental Services program shall (1) establish a network of volunteer dentists, including dental specialists, to donate dental services to eligible individuals, (2) establish a system to refer eligible individuals to appropriate volunteers, and (3) develop and implement a public awareness campaign to educate eligible individuals about the

availability of the program. The department shall annually report to the Legislature the number of people served during each fiscal year, the procedures completed, and the financial value of such 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.	Schimek	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

Excused and not voting, 5:

Crosby	Dierks	Kiel	Kristensen	Robak

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

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

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. In the Standing Committee amendments, AM0853:

a. On page 4, lines 17 and 19 and 20 strike "necessary to carry out" and insert "for"; in line 21 strike "Property" and insert "Unleased property"; and strike beginning with "and" in line 22 through "77-202" in line 23; and

b. On page 5, strike beginning with line 10 through "77-202" in line 11.

2. In AM1159, on page 1, line 2, after "property" insert ", other than property leased to carry out a public purpose as set forth in subdivision (1)(a) of section 77-202,"; and in line 6 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. In the Standing Committee amendments, AM0540, on page 2, line 20, after "registration" insert "under section 28-408".

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Education

Friday, May 14, 1999 1:30 p.m.
Board of Trustees of the Nebraska State Colleges
Sheryl Lindau
Steve Lewis
Willa Kosman

(Signed) Ardyce L. Bohlke, Chairperson

AMENDMENT - Print in Journal

Messrs. Bromm, Tyson, Wickersham, and Wehrbein filed the following amendment to LB 446A:
AM1006

1. Insert the following new section:

"Sec. 2. (1) The General Fund appropriation for FY1999-00 to the State Treasurer, for Program 120, for Aid to Municipalities is hereby reduced by $100,000. The General Fund appropriation for FY2000-01 to the State Treasurer, for Program 120, for Aid to Municipalities is hereby reduced by $100,000.

(2) The General Fund appropriation for FY1999-00 to the State Treasurer, for Program 149, for Aid to Counties is hereby reduced by $100,000. The General Fund appropriation for FY2000-01 to the State Treasurer, for Program 149, for Aid to Counties is hereby reduced by $100,000.".

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. On page 4, line 20, after "purpose" insert ". A lease of property to carry out a public purpose shall be at fair market value in order for an exemption to be allowed under this 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

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

Excused and not voting, 4:

Bohlke	Coordsen	Dierks	Robak

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. Insert the following new section:

"Sec. 5. Section 81-638, Reissue Revised Statutes of Nebraska, is amended to read:

81-638. (1) The Legislature shall appropriate for each year from the Department of Health and Human Services Finance and Support Cash Fund to the Department of Health and Human Services Finance and Support an amount derived from one cent of the cigarette tax imposed by section 77-2602, less any amount appropriated from the fund specifically to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The director shall, after deducting expenses incurred in the administration of such funds, distribute such funds exclusively for grants and contracts for research of cancer and smoking diseases, for funding the cancer registry prescribed in sections 81-642 to 81-650, and for associated expenses due to the establishment and maintenance of such cancer registry. Not more than two hundred thousand dollars shall be appropriated for funding the cancer registry and associated expenses. The University of Nebraska may receive such grants and contracts, and other postsecondary institutions having colleges of medicine located in the State of Nebraska may receive such contracts.

(2) The Legislature shall appropriate for each year from the Department of Health and Human Services Finance and Support Cash Fund to the Department of Health and Human Services Finance and Support for cancer research an amount derived from two cents of the cigarette tax imposed by section 77-2602 to be used exclusively for grants and contracts for research on cancer and smoking diseases, except that for distributions occurring on or after July 1, 1999, and before January 1, 2003, the distribution under this subsection shall be seven cents of the funds allocated to the

department. No amount shall be appropriated or used pursuant to this subsection for the operation and associated expenses of the cancer registry. Not more than one-half of the funds appropriated pursuant to this subsection shall be distributed to the University of Nebraska Medical Center for research in cancer and allied diseases and the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The remaining funds available pursuant to this subsection shall be distributed for contracts with other postsecondary educational institutions having colleges of medicine located in Nebraska which have cancer research programs for the purpose of conducting research in cancer and allied diseases.

(3) Any contract between the Department of Health and Human Services Finance and Support and another postsecondary educational institution for cancer research under subsection (2) of this section shall provide that:

(a) Any money appropriated for such contract shall only be used for cancer research and shall not be used to support any other program in the institution;

(b) Full and detailed reporting of the expenditure of all funds under the contract is required. The report shall include, but not be limited to, separate accounting for personal services, equipment purchases or leases, and supplies. Such reports shall be made available to the Legislature; and

(c) No money appropriated for such contract shall be spent for travel, building construction, or any other purpose not directly related to the research that is the subject of the contract.".

2. On page 8, line 8, strike "section 77-4008" and insert "sections 77-4008 and 81-638".

3. Renumber the remaining sections accordingly.

Mr. Landis filed the following amendment to LB 505:
AM1210

1. Insert the following new section:

"Sec. 5. The State Patrol Tobacco Enforcement Fund is created. The fund shall be administered by the Nebraska State Patrol and used for enforcement of federal and state law relating to tobacco. The fund shall include, but not be limited to, money transferred from the Tobacco Prevention, Control, and Enforcement Fund. Any money in the State Patrol Tobacco Enforcement 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. Renumber the remaining sections accordingly.

Mr. Schrock filed the following amendment to LB 822:
AM1202

(Amendments to E & R amendments, AM7093)

1. Strike section 4.
2. On page 1, lines 5 and 6, strike "sections 3 and 4" and insert "section 3".
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. Insert the following new amendments:
"1. Strike sections 1 and 3 to 6.
9. Renumber the remaining sections and correct internal references accordingly.".
2. On page 2, line 5, strike "and" and before the period insert"; strike beginning with 'sections' in line 16 through 'and' in line 18 and insert 'section'; and in line 18 strike 'are' and 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 81-1255, Reissue Revised Statutes of Nebraska, is amended to read:

81-1255. The governing body of the county shall after a public hearing adopt a resolution establishing a County Visitors Promotion Fund and a visitors committee which shall serve as an advisory committee to the county board in administering the proceeds from the taxes provided to the county by the Nebraska Visitors Development Act. The governing body of a county with a population of more than three hundred thousand inhabitants may also after a public hearing adopt a resolution establishing a County Visitors Improvement Fund. The proceeds of the County Visitors Promotion Fund shall be used generally to promote, encourage, and attract visitors to come to the county and use the travel and tourism facilities within the county. The proceeds of the County Visitors Improvement Fund shall be used to improve the visitor attractions and facilities in the county, except that no proceeds shall be used to improve a facility in which parimutuel wagering is conducted. If the visitors committee determines that the visitor attractions in the county are adequate and do not require improvement, the committee may use the County Visitors Improvement Fund to promote, encourage, and attract visitors to the county to use the county's travel and tourism facilities. The committee shall consist of five to seven members appointed by the governing body of the county. Two members of the committee shall be in the hotel industry.

Such appointees shall serve without compensation, except for reimbursement for necessary expenses. Committee members shall serve for terms of four years, except that two of those initially appointed shall be appointed for initial terms of two years. Vacancies shall be filled in the same manner as the initial appointments. The committee shall elect a chairperson and vice-chairperson from among its members to serve for terms of two years.

Sec. 2. Original section 81-1255, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 722. Placed on Select File as amended.
E & R amendment to LB 722:
AM7109

1. On page 2, lines 6 and 7 and 18, strike "Department 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. On page 2, line 9, strike "Commission on Public 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. Strike amendment 1 and insert the following new amendments:

"1. Strike original sections 1, 2, 4, and 6 and insert

the following new sections:

'Section 1. Section 77-2602, Revised Statutes Supplement, 1998, is amended to read:

77-2602. (1) Every person engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On each package of cigarettes containing not more than twenty cigarettes, sixty-four cents per package commencing on the effective date of this act until January 1, 2004, thirty-four cents per package on and after January 1, 2004; and on packages containing more than twenty cigarettes, the same tax as provided on packages containing not more than twenty cigarettes for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package. Commencing ~~July 1, 1994~~ on the effective date of this act, and continuing until ~~July 1, 2009~~ January 1, 2004, the State Treasurer shall place the equivalent of ~~twenty-one~~ twenty-three cents of such tax less three million dollars each fiscal year of proceeds of such tax in the General Fund. Commencing January 1, 2004, and continuing until July 1, 2009, the State Treasurer shall place the equivalent of twenty-one cents of such tax less three million dollars each fiscal year of the proceeds of such tax in the General Fund. Commencing July 1, 2009, the State Treasurer shall place the equivalent of twenty-one cents of such tax in the General Fund. For purposes of this section, the equivalent of a specified number of cents of the tax shall mean that portion of the proceeds of the tax equal to the specified number divided by sixty-four until January 1, 2004, and thirty-four on and after January 1, 2004. The State Treasurer shall distribute the remaining proceeds of such tax in the following order:

(a) First, beginning July 1, 1980, the State Treasurer shall place the equivalent of one cent of such tax in the Nebraska Outdoor Recreation Development Cash Fund. For distributions occurring on or after July 1, 1999, and before January 1, 2004, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(b) Second, ~~beginning July 1, 1993,~~ the State Treasurer shall place the equivalent of seven cents until January 1, 2004, and three cents on and after January 1, 2004, of such tax in the Department of Health and Human Services Finance and Support Cash Fund to carry out sections 81-637 to 81-640. For distributions occurring on or after July 1, 1999, and before January 1, 2004, the distribution under this subdivision shall not be less than the

amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(c) Third, beginning July 1, 1995, the State Treasurer shall place the equivalent of two cents of such tax in the City of Omaha Public Events Facilities Fund for each fiscal year through fiscal year 2000-01. The Legislature shall appropriate all sums inuring to the fund to the city of Omaha upon evidence that any amounts so appropriated are matched with funds derived from sources other than state funds in amounts equivalent to one dollar for every two dollars appropriated. For distributions occurring on or after July 1, 1999, and before January 1, 2004, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(d) Fourth, beginning July 1, 1997, and continuing until July 1, 2001, the State Treasurer shall place the equivalent of seven cents of such tax in the Building Renewal Allocation Fund for each fiscal year, for the purposes stated in the Deferred Building Renewal Act. Beginning July 1, 2001, and continuing until all the purposes of the Deferred Building Renewal Act have been fulfilled, the State Treasurer shall place the equivalent of nine cents of such tax in the Building Renewal Allocation Fund. The Legislature shall appropriate each fiscal year all sums inuring to the fund, plus interest earnings for the Task Force for Building Renewal to be used to carry out its duties and to fulfill the purposes of the Deferred Building Renewal Act. Unexpended balances existing at the end of each fiscal year shall be, and are hereby, reappropriated. For distributions occurring on or after July 1, 1999, and before January 1, 2004, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(e) Fifth, the State Treasurer shall place the difference between the equivalent of seventeen cents until January 1, 2004, and thirteen cents on and after January 1, 2004, of such tax and the sum of the amounts distributed pursuant to subdivisions (a) through (d) of this subsection in a special fund to be known as the Nebraska Capital Construction Fund; ~~and~~

(f) Sixth, beginning July 1, 1994, and continuing until July 1, 2009, the State Treasurer shall place in the Municipal Infrastructure Redevelopment Fund the sum of three million dollars each fiscal year to carry out the Municipal Infrastructure Redevelopment Fund Act. The Legislature shall appropriate the sum of three million dollars each year for fiscal year 1994-95 through fiscal year 2008-09; and

(g) Seventh, beginning July 1, 1999, and until January 1, 2004, the State Treasurer shall place the remaining proceeds of such tax in the Tobacco Prevention, Control, and Enforcement Fund.

(2) The Legislature hereby finds and determines that the projects funded from the Municipal Infrastructure Redevelopment Fund, the City of Omaha Public Events Facilities Fund, and the Building Renewal Allocation Fund are of critical importance to the State of Nebraska. It is the intent of the Legislature that the allocations and appropriations made by the Legislature to such funds or, in the case of allocations for the Municipal Infrastructure Redevelopment Fund, to the particular municipality's account not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid or, in the case of the Municipal Infrastructure Redevelopment Fund, the earlier of such date or July 1, 2009, and that until such time any reductions in the cigarette tax rate made by the Legislature shall be simultaneously accompanied by equivalent reductions in the amount dedicated to the General Fund from cigarette tax revenue. Any provision made by the Legislature for distribution of the proceeds of the cigarette tax for projects or programs other than those to (a) the General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund, (c) the Department of Health and Human Services Finance and Support Cash Fund, (d) the Municipal Infrastructure Redevelopment Fund, (e) the City of Omaha Public Events Facilities Fund, ~~and~~ (f) the Building Renewal Allocation Fund, and (g) the Tobacco Prevention, Control, and Enforcement Fund shall not be made a higher priority than or an equal priority to any of the programs or projects specified in subdivisions (a) through ~~(f)~~ (g) of this subsection.

Sec. 3. Section 77-4008, Reissue Revised Statutes of Nebraska, is amended to read:

77-4008. (1) ~~Commencing on or after January 1, 1988, a~~ A tax is hereby imposed upon the first owner of tobacco products to be sold in this state. The tax shall be twenty-nine percent until January 1, 2004, and fifteen percent on and after January 1, 2004, of (a) the purchase price of such tobacco products paid by the first owner or (b) the price at which a first owner who made, manufactured, or fabricated the tobacco product sells the items to others. Such tax shall be in addition to all other taxes.

(2) Whenever any person who is licensed under section 77-4009 purchases tobacco products from another person licensed under section 77-4009, the seller shall be liable for the payment of the tax.

Sec. 4. The State Patrol Tobacco Enforcement Fund is created. The fund shall be administered by the Nebraska State Patrol and used for enforcement of federal and state law relating to tobacco. The fund shall include, but not be limited to, money transferred from the Tobacco Prevention, Control, and Enforcement

Fund. Any money in the State Patrol Tobacco Enforcement 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. 5. Section 81-638, Reissue Revised Statutes of Nebraska, is amended to read:

81-638. (1) The Legislature shall appropriate for each year from the Department of Health and Human Services Finance and Support Cash Fund to the Department of Health and Human Services Finance and Support an amount derived from one cent of the cigarette tax imposed by section 77-2602, less any amount appropriated from the fund specifically to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The director shall, after deducting expenses incurred in the administration of such funds, distribute such funds exclusively for grants and contracts for research of cancer and smoking diseases, for funding the cancer registry prescribed in sections 81-642 to 81-650, and for associated expenses due to the establishment and maintenance of such cancer registry. Not more than two hundred thousand dollars shall be appropriated for funding the cancer registry and associated expenses. The University of Nebraska may receive such grants and contracts, and other postsecondary institutions having colleges of medicine located in the State of Nebraska may receive such contracts.

(2) The Legislature shall appropriate for each year from the Department of Health and Human Services Finance and Support Cash Fund to the Department of Health and Human Services Finance and Support for cancer research an amount derived from two cents of the cigarette tax imposed by section 77-2602 to be used exclusively for grants and contracts for research on cancer and smoking diseases, except that for distributions occurring on or after July 1, 1999, and before January 1, 2004, the distribution under this subsection shall be six cents of the funds allocated to the department. No amount shall be appropriated or used pursuant to this subsection for the operation and associated expenses of the cancer registry. Not more than one-half of the funds appropriated pursuant to this subsection shall be distributed to the University of Nebraska Medical Center for research in cancer and allied diseases and the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The remaining funds available pursuant to this subsection shall be distributed for contracts with other postsecondary educational institutions having colleges of medicine located in Nebraska which have cancer research programs for the purpose of conducting research in cancer and allied diseases.

(3) Any contract between the Department of Health and Human Services Finance and Support and another postsecondary educational institution for cancer research under subsection (2) of this section shall provide that:

(a) Any money appropriated for such contract shall only be used for cancer research and shall not be used to support any other program in the institution;

(b) Full and detailed reporting of the expenditure of all funds under the contract is required. The report shall include, but not be limited to, separate accounting for personal services, equipment purchases or leases, and supplies. Such reports shall be made available to the Legislature; and

(c) No money appropriated for such contract shall be spent for travel, building construction, or any other purpose not directly related to the research that is the subject of the contract.

Sec. 6. Original sections 77-4008 and 81-638, Reissue Revised Statutes of Nebraska, and section 77-2602, Revised Statutes Supplement, 1998, are repealed.'.

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. Insert the following new sections:

"Sec. 28. Section 77-1330, Reissue Revised Statutes of Nebraska, 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 handbooks of rules and regulations, appraisal manuals, special manuals and studies, cost and price schedules, news and reference bulletins, property tax laws, and memoranda. County assessors shall continually use such guides in the performance of their duties. All appraisals or reappraisals of property for tax purposes shall be in compliance with such manuals and guides.

(2) At any time after an examination has been conducted of the county books and records by the property tax division of the Department of Revenue and when it is apparent that the county has failed or neglected to implement any guide prescribed or issued pursuant to subsection (1) of this section, the Property Tax Administrator may, after notice and a hearing conducted in accordance with the Administrative Procedure Act, order whatever corrective measures the Property Tax Administrator deems necessary to secure compliance with subsection (1) of this section. The values resulting from such corrective measures shall be placed upon

the assessment rolls and used as a basis for taxation for the current tax year if deemed possible by the Property Tax Administrator, otherwise for the next calendar year. Each property owner shall be notified of the valuations to be used in the manner required by section 77-1315, and individual protests may be taken from such valuations in the manner prescribed by section 77-1502, except that if the Property Tax Administrator determines that corrective measures are able to be made for the current tax year, the Property Tax Administrator shall have authority to extend statutory due dates and filing requirements corresponding to the correction. Any current year corrections shall be completed no later than August 10. 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 sixty days after the mailing of such demand, the Property Tax Administrator shall forthwith report such fact to the State Treasurer. The State Treasurer shall immediately make payment to the Department of ~~Revenue~~ Property Assessment and Taxation for the costs incurred by the department 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.

Sec. 35. Section 81-109, Reissue Revised Statutes of Nebraska, is amended to read:

81-109. Each head of a department shall serve without term except the head of the Department of Property Assessment and Taxation whose term is established in section 20 of this act.

Sec. 36. Section 81-1401, Revised Statutes Supplement, 1998, is amended to read:

81-1401. For purposes of sections 81-1401 to 81-1414, unless the context otherwise requires:

(1) Commission means the Nebraska Commission on Law Enforcement and Criminal Justice;

(2) Council means the Nebraska Police Standards Advisory Council;

(3) Law enforcement agency means the police department or the town marshal in incorporated municipalities, the office of sheriff in unincorporated areas, and the Nebraska State Patrol;

(4)(a) Law enforcement officer means any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision of the state for more than one hundred hours per year and is authorized by law to make arrests and includes, but is not limited to:

(i) A full-time or part-time member of the Nebraska State Patrol;

(ii) A county sheriff;

(iii) A full-time or part-time employee of a county

sheriff's office;

(iv) A full-time or part-time employee of a municipal or village police agency; or

(v) A full-time employee of an organized and paid fire department of any city of the metropolitan class who is an authorized arson investigator and whose duties consist of determining the cause, origin, and circumstances of fires or explosions while on duty in the course of an investigation; but

(b) Law enforcement officer does not include employees of the Department of Correctional Services, probation officers under the Nebraska Probation System or appointed under section 43-2,123, parole officers appointed by the Parole Administrator, employees of the Department of Property Assessment and Taxation under section 22 of this act, or employees of the Department of Revenue under section 77-366;

(5) Director means the director of the Nebraska Law Enforcement Training Center; and

(6) Training center means the Nebraska Law Enforcement Training Center.".

2. In the Standing Committee amendments, AM0752, strike amendments 2 and 3.

3. On page 1, line 3; and page 38, line 9, strike "and 81-102" and insert "81-102, and 81-109".

4. On page 1, line 7; and page 38, line 11, strike "and 77-5012" and insert "77-5012, and 81-1401".

5. On page 9, line 17, strike "assessment and tax books," and show as stricken.

6. On page 18, line 2, after "equalization" insert an underscored comma; in line 10 strike "section" and insert "act"; and in line 24 after "Property" insert "Assessment and".

7. On page 20, line 9, after "Nebraska" insert an underscored comma; in line 12 strike "and" and insert an underscored comma; in line 13 after "witnesses" insert an underscored comma; in line 24 strike the last comma; and in line 25 after "revenue" insert an underscored comma.

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 14-2115, Reissue Revised Statutes of 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 means 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.

Whenever any invitation to bid is received by the board of directors of a metropolitan utilities district, the invitation to bid will be considered by the board at its next regularly scheduled monthly meeting.

Sec. 3. Sections 4 to 8 of this act shall be applicable to an investor-owned natural gas utility only when it is operating in a county in which there is located the natural gas service area, or portion of the service area, of a metropolitan utilities district.

Sec. 4. No investor-owned natural gas utility or metropolitan utilities district may extend or enlarge its natural gas service area or extend or enlarge its natural gas mains or natural gas services unless it is in the public interest to do so. In determining whether or not an extension or enlargement is in the public interest, the district or the utility shall consider the following:

(1) The economic feasibility of the extension or enlargement;

(2) The impact the enlargement will have on the existing and future natural gas ratepayers of the metropolitan utilities district or the investor-owned natural gas utility;

(3) Whether the extension or enlargement contributes to the orderly development of utility infrastructure;

(4) Whether the extension or enlargement will result in duplicative or redundant utility infrastructure; and

(5) Whether the extension or enlargement is applied in a nondiscriminatory manner.

Sec. 5. In determining whether an enlargement or extension of a natural gas service area, natural gas mains, or natural gas services is in the public interest pursuant to section 4 of this act, the following shall constitute rebuttable presumptions:

(1) Any enlargement or extension by a metropolitan utilities district within a city of the metropolitan class or its extraterritorial zoning jurisdiction is in the public interest;

(2) Any enlargement or extension by an investor-owned natural gas utility within a city of the primary, first, or second class or village in which the utility serves natural gas on a franchise basis on the effective date of this act or the extraterritorial zoning jurisdiction of the city or village is in the public interest; and

(3) Any enlargement or extension by a metropolitan utilities district within its statutory boundary or within a city of the first or second class or village in which the utility serves natural gas on a franchise basis on the effective date of this act or the extraterritorial zoning jurisdiction of the city or village is in the public interest.

Sec. 6. A metropolitan utilities district or investor-owned natural gas utility shall not extend duplicative or redundant interior natural gas mains or natural gas services into a subdivision, whether residential, commercial, or industrial, which has existing natural gas utility infrastructure or which has contracted for natural gas utility infrastructure with another utility.

Sec. 7. If any aggrieved ratepayer of the investor-owned natural gas utility or of the metropolitan utilities district or if the investor-owned natural gas utility or the metropolitan utilities district disagrees with a determination by an investor-owned natural gas utility or a metropolitan utilities district that a proposed extension or enlargement is in the public interest, the matter may be submitted to the Public Service Commission for hearing and determination in the county where the extension or enlargement is proposed and shall be subject to the applicable procedures provided in sections 75-112, 75-129, and 75-134 to 75-136. In making a determination whether a proposed extension or enlargement is in the public interest, the Public Service Commission shall consider the factors set forth in sections 4 and 5 of this act. The Public Service Commission shall have no jurisdiction over a metropolitan utilities district or investor-owned natural gas utility beyond the determination of disputes brought before it under section 14-2115 and sections 2 to 8 of this act.

Sec. 8. All books, records, vouchers, papers, contracts, engineering designs, and other data of the metropolitan utilities district relating to the public interest of an extension or enlargement of natural gas mains or natural gas services or relating to natural gas service areas, whether in written or electronic form, shall be open and made available for public inspection, investigation, comment, or protest upon reasonable request during business hours, except that such books, records, vouchers, papers, contracts, designs, and other data shall be subject to section 84-712.05. Any such books, records, vouchers, papers, contracts, designs, or other data not made available to the metropolitan utilities district or an investor-owned natural gas utility pursuant to this section shall not be considered by the Public Service Commission in determining whether an enlargement or extension is in the public interest.

Sec. 9. Original section 14-2115, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, strike beginning with "sections" in line 1 through line 7 and insert "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.".

LEGISLATIVE BILL 205. Placed on Select File as amended.
E & R amendment to LB 205:
AM7118

1. On page 1, line 4, after the semicolon insert "to define a term; to provide duties;".

2. On page 4, line 18, strike "where" and insert "in which".

3. On page 5, line 7, strike "the" and show as stricken and strike "handgun" and insert "a handgun of the same make and model as the handgun which".

LEGISLATIVE BILL 548. Placed on Select File as amended.
E & R amendment to LB 548:
AM7112

1. On page 1, strike beginning with "provide" in line 1 through line 3 and insert "amend sections 43-2511 and 43-2515, Reissue Revised Statutes of Nebraska; to provide for reimbursement of administrative outreach services; to harmonize provisions; to 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. On page 1, line 2, strike "Development".

LEGISLATIVE BILL 496. Placed on Select File as amended.
E & R amendment to LB 496:
AM7117

1. In the Standing Committee amendments, AM0826, on page 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. In the Standing Committee amendments, AM0735:

a. On page 6, line 10, after the first "service" insert an underscored comma;

b. On page 25, line 10, strike "is" and insert "are"; and

c. On page 26, lines 2, 6, and 11, strike "qualification" 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 1:00 p.m.
Boiler Safety Code Advisory Board
William Yates
Robert Hill
Thomas Hix

(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. Insert the following new section:
"Sec. 40. Since an emergency exists, this act takes effect when passed and approved according to law.".
2. On page 38, line 6, strike "2000" and insert "1999".

Mrs. Brown filed the following amendment to LB 637:
AM1021
1. Strike original section 3 and insert the following new section:
"Sec. 3. The Title IV-D Division shall establish a State Disbursement Unit pursuant to 42 U.S.C. 654B. The State Disbursement Unit shall be administered and operated directly by the Title IV-D Division. The Title IV-D Division shall enter into a cooperative agreement with the State Treasurer for the receipt of support order payments pursuant to section 4 of this act. The Title IV-D Division may enter into contracts or agreements with the State Treasurer or other government entities as necessary to establish and operate the State Disbursement Unit authorized under 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. On page 3, lines 9 through 12, reinstate the stricken matter.

Mrs. Thompson filed the following amendment to LB 652:

AM1239

(Amendments to Standing Committee amendments, AM0717)

1. On page 4, lines 1 through 12; page 5, lines 19 through 27; page 6, lines 1 and 2; and page 11, lines 6 through 12, strike the new matter and strike the old matter and show as stricken.

2. On page 5, line 12, strike the new matter and 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

printed on recycled paper

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 they 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. 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, treatment, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, education, treatment, 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~~ by the Department of Health and Human Services until suitable provisions may be made for the juvenile without such payment. The county shall not be liable for any costs for the care, custody, education, treatment, or maintenance of a juvenile pursuant to this section.

~~The amount to be paid by a county for education pursuant to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed and shall be paid only for education in kindergarten through grade twelve.~~

The court may enter a dispositional order removing a juvenile from his or her home upon a written determination that continuation in the home would be contrary to the health, safety, or welfare of such juvenile and that reasonable efforts to preserve and reunify the family have been made if required under section 43-283.01.

Sec. 4. Section 43-286, Reissue Revised Statutes of Nebraska, is amended to read:

43-286. (1) When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), or (4) of section 43-247:

(a) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged or an order requiring the juvenile to participate in community service programs, if such order is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(i) Place the juvenile on probation subject to the supervision of a probation officer; or

(ii) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer. ~~; or~~

~~(iii) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.~~

Under subdivision (1)(a) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, 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~~ by the Department of Health and Human Services or

the Office of Juvenile Services until a suitable provision may be made for the juvenile without such payment. The county shall not be liable for any costs for the care, custody, or maintenance of a juvenile pursuant to this section; or

(b) The court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be placed at the Youth Rehabilitation and Treatment Center-Geneva or the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter.

(2) When any juvenile is found by the court to be a juvenile described in subdivision (3)(b) of section 43-247, the court may enter such order as it is empowered to enter under subdivision (1)(a) of this section or enter an order committing or placing the juvenile to the care and custody of the Department of Health and Human Services.

(3) Beginning July 15, 1998, when any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247 because of a nonviolent act or acts and the juvenile has not previously been adjudicated to be such a juvenile because of a violent act or acts, the court may, with the agreement of the victim, order the juvenile to attend juvenile offender and victim mediation with a mediator or at an approved center selected from the roster made available pursuant to section 25-2908.

(4)(a) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications.

(b) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(i) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(ii) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations. At such

hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(iii) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversarial criminal trial;

(iv) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with this subsection;

(v) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered; and

(vi) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 5. Section 43-290, Reissue Revised Statutes of Nebraska, is amended to read:

43-290. It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or

subsequent to adjudication, shall be in the nature of a disposition hearing.

At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile, which amount ordered paid shall be the extent of the liability of the parent. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay, and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other sources. Support thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of the parent. If the parent willfully fails or refuses to pay the sum ordered or to pay over any health care plan benefit sums received, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile. The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

If the juvenile has been committed to the care and custody of the Department of Health and Human Services, the department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's parent.

If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the ~~study or~~ support, study, and treatment shall be paid, when approved by an order of the court, by the Department of Health and Human Services or the Office of Juvenile Services. The county

shall not be liable for any costs for the support, study, or treatment of a juvenile pursuant to this section. ~~out of a fund which shall be appropriated by the county in which the petition is filed.~~

The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 7. This act becomes operative January 1, 2000.'.

2. On page 7, line 13, after 'Original' insert 'sections 43-284, 43-286, and 43-290, Reissue Revised Statutes of Nebraska, and'."; and in line 14 strike 'is' and insert 'are'.

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~~

~~to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed and shall be paid only for education in kindergarten through grade twelve.~~

The court may enter a dispositional order removing a juvenile from his or her home upon a written determination that continuation in the home would be contrary to the health, safety, or welfare of such juvenile and that reasonable efforts to preserve and reunify the family have been made if required under section 43-283.01.

Sec. 4. Section 43-286, Reissue Revised Statutes of Nebraska, is amended to read:

43-286. (1) When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), or (4) of section 43-247:

(a) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged or an order requiring the juvenile to participate in community service programs, if such order is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(i) Place the juvenile on probation subject to the supervision of a probation officer; or

(ii) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer; or

~~(iii) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.~~

Under subdivision (1)(a) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, 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 a suitable provision may be made for the juvenile without such payment; or

(b) The court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be placed at the Youth Rehabilitation and Treatment Center-Geneva or the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter.

(2) When any juvenile is found by the court to be a juvenile described in subdivision (3)(b) of section 43-247, the court may enter such order as it is empowered to enter under subdivision (1)(a) of this section or enter an order committing or placing the juvenile to the care and custody of the Department of Health and Human Services.

(3) Beginning July 15, 1998, when any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247 because of a nonviolent act or acts and the juvenile has not previously been adjudicated to be such a juvenile because of a violent act or acts, the court may, with the agreement of the victim, order the juvenile to attend juvenile offender and victim mediation with a mediator or at an approved center selected from the roster made available pursuant to section 25-2908.

(4)(a) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications.

(b) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(i) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(ii) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(iii) The hearing shall be conducted in an informal

manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversarial criminal trial;

(iv) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with this subsection;

(v) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered; and

(vi) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 5. Section 43-290, Reissue Revised Statutes of Nebraska, is amended to read:

43-290. It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or subsequent to adjudication, shall be in the nature of a disposition hearing.

At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile, which amount ordered paid shall be the extent of the liability of the parent. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay, and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other

sources. Support thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of the parent. If the parent willfully fails or refuses to pay the sum ordered or to pay over any health care plan benefit sums received, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile. The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

If the juvenile has been committed to the care and custody of the Department of Health and Human Services, the department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's parent.

If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the study or treatment shall be paid, when approved by an order of the court, out of a fund which shall be appropriated by the county in which the petition is filed.

The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 7. This act becomes operative January 1, 2000.'.

2. On page 7, line 13, after 'Original' insert 'sections 43-284, 43-286, and 43-290, Reissue Revised Statutes of Nebraska, and'."; and in line 14 strike 'is' and insert 'are'.

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. 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), (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 to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed and shall be paid only for education in kindergarten through grade twelve.~~

The court may enter a dispositional order removing a juvenile from his or her home upon a written determination that continuation in the home would be contrary to the health, safety, or welfare of such juvenile and that reasonable efforts to preserve and reunify the family have been made if required under section 43-283.01.

Sec. 4. Section 43-286, Reissue Revised Statutes of Nebraska, is amended to read:

43-286. (1) When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), or (4) of section 43-247:

(a) The court may continue the dispositional portion of

the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged or an order requiring the juvenile to participate in community service programs, if such order is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(i) Place the juvenile on probation subject to the supervision of a probation officer; or

(ii) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer; or

~~(iii) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.~~

~~Under subdivision (1)(a) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, 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 a suitable provision may be made for the juvenile without such payment; or~~

(b) The court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be placed at the Youth Rehabilitation and Treatment Center-Geneva or the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter.

(2) When any juvenile is found by the court to be a juvenile described in subdivision (3)(b) of section 43-247, the court may enter such order as it is empowered to enter under subdivision (1)(a) of this section or enter an order committing or placing the juvenile to the care and custody of the Department of Health and Human Services.

(3) Beginning July 15, 1998, when any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247 because of a nonviolent act or acts and the juvenile has not previously been adjudicated to be such a juvenile because of a violent act or acts, the court may, with the agreement of the victim, order the juvenile to attend juvenile offender and victim mediation with a mediator or at an approved center selected from the roster made available pursuant to section 25-2908.

(4)(a) When a juvenile is placed on probation or under

the supervision of the court and it is alleged that the juvenile is again a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications.

(b) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(i) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(ii) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(iii) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversarial criminal trial;

(iv) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with this subsection;

(v) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have

been made at the time the original order of probation was entered; and

(vi) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 5. Section 43-290, Reissue Revised Statutes of Nebraska, is amended to read:

43-290. It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or subsequent to adjudication, shall be in the nature of a disposition hearing.

At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile, which amount ordered paid shall be the extent of the liability of the parent. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay, and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other sources. Support thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of

the parent. If the parent willfully fails or refuses to pay the sum ordered or to pay over any health care plan benefit sums received, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile. The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

If the juvenile has been committed to the care and custody of the Department of Health and Human Services, the department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's parent.

~~If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the study or treatment shall be paid, when approved by an order of the court, out of a fund which shall be appropriated by the county in which the petition is filed.~~

The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 7. This act becomes operative January 1, 2000.'.

2. On page 7, line 13, after 'Original' insert 'sections 43-284, 43-286, and 43-290, Reissue Revised Statutes of Nebraska, and'."; and in line 14 strike 'is' and insert 'are'.

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. On page 23, line 20, after "petition" insert ", who accepts money for signing such proposal or petition,".

2. On page 27, line 27; and page 28, line 1, strike "incorporated".

3. On page 28, line 7; and page 33, lines 4 and 9, strike "thirty" and insert "forty-five".

4. On page 33, strike beginning with "had" in line 21 through "53-1,115" in line 22 and insert "in the following manner: Notice indicating the time and place of such hearing shall be mailed to the applicant, the local governing body, and each individual protesting a license pursuant to subdivision (1)(b) of this section, by certified mail, return receipt requested, at least fifteen days prior to such hearing. The notice shall state that the commission will receive evidence for the purpose of determining whether to approve or deny the application. Mailing to the attorney of record of a party shall be deemed to fulfill the purposes of this section. The commission may receive evidence, including testimony and documentary evidence, and may hear and question witnesses concerning the application.".

5. On page 40, strike beginning with "as" in line 24 through "53-1,116" in line 25 and insert "within thirty days after the date of the order by filing a notice of appeal with the

commission. The commission shall handle the appeal in the manner provided for hearing on an application in section 53-133.".

6. On page 41, line 11, strike "twenty-one" and insert "forty-five".

7. On page 44, strike beginning with "Any" in line 17 through line 20.

8. On page 46, line 13, after "Any" insert "order or"; and in line 17 after "appealed" insert ", and the appeal shall be 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. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 13 of this act shall be known and may be cited as the Nebraska Transit and Rail Advisory Council Act.

Sec. 2. (1) The Legislature finds that:

(a) Access to timely and efficient modes of passenger transportation is necessary for Nebraska's travelers, visitors, and day-to-day commuters; to the quality of life in the state; and to the economy of the state;

(b) Technological advances in passenger transportation can significantly and positively affect the ability of the state to attract and provide efficient services for domestic and international businesses and tourists and thus significantly affect the revenue of the state;

(c) The development and utilization of a properly designed, constructed, and financed passenger rail, high-speed rail, or other passenger surface transportation systems can act as a catalyst for economic growth and development; alleviate traffic-congested commutes for day-to-day commuters; create new employment opportunities; create a safer transportation alternative; serve as a positive growth management system for building a better and more environmentally secure state; and promote the health, safety, and welfare of the citizens of the state;

(d) Joint development between the public and private sectors may be necessary in the planning, financing, management, operation, and construction mechanism to ensure the continued future development of an efficient and economically viable passenger rail, high-speed rail, or other passenger surface transportation system in this state; and

(e) Transportation benefits include improved travel times and more reliable travel, hence increased productivity.

(2) The Legislature hereby declares that creation, improvement, and operation of passenger rail, high-speed rail, and other passenger surface transportation systems and the construction of rail and transit facilities in Nebraska through the encouragement of private investments and the use of federal and state funds is a public purpose and use for which public money may be borrowed, expended, advanced, loaned, or granted. Such activity can best be accomplished by the creation of a Nebraska Transit and Rail Advisory Council, N-TRAC.

Sec. 3. For purposes of the Nebraska Transit and Rail Advisory Council Act:

(1) Department means the Department of Roads;

(2) High-speed rail means any high-speed fixed-guideway transportation system for transporting people or goods, which system is capable of operating at speeds in excess of one hundred ten miles per hour, including a monorail system, dual track rail system, suspended rail system, magnetic levitation system, or pneumatic repulsion system. The term includes a corridor and structures essential to the operation of the system, including the land, structures, improvements, rolling stock, rights-of-way, easements, rail lines, rail beds, guideway structures, stations, platforms, switches, yards, terminals, parking lots, power relays, switching houses, transit station, associated development, and any other facilities or equipment used or useful for the purposes of high-speed rail transportation construction, operation, or maintenance or the financing of high-speed rail transportation;

(3) Joint development means the planning, managing, financing, operating, or constructing of projects adjacent to, or physically related, functionally related, or otherwise related to a passenger rail, high-speed rail, or other passenger surface transportation system in order to effect the policy and purposes of these sections pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private;

(4) Passenger rail means any fixed-guideway transportation system for transporting people or goods which operates at speeds below one hundred ten miles per hour. The term includes a corridor and structures essential to the operation of the system, including the land, structures, improvements, rolling stock, rights-of-way, easements, rail lines, rail beds, guideway structures, stations, platforms, switches, yards, terminals, parking lots, power relays, switching houses, transit station, associated development, and any other facilities or equipment used or useful for the purposes of passenger rail transportation construction, operation, or maintenance or the financing of passenger rail transportation;

(5) Right-of-way means land necessary for the construction, operation, and maintenance of passenger rail, high-speed rail, or other transportation system;

(6) Terminus means the transit station serving the service area at the end of a passenger rail, high-speed rail, or other passenger surface transportation system;

(7) Transit station or station means any structure or transportation facility that is primarily used, as part of a passenger rail, high-speed rail, or other passenger surface transportation system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another; and

(8) Associated development means property, equipment, or buildings which are built, installed, or established to provide financing, funding, or revenue for the planning, constructing, managing, and operating of a high-speed rail transportation system and which are directly associated with transit stations. The term includes property necessary for joint development.

Sec. 4. (1) The Nebraska Transit and Rail Advisory Council is created. The council shall consist of eleven members to be appointed by the Governor with the approval of a majority of the Legislature as follows:

(a) The Director-State Engineer or his or her designee;

(b) One public service commissioner;

(c) Two members of the general public with demonstrated knowledge of passenger rail, high-speed rail, and other passenger surface transportation systems;

(d) Two representatives of private railroads;

(e) One representative from the Department of Economic Development; and

(f) Four representatives of local government.

(2) The Governor shall appoint the council to serve until the termination of the Nebraska Transit and Rail Advisory Council Act.

(3) The council members shall have an interest in or knowledge of passenger rail, high-speed rail, or other passenger surface transportation systems. A council member shall abstain from voting on any decision or policy of the council if the decision or policy will result in any financial benefit or detriment to him or her, any member of his or her family, or any business with which he or she is associated and the benefit or detriment is distinguishable from the effects of the actions on the public generally or a broad segment of the public.

(4) The Department of Roads shall assist with administrative and operational support for the Nebraska Transit and Rail Advisory Council.

(5) Members of the council who are not employed by the State of Nebraska shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(6) A majority of the council members constitutes a quorum for the transaction of business, and all decisions of the council shall be approved by at least a majority of members

present.

Sec. 5. The council may do all things necessary to implement the Nebraska Transit and Rail Advisory Council Act, including, but not limited to:

(1) Collecting, administering, and expending funds;

(2) Conducting or authorizing feasibility studies or any other studies deemed necessary or required under the act; and

(3) Adopting and promulgating rules and regulations to carry out the act.

Sec. 6. Trade secrets and other proprietary or commercial information which may be filed pursuant to the Nebraska Transit and Rail Advisory Council Act shall not be considered public records as defined in section 84-712.01 if the release of such trade secrets or information would give advantage to business competitors and serve no public purpose. Any person seeking release of the trade secrets or information as a public record shall demonstrate to the satisfaction of the council that the release would not violate this section.

Sec. 7. The department shall:

(1) Conduct research, prepare, and review plans and specifications for any project to be proposed to the council;

(2) Conduct studies, including feasibility studies, and investigations and act in an advisory capacity to the council in the establishment of broad policies for carrying out the Nebraska Transit and Rail Advisory Council Act;

(3) Hold hearings, make investigations, studies, and inspections and do all other things necessary to implement the act;

(4) Furnish necessary assistance to the council in making its inspection and study of any proposed project or feasibility study;

(5) Make data and information of the department available to the council; and

(6) Adopt and promulgate rules and regulations necessary for the department to carry out its duties under the act.

Sec. 8. (1) The Nebraska Transit and Rail Advisory Council Cash Fund is created. The fund shall be used by the council to carry out its responsibilities under the Nebraska Transit and Rail Advisory Council Act. The fund may be used to defray the expenses of the council.

(2) The State Treasurer shall credit to the fund any money (a) appropriated to the fund by the Legislature, (b) donated as gifts, bequests, grants, or other contributions to the fund from public or private sources, and (c) received pursuant to the act. Money made available by any department or agency of the United States may also be credited to the fund if so directed by the Director-State Engineer or may be credited to the Nebraska Transit and Rail Advisory Council Revolving Fund pursuant to the act. Any money in the Nebraska Transit and Rail Advisory Council Cash 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. 9. The Nebraska Transit and Rail Advisory Council Revolving Fund is created. The fund shall be used by the council to carry out its responsibilities under the Nebraska Transit and Rail Advisory Council Act. The revolving fund shall consist of any money credited to the revolving fund pursuant to the act and other funds as the council may designate. 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. 10. The department and the Nebraska Transit and Rail Advisory Council may expend the federal funds which are or may become available for feasibility studies, construction, operation, capital expenditures, or program administration for any passenger rail, high-speed rail, or other passenger surface transportation systems projects allowable under federal law.

Sec. 11. The council may accept gifts, donations, money, and services, including in-kind resources, for any purpose allowable under the Nebraska Transit and Rail Advisory Council Act.

Sec. 12. The Nebraska Transit and Rail Advisory Council, with the assistance of the department, shall, not later than January 1, 2002, complete a study on the feasibility and projected costs of constructing a passenger rail, high-speed rail, or other passenger surface transportation system, with particular attention paid to the feasibility of other passenger surface transportation systems on a statewide basis, and report its findings to the Transportation Committee of the Legislature. Such report shall include suggested legislation necessary to implement the feasibility options included within the study for a passenger rail, high-speed rail, or other passenger surface transportation system.

Sec. 13. The department and the Nebraska Transit and Rail Advisory Council shall take all reasonable steps necessary to secure private or federal funding of the feasibility study required by section 13 of this act before requesting appropriations from the Legislature to fund the feasibility study.

Sec. 14. The Nebraska Transit and Rail Advisory Council 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. On page 6, line 10, strike "IB" and insert "IC"; in line 13 strike "IC" and insert "ID"; in line 14 strike "One ounce" and insert "Three and one-half ounces"; and in line 15 strike "ID" 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. Strike original sections 3 and 4.
2. On page 3, strike beginning with "The" in line 16 through the period in line 17.
3. Renumber the remaining section accordingly.

Mrs. C. Peterson filed the following amendment to LB 704:
AM1254

(Amendments to E & R amendments, AM7096)

1. Insert the following new sections:

"Section 1. Section 60-302, Reissue Revised Statutes of Nebraska, is amended to read:

60-302. (1) No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated or parked on the highways of this state unless the vehicle is registered in accordance with Chapter 60, article 3. There shall be a rebuttable presumption that any vehicle stored and kept more than thirty days in the state is being operated or parked on the highways of this state and shall be registered in accordance with Chapter 60, article 3, from the date of title of the motor vehicle or, if no transfer in ownership of the motor vehicle has occurred, from the expiration of the last registration period for which the motor vehicle was registered. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has situs as defined in section 60-3001. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate. A salvage certificate of title as defined in section 60-129 and a nontransferable certificate of title provided for in section 60-131 shall not be valid for registration purposes.

(2) An application for registration of a motor vehicle shall be accompanied by proof of financial responsibility or evidence of insurance covering the motor vehicle. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles. Evidence of insurance shall give the effective dates of the automobile liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered. Evidence of insurance in the form of a certificate of insurance for fleet vehicles may include, as an appropriate reference, a designation that the insurance coverage is applicable to all vehicles owned by the named insured, or wording of similar effect, in lieu of an

explicit description.

(3) Any nonresident owner who desires to register a vehicle or vehicles in this state shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

(4) Each new application shall contain, in addition to other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3. With the application the applicant shall pay the proper registration fee as provided in sections 60-305.08 to 60-339 and shall state whether the vehicle is propelled by alternative fuel as defined in section 66-686 and, if alternative fuel, the type of fuel. The form shall also contain a notice that bulk fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing the notice, for supplying the information for vehicles to be registered. The county treasurer shall include the form in each mailing made pursuant to section 60-3003. The county treasurer or his or her agent shall notify the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue whenever a vehicle powered by an alternative fuel as defined in section 66-686 is registered. The notification shall include the name and address of the registrant, the date of registration, the type of motor vehicle registered, and the type of alternative fuel used to propel the vehicle as indicated on the registration application.

(5) The county treasurer or his or her agent shall collect, in addition to the registration fees, one dollar and fifty cents for each certificate issued and shall remit one dollar and fifty cents of each additional fee collected to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(6) The county treasurer or his or her agent shall collect, in addition to other registration fees, one dollar and fifty cents for each certificate issued and shall remit the fee to the State Treasurer for credit to the State Recreation Road Fund.

(7) If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur.

(8) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 23-186, the powers and duties of the county treasurer relating to registration under sections 60-301 to 60-347 shall be performed by the designated county official.

(9) A county treasurer or county official or his or her

agent may accept credit cards, charge cards, or debit cards as a means of payment for registration pursuant to section 13-609.

Sec. 32. Section 60-529, Reissue Revised Statutes of Nebraska, is amended to read:

60-529. Proof of financial responsibility may be furnished by filing with the department the written certificate of any insurance carrier, duly authorized to do business in this state, certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and designate, by explicit description or by appropriate reference, all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. A certificate of insurance for fleet vehicles may include, as an appropriate reference, a designation that the insurance coverage is applicable to all vehicles owned by the named insured, or wording of similar effect, in lieu of an explicit description.

Sec. 33. Section 60-534, Reissue Revised Statutes of Nebraska, is amended to read:

60-534. Such motor vehicle liability policy: shall (1) ~~Shall~~ designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and (2) ~~shall~~ insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to ~~said~~ such limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.".

2. On page 54, line 13, after "sections" insert "60-302,"; and in line 18 before "and" insert "60-529, 60-534,".

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Hardship Fund is created. Money in the fund shall be distributed to school districts pursuant to section 2 of this act. The fund shall consist of funds appropriated by the Legislature and funds repaid and interest paid by districts as required by section 2 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. 2. (1) A school district may apply to the Commissioner of Education for money from the Hardship Fund if one or more unexpected discrete occurrences cause the district financial distress. Such occurrences are limited to:

(a) One or more new special education students or one or more new disabling conditions of a special education student causing special education expenditures to increase by at least ten percent over the prior school fiscal year's special education expenditures, but not less than three times the cost grouping cost per student in the standard cost grouping for the current school fiscal year;

(b) The opening of a group home causing expenditures to increase by at least ten percent over the prior school fiscal year's special education expenditures but not less than three times the cost grouping cost per student in the standard cost grouping for the current school fiscal year;

(c) Clerical errors by public officials, other than any person employed by or serving on the school board of the requesting district, that are affecting the funding available to the district; and

(d) The final calculation of state aid pursuant to section 79-1065 causes a negative adjustment reducing the aid originally calculated for the district by fifty percent or more.

(2) To qualify for money from the fund, a district shall have:

(a) Budgeted reserves equal to at least ninety-eight percent of the applicable allowable reserves authorized pursuant to section 79-1027 for that district for the most recent budget prior to the district becoming aware of the unexpected occurrence. Any budget amendments filed pursuant to section 13-511 after the district becomes aware of the unexpected occurrence will not be considered when determining if a district qualifies for money from the fund; and

(b) A current combined levy equal to or greater than

ninety-five percent of the maximum levy authorized pursuant to section 77-3442 for all general and special levies subject to the limitation.

(3) The commissioner shall provide application forms to requesting districts which shall not be longer than one page. The forms shall require (a) the name and county district number of the school district, (b) a description of the unexpected discreet occurrence, (c) the estimated cost of the unexpected discreet occurrence for the affected school fiscal year, (d) the applicable allowable reserves authorized pursuant to section 79-1027 for the most recent budget prior to the district becoming aware of the unexpected discreet occurrence, (e) budgeted reserves pursuant to section 79-1027 for the most recent budget prior to the district becoming aware of the unexpected discreet occurrence, (f) the current combined levy for all general and special levies subject to limitation pursuant to section 77-3442, and (g) the name and address of at least one financial institution utilized by the school district. The commissioner is not limited to the information contained in the application for determining whether or not to grant an application for money from the Hardship Fund.

(4) On or before the fifth day following receipt of an application for distribution of money from the Hardship Fund, the commissioner shall send a notice to the financial institutions listed by the school district. The notice shall (a) explain the Hardship Fund, (b) state the name of the school district that has applied for distribution of money from the Hardship Fund, (c) state the deadline for determination by the commissioner, (d) state the interest rate that the State Treasurer will use to calculate interest, and (e) explain that the financial institution may offer its services to the district as an alternative to money from the Hardship Fund. No action of a financial institution shall prevent the commissioner from approving a distribution of money from the Hardship Fund for a school district.

(5) The commissioner shall notify the district of his or her determination within thirty days after receiving the application. At least one representative of the school district shall be allowed an opportunity to meet with the commissioner to discuss the application prior to the commissioner's determination on the application. The commissioner may award any amount of available money from the fund he or she deems appropriate, except that the amount may not exceed the costs incurred by the district due to the occurrence. The commissioner is not required to award any money under this section in response to any particular request.

(6) The district shall repay the fund in full in a manner to be determined by the commissioner with interest calculated by the State Treasurer at fifty percent of the rate determined pursuant to section 45-104.02 for the delinquent payment of taxes to the State of Nebraska. When any school district fails to make any scheduled repayment, the commissioner shall, after notice to

the district and an opportunity to be heard, direct that any state aid due the district pursuant to the Tax Equity and Educational Opportunities Support Act be withheld and transferred to the Hardship Fund until the balance of the money received by the district from the fund plus interest calculated by the State Treasurer has been repaid to the fund and shall bring such further legal action as may be necessary for the fund to be repaid with interest as calculated by the State Treasurer. If a district reorganizes or dissolves, the repayment of money received from the fund plus interest calculated by the State Treasurer shall be a liability and shall be assigned pursuant to subsection (2) of section 79-479.

(7) Before money is distributed to a district under this section, the president of the school board shall sign an agreement stating that:

(a) The costs for which money is being distributed are as accurate as can be determined at that point;

(b) The occurrence was unexpected; and

(c) The district will make required repayments to the fund.

(8) Up to two-thirds of the amount appropriated shall be available to be awarded for requests received under this section between July 1 and December 31 of each fiscal year. The remainder of the amount appropriated shall be available to be awarded for requests received under this section between January 1 and June 30 of each fiscal year.

(9) Nothing in this section guarantees an award of money from the Hardship Fund to any district. Money from the fund shall be paid as a lump sum to each district receiving funds and shall be limited to a one-year impact per unexpected discrete occurrence.

(10) The State Department of Education shall remit funds repaid by school districts as required by this section to the State Treasurer for credit to the Hardship Fund.

(11) The Commissioner of Education shall report to the Education Committee and the Appropriations Committee of the Legislature and the Governor on or before December 1 of each year for the preceding fiscal year. The report shall include (a) a list of all applications with the amounts requested and a description of the unexpected discrete occurrence that caused the district financial distress and (b) a list of the districts receiving hardship funds, including the amount awarded and repayment conditions.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Wickersham filed the following amendment to LB 36:
AM1272

1. Insert the following new sections:

"Section 1. Any political subdivision which has received

proceeds from a levy imposed on all taxable property within an entire county which is in excess of that requested by the political subdivision under section 77-1601.02 as a result of a clerical error or mistake shall, in the fiscal year following receipt, return the excess tax collections, net of the collection fee, to the county. By July 31 of the fiscal year following the receipt of any excess tax collections, the county treasurer shall certify to the political subdivision the amount to be returned. Such excess tax collections shall be restricted funds in the budget of the county that receives the funds under section 13-518.

Sec. 2. Section 13-518, Revised Statutes Supplement, 1998, is amended to read:

13-518. For purposes of sections 13-518 to 13-522:

(1) Allowable growth means (a) for governmental units other than community colleges, the percentage increase in taxable valuation in excess of the base limitation established under section 77-3446, if any, due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year and (b) for community colleges, the percentage increase in excess of the base limitation, if any, in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined;

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

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

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

(5) Qualified sinking fund means a fund or funds maintained separately from the general fund to pay for acquisition or replacement of tangible personal property with a useful life of five years or more which is to be undertaken in the future but is to be paid for in part or in total in advance using periodic payments into the fund. The term includes sinking funds under subdivision (13) of section 35-508 for firefighting and rescue 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 (g) any excess tax collections returned to the county under section 1 of this act; 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;

(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.".

2. On page 38, line 9, after "sections" insert "13-518,".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Bohlke filed the following amendment to LB 176:
AM1275

1. Strike original section 8 and all amendments thereto and insert the following new section:

"Sec. 8. A person under sixteen years of age shall not operate a motorboat or personal watercraft on the waters of this state.".

2. On page 4, strike beginning with "The" in line 3 through line 7.

Messrs. Bruning and Hartnett filed the following amendment to LB 78:
AM1266

1. Strike the original amendments and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. Section 14-2115, Reissue Revised Statutes of 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 to any customer in order to obtain an agreement to provide natural gas service to 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 city or village to enter into a franchise agreement or promote discontinuance of natural gas service with the utility, unless a specific invitation to submit a proposal on such a franchise has been formally presented to the board of directors of the metropolitan utilities district. For purposes of this section, a specific invitation to submit a proposal 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.

Whenever a specific invitation to submit a proposal is received by the board of directors of a metropolitan utilities district, the invitation will be considered by the board at its

next regularly scheduled monthly meeting.

Sec. 3. Sections 4 to 8 of this act shall be applicable to an investor-owned natural gas utility only when it is operating in a county in which there is located the natural gas service area, or portion of the natural gas service area, of a metropolitan utilities district and only with regard to matters arising within any such county.

Sec. 4. No investor-owned natural gas utility or metropolitan utilities district may extend or enlarge its natural gas service area or extend or enlarge its natural gas mains or natural gas services unless it is in the public interest to do so. In determining whether or not an extension or enlargement is in the public interest, the district or the utility shall consider the following:

(1) The economic feasibility of the extension or enlargement;

(2) The impact the enlargement will have on the existing and future natural gas ratepayers of the metropolitan utilities district or the investor-owned natural gas utility;

(3) Whether the extension or enlargement contributes to the orderly development of natural gas utility infrastructure;

(4) Whether the extension or enlargement will result in duplicative or redundant natural gas utility infrastructure; and

(5) Whether the extension or enlargement is applied in a nondiscriminatory manner.

Sec. 5. In determining whether an enlargement or extension of a natural gas service area, natural gas mains, or natural gas services is in the public interest pursuant to section 4 of this act, the following shall constitute rebuttable presumptions:

(1) Any enlargement or extension by a metropolitan utilities district within a city of the metropolitan class or its extraterritorial zoning jurisdiction is in the public interest;

(2) Any enlargement or extension by an investor-owned natural gas utility within a city of the primary, first, or second class or village in which it serves natural gas on a franchise basis or its extraterritorial zoning jurisdiction is in the public interest; and

(3) Any enlargement or extension by a metropolitan utilities district within its statutory boundary or within a city of the first or second class or village in which it serves natural gas on a franchise basis or its extraterritorial zoning jurisdiction is in the public interest.

Sec. 6. A metropolitan utilities district or investor-owned natural gas utility shall not extend duplicative or redundant interior natural gas mains or natural gas services into a subdivision, whether residential, commercial, or industrial, which has existing natural gas utility infrastructure or which has contracted for natural gas utility infrastructure with another

utility.

Sec. 7. If the investor-owned natural gas utility or the metropolitan utilities district disagrees with a determination by an investor-owned natural gas utility or a metropolitan utilities district that a proposed extension or enlargement is in the public interest, the matter may be submitted to the Public Service Commission for hearing and determination in the county where the extension or enlargement is proposed and shall be subject to the applicable procedures provided in sections 75-112, 75-129, and 75-134 to 75-136. In making a determination whether a proposed extension or enlargement is in the public interest, the Public Service Commission shall consider the factors set forth in sections 4 and 5 of this act. The Public Service Commission shall have no jurisdiction over a metropolitan utilities district or natural gas utility beyond the determination of disputes brought before it under section 14-2115 and sections 2 to 8 of this act.

Sec. 8. All books, records, vouchers, papers, contracts, engineering designs, and any other data of the metropolitan utilities district relating to the public interest of an extension or enlargement of natural gas mains or natural gas services or relating to natural gas service areas, whether in written or electronic form, shall be open and made available for public inspection, investigation, comment, or protest upon reasonable request during business hours, except that such books, records, vouchers, papers, contracts, designs, and other data shall be subject to section 84-712.05. Any books, records, vouchers, papers, contracts, designs, or other data not made available to the metropolitan utilities district or an investor-owned natural gas utility shall not be considered by the Public Service Commission in determining whether an enlargement or extension is in the public interest.

Sec. 9. Original section 14-2115, Reissue Revised 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

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

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

printed on recycled paper

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

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. Strike the original sections and all amendments thereto and insert the following new sections:

"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) During such period as funds remain in the Ethanol Production Incentive Cash Fund, any ethanol facility shall also receive a credit of up to 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 (a) 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 the month for which credits are first claimed under this subsection and (b) 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 first placed into service after June 1, 1999. No credits shall be paid under this subsection until production is in excess of twelve times the average amount determined under subdivision (a) of this subsection during any twelve-consecutive-month period. 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 which 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, and is available only during such period.

(4) Any ethanol facility that did not maximize benefits for which the facility was otherwise eligible under subsections (1) and (2) of this section based on name plate design capacity stipulated in a contract with the Department of Revenue and which has expanded its capacity by at least six million gallons, before denaturing, over its original name plate design capacity shall receive a credit of five cents per gallon for the first ten million gallons produced over the original name plate design capacity. 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 which 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 January 1, 2001, and is available only during such period.

(5) The credits described in this section ~~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 subsection (1) or (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 credits described in subsections (3) and (4) of this section, and the credits may only be claimed by a producer for the periods specified in subsections (3) and (4) 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 subsections. An ethanol facility may only participate in the credits described in subsection (3) of this section or the credits described in subsection (4) of this section. 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 number of gallons eligible for the credit for each applicant. ~~subsection, in addition to the ethanol entitled to credit under subsection (1) or (2) of this section.~~

(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.

(7) For purposes of ascertaining the correctness of any application for claiming the 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. 2. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol

Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense

Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On ~~February 15, 2001~~ June 30, 2004, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.

Sec. 3. Section 66-1345.01, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345.01. An excise tax is levied upon all corn and grain sorghum sold through commercial channels in Nebraska or delivered in Nebraska. ~~The tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum.~~ For any sale or delivery of corn or grain sorghum occurring on or after July 1, 1995, and before January 1, 2000, the tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum. For any sale or delivery of corn or grain sorghum occurring on or after January 1, 2000, and before January 1, 2001, the tax is one-half cent per bushel for corn and one-half cent per hundredweight for grain sorghum. The tax shall be in addition to any fee imposed pursuant to sections 2-3623 and 2-4012. ~~The excise tax shall be imposed on any sale or delivery occurring on or after July 1, 1995, and before January 1, 2001.~~ The Legislature finds and declares that those in production agriculture have contributed sufficiently to support the Ethanol Production Incentive Cash Fund by the imposition of the excise tax. If additional funds are needed in the future to meet the Legislature's obligation to fully fund the Ethanol Production Incentive Cash Fund, those funds should come from sources other than production agriculture.

The excise tax shall be imposed at the time of sale or delivery and shall be collected by the first purchaser. The tax shall be collected, administered, and enforced in conjunction with the fees imposed pursuant to sections 2-3623 and 2-4012. The tax shall be collected, administered, and enforced by the Department of Agriculture. No corn or grain sorghum shall be subject to the tax imposed by this section more than once.

In the case of a pledge or mortgage of corn or grain sorghum as security for a loan under the federal price support program, the excise tax shall be deducted from the proceeds of such loan at the time the loan is made. If, within the life of the loan plus thirty days after the collection of the excise tax for corn or grain sorghum that is mortgaged as security for a loan under the federal price support program, the grower of the corn or grain sorghum so mortgaged decides to purchase the corn or grain sorghum and use it as feed, the grower shall be entitled to a refund of the

excise tax previously paid. The refund shall be payable by the department upon the grower's written application for a refund. The application shall have attached proof of the tax deducted.

The excise tax shall be deducted whether the corn or grain sorghum is stored in this or any other state. The excise tax shall not apply to the sale of corn or grain sorghum to the federal government for ultimate use or consumption by the people of the United States when the State of Nebraska is prohibited from imposing such tax by the Constitution of the United States and laws enacted pursuant thereto.

Sec. 4. Original sections 66-1344 to 66-1345.01, Reissue 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 ll-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. On page 1, line 15, after "of" insert "one hundred".
2. On page 3, line 22, strike "publishes and".
3. On page 4, lines 6 and 10, strike "publishes and"; and in line 26 strike "three" and insert "two".
4. On page 6, line 25, strike "publishes and".
5. On page 7, line 15, strike "three" and insert "two".
6. On page 9, line 6, after "Markets" insert "Cash"; and

in line 18 strike beginning with "the" through "Act" and insert "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. On page 2, strike beginning with "the" in line 15 through line 17 and insert "farming or ranching which is prohibited under Article XII, section 8, of the Constitution of Nebraska. This section does not prohibit any person from engaging in any activity permitted under Article XII, section 8, of the 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. Strike the original sections and insert the following new sections:

"Section 1. Section 20-150, Reissue Revised Statutes of Nebraska, is amended to read:

20-150. (1) The Legislature hereby finds and declares that it is the policy of the State of Nebraska to secure the rights of deaf and hard of hearing persons who cannot readily understand or communicate in spoken language and who consequently cannot equally participate in or benefit from proceedings, programs, and activities of the courts, law enforcement personnel, and legislative bodies unless ~~qualified~~ licensed interpreters are available to assist them.

(2) It is the intent of the Legislature that by September 1, 2001, all interpreters working in the State of Nebraska be licensed by the Commission for the Deaf and Hard of Hearing. Prior to September 1, 2000, the commission shall (a) develop licensed

interpreter guidelines for distribution, (b) develop training to implement the guidelines, (c) adopt and promulgate rules and regulations to implement the guidelines and requirements for licensed interpreters, and (d) develop a roster of licensed interpreters and licensed educational interpreters for use in referrals and other interpreter-related matters.

(3) It is the intent of the Legislature to assure that ~~qualified~~ licensed educational interpreters are provided to deaf and hard of hearing children in kindergarten-through-grade-twelve public school districts and educational service units. ~~Prior to September 1, 1998, the~~ The State Department of Education, in cooperation with the Commission for the Deaf and Hard of Hearing, shall develop ~~qualified~~ licensed educational interpreter guidelines for distribution as well as a training program to implement the guidelines. By September 1, 2000, the ~~State Department of Education~~ department shall adopt and promulgate rules and regulations to implement the guidelines and requirements for ~~qualified~~ licensed educational interpreters, and such rules and regulations shall apply to all ~~qualified~~ licensed educational interpreters employed for the 2001-02 school year and all school years thereafter.

Sec. 2. Section 20-151, Reissue Revised Statutes of Nebraska, is amended to read:

20-151. As used in sections 20-150 to 20-159, unless the context otherwise requires:

(1) Appointing authority means the Legislature, a legislative committee, law enforcement personnel, or any court of the state required to provide a ~~qualified~~ licensed interpreter pursuant to sections 20-150 to 20-159;

(2) Auxiliary aid includes, but is not limited to, ~~qualified~~ sign language interpreters, oral interpreters, other interpreters, notetakers, transcription services, written materials, assistive listening devices, assisted listening systems, videotext displays, and other visual delivery systems;

(3) Deaf or hard of hearing person means a person whose hearing impairment, with or without amplification, is so severe that he or she may have difficulty in auditorily processing spoken language without the use of an interpreter or a person with a fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or an auxiliary aid;

(4) Intermediary interpreter means any person, including any deaf or hard of hearing person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language in order to facilitate communication between a deaf or hard of hearing person and ~~a qualified~~ an interpreter;

(5) Licensed educational interpreter means a person who demonstrates proficiencies in interpretation or transliteration as

required by the guidelines established by the State Department of Education pursuant to subsection (3) of section 20-150;

(6) Licensed interpreter means a person who demonstrates proficiencies in interpretation or transliteration as required by the guidelines established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of section 20-150;

(7) Oral interpreter means a person who interprets language through facial expression, body language, and mouthing; and

~~(6) Qualified interpreter means a person who demonstrates proficiencies in interpretation or transliteration and is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary; and~~

~~(7)~~ (8) Tactile interpreter means a person who interprets for a deaf-blind person. The degree of deafness and blindness will determine the mode of communication to be used for each person.

Sec. 3. Section 20-152, Reissue Revised Statutes of Nebraska, is amended to read:

20-152. Whenever a deaf or hard of hearing person is arrested and taken into custody for an alleged violation of state law or local ordinance, the appointing authority shall procure a ~~qualified~~ licensed interpreter for any interrogation, warning, notification of rights, or taking of a statement, unless otherwise waived. No arrested deaf or hard of hearing person otherwise eligible for release shall be held in custody solely to await the arrival of a ~~qualified~~ licensed interpreter. A ~~qualified~~ licensed interpreter shall be provided as soon as possible. No written or oral answer, statement, or admission made by a deaf or hard of hearing person in reply to a question of any law enforcement officer or any other person having a prosecutorial function may be used against the deaf or hard of hearing person in any criminal proceeding unless (1) the statement was made or elicited through a ~~qualified~~ licensed interpreter and was made knowingly, voluntarily, and intelligently or (2) the deaf or hard of hearing person waives his or her right to an interpreter and the waiver and statement were made knowingly, voluntarily, and intelligently. The right of a deaf or hard of hearing person to an interpreter may be waived only in writing. The failure to provide ~~an~~ a licensed interpreter pursuant to this section shall not be a defense to prosecution for the violation for which the deaf or hard of hearing person was arrested.

Sec. 4. Section 20-153, Reissue Revised Statutes of Nebraska, is amended to read:

20-153. For any proceeding before the Legislature, any legislative committee, any law enforcement agency or department, or any court at which a deaf or hard of hearing person is subpoenaed or requested in writing to attend, the appointing authority shall obtain a ~~qualified~~ licensed interpreter to interpret the

proceedings to the deaf or hard of hearing person and to interpret his or her testimony or statements.

Sec. 5. Section 20-154, Reissue Revised Statutes of Nebraska, is amended to read:

20-154. If an appointed ~~qualified~~ licensed interpreter is not able to provide effective communication with a deaf or hard of hearing person, the appointing authority shall obtain another ~~qualified~~ licensed interpreter. An oral interpreter shall be provided upon request of a deaf or hard of hearing person who chooses not to communicate in sign language. If an interpreter is unable to render a satisfactory interpretation, the appointing authority shall then obtain an intermediary interpreter to assist the appointed interpreter. The appointing authority shall ensure that any interpreter is properly situated so as to permit effective communication with the deaf or hard of hearing person and full participation of the deaf or hard of hearing person in the proceeding.

Sec. 6. Section 20-156, Reissue Revised Statutes of Nebraska, is amended to read:

20-156. (1) The Commission for the Deaf and Hard of Hearing shall be the agency assigned responsibility for the process of evaluation and granting of licensure for licensed interpreters. The State Department of Education shall be the agency assigned responsibility for the process of evaluation for licensed educational interpreters. The commission shall be the agency assigned responsibility for the process of granting licensure for licensed educational interpreters to any interpreter meeting the guidelines established by the department pursuant to subsection (3) of section 20-150. The commission shall create the Interpreter Review Board pursuant to section 11 of this act to set policies and procedures for evaluation and licensing of licensed interpreters. The commission may recognize evaluation and certification programs as a means to carry out the duty of evaluating interpreters' skills.

(2) The commission shall establish and charge reasonable fees for licensure of interpreters, including applications, renewals, modifications, and record keeping, pursuant to sections 20-150 to 20-159. All fees collected pursuant to this section by the commission shall be remitted to the State Treasurer for credit to the Commission for the Deaf and Hard of Hearing Fund. Such fees shall be disbursed for payment of expenses related to this section.

(3) The ~~Commission for the Deaf and Hard of Hearing~~ commission shall prepare and maintain a ~~list~~ roster of ~~the various types of qualified interpreters as provided by section 71-4728.~~ licensed interpreters and licensed educational interpreters and the employment for which they are licensed. Each ~~qualified~~ licensed interpreter and licensed educational interpreter shall provide his or her social security number to the commission. Nothing in sections 20-150 to 20-159 shall be construed to prevent any

appointing authority from contracting with a ~~qualified~~ licensed interpreter or a licensed educational interpreter on a full-time employment basis.

(4) The commission may revoke an interpreter's license if the interpreter has violated rules and regulations of the commission or the department. The Interpreter Review Board shall serve as a board of inquiry in matters of license revocation. The commission through the Interpreter Review Board shall investigate claims of the use of unlicensed interpreters by any state agency or political subdivision. The department shall investigate claims of the use of unlicensed educational interpreters by any school district, educational service unit, or approved service agency. The commission shall notify in writing any state agency determined to be employing unlicensed interpreters in violation of sections 20-150 to 20-159 and shall monitor such agency to prevent future violations. The commission shall notify in writing any political subdivision determined to be employing unlicensed interpreters in violation of such sections and may fine such political subdivision not more than five hundred dollars per violation. The department shall implement procedures to ensure compliance by any school district, educational service unit, or approved service agency with rules and regulations of the department in the employment of licensed educational interpreters. The commission or department shall notify in writing such unlicensed interpreters or unlicensed educational interpreters of each violation and shall inform the offending interpreters of the training and licensure requirements.

(5) Any decision of the commission pursuant to this section shall be subject to review according to the Administrative Procedure Act. Any fines collected by the commission pursuant to this section shall be remitted to the State Treasurer for credit to the permanent school fund.

Sec. 7. Section 20-159, Reissue Revised Statutes of Nebraska, is amended to read:

20-159. A ~~qualified~~ licensed interpreter or licensed educational interpreter appointed pursuant to sections 20-150 to 20-159 is entitled to a fee for professional services and other relevant expenses. The ~~as approved by the governing body of the appointing authority. When appropriate, the~~ appointing authority ~~may~~ shall use fee guidelines established by a recognized registry of interpreters for ~~the~~ deaf and hard of hearing persons. When the ~~qualified~~ licensed interpreter is appointed by a court, the fee shall be paid out of the general fund of the county in which such proceedings take place. When the ~~qualified~~ licensed interpreter is appointed by an appointing authority other than a court, the fee shall be paid out of funds available to the governing body of the appointing authority.

Sec. 8. Section 71-4720.01, Revised Statutes Supplement, 1998, is amended to read:

71-4720.01. For purposes of ~~this section and~~ sections

71-4720 to 71-4733 and section 11 of this act:

(1) Commission means Commission for the Deaf and Hard of Hearing;

(2) Deaf means a hearing impairment, with or without amplification, which is so severe that the person with the impairment may have difficulty in auditoria processing spoken language without the use of an interpreter; and

(3) Hard of hearing means a hearing loss, permanent or fluctuating, which may adversely affect the ability to understand spoken language without the use of an interpreter or auxiliary aid.

Sec. 9. Section 71-4727, Reissue Revised Statutes of Nebraska, is amended to read:

71-4727. The commission may employ any other employees it considers necessary to carry out the purposes of sections 20-156 and 71-4720 to 71-4732 and section 11 of this act.

Sec. 10. Section 71-4728, Revised Statutes Supplement, 1998, is amended to read:

71-4728. The commission shall serve as the principal state agency responsible for monitoring public policies and implementing programs which shall improve the quality and coordination of existing services for deaf or hard of hearing persons and promote the development of new services when necessary. To perform this function the commission shall:

(1) Inventory services available for meeting the problems of persons with a hearing loss and assist such persons in locating and securing such services;

(2) License and maintain a roster of licensed interpreters or licensed educational interpreters pursuant to section 20-156. The roster shall be made available to local, state, and federal agencies and shall be used for referrals to private organizations and individuals seeking interpreters; ~~Prepare and maintain a statewide list of persons qualified in various types of interpreting and make this information available to local, state, and federal agencies;~~

(3) Promote the training of interpreters for deaf or hard of hearing persons;

(4) Provide counseling to deaf or hard of hearing persons or refer such persons to private or governmental agencies which provide counseling services;

(5) Conduct a voluntary census of deaf or hard of hearing persons in Nebraska and compile a current registry;

(6) Promote expanded adult educational opportunities for deaf or hard of hearing persons;

(7) Serve as an agency for the collection of information concerning deaf or hard of hearing persons and for the dispensing of such information to interested persons by collecting studies, compiling bibliographies, gathering information, and conducting research with respect to the education, training, counseling, placement, and social and economic adjustment of deaf or hard of

hearing persons and with respect to the causes, diagnosis, treatment, and methods of prevention of impaired hearing;

(8) Appoint advisory or special committees when appropriate for indent investigations and study of particular problems and receive reports of findings and recommendations;

(9) Assess and monitor programs for services to deaf or hard of hearing persons and make recommendations to those state agencies providing such services regarding changes necessary to improve the quality and coordination of the services;

(10) Make recommendations to the Governor and the Legislature with respect to modification in existing services or establishment of additional services for deaf or hard of hearing persons;

(11) Promote awareness and understanding of the rights of deaf or hard of hearing persons;

(12) Promote statewide communication services for deaf or hard of hearing persons; and

(13) Assist deaf or hard of hearing persons in accessing comprehensive mental health, alcoholism, and drug abuse services.

Sec. 11. The commission shall appoint the Interpreter Review Board as required in section 20-156. The board shall consist of the following members who have knowledge of sign language:

(1) The Commissioner of Education or his or her designee;

(2) The Director of Health and Human Services or his or her designee;

(3) The executive director of the commission or his or her designee;

(4) Two deaf or hard of hearing persons;

(5) Two licensed interpreters; and

(6) Two members representing local government.

The board shall establish policies and procedures for evaluating and licensing interpreters, including, but not limited to, testing, training, grievances, and license revocation pursuant to section 20-156. Except for the Commissioner of Education, the Director of Health and Human Services, and the executive director of the commission, a member shall not serve on the board for more than three consecutive years. Members of the board may be removed by the commission for inefficiency, neglect of duty, or misconduct in office but only after delivering to such member a copy of the charges and affording such member an opportunity to be publicly heard in person, or by counsel, in his or her own defense, upon not less than ten days' notice. The members of the board shall receive no compensation but shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and in carrying out their official duties as provided in this section and section 20-156.

Sec. 12. Section 71-4732, Revised Statutes Supplement, 1998, is amended to read:

71-4732. There is hereby created a Commission for the Deaf and Hard of Hearing Fund to consist of such funds as the Legislature shall appropriate and any funds received under ~~section~~ sections 20-156 and 71-4731. The fund shall be used to administer sections 20-156 and 71-4720 to 71-4732 and section 11 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. ~~Any money in the Commission for the Hearing Impaired Fund on September 13, 1997, shall be transferred to the Commission for the Deaf and Hard of Hearing Fund.~~

Sec. 13. Original sections 20-150 to 20-154, 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, 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. On page 1, line 2, after "appearances" insert "and 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. Insert the following new sections:

"Section 1. The Lottery Division of the Department of Revenue shall not expend or use any funds received through appropriations, revenue from lottery ticket sales, money used for payments for expenses of the division, or money received from the operation of the lottery games for advertising or promotional materials for lottery games conducted pursuant to the State Lottery Act.

Sec. 2. Section 9-801, Reissue Revised Statutes of Nebraska, is amended to read:

9-801. Sections 9-801 to 9-841 and section 1 of this act shall be known and may be cited as the State Lottery Act.

Sec. 3. Section 9-803, Reissue Revised Statutes of Nebraska, is amended to read:

9-803. For purposes of the State Lottery Act:

(1) Director shall mean the Director of the Lottery Division;

(2) Division shall mean the Lottery Division of the Department of Revenue;

(3) Lottery contractor shall mean a lottery vendor or lottery game retailer with whom the division has contracted for the purpose of providing goods or services for the state lottery;

(4) Lottery game shall mean any variation of the following types of games:

(a) An instant-win game in which disposable tickets contain certain preprinted winners which are determined by rubbing or scraping an area or areas on the tickets to match numbers,

letters, symbols, or configurations, or any combination thereof, as provided by the rules of the game. An instant-win game may also provide for preliminary and grand prize drawings conducted pursuant to the rules of the game. An instant-win game shall not include the use of any pickle card as defined in section 9-315; and

(b) An on-line lottery game in which lottery game retailer terminals are hooked up to a central computer via a telecommunications system through which (i) a player selects a specified group of numbers or symbols out of a predetermined range of numbers or symbols and purchases a ticket bearing the player-selected numbers or symbols for eligibility in a drawing regularly scheduled in accordance with game rules or (ii) a player purchases a ticket bearing randomly selected numbers for eligibility in a drawing regularly scheduled in accordance with game rules.

Lottery game shall not be construed to mean any video lottery game;

(5) Lottery game retailer shall mean a person who contracts with or seeks to contract with the division to sell tickets in lottery games to the public;

(6) Lottery vendor shall mean any person who submits a bid, proposal, or offer as part of a major procurement;

(7) Major procurement shall mean any procurement or contract for the purchase or lease of goods or services unique to or used primarily for the operation of the state lottery in excess of fifteen thousand dollars, including the printing of tickets, the provision of terminals and other computer equipment, and transportation, accounting, and consulting; ~~and advertising~~ services; and

(8) Ticket or lottery ticket shall mean any tangible evidence authorized by the division to prove participation in a lottery game.".

2. Renumber the remaining sections and correct the 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. Insert the following new section:

"Sec. 3. Section 25-2229, Reissue Revised Statutes of Nebraska, is amended to read:

25-2229. (1) In counties having a population of one hundred thousand or more inhabitants, each judge of the county court may contract with one constable for purposes of serving or otherwise executing, according to law, and returning writs or other legal process. Such constables shall not be considered employees of the state or its political subdivisions. Notwithstanding any other provision of law, the terms of such contract shall be prescribed by the State Court Administrator.

(2) In counties having more than one contracted constable, the party requesting the constable to serve or otherwise execute any legal process may designate by name the constable who shall serve or otherwise execute such legal process.".

2. On page 3, line 2, strike "section 25-506.01" and insert "sections 25-506.01 and 25-2229"; and in line 3 strike "is" and insert "are".

3. In the Standing Committee amendments, AM0192, on page 1, line 3, strike "Any" and insert "In any county which does not have a person contracted as a constable pursuant to section 25-2229, any".

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. Strike sections 3 to 5.
2. On page 4, strike beginning with "and" in line 24 through "are" in line 25 and insert "is".
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. Insert the following new section:

"Sec. 8. Section 71-193.18, Reissue Revised Statutes of Nebraska, is amended to read:

71-193.18. (1) A licensed dental hygienist may monitor nitrous oxide analgesia under the indirect supervision of a licensed dentist.

(2) A licensed dental hygienist may be approved by the Department of Health and Human Services Regulation and Licensure, upon the recommendation of the Board of Examiners in Dentistry, to administer local anesthesia under the indirect supervision of a licensed dentist. The department may, upon the recommendation of the board, prescribe by rule and regulation: The necessary education and preparation, which shall include, but not be limited to, instruction in the areas of head and neck anatomy, osteology, physiology, pharmacology, medical emergencies, and clinical techniques; the necessary clinical experience; and the necessary examination for purposes of determining the competence of licensed dental hygienists to administer local anesthesia.

Upon the recommendation of the Board of Examiners in Dentistry, the department may approve successful completion after July 1, 1994, of a course of instruction to determine competence to administer local anesthesia. The course of instruction must be at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure. The course of instruction must be taught by a faculty member or members of the institution presenting the course. The Department of Health and Human Services Regulation and Licensure may approve for purposes of this subsection a course of instruction if such course includes:

(a) At least twelve clock hours of classroom lecture, including instruction in (i) medical history evaluation procedures, (ii) anatomy of the head, neck, and oral cavity as it relates to

administering local anesthetic agents, (iii) pharmacology of local anesthetic agents, vasoconstrictor, and preservatives, including physiologic actions, types of anesthetics, and maximum dose per weight, (iv) systemic conditions which influence selection and administration of anesthetic agents, (v) signs and symptoms of reactions to local anesthetic agents, including monitoring of vital signs, (vi) management of reactions to or complications associated with the administration of local anesthetic agents, (vii) selection and preparation of the armamentaria for administering various local anesthetic agents, and (viii) methods of administering local anesthetic agents;

(b) At least twelve clock hours of clinical instruction during which time at least three injections of each of the anterior, middle and posterior superior alveolar, naso and greater palatine, ~~infraorbital,~~ inferior alveolar, lingual, mental, long buccal, and infiltration injections are administered; and

(c) Procedures, which shall include an examination, for purposes of determining whether the hygienist has acquired the necessary knowledge and proficiency to administer local anesthetic agents.

(3) No dental hygienist licensed in this state shall be approved to administer local anesthesia unless such person submits to the Board of Examiners in Dentistry a fee of not less than twenty dollars nor more than one hundred dollars as determined by the Department of Health and Human Services Regulation and Licensure upon the recommendation of the board.".

2. On page 11, line 24, strike "71-193.17" and insert "71,193.18".

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. Insert the following section:

"Sec. 2. Section 53-1,104, Reissue Revised Statutes of 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 the same type of violation 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 ~~, 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 2, line 14, strike "section 53-180.06" and insert "sections 53-180.06 and 53-1,104"; and in line 15 strike "is" and insert "are".

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. Insert the following new section:
"Sec. 6. No animal welfare organization shall accept controlled substances under a collaborating veterinarian agreement unless, at the time of the acceptance, it has in effect third-party liability insurance covering damages resulting from the improper 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. Insert the following new sections:

"Section 1. Section 60-315.01, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 57, Ninety-sixth Legislature, First Session, 1999, is amended to read:

60-315.01. The owner of a vehicle bearing personalized

message license plates may make application to the county treasurer or designated county official as provided in section 60-302 to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. Application for such transfer shall be accompanied by a fee of three dollars. ~~Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.~~ The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 18. Section 60-4,130, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,130. (1) Application for an employment driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section 60-4,129. The application form shall also include a voter registration portion pursuant to section 32-308 and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for an employment driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's employer stating that such applicant is required to operate a motor vehicle from his or her residence to his or her place of employment and return;

(b) If such applicant requires the use of a motor vehicle during the normal course of employment, an affidavit from the applicant's employer setting forth the facts establishing such requirement;

(c) An affidavit stating that there exists no other reasonable alternative means of transportation to and from work available to the applicant; and

(d) If the applicant is self-employed, an affidavit to the department setting forth the provisions of his or her employment.

(2) Except as otherwise provided in this subsection, upon making application for such permit, the applicant shall certify that he or she will attend and complete, within sixty days, a driver improvement course presented by the department or show successful completion of the driver education and training course as provided in section 60-4,183. If such course is not completed, the employment driving permit shall be surrendered to the department. If any person fails to return to the department the permit as provided in this subsection, the department shall direct any peace officer or authorized representative of the department to secure possession of the permit and to return the permit to the department. An applicant whose operator's license has been suspended pursuant to section 43-3318 is not required to fulfill such driver improvement or education and training course

requirements. All applicants shall file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.

(3) Any person who fails to surrender a permit, as required by this section, shall be guilty of a Class IV misdemeanor.

(4) A fee of forty dollars shall be submitted to the department along with the application for an employment driving permit. All fees collected shall be deposited in the General Fund.

(5) When the holder of an employment driving permit is convicted, on or after the date of issuance of the employment driving permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another employment driving permit during that particular period of revocation. This subsection does not apply to a holder of an employment driving permit if the reason for his or her license revocation or suspension only involved a suspension under section 43-3318 and not a revocation under any other section.

(6) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the employment driving permit may appeal to the district court of the county in which such person resides or, in the case of a nonresident, ~~to the district court of Lancaster County~~ in the manner set forth in section 60-4,105.

Sec. 19. Section 60-4,130.02, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,130.02. (1) Application for a medical hardship driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section 60-4,130.01. The application form shall also include a voter registration portion pursuant to section 32-308 and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for a medical hardship driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's physician stating that it is necessary for such applicant to receive medical treatment at a location other than the applicant's residence and that the treatment will not impair the applicant's ability to operate a motor vehicle; and

(b) An affidavit stating that there exists no other reasonable alternative means of transportation to and from the site of medical treatment available to the applicant.

(2) The applicant shall also be required to file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.

(3) A fee of forty dollars shall be submitted to the department along with the application for a medical hardship driving permit. All fees collected shall be deposited in the General Fund.

(4) When the holder of a medical hardship driving permit is convicted, on or after the date of issuance of the permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another medical hardship driving permit during that particular period of revocation.

(5) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the medical hardship driving permit may appeal ~~to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County~~ in the manner set forth in section 60-4,105.

Sec. 30. Section 60-4,170, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,170. Within ten days after the revocation provided for by section 60-4,169, the director shall notify in writing the person whose commercial driver's license or privilege to operate a commercial motor vehicle has been revoked that such license or privilege has been revoked. Such notice shall: (1) Contain a list of the disqualifying convictions or administrative determinations upon which the director relies as his or her authority for the revocation, with the dates on which such disqualifying violations occurred and the dates of such convictions or administrative determinations and the trial courts or administrative agencies in which such convictions or administrative determinations were rendered; (2) state the term of revocation; (3) include a demand that the commercial driver's license be returned to the director immediately; and (4) be served by mailing the notice to such person by registered or certified mail to the address of such person. If any person fails to return a commercial driver's license following a demand by the director, the director shall immediately direct any peace officer or authorized representative of the director to secure possession of such license and return the license to the director. Any person refusing or failing to surrender a commercial driver's license as required by this section shall, upon conviction, be guilty of a Class III misdemeanor.

Any person who feels himself or herself aggrieved because of a revocation pursuant to section 60-4,169 may appeal from such revocation ~~to the district court of the county wherein such person resides or, in the case of a nonresident, to the district court of Lancaster County~~ in the manner set forth in section 60-4,105. Such appeal shall not suspend the order of revocation unless a stay of such revocation shall be allowed by the court pending a final determination of the review. The license of any person claiming to be aggrieved shall not be restored to such person, in the event of

a final judgment of a court against such person, until the full time of revocation, as fixed by the director, has elapsed.

Sec. 34. Section 60-4,184, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,184. Within ten days after the revocation provided for by section 60-4,183, the director shall notify in writing the person whose operator's license has been revoked that such license has been revoked. Such notice shall:

(1) Contain a list of the convictions for violations upon which the director relies as his or her authority for the revocation, with the dates of such violations upon which convictions were had and the dates of such convictions, the trial courts in which such judgments of conviction were rendered, and the points charged for each conviction;

(2) State the term of such revocation;

(3) Include a demand that the license be returned to the director immediately; and

(4) Be served by mailing it to such person by either registered or certified mail to the last-known residence of such person or, if such address is unknown, to the last-known business address of such person.

If any person fails to return his or her license to the director as demanded, the director shall immediately direct any peace officer or authorized representative of the director to secure possession of such license and return the license to the director. A refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her license as required by this section shall be guilty of a Class III misdemeanor.

Any person who feels aggrieved because of such revocation may appeal from such revocation ~~to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County~~ in the manner set forth in section 60-4,105. Such appeal shall not suspend the order of revocation of such license unless a stay of such order is allowed by a judge of such court pending a final determination of the review. The license of any person claiming to be aggrieved shall not be restored to such person, in the event the final judgment of a court finds against such person, until the full time of revocation, as fixed by the Department of Motor Vehicles, has elapsed.

Sec. 37. Section 60-2131, Reissue Revised Statutes of Nebraska, is amended to read:

60-2131. The director may cancel, suspend, revoke, or refuse to issue or renew a motorcycle safety instructor's permit or chief instructor's permit in any case when the director finds the permittee or applicant has not complied with or has violated the Motorcycle Safety Education Act or any rule or regulation adopted and promulgated by the director. A suspended or revoked permit

shall be returned to the director by the permittee, and its holder shall not be eligible to apply for a permit under section 60-2127 or 60-2129 until twelve months have elapsed since the date of such suspension or revocation. Any action taken by the director to cancel, suspend, revoke, or refuse to issue or renew a permit shall comply with the Administrative Procedure Act. ~~A permittee or applicant may appeal the cancellation, suspension, or revocation of or the refusal to issue or renew a permit, and the appeal shall be in accordance with section 60-4,105.~~

Sec. 39. Sections 1 and 40 of this act become operative January 1, 2000. The other sections of this act become operative on their effective date.

Sec. 40. Original section 60-315.01, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 57, Ninety-sixth Legislature, First Session, 1999, is repealed.".

2. On page 2, line 23, after the period insert "Such application may be made to an examiner in any county.".

3. On page 14, line 14, strike "to" and show as stricken; and in line 15 after "resides" insert "or, in the case of a nonresident, to the district court of Lancaster County".

4. On page 16, strike beginning with "of" in line 22 through the last comma in line 23 and show the old matter as stricken; in line 24 after the period insert "The certificate shall be presented in the applicant's county of residence until the Department of Motor Vehicles has established the appropriate procedures for the certificate to be presented to the county treasurer of any county which shall be not later than January 1, 2003.".

5. On page 22, lines 8 through 11, strike the new matter; in lines 11 and 12 reinstate the stricken matter; and in line 12 after the reinstated "resides" insert "until such time as the Department of Motor Vehicles establishes the appropriate procedures for statewide licensing at which time the application shall be made to the department and the department shall issue the license. The department shall establish such procedures not later than January 1, 2003".

6. On page 23, line 18, strike "department's" and show as stricken and after "records" insert "of the Department of Motor Vehicles".

7. On page 25, line 5, strike "pursuant to section 60-4,122", show as stricken, and insert "maintained in the computerized records of the Department of Motor Vehicles"; in line 8 after "date" insert "of" and strike "was issued.", show as stricken, and insert an underscored period; and strike lines 9 through 16.

8. On page 40, strike lines 8 through 10 and insert "examiner is not required to hold a commercial driver's license to administer a driving skills examination and occupy the seat beside an applicant for a commercial driver's license.".

9. On page 43 strike lines 16 through 18 and insert "tester is not required to hold a commercial driver's license to administer a driving skills examination and occupy the seat beside an applicant for a commercial driver's license.".

10. On page 54, line 15, after the last comma insert "60-4,130, 60-4,130.02,"; in line 17 after "60-4,158" insert "60-4,170,"; and in line 18 strike "60-524, and 60-544" and insert "60-4,184, 60-524, 60-544, and 60-2131".

11. Renumber the remaining sections accordingly.

Mrs. C. Peterson filed the following amendment to LB 704:
AM1302

1. Insert the following new sections:

"Sec. 33. (1) The Nebraska Commission on Motor Vehicle Laws is created. The commission shall consist of not less than twenty and not more than twenty-five persons appointed by the Governor and two ex officio members. The two ex officio members shall be the chairperson of the Transportation Committee of the Legislature or his or her designee and the chairperson of the Banking, Commerce and Insurance Committee of the Legislature or his or her designee. The appointed members of the commission shall include, but need not be limited to, persons recognizing the importance of the motor vehicle laws of this state, including how the current motor vehicle laws deal with persons driving without a valid operator's license, without proper registration of their motor vehicles, and without current and effective proof of insurance.

(2) A range of expertise shall be represented on the commission, including persons from the Department of Motor Vehicles, the Department of Insurance, and the Department of Roads, along with representatives from insurance companies, including private and independent contractors, the Nebraska Trucking Association, the Nebraska State Patrol, the Nebraska County Attorney's Association, members of the general public, and members of the Legislature who have indicated an interest in the motor vehicle laws of this state. The commission may add additional members after the initial members are appointed. Members of the commission who are not state employees shall be reimbursed for their actual and necessary expenses while engaged in the performance of their duties on the commission pursuant to sections 81-1174 to 81-1177. The Department of Motor Vehicles shall be the lead agency with assistance from the Transportation Committee of the Legislature.

Sec. 34. The Nebraska Commission on Motor Vehicle Laws is authorized to examine the effectiveness of the following:

(1) Sections 60-301, 60-302, 60-484, 60-528, and any other motor vehicle laws the commission deems necessary to determine the problems associated with unlicensed, underinsured, and uninsured drivers and those persons driving unregistered motor

vehicles;

(2) Federal rules and regulations designed to increase the effectiveness of enforcement and compliance with the motor vehicle laws requiring operator's licenses, motor vehicle registrations, and proof of financial responsibility. The commission shall study the motor vehicle laws and other public initiatives in other states, including any information about the impact and effectiveness of the motor vehicle laws and initiatives, and shall make specific recommendations to the Legislature regarding motor vehicle legislation;

(3) The commission shall analyze, review, and suggest recommendations as to whether or not recodification of Chapter 60 of the Nebraska statutes is necessary to increase enforcement efforts and strengthen current motor vehicle laws; and

(4) Any other matters necessary and proper for a complete examination of the issues.

Sec. 35. (1) The Nebraska Commission on Motor Vehicle Laws shall gather data about the impact of the motor vehicle laws of this state. The data shall be gathered by requesting information from public and private sources, holding public hearings, and other methods adopted by the commission.

(2) On or before December 31, 1999, the commission shall report its findings to the Legislature and the Governor. The report shall include an outline of the commission's activities, findings, and recommendations, including how the Legislature may address, through future legislation, any changes necessary to ensure uniformity in the motor vehicle laws and provide effective compliance throughout the state.

(3) The Nebraska Commission on Motor Vehicle Laws shall terminate on July 1, 2000.".

2. Renumber the remaining sections accordingly.

Mrs. C. Peterson filed the following amendment to LB 704A:
AM1297

1. On page 2, line 1, strike "$175,634" and insert "$178,134".

Mr. Janssen filed the following amendment to LB 267:
AM1295

1. Insert the following new section:

"Sec. 13. Section 53-177, Reissue Revised Statutes of Nebraska, is amended to read:

53-177. (1) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred and fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children. This prohibition does ~~:~~ ~~PROVIDED, that this prohibition shall~~ not apply ~~(1)~~ (a) to any location within such distance of one hundred and fifty feet for which a license to sell alcoholic ~~liquors~~ liquor at retail has been

granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license~~,~~ ~~and (2)~~ and (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic ~~liquors~~ liquor is not the principal business carried on, if such place of business so exempted ~~shall have been~~ was established for such purposes prior to May 24, 1935.

(2) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state, except that this section does not prohibit a college or university (a) from holding a license to sell alcoholic liquor at retail on the campus of such college or university or (b) from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university.".

2. On page 46, line 24, after the first comma insert "53-177,".

3. Renumber the remaining sections accordingly.

Mr. Dierks filed the following amendment to LB 404:
AM1289

(Amendments to E & R amendments, AM7111)

1. On page 2, line 10, after the period insert "This section shall not be construed to require a municipal, state, or federal zoo, park, refuge, or wildlife area or a bona fide circus or animal exhibit to obtain a permit in order to own, possess, buy, sell, or barter a domesticated cervine animal.".

Mr. Brashear filed the following amendment to LB 835:
AM1196

(Amendments to E & R amendments, AM7092)

1. Insert the following new section:

"Sec. 32. This act becomes operative on May 1, 2000.".

2. On page 2, line 14, strike "effective" and insert "operative".

3. On page 4, line 25; and page 7, line 14, strike 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. Insert the following new sections:

"Sec. 33. (1) The Nebraska Commission on Motor Vehicle Laws is created. The commission shall consist of not less than twenty and not more than twenty-five persons appointed by the Governor and two ex officio members. The two ex officio members shall be the chairperson of the Transportation Committee of the

Legislature or his or her designee and the chairperson of the Banking, Commerce and Insurance Committee of the Legislature or his or her designee. The appointed members of the commission shall include, but need not be limited to, persons recognizing the importance of the motor vehicle laws of this state, including how the current motor vehicle laws deal with persons driving without a valid operator's license, without proper registration of their motor vehicles, without current and effective proof of insurance, and how the motor vehicle laws, especially the Nebraska Rules of the Road, may address and enhance safety issues.

(2) A range of expertise shall be represented on the commission, including persons from the Department of Motor Vehicles, the Department of Insurance, the Department of Roads, and the Nebraska Office of Highway Safety along with representatives from insurance companies, including private and independent contractors, the Nebraska Trucking Association, the Nebraska State Patrol, the Nebraska County Attorney's Association, members of the general public, and members of the Legislature who have indicated an interest in the motor vehicle laws of this state or in highway safety. The commission may add additional members after the initial members are appointed. Members of the commission who are not state employees shall be reimbursed for their actual and necessary expenses while engaged in the performance of their duties on the commission pursuant to sections 81-1174 to 81-1177. The Department of Motor Vehicles shall be the lead agency with assistance from the Transportation Committee of the Legislature.

Sec. 34. The Nebraska Commission on Motor Vehicle Laws is authorized to examine the effectiveness of the following:

(1) Sections 60-301, 60-302, 60-484, 60-528, the Nebraska Rules of the Road and any other motor vehicle laws the commission deems necessary to determine the problems associated with highway safety, and unlicensed, underinsured, and uninsured drivers, and those persons driving unregistered motor vehicles;

(2) Federal rules and regulations designed to increase the effectiveness of enforcement and compliance with the motor vehicle laws, including rules and regulations designed to increase highway safety and those requiring operator's licenses, motor vehicle registrations, and proof of financial responsibility. The commission shall study the motor vehicle laws and other public initiatives in other states, including any information about the impact and effectiveness of the motor vehicle laws and initiatives, including initiatives and other laws that have proven effective in having an impact on highway safety, and shall make specific recommendations to the Legislature regarding motor vehicle legislation;

(3) The commission shall analyze, review, and suggest recommendations as to whether or not recodification of Chapter 60 of the Nebraska statutes is necessary to increase enforcement efforts, strengthen current motor vehicle laws, and promote highway

safety; and

(4) Any other matters necessary and proper for a complete examination of the issues.

Sec. 35. (1) The Nebraska Commission on Motor Vehicle Laws shall gather data about the impact of the motor vehicle laws of this state, including current accident and fatality statistics. The data shall be gathered by requesting information from public and private sources, holding public hearings, and other methods adopted by the commission.

(2) On or before December 31, 1999, the commission shall report its findings to the Legislature and the Governor. The report shall include an outline of the commission's activities, findings, and recommendations, including how the Legislature may address, through future legislation, any changes necessary to ensure uniformity in the motor vehicle laws, increased highway safety, and provide effective compliance throughout the state.

(3) The Nebraska Commission on Motor Vehicle Laws shall terminate on July 1, 2000.".

2. Renumber the remaining sections accordingly.

Ms. Schimek and Mr. Raikes filed the following amendment to LB 822:
AM1283

(Amendments to AM1171)

1. On page 1, strike beginning with "In" in line 2 through "2000" in line 4 and insert "In a county which, prior to June 1, 2000, has appointed a planning commission and is preparing or has adopted a comprehensive development plan that has not been 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 32-1405, Reissue Revised Statutes of Nebraska, is amended to read:

32-1405. (1) Prior to obtaining any signatures on an initiative or referendum petition, a statement of the object of the petition and the text of the measure shall be filed with the

Secretary of State together with a sworn statement containing the names and street addresses of every person, corporation, or association sponsoring the petition.

(2) 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.

(3) Upon receipt of the filing, the Secretary of State shall transmit the text of the proposed measure to the Revisor of Statutes. The Revisor of Statutes shall review the proposed measure and suggest changes as to form and draftmanship. The revisor shall complete the review within ten days after receipt from the Secretary of State. The Secretary of State shall provide the results of the review and suggested changes to the sponsor but shall otherwise keep them confidential for five days after receipt by the sponsor. The Secretary of State shall then maintain the opinion as public information and as a part of the official record of the initiative. The suggested changes may be accepted or rejected by the sponsor.

~~(3)~~ (4) The Secretary of State shall prepare five camera-ready copies of the petition from the information filed by the sponsor and any changes accepted by the sponsor and shall provide the copies to the sponsor within five days after receipt of the review required in subsection ~~(2)~~ (3) of this section. The sponsor shall print the petitions to be circulated from the forms provided.

(5) If the Secretary of State refuses to accept for filing any initiative or referendum petition pursuant to subsection (2) of this section, any resident may apply, within ten days after such refusal, to the district court of Lancaster County for a writ of mandamus. If it is decided by the court that such petition complies with the requirements of subsection (2) of this section, the Secretary of State shall accept the petition for filing.

(6) If the Secretary of State accepts for filing any initiative or referendum petition pursuant to this section, any resident may apply, within ten days after such acceptance, to the district court of Lancaster County for an order enjoining the Secretary of State and all other officers from performing any of the other acts described in sections 32-1401 to 32-1416. If such a suit is filed, the person who is the sponsor of record of the petition shall be a necessary party defendant in such suit. If it is decided by the court that such petition violates the requirements set forth in subsection (2) of this section, the court

shall enter an order enjoining the Secretary of State and all other officers from performing any of the acts described in sections 32-1401 to 32-1416.

(7) Suits under subsections (5) and (6) of this section shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the Court of Appeals within ten days after a decision is rendered. The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

~~(4) The changes made to this section by Laws 1995, LB 337 shall apply to initiative and referendum petitions filed on or after September 9, 1995.~~

Sec. 2. Section 32-1408, Reissue Revised Statutes of Nebraska, is amended to read:

32-1408. The Secretary of State shall not accept for filing any initiative or referendum petition which (1) 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, (2) does not comply with sections 32-1401 to 32-1416, (3) would violate the Constitution of the United States, (4) would violate the laws of the United States, or (5) fails to substantially comply with the procedural limitations imposed by the Constitution of Nebraska.

Sec. 3. Section 32-1412, Reissue Revised Statutes of Nebraska, is amended to read:

32-1412. (1) If the Secretary of State refuses to place on the ballot any measure proposed by an initiative petition presented at least four months preceding the date of the election at which the proposed law or constitutional amendment is to be voted upon or a referendum petition presented within ninety days after the Legislature enacting the law to which the petition applies adjourns sine die or for a period longer than ninety days, any resident may apply, within ten days after such refusal, to the district court of Lancaster County for a writ of mandamus. If a suit is filed to require the Secretary of State to place the issue on the ballot and the signatures have not been verified, the Secretary of State shall proceed with the signature verification process unless and until the suit is dismissed or the court orders otherwise. If it is decided by the court that such petition is legally sufficient, the Secretary of State shall order the issue placed upon the ballot at the next general election.

(2) On a showing that an initiative or referendum petition is not legally sufficient, the court, on the application of any resident, may enjoin the Secretary of State and all other officers from certifying or printing on the official ballot for the next general election the ballot title and number of such measure. If a suit is filed against the Secretary of State seeking to enjoin him or her from placing the measure on the official ballot, the

person who is the sponsor of record of the petition shall be a necessary party defendant in such suit. Any such suit may be commenced at any time after the initiative or referendum petition has been filed in the office of the Secretary of State pursuant to section 32-1407 and prior to the election at which the initiative or referendum measure is to be submitted to the registered voters.

(3) Such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the Court of Appeals within ten days after a decision is rendered. The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

(4) The district court of Lancaster County shall have jurisdiction over all litigation arising under sections 32-1401 to 32-1416.

(5) For purposes of this section, not legally sufficient means that an initiative or referendum 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.

Sec. 4. Original sections 32-1405, 32-1408, and 32-1412, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, line 4, after "State" insert "and to 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 77-27,187.01, Revised Statutes Supplement, 1998, is amended to read:

77-27,187.01. For purposes of the Employment Expansion and Investment Incentive Act, unless the context otherwise requires:

(1) Any term has the same meaning as used in the Nebraska Revenue Act of 1967;

(2) Equivalent Nebraska employees means the number of

Nebraska employees computed by dividing the total hours paid in a year to Nebraska employees by the product of forty times the number of weeks in a year;

(3) Nebraska employee means an individual who is either a resident or partial-year resident of Nebraska;

(4) Qualified employee leasing company means a company which places all employees of a client-lessee on its payroll and leases such employees to the client-lessee on an ongoing basis for a fee and, by written agreement between the employee leasing company and a client-lessee, grants to the client-lessee input into the hiring and firing of the employees leased to the client-lessee;

(5) Related taxpayers includes any corporations that are part of a unitary business under the Nebraska Revenue Act of 1967 but are not part of the same corporate taxpayer, any business entities that are not corporations but which would be a part of the unitary business if they were corporations, and any business entities if at least fifty percent of such entities are owned by the same persons or related taxpayers and family members as defined in the ownership attribution rules of the Internal Revenue Code of 1986, as amended;

~~(5)~~ (6) Taxpayer means a corporate taxpayer or other person subject to either an income tax imposed by the Nebraska Revenue Act of 1967 or a franchise tax under Chapter 77, article 38, or exempt from such taxes under section 521 of the Internal Revenue Code of 1986, as amended, or a partnership, limited liability company, S corporation, or joint venture when all of the partners, shareholders, or members are subject to or exempt from such taxes; and

~~(6)~~ (7) Year means the taxable year of the taxpayer.

Sec. 2. Section 77-27,188, Revised Statutes Supplement, 1998, is amended to read:

77-27,188. (1)(a) A credit against the taxes imposed by the Nebraska Revenue Act of 1967 shall be allowed to any taxpayer engaged in a qualifying business as described in section 77-27,189 who increases the employment of such business in this state by two new equivalent Nebraska employees and who makes an increased investment in this state of at least seventy-five thousand dollars during a taxable year.

(b) Any taxpayer who has been allowed a credit under subdivision (1)(a) of this section during the preceding five taxable years, not counting carryovers, shall be allowed a credit for an increase in employment in this state by two new equivalent Nebraska employees.

(2) Except as provided in subsection (3) of this section, the amount of the credit shall be one thousand five hundred dollars for each new equivalent Nebraska employee and one thousand dollars for each seventy-five thousand dollars of increased investment.

(3) For any taxpayer described in subdivision (1)(a) of this section which is also located within the boundaries of an

enterprise zone as defined and designated by the Department of Economic Development pursuant to the Enterprise Zone Act, the amount of the credit shall be:

(a) Four thousand five hundred dollars for each new equivalent Nebraska employee and three thousand dollars for each seventy-five thousand dollars of increased investment if at least fifty percent of the new equivalent Nebraska employees of the taxpayer reside within the boundaries of the enterprise zone; or

(b) Four thousand five hundred dollars for each new equivalent Nebraska employee residing within the boundaries of the enterprise zone, one thousand five hundred dollars for each new equivalent Nebraska employee not residing within the boundaries of the enterprise zone, and one thousand dollars for each seventy-five thousand dollars of increased investment if less than fifty percent of the new equivalent Nebraska employees of the taxpayer reside within the boundaries of the enterprise zone.

The credit allowed to a taxpayer pursuant to this subsection shall not exceed seventy-five thousand dollars in any one tax year.

For purposes of this subdivision, employees residing within the boundaries of an enterprise zone shall be construed to mean employees residing within a county in which an enterprise zone is located when the enterprise zone is not located in a city of the primary or metropolitan class.

For purposes of this subdivision, an employee residing within the enterprise zone shall mean an individual who is domiciled within the enterprise zone for the entire pay period.

The failure of a taxpayer to maintain the continuous employment of an employee residing in the enterprise zone or to replace him or her with another employee residing within the enterprise zone for the period of time set out in section 77-27,188.02 shall be deemed a failure to maintain the level of investment and employment that created the credit for purposes of section 77-27,188.02.

(4) The credit shall be applied as provided in section 77-27,188.01.

(5) Any taxpayer who has qualified for a credit in the amount set out in subsection (3) of this section may elect to receive either the amount as calculated pursuant to subsection (2) or (3) of this section.

(6) An employee of a qualified employee leasing company shall be considered to be an employee of the client-lessee for purposes of this section if the employee performs services for the client-lessee. A qualified employee leasing company shall provide the Department of Revenue access to the records of employees leased to the client-lessee.

Sec. 3. Section 77-27,196.01, Revised Statutes Supplement, 1998, is amended to read:

77-27,196.01. (1) The changes made in sections

77-27,188, 77-27,188.02, 77-27,190, 77-27,192, 77-27,193, and 77-27,194 by Laws 1997, LB 886, shall become operative for all credits earned in tax years beginning, or deemed to begin, on and after January 1, 1998. For all credits earned in tax years beginning, or deemed to begin, prior to January 1, 1998, the provisions of the Employment Expansion and Investment Incentive Act as they existed immediately prior to such date shall apply.

(2) The changes made in sections 77-27,187.01 and 77-27,188 by this legislative bill shall become operative for all credits earned in tax years beginning, or deemed to begin, on and after January 1, 1999. For all credits earned in tax years beginning, or deemed to begin, prior to January 1, 1999, the provisions of the Employment Expansion and Investment Incentive Act as they existed immediately prior to such date shall apply.

Sec. 4. Section 77-4101, Revised Statutes Supplement, 1998, is amended to read:

77-4101. Sections 77-4101 to 77-4112 and section 6 of this act shall be known and may be cited as the Employment and Investment Growth Act.

Sec. 5. Section 77-4103, Revised Statutes Supplement, 1998, is amended to read:

77-4103. For purposes of the Employment and Investment Growth Act, unless the context otherwise requires:

(1) Any term shall have the same meaning as used in Chapter 77, article 27;

(2) Base year shall mean the year immediately preceding the year during which the application was submitted;

(3) Base-year employee shall mean any individual who was employed in Nebraska and subject to the Nebraska income tax on compensation received from the taxpayer or its predecessors during the base year and who is employed at the project;

(4) Compensation shall mean the wages and other payments subject to withholding for federal income tax purposes;

(5) Entitlement period shall mean the year during which the required increases in employment and investment were met or exceeded, and the next six years;

(6) Equivalent employees shall mean the number of employees computed by dividing the total hours paid in a year by the product of forty times the number of weeks in a year;

(7) Investment shall mean the value of qualified property incorporated into or used at the project. For qualified property owned by the taxpayer, the value shall be the original cost of the property. For qualified property rented by the taxpayer, the average net annual rent shall be multiplied by the number of years of the lease for which the taxpayer was originally bound, not to exceed ten years or the end of the third year after the entitlement period, whichever is earlier. The rental of land included in and incidental to the leasing of a building shall not be excluded from the computation;

(8) Motor vehicle shall mean any motor vehicle, trailer, or semitrailer as defined in section 60-301 and subject to licensing for operation on the highways;

(9) Nebraska employee shall mean an individual who is either a resident or partial-year resident of Nebraska;

(10) Number of new employees shall mean the excess of the number of equivalent employees employed at the project during a year over the number of equivalent employees during the base year;

(11) Qualified business shall mean any business engaged in the activities listed in subdivisions (b)(i) through (v) of this subdivision or in the storage, warehousing, distribution, transportation, or sale of tangible personal property. Qualified business shall not include any business activity in which eighty percent or more of the total sales are sales to the ultimate consumer of food prepared for immediate consumption or are sales to the ultimate consumer of tangible personal property which is not (a) assembled, fabricated, manufactured, or processed by the taxpayer or (b) used by the purchaser in any of the following activities:

(i) The conducting of research, development, or testing for scientific, agricultural, animal husbandry, food product, or industrial purposes;

(ii) The performance of data processing, telecommunication, insurance, or financial services. Financial services for purposes of this subdivision shall only include financial services provided by any financial institution subject to tax under Chapter 77, article 38, or any person or entity licensed by the Department of Banking and Finance or the Securities and Exchange Commission;

(iii) The assembly, fabrication, manufacture, or processing of tangible personal property;

(iv) The administrative management of any activities, including headquarter facilities relating to such activities; or

(v) Any combination of the activities listed in this subdivision;

(12) Qualified employee leasing company shall mean a company which places all employees of a client-lessee on its payroll and leases such employees to the client-lessee on an ongoing basis for a fee and, by written agreement between the employee leasing company and a client-lessee, grants to the client-lessee input into the hiring and firing of the employees leased to the client-lessee;

(13) Qualified property shall mean any tangible property of a type subject to depreciation, amortization, or other recovery under the Internal Revenue Code of 1986, or the components of such property, that will be located and used at the project. Qualified property shall not include (a) aircraft, barges, motor vehicles, railroad rolling stock, or watercraft or (b) property that is rented by the taxpayer qualifying under the Employment and

Investment Growth Act to another person;

~~(13)~~ (14) Related persons shall mean any corporations, partnerships, limited liability companies, or joint ventures which are or would otherwise be members of the same unitary group, if incorporated, or any persons who are considered to be related persons under either section 267(B) and (C) or section 707(B) of the Internal Revenue Code of 1986;

~~(14)~~ (15) Taxpayer shall mean any person subject to the sales and use taxes and either an income tax imposed by the Nebraska Revenue Act of 1967 or a franchise tax under sections 77-3801 to 77-3807, any corporation, partnership, limited liability company, or joint venture that is or would otherwise be a member of the same unitary group, if incorporated, which is, or whose partners, members, or owners are, subject to such taxes, and any other partnership, limited liability company, S corporation, or joint venture when the partners, shareholders, or members are subject to such taxes; and

~~(15)~~ (16) Year shall mean the taxable year of the taxpayer.

The changes made in this section by Laws 1997, LB 264, apply to investments made or employment on or after January 1, 1997, and for all agreements in effect on or after January 1, 1997.

Sec. 6. An employee of a qualified employee leasing company shall be considered to be an employee of the client-lessee for purposes of the Employment and Investment Growth Act if the employee performs services for the client-lessee. A qualified employee leasing company shall provide the Department of Revenue access to the records of employees leased to the client-lessee.

Sec. 7. Section 77-4112, Reissue Revised Statutes of Nebraska, is amended to read:

77-4112. (1) The changes made in sections 77-4103 to 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative for all applications filed on and after January 1, 1988. For all applications filed prior to January 1, 1988, the provisions of the Employment and Investment Growth Act as they existed immediately prior to such date shall apply.

(2) Section 77-4113 and the changes made in section 77-4104 by Laws 1996, LB 1290, shall become operative for all applications filed on or after May 1, 1996.

(3) The changes made in sections 77-4101 and 77-4103 by this legislative bill and section 6 of this act shall become operative for any taxpayer with an agreement in effect on or after January 1, 1999. Such changes and section 6 of this act shall be applied on a consistent basis for determining benefits for tax years beginning, or deemed to begin, on and after January 1, 1999. For all benefit determinations in tax years beginning, or deemed to begin, prior to January 1, 1999, the provisions of the Employment and Investment Growth Act as they existed immediately prior to such date shall apply.

Sec. 8. Original 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, are repealed.".

2. On page 1, line 1, after "amend" insert "section 77-4112, Reissue Revised Statutes of Nebraska, and"; in line 2 after "77-27,188," insert "77-27,196.01,"; and strike beginning 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. Strike the original sections and insert the following new section:

"Section 1. Any law enforcement agency using the federal forfeiture system under federal law shall prepare a report at the end of its fiscal year of the seizures and proceeds received from the seizures under the federal forfeiture system. 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 or property seized by a law enforcement agency which is subject to the federal forfeiture system and returned to the law enforcement agency shall remain subject to Article VII, section 5, of the Constitution of 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. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that mental health conditions affect a significant number of Nebraskans. Mental health conditions, like severe physical injuries or illness, can be life-altering and debilitating in nature. If properly treated and managed by mental health professionals, persons with mental health conditions can and do lead full and productive lives. However, without such treatment or management, many mental health conditions will progressively deteriorate and negatively impact upon a person's livelihood, social relationships, and physical health.

The Legislature also finds that many persons with mental health conditions either do not seek treatment or do not complete or maintain such treatment programs. Treatment options are not underutilized due to the scarcity of professional resources or the lack of desire on the part of persons with mental health conditions, but rather treatment has become unaffordable as the result of the rising health care costs combined with a lack of insurance coverage for mental health conditions. The associated societal and monetary costs of providing no treatment or untimely treatment to persons with mental health conditions are great. It is the intent of sections 1 to 5 of this act that persons with group health insurance plans providing coverage for mental health conditions be provided with a minimum level of coverage.

Sec. 2. For purposes of sections 1 to 5 of this act:

(1) Health insurance plan means (a) any group sickness and accident insurance policy, group health maintenance organization contract, or group subscriber contract delivered, issued for delivery, or renewed in this state and (b) any self-funded employee benefit plan to the extent not preempted by federal law. Health insurance plan includes any group policy, group contract, or group plan offered or administered by the state or its political subdivisions. Health insurance plan does not include group policies providing coverage for a specified disease, accident-only coverage, hospital indemnity coverage, disability income coverage, medicare supplement coverage, long-term care coverage, or other limited benefit coverage. Health insurance plan does not include any policy, contract, or plan covering an employer group that covers fewer than fifteen employees;

(2) Mental health condition means any condition or disorder involving mental illness that falls under any of the diagnostic categories listed in the Mental Disorders Section of the International Classification of Disease;

(3) Mental health professional means (a) a practicing physician licensed to practice medicine in this state under the provisions of section 71-102, (b) a practicing psychologist licensed to engage in the practice of psychology in this state as provided in section 71-1,206.14, or (c) a practicing mental health

professional licensed or certified in this state as provided in section 71-1,333;

(4) Rate, term, or condition means lifetime limits, annual payment limits, and inpatient or outpatient service limits. Rate, term, or condition does not include any deductibles, copayments, or coinsurance; and

(5)(a) Serious mental illness means, prior to January 1, 2002, (i) schizophrenia, (ii) schizoaffective disorder, (iii) delusional disorder, (iv) bipolar affective disorder, (v) major depression, and (vi) obsessive compulsive disorder; and

(b) Serious mental illness means, on and after January 1, 2002, any mental health condition that current medical science affirms is caused by a biological disorder of the brain and that substantially limits the life activities of the person with the serious mental illness. Serious mental illness includes, but is not limited to (i) schizophrenia, (ii) schizoaffective disorder, (iii) delusional disorder, (iv) bipolar affective disorder, (v) major depression, and (vi) obsessive compulsive disorder.

Sec. 3. (1) On or after January 1, 2000, notwithstanding section 44-3,131, any health insurance plan delivered, issued, or renewed in this state (a) if coverage is provided for treatment of mental health conditions other than alcohol or substance abuse, (i) shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a serious mental illness than for access to treatment for a physical health condition and (ii) if an out-of-pocket limit is established for physical health conditions, shall apply such out-of-pocket limit as a single comprehensive out-of-pocket limit for both physical health conditions and mental health conditions, or (b) if no coverage is to be provided for treatment of mental health conditions, shall provide clear and prominent notice of such noncoverage in the plan.

(2) If a health insurance plan provides coverage for serious mental illness, the health insurance plan shall cover health care rendered for treatment of serious mental illness (a) by a mental health professional, (b) by a person authorized by the rules and regulations of the Department of Health and Human Services Regulation and Licensure to provide treatment for mental illness, (c) in a mental health center as defined in section 71-2017.01, or (d) in any other licensed institution or facility authorized in section 71-2017.01 that provides a program for the treatment of a mental health condition pursuant to a written plan. The issuer of a health insurance plan may require a health care provider under this subdivision to enter into a contract as a condition of providing benefits.

(3) The Director of Insurance may disapprove any plan that the director determines to be inconsistent with the purposes of this section.

Sec. 4. (1) Sections 1 to 5 of this act shall not be

construed to:

(a) Require a health insurance plan to provide coverage for mental health conditions or serious mental illnesses;

(b) Require a health insurance plan to provide the same rates, terms, or conditions between treatments for serious mental illnesses and preventative care;

(c) Prohibit a health insurance plan from providing separate reimbursement rates and service delivery systems, including, but not limited to, mental health carve-out programs even if the plan does not provide similar options for the treatment of physical health conditions. A health insurance plan provided in compliance with section 3 of this act shall not be construed to violate the Managed Care Plan Network Adequacy Act; or

(d) Prohibit a health insurance plan from managing the provision of benefits that common methods, including, but not limited to, preadmission screening, prior authorization of services, or other mechanisms designed to limit coverage to services for mental health conditions that are deemed to be medically necessary and clinically appropriate.

(2) A health insurance plan does not violate section 3 of this act if the plan applies different rates, terms, and conditions or excludes entirely from coverage the following:

(a) Marital, family, educational, developmental, or training services;

(b) Care that is substantially custodial in nature;

(c) Services and supplies that are not medically necessary or clinically appropriate; or

(d) Experimental treatments.

(3) A health insurance plan may use a case management program or managed care organization to evaluate, determine, and provide or arrange for medically necessary and clinically appropriate care and treatment of each person with a mental health condition or serious mental illness who is covered by the plan.

(4) A health insurance plan shall not be required to offer coverage for nonemergency services rendered outside its network of contracted providers.

Sec. 5. The Director of Insurance may adopt and promulgate rules and regulations to carry out sections 1 to 5 of this act.

Sec. 6. The Revisor of Statutes shall assign sections 1 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

Excused and not voting, 5:

Bohlke	Byars	Jensen	Kristensen	Robak

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. Insert the following new section:

"Sec. 13. Section 53-177, Reissue Revised Statutes of Nebraska, is amended to read:

53-177. (1) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred and fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children. This prohibition does ~~:~~ ~~PROVIDED, that this prohibition shall~~ not apply ~~(1)~~ (a) to any location within such distance of one hundred and fifty feet for which a license to sell alcoholic ~~liquors~~ liquor at retail has been granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license~~, and (2)~~ and (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic ~~liquors~~ liquor is not the principal business carried on, if such place of business so exempted ~~shall have been~~ was established for such purposes prior to May 24, 1935.

(2) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state, except that this section does not prohibit a nonpublic college or university (a) from holding a license to sell alcoholic liquor at retail on the campus of such college or university or (b) from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university.".

2. On page 46, line 24, after the first comma insert "53-177,".

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. On page 3, line 21, after the period insert "Unless otherwise prohibited by law, there shall be a hiring preference

given for positions created in the State Disbursement Unit for any employee of the clerks of the district courts who loses his or her position with a clerk of the district court due to the centralization of the collection and disbursement of support order 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. On page 2, line 14, strike beginning with "defined" through "streams" and insert "designated under section 3 of this act".

2. On page 4, line 3, after the comma insert "as designated prior to the effective date of this act and"; and in line 5 after "department" insert "and used by the department for determinations made concerning cold water class A streams under the Livestock Waste Management Act unless changed by the Environmental Quality Council. Beginning on the effective date of this act, the council may designate and may redesignate previously designated waters of this state as cold water class A streams for purposes of the act based on the determination by the council that the waters provide or could provide habitat of sufficient water volume or flow, water quality, substrate composition, and water temperature capable of maintaining year-round populations of cold water biota,

including reproduction of a salmonoid (trout) population. The council shall not designate or redesignate a stream as a cold water class A stream unless the stream has supported the reproduction of a salmonoid (trout) population within the previous five years. The department shall revise and maintain the cold water class A stream map to incorporate all designations and redesignations of the council".

GENERAL FILE

LEGISLATIVE BILL 637. Mr. Beutler offered the following amendment:
AM1343

1. Insert the following new section:

"Sec. 8. The Department of Health and Human Services shall establish a statewide toll-free hotline to provide responses to inquiries of obligors and obligees regarding the collection and disbursement of support order payments under sections 1 to 7 of this act. Sufficient telephone lines shall be established and personnel available to insure that responses to inquiries are made directly by department personnel without unreasonable delay to the obligor or obligee.".

2. Renumber the remaining sections and correct internal 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. On page 3, line 19, after "agreements" insert "with other governmental agencies"; and in line 21 after the period insert "The collection and disbursement of support order payments under sections 1 to 7 of this act shall not be conducted by private 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. Strike original sections 8 and 9 and all amendments thereto and insert the following new sections:

"Sec. 8. A person under sixteen years of age shall not operate a motorboat or personal watercraft on the waters of this state. A person sixteen or seventeen years of age may operate a motorboat or personal watercraft on the waters of this state if such person has completed a boating safety course approved by the commission and has been issued a valid boating safety certificate.

Sec. 9. The owner of a boat livery, or his or her agent or employee, shall not lease, hire, or rent a motorboat or personal watercraft to, or for operation by, any person under sixteen years of age. The owner of a boat livery, or his or her agent or employee, may lease, hire, or rent a motorboat or personal watercraft to any person who is sixteen or seventeen years of age if the person presents his or her certificate issued under section 8 of this act.".

Mr. Tyson filed the following amendment to LB 176:
AM1293

1. Insert the following new section:

"Section 1. Section 37-1012, Reissue Revised Statutes of Nebraska, is amended to read:

37-1012. (1) The Game and Parks Commission shall have the same responsibility with regard to division fences as a private landowner as provided in sections 34-101 to 34-117, except that in those areas where a state recreational trail is developed, the commission shall have the same responsibility as a railroad as provided in sections 74-601 to 74-604 where a single landowner's property is divided by a state recreational trail. In areas where a state recreational trail does not divide a single landowner's property, the commission shall be responsible for one hundred percent of the construction or replacement cost and the landowner shall be responsible for all of the maintenance of the fence, but the type of fence required under section 74-601 shall not be required for those areas where a state recreational trail is developed. In such areas the type of fence may be (a) wire fence of at least four barbed wires, of a size not less than twelve and one-half gauge fencing wire, to be secured to posts, the posts to be at no greater distance than one rod from each other or (b) a fence of any type that is agreed to by the commission and adjoining landowner.

(2) The responsibility of the commission for division fences pursuant to subsection (1) of this section shall not exceed the amount appropriated to the commission by the Legislature for such purpose during any biennium.

(3) The commission shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 10, line 4, after "sections" insert "37-1012,".

3. Renumber the remaining sections and correct internal 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. On page 38, strike line 17 and insert "declared operative by the Governor and in no event later than July 1, 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. Strike section 7 and insert the following new section:

"Sec. 29. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. On page 2, line 8; page 3, lines 22 and 23; page 4, line 26; page 24, line 20; page 25, line 21; page 26, lines 2, 5, and 22; and page 27, lines 15 and 21; strike "State Disbursement Unit" and insert "Title IV-D Division".

3. On page 2, in line 15 strike beginning with "establish" through "for" and insert "administer".

4. On page 3, strike beginning with "State" in line 4 through "(9)" in line 6; in line 8 strike "(10)" and insert "(9)"; in line 11 strike "(10)" and insert "(9)"; and strike beginning with "The" in line 15 through line 21 and insert "(1) The Title IV-D Division shall administer support collection and disbursement as provided in sections 1 to 6 of this act and shall be the state disbursement unit for purposes of federal child support collection requirements. The Title IV-D Division will enter into a cooperative agreement with the State Treasurer necessary to operate such support collection and disbursement.

(2) The Child Support Fund is created. All funds collected pursuant to sections 1 to 6 of this act shall be remitted to the State Treasurer for credit to the fund. 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.

(3) The State Treasurer shall file an annual report

regarding its duties under sections 1 to 6 of this act with the Legislature on or before January 1."; and in line 24 after "payments" insert "from the State Treasurer".

5. On page 4, line 11; page 6, line 25; page 13, line 8; page 14, line 24; page 19, line 16; page 20, line 7; page 30, line 14; page 34, line 21 strike "Disbursement Unit" and insert "Treasurer".

6. On page 4, line 25, strike "employer or other source" and insert "State Treasurer of funds from employers or other sources".

7. On page 5, line 7, strike "State Disbursement Unit" and insert "State Treasurer"; in line 9 strike "Title IV-D Division" and insert "State Treasurer"; and in line 13 strike "or" and insert an underscored comma and after "funds" insert ", or electronic funds transfer".

8. On page 6, strike beginning with "State" in line 18 through "(6)" in line 20.

9. On page 9, line 21; page 10, line 3; page 11, lines 17 and 18; page 17, line 16; page 18, line 2; page 28, lines 14 and 15 and 17; and page 37, line 3, strike "or its designee".

10. On page 19, line 16; and page 38, line 9, strike "Disbursement Unit" and insert "Treasurer for credit to the Child Support Fund".

11. On page 27, line 16, strike "2" and insert "3".

12. On page 30, line 14; and page 34, line 22, strike "unit" and insert "Title IV-D Division".

13. On page 30, line 24; and page 32, line 5, strike "unit" and insert "State Treasurer".

14. Renumber the remaining sections and correct internal 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

printed on recycled paper

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. After the last period insert "The counties shall continue to do the collection and disbursement of support order payments regardless of whether or not the counties continue to receive federal reimbursement for such work when a waiver is applied for by the department or if such waiver is granted by the 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. On page 4, line 19, after "purpose" insert ". When a state or governmental subdivision project which will be for a public purpose when completed is in a transitional state of development, such transitional state shall be a public purpose".

Mr. Lynch filed the following amendment to LB 556:
AM1248

1. Strike the original sections and insert the following new sections:

"Section 1. Section 60-309, Reissue Revised Statutes of Nebraska, is amended to read:

60-309. Upon the filing of such application, the Department of Motor Vehicles shall, upon registration, assign to such motor vehicle a distinctive registration number. Upon sale or transfer of any such motor vehicle, such number may be canceled or may be reassigned to another motor vehicle, at the option of the department, subject to the provisions ~~hereinafter contained~~ of Chapter 60, article 3.

Sec. 2. Section 60-311, Reissue Revised Statutes of Nebraska, is amended to read:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle is registered fully reflectorized ~~number~~ license plates upon which shall be displayed (a) the registration number consisting of letters and numerals assigned to such motor vehicle in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. Two plates shall be furnished for every motor vehicle, except that one plate per vehicle shall be furnished for dealers, motorcycles, truck-tractors, semitrailers, trailers, cabin trailers, buses, and vehicles registered pursuant to section 60-305.09. The plates shall be of a color designated by the Director of Motor Vehicles. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-163.01.

(2) Except for license plates issued pursuant to section 60-305.16, ~~number~~ license plates shall be issued every three years beginning with the ~~number~~ license plates issued in the year ~~1984~~ 2002. In the years in which plates are not issued, in lieu of furnishing such plates, the department shall furnish to every person whose motor vehicle is registered one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be

permanently affixed to the plates.

(3) The department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government-owned motor vehicles shall display such distinctive license plates when such license plates are issued or shall display undercover license plates when such license plates are issued under section 60-304.

(4) The department shall provide a distinctive plate for issuance pursuant to section 60-305.16.

(5) Whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee ~~of one dollar and fifty cents~~ per plate shall be charged in addition to all other required fees. ~~Such~~ The plate fee shall be determined by the department and shall only cover the cost of the plate and renewal tabs but shall not exceed two dollars and fifty cents. All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

(6) There is hereby created the License Plate Cash Fund which shall consist of money transferred to it pursuant to section 39-2215. All costs associated with the manufacture of license plates and stickers or tabs provided for in this section and sections 60-311.01, 60-311.02, and 60-1804 shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the department. 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. 3. Section 60-311.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.01. (1)(a) Commencing with the year 1952, registration of motor vehicles shall be carried out by counties. Each county in the state shall use the county number system.

(b) Except as provided in subdivision (d) of this subsection, beginning January 1, 2002, registration of motor vehicles in counties having a population of one hundred thousand inhabitants or more according to the most recent federal decennial census shall be by an alphanumeric system rather than by the county number system.

(c) Except as provided in subdivision (d) of this subsection, beginning January 1, 2002, registration of motor vehicles in all other counties shall be, at the option of each county board of commissioners or board of supervisors, by either the alphanumeric system or the county number system.

(d) Beginning January 1, 2002, registration of motor vehicles as farm trailers or farm trucks shall be by the county number system.

(2) Counties using the alphanumeric system shall affix on

the license plates of vehicles licensed therein a sticker with the name of the county on it. Such sticker shall be designed and provided by the Department of Motor Vehicles.

(3) Counties using the alphanumeric system shall show on the license plates of vehicles licensed therein a combination of three letters followed by a combination of three numerals. The Department of Motor Vehicles shall adopt and promulgate rules and regulations creating alphanumeric distinctions on the license plates based upon the registration of the vehicle.

(4) Counties using the county number system shall show on vehicles licensed therein a county number on the license plate preceding a dash which shall then be followed by the individual number assigned to the motor vehicle, and which identification number, excluding the county prefix number, may be combined with letters and numerals of the same height. The county numbers assigned to the counties in Nebraska shall be as follows:

No.	Name of County	No.	Name of County
1	Douglas	2	Lancaster
3	Gage	4	Custer
5	Dodge	6	Saunders
7	Madison	8	Hall
9	Buffalo	10	Platte
11	Otoe	12	Knox
13	Cedar	14	Adams
15	Lincoln	16	Seward
17	York	18	Dawson
19	Richardson	20	Cass
21	Scotts Bluff	22	Saline
23	Boone	24	Cuming
25	Butler	26	Antelope
27	Wayne	28	Hamilton
29	Washington	30	Clay
31	Burt	32	Thayer
33	Jefferson	34	Fillmore
35	Dixon	36	Holt
37	Phelps	38	Furnas
39	Cheyenne	40	Pierce
41	Polk	42	Nuckolls
43	Colfax	44	Nemaha
45	Webster	46	Merrick
47	Valley	48	Red Willow
49	Howard	50	Franklin
51	Harlan	52	Kearney
53	Stanton	54	Pawnee
55	Thurston	56	Sherman
57	Johnson	58	Nance
59	Sarpy	60	Frontier
61	Sheridan	62	Greeley
63	Boyd	64	Morrill

65	Box Butte	66	Cherry
67	Hitchcock	68	Keith
69	Dawes	70	Dakota
71	Kimball	72	Chase
73	Gosper	74	Perkins
75	Brown	76	Dundy
77	Garden	78	Deuel
79	Hayes	80	Sioux
81	Rock	82	Keya Paha
83	Garfield	84	Wheeler
85	Banner	86	Blaine
87	Logan	88	Loup
89	Thomas	90	McPherson
91	Arthur	92	Grant
93	Hooker		

Sec. 4. Section 60-311.02, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.02. The letters and ~~figures~~ numerals for motorcycle and trailer plates may be one-half the size of those required for motor vehicles.

On ~~number~~ license plates issued to a manufacturer or dealer, there shall be displayed, in addition to the registration number, the ~~letter D~~ letters DLR.

On ~~number~~ license plates issued for use on motor vehicles which are exempt pursuant to subdivision (6) of section 60-3002, there shall be embossed, in addition to the registration number, the word exempt which shall appear at the bottom of the license plates issued after January 1, 1999. The Department of Motor Vehicles may provide distinctive plates for the exempt vehicles.

On commercial trucks and truck-tractors with a gross weight of five tons or over and on farm trucks with a gross weight of over sixteen tons there shall be displayed, in addition to the registration number, the weight that such vehicle is licensed for, using a sticker or tab on the registration plates of such trucks in letters and figures of such size and design as shall be determined and furnished by the department.

When two registration plates are issued, one shall be prominently displayed at all times on the front and one on the rear of the registered vehicle. When only one plate is issued for dealers, motorcycles, semitrailers, trailers, cabin trailers, and buses, it shall be prominently displayed on the rear of the registered vehicle. When only one plate is issued for motor vehicles registered pursuant to section 60-305.09 and truck-tractors, it shall be prominently displayed on the front of the apportioned vehicle.

Any violation of this section shall be subject to a penalty or penalties as provided in section 60-348.

Sec. 5. Section 60-311.11, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.11. (1) ~~Plates~~ License plates issued pursuant to sections 60-305.08 and 60-311.10 to 60-311.13 shall be the same size and of the same basic design as ~~the~~ regular ~~number~~ license plates issued pursuant to section 60-311.

(2) The following conditions ~~shall~~ apply to all personalized message license plates:

(a) County prefixes shall not be ~~used~~ allowed except in counties using the alphanumeric system for vehicle registration. The numerals in the county prefix shall be the numerals assigned to the county, pursuant to subsection (4) of section 60-311.01, in which the vehicle is registered. Renewal of a personalized message license plate containing a county prefix shall be conditioned upon the vehicle being registered in such county. The numerals in the county prefix, including the hyphen, count against the maximum number of characters allowed by subdivision (2)(c) of this section;

(b) The characters used shall consist only of letters and numerals of the same size and design and shall comply with the requirements of subdivision (1)(a) of section 60-311;

(c) A maximum of seven characters may be used, except that for motorcycles, a maximum of six characters may be used;

(d) The characters in the order used shall not conflict with or duplicate any ~~license~~ registration number used or to be used on the regular license plates or any ~~license~~ registration number or license plate already approved pursuant to sections 60-305.08, 60-311, and 60-311.10 to 60-311.13;

(e) The characters in the order used shall not express, connote, or imply any obscene or objectionable words or abbreviations; and

(f) An applicant receiving a personalized message license plate for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage sticker to such plate.

(3) The Department of Motor Vehicles shall have sole authority to determine if the conditions prescribed in subsection (2) of this section have been met.

Sec. 6. Original sections 60-309, 60-311, 60-311.01, 60-311.02, and 60-311.11, Reissue Revised Statutes of Nebraska, are 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. Strike the original sections and all amendments thereto and insert the following new sections:

"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) During such period as funds remain in the Ethanol Production Incentive Cash Fund, any ethanol facility shall also 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 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 paid 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. 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 which 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, and is available only during such period.

(4) Any ethanol facility that did not maximize benefits for which the facility was otherwise eligible under subsections (1) and (2) of this section based on name plate design capacity stipulated in a contract with the Department of Revenue and which has expanded its capacity by at least six million gallons over its original name plate design capacity shall receive a credit of five cents per gallon if the ethanol facility maintains an average production rate of at least twenty-five percent of its name plate design capacity. Production shall be approved by the Department of Revenue based on such ethanol production records as may be necessary to reasonably determine the eligible credits. 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 which 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, 2000, and is available only during such period.

(5) The credits described in this section ~~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 subsection (1) or (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 credits described in subsections (3) and (4) of this section, and the credits may only be claimed by a producer for the periods specified in subsections (3) and (4) 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 subsections. An ethanol facility may only participate in the credits described in subsection (3) of this section or the credits described in subsection (4) of this section. 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 number of gallons eligible for the credit for each applicant. 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.~~

(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.

(7) For purposes of ascertaining the correctness of any application for claiming the 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. 2. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2003. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On ~~February 15, 2001~~ June 30, 2004, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.

Sec. 3. Section 66-1345.01, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345.01. An excise tax is levied upon all corn and grain sorghum sold through commercial channels in Nebraska or delivered in Nebraska. ~~The tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum.~~ For any sale or delivery of corn or grain sorghum occurring on or after July 1, 1995, and before January 1, 2000, the tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum. For any sale or delivery of corn or grain sorghum occurring on or after January 1, 2000, and before January 1, 2001, the tax is one-half cent per bushel for corn and one-half cent per hundredweight for grain sorghum. The tax shall be in addition to any fee imposed pursuant to sections 2-3623 and 2-4012. ~~The excise tax shall be imposed on any sale or delivery occurring on or after July 1, 1995, and before January 1, 2001.~~ The Legislature finds and declares that those in production agriculture have contributed sufficiently to support the Ethanol Production Incentive Cash Fund by the imposition of the excise tax. If additional funds are needed in the future to meet the Legislature's obligation to fully fund the Ethanol Production Incentive Cash Fund, those funds should come from sources other than production agriculture.

The excise tax shall be imposed at the time of sale or delivery and shall be collected by the first purchaser. The tax

shall be collected, administered, and enforced in conjunction with the fees imposed pursuant to sections 2-3623 and 2-4012. The tax shall be collected, administered, and enforced by the Department of Agriculture. No corn or grain sorghum shall be subject to the tax imposed by this section more than once.

In the case of a pledge or mortgage of corn or grain sorghum as security for a loan under the federal price support program, the excise tax shall be deducted from the proceeds of such loan at the time the loan is made. If, within the life of the loan plus thirty days after the collection of the excise tax for corn or grain sorghum that is mortgaged as security for a loan under the federal price support program, the grower of the corn or grain sorghum so mortgaged decides to purchase the corn or grain sorghum and use it as feed, the grower shall be entitled to a refund of the excise tax previously paid. The refund shall be payable by the department upon the grower's written application for a refund. The application shall have attached proof of the tax deducted.

The excise tax shall be deducted whether the corn or grain sorghum is stored in this or any other state. The excise tax shall not apply to the sale of corn or grain sorghum to the federal government for ultimate use or consumption by the people of the United States when the State of Nebraska is prohibited from imposing such tax by the Constitution of the United States and laws enacted pursuant thereto.

Sec. 4. Original sections 66-1344 to 66-1345.01, Reissue 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. The Department of Health and Human Services shall immediately begin the process of applying for a waiver from the federal government with regard to required centralization of child support payments.".

2. On page 1, strike beginning with "amend" in line 1 through line 11 and insert "provide a duty for the Department of Health and Human Services relating to centralization of child 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. Strike section 3 and insert the following new section:

"Sec. 3. The Department of Economic Development shall, to the extent that funds are appropriated for such purpose, reimburse applying cities or villages for the fees paid by such cities or villages for the use of the cost-benefit analysis model, developed and approved as provided in sections 77-5101 to 77-5105, for projects using funds authorized by section 18-2147.".

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Nebraska Transit and Rail Advisory Council Act.

Sec. 2. (1) The Legislature finds that:

(a) Access to timely and efficient modes of passenger transportation is necessary for Nebraska's travelers, visitors, and day-to-day commuters; to the quality of life in the state; and to the economy of the state;

(b) Technological advances in passenger transportation can significantly and positively affect the ability of the state to

attract and provide efficient services for domestic and international businesses and tourists and thus significantly affect the revenue of the state;

(c) The development and utilization of a properly designed, constructed, and financed passenger rail, high-speed rail, or other passenger surface transportation system can act as a catalyst for economic growth and development; alleviate traffic-congested commutes for day-to-day commuters; create new employment opportunities; create a safer transportation alternative; serve as a positive growth management system for building a better and more environmentally secure state; and promote the health, safety, and welfare of the citizens of the state;

(d) Joint development between the public and private sectors may be necessary in the planning, financing, management, operation, and construction mechanisms to ensure the continued future development of an efficient and economically viable passenger rail, high-speed rail, or other passenger surface transportation system in this state; and

(e) Transportation benefits include improved travel times and more reliable travel, hence increased productivity.

(2) The Legislature hereby declares that creation, improvement, and operation of passenger rail, high-speed rail, and other passenger surface transportation systems and the construction of rail and transit facilities in Nebraska through the encouragement of private investments and the use of federal and state funds is a public purpose and use for which public money may be borrowed, expended, advanced, loaned, or granted. Such activity can best be accomplished by the creation of a Nebraska Transit and Rail Advisory Council, N-TRAC.

Sec. 3. For purposes of the Nebraska Transit and Rail Advisory Council Act:

(1) Associated development means property, equipment, or buildings which are built, installed, or established to provide financing, funding, or revenue for the planning, constructing, managing, and operating of a high-speed rail transportation system and which are directly associated with transit stations. The term includes property necessary for joint development;

(2) Council means the Nebraska Transit and Rail Advisory Council;

(3) Department means the Department of Roads;

(4) High-speed rail transportation system means any high-speed, fixed-guideway transportation system for transporting people or goods which is capable of operating at speeds in excess of one hundred ten miles per hour, including a monorail system, dual track rail system, suspended rail system, magnetic levitation system, or pneumatic repulsion system. The term includes a corridor and structures essential to the operation of the system, including the land, structures, improvements, rolling stock,

rights-of-way, easements, rail lines, rail beds, guideway structures, stations, platforms, switches, yards, terminals, parking lots, power relays, switching houses, transit station, associated development, and any other facilities or equipment used or useful for the purposes of high-speed rail transportation construction, operation, or maintenance or the financing of high-speed rail transportation;

(5) Joint development means the planning, managing, financing, operating, or constructing of projects adjacent to or physically related, functionally related, or otherwise related to a passenger rail, high-speed rail, or other passenger surface transportation system in order to effect the policy and purposes of the act pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private;

(6) Passenger rail transportation system means any fixed-guideway transportation system for transporting people or goods which operates at speeds below one hundred ten miles per hour. The term includes a corridor and structures essential to the operation of the system, including the land, structures, improvements, rolling stock, rights-of-way, easements, rail lines, rail beds, guideway structures, stations, platforms, switches, yards, terminals, parking lots, power relays, switching houses, transit station, associated development, and any other facilities or equipment used or useful for the purposes of passenger rail transportation construction, operation, or maintenance or the financing of passenger rail transportation;

(7) Right-of-way means land necessary for the construction, operation, and maintenance of passenger rail, high-speed rail, or other passenger surface transportation system;

(8) Terminus means the transit station serving the service area at the end of a passenger rail, high-speed rail, or other passenger surface transportation system; and

(9) Transit station or station means any structure or transportation facility that is primarily used, as part of a passenger rail, high-speed rail, or other passenger surface transportation system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

Sec. 4. (1) The Nebraska Transit and Rail Advisory Council is created. The council shall consist of eleven members to be appointed by the Governor with the approval of a majority of the Legislature as follows:

(a) The Director-State Engineer or his or her designee;

(b) One public service commissioner;

(c) Two members of the general public with demonstrated knowledge of passenger rail, high-speed rail, and other passenger surface transportation systems;

(d) Two representatives of private railroads;

(e) One representative from the Department of Economic Development; and

(f) Four representatives of local government.

(2) The Governor shall appoint the council to serve until the termination of the Nebraska Transit and Rail Advisory Council Act.

(3) The council members shall have an interest in or knowledge of passenger rail, high-speed rail, or other passenger surface transportation systems. A council member shall abstain from voting on any decision or policy of the council if the decision or policy will result in any financial benefit or detriment to him or her, any member of his or her family, or any business with which he or she is associated and the benefit or detriment is distinguishable from the effects of the actions on the public generally or a broad segment of the public.

(4) The department shall assist with administrative and operational support for the council.

(5) Members of the council who are not employed by the State of Nebraska shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(6) A majority of the council members constitutes a quorum for the transaction of business, and all decisions of the council shall be approved by at least a majority of members present.

Sec. 5. The council may do all things necessary to implement the Nebraska Transit and Rail Advisory Council Act, including, but not limited to:

(1) Collecting, administering, and expending funds;

(2) Conducting or authorizing feasibility studies or any other studies deemed necessary or required under the act; and

(3) Adopting and promulgating rules and regulations to carry out the act.

Sec. 6. Trade secrets and other proprietary or commercial information which may be filed pursuant to the Nebraska Transit and Rail Advisory Council Act shall not be considered public records as defined in section 84-712.01 if the release of such trade secrets or information would give advantage to business competitors and serve no public purpose. Any person seeking release of the trade secrets or information as a public record shall demonstrate to the satisfaction of the council that the release would not violate this section.

Sec. 7. The department shall:

(1) Conduct research, prepare, and review plans and specifications for any project to be proposed to the council;

(2) Conduct studies, including feasibility studies, and investigations and act in an advisory capacity to the council in the establishment of broad policies for carrying out the Nebraska Transit and Rail Advisory Council Act;

(3) Hold hearings, make investigations, studies, and

inspections, and do all other things necessary to implement the act;

(4) Furnish necessary assistance to the council in making its inspection and study of any proposed project or feasibility study;

(5) Make data and information of the department available to the council; and

(6) Adopt and promulgate rules and regulations necessary for the department to carry out its duties under the act.

Sec. 8. (1) The Nebraska Transit and Rail Advisory Council Cash Fund is created. The fund shall be used by the council to carry out its responsibilities under the Nebraska Transit and Rail Advisory Council Act. The fund may be used to defray the expenses of the council.

(2) The State Treasurer shall credit to the fund any money (a) appropriated to the fund by the Legislature, (b) donated as gifts, bequests, grants, or other contributions to the fund from public or private sources, and (c) received pursuant to the act. Money made available by any department or agency of the United States may also be credited to the fund if so directed by the Director-State Engineer or may be credited to the Nebraska Transit and Rail Advisory Council Revolving Fund pursuant to the act. Any money in the Nebraska Transit and Rail Advisory Council Cash 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. 9. The Nebraska Transit and Rail Advisory Council Revolving Fund is created. The fund shall be used by the council to carry out its responsibilities under the Nebraska Transit and Rail Advisory Council Act. The revolving fund shall consist of any money credited to the revolving fund pursuant to the act and other funds as the council may designate. 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. 10. The department and the council may expend the federal funds which are or may become available for feasibility studies, construction, operation, capital expenditures, or program administration for any passenger rail, high-speed rail, or other passenger surface transportation systems projects allowable under federal law.

Sec. 11. The council may accept gifts, donations, money, and services, including in-kind resources, for any purpose allowable under the Nebraska Transit and Rail Advisory Council Act.

Sec. 12. The council, with the assistance of the department, shall, not later than January 1, 2002, complete a study on the feasibility and projected costs of constructing a passenger rail, high-speed rail, or other passenger surface transportation system, with particular attention paid to the feasibility of other

passenger surface transportation systems on a statewide basis, and report its findings to the Transportation Committee of the Legislature. Such report shall include suggested legislation necessary to implement the feasibility options included within the study for a passenger rail, high-speed rail, or other passenger surface transportation system.

Sec. 13. The department and the council shall take all reasonable steps necessary to secure private or federal funding of the feasibility study required by section 12 of this act before requesting appropriations from the Legislature to fund the feasibility study.

Sec. 14. The Nebraska Transit and Rail Advisory Council 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.

Sincerely,
(Signed) 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.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

AMENDMENT - Print in Journal

Mr. Bromm filed the following amendment to LB 150:

AM1128

1. Insert the following new sections:

"Sec. 12. Section 75-109, Revised Statutes Supplement, 1998, is amended to read:

75-109. (1) Except as provided in sections 19-4603, 86-803, and 86-808, the commission shall regulate and exercise general control as provided by law over all common and contract carriers~~; which term is hereby defined as all carriers, including contract carriers,~~ engaged in the transportation of freight or passengers for hire or furnishing ~~communication~~ telecommunications services for hire in Nebraska intrastate commerce.

(2) The commission is authorized to do all things reasonably necessary and appropriate to implement the federal Telecommunications Act of 1996, Public Law 104-104, including section 252 of the act which establishes specific procedures for negotiation and arbitration of interconnection agreements between telecommunications companies. Interconnection agreements approved by the commission pursuant to section 252 of the act may contain such enforcement mechanisms and procedures that the commission determines to be consistent with the establishment of fair competition in Nebraska telecommunications markets. The authority granted to the commission pursuant to this subsection shall be broadly construed in a manner consistent with the federal Telecommunications Act of 1996.

Sec. 13. Section 75-604, Revised Statutes Supplement, 1998, is amended to read:

75-604. (1) Except as provided in section 86-805, no person, firm, partnership, limited liability company, corporation, cooperative, or association shall offer any telecommunications service or shall construct new telecommunications facilities in or extend existing telecommunications facilities into the territory of another telecommunications company for the purpose of providing any telecommunications service as either a telecommunications common carrier or telecommunications contract carrier without first making an application for and receiving from the commission a certificate of convenience and necessity as a telecommunications common carrier or a permit as a telecommunications contract carrier, after due notice and hearing under the rules and regulations of the commission. The required certificate for telecommunications common carriers and required permit for telecommunications contract carriers are necessary to preserve the integrity of an ubiquitous network, to preserve and advance universal service, and to ensure the delivery of essential and emergency telecommunications services.

(2) If a telecommunications company holds a certificate of convenience and necessity as a telecommunications common carrier, it shall not be required to obtain a permit as a telecommunications contract carrier.

(3) The commission may waive applicability of subsection

(1) of this section as to the provision of intra-LATA interexchange services by duly adopted and promulgated rules and regulations applicable to all telecommunications companies providing such services, and after such waiver, certification for and provision of intra-LATA interexchange services shall be governed by the statutes, rules, and regulations for certification for and provision of inter-LATA interexchange services.

(4) The commission may establish such just and reasonable classifications of groups of telecommunications common carriers and telecommunications contract carriers taking into consideration the special nature of the services performed by such carriers. The commission may adopt and promulgate such just and reasonable rules, regulations, and requirements to be observed by a carrier so classified or grouped as the commission deems necessary or desirable and in the public interest.

Sec. 14. Section 86-802, Revised Statutes Supplement, 1998, is amended to read:

86-802. For purposes of sections 75-109, 75-604, 75-609, 75-609.01, and 86-801 to 86-811, unless the context otherwise requires:

(1) Basic local exchange rate means the flat monthly charge for an access line, whether the service is provided on a flat or measured basis, imposed by a telecommunications company for basic local exchange service, but does not include any charges or taxes imposed by or resulting from action by a governmental body which are billed by a telecommunications company to its customers;

(2) Basic local exchange service means the access and transmission of two-way switched voice communications within a local exchange area;

(3) Business service means telecommunications service which is used for occupational, professional, or institutional purposes;

(4) Class of subscribers means a group of customers for which a telecommunications company has established a distinct pricing plan for telecommunications service;

(5) Commission means the Public Service Commission;

(6) Extended area service means a telecommunications service which groups two or more exchanges to allow subscribers of one exchange in the group to place and receive two-way switched communications to and from subscribers in one or more other exchanges in the group without an interexchange toll charge;

(7) Federal act means the federal Communications Act of 1934, as amended, including the federal Telecommunications Act of 1996, Public Law 104-104;

(8) Interexchange service means the access and transmission of communications between two or more local exchange areas, except for two-way switched communications between local exchanges that are grouped for extended area service;

(9) Inter-LATA interexchange service means interexchange

service originating and terminating in different LATAs;

(10) Intra-LATA interexchange service means interexchange service originating and terminating within the same LATA;

(11) LATA means local access transport area as defined by applicable federal law, rules, or regulations;

(12) Local exchange area means a territorial unit established by a telecommunications company for the administration of telecommunications service within a specific area generally encompassing a city, town, or village and its environs as described in maps filed with and approved by the Public Service Commission;

(13) Residence service means telecommunications service which is furnished to a dwelling and which is used for personal or domestic purposes and not for business, professional, or institutional purposes;

(14) Telecommunications means the transmission, between or among points specified by the subscriber, of information of the subscriber's choosing, without a change in the form or content of the information as sent or received;

(15) Telecommunications common carrier means a provider of telecommunications services for hire which offers its services to the general public at large in Nebraska intrastate commerce;

(16) Telecommunications company means any person, firm, partnership, limited liability company, corporation, association, or governmental entity offering telecommunications service for a fee in Nebraska intrastate commerce;

(17) Telecommunications contract carrier means a provider of telecommunications services for hire, other than as a common carrier, in Nebraska intrastate commerce; and

(18) ~~(16)~~ Telecommunications service means the offering of telecommunications for a fee.

Sec. 15. Section 86-1407, Revised Statutes Supplement, 1998, is amended to read:

86-1407. The fund may be administered by a neutral third-party administrator. The commission shall oversee the preparation and selection process of the administrator through a request for proposal process established by the commission. If a third-party administrator is selected, the administrator shall serve at the will of the commission. The administrator shall: Gather the necessary data to estimate fund obligations; notify telecommunications companies of their obligations to the fund; collect and distribute money from the fund in accordance with the Nebraska Telecommunications Universal Service Fund Act and the rules and regulations established by the commission; and notify the commission of any violations of the act and rules and regulations by telecommunications companies with respect to the fund. The commission shall audit the administrator to ensure the duties are being performed in accordance with the act and its rules and regulations. Any telecommunications company not meeting its obligation to the fund shall not be eligible to receive payments

from the fund, shall be subject to administrative penalties to be determined by the commission, and shall be subject to the revocation of any certificate or permit issued pursuant to section 75-604 or any predecessor statute.

Sec. 17. Original sections 75-109, 75-604, 86-802, and 86-1407, Revised Statutes Supplement, 1998, are repealed.".

2. Underscore sections 1 to 11 and all amendments thereto.

3. In the Landis amendment, AM0816, on page 1, line 3, strike "This" and insert "Sections 1 to 11 of this".

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. Insert the following new section:

"Sec. 3. Section 29-3001, Reissue Revised Statutes of Nebraska, is amended to read:

29-3001. A prisoner in custody under sentence and claiming a right to be released on the ground that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Constitution of this state or the Constitution of the United States, may file a verified

motion ~~at any time~~ within five years after the sentencing date in the court which imposed such sentence, stating the grounds relied upon, and asking the court to vacate or set aside the sentence. A prisoner may file only three petitions pursuant to this section within the five-year period which alleges any and all grounds upon which relief may be granted. A fourth or subsequent petition for postconviction relief may not be filed or heard by the court regardless of whether it is based on the same or different grounds from the first petition, unless the petition involves the potential innocence of the prisoner.

Unless the motion and the files and records of the case show to the satisfaction of the court that the prisoner is entitled to no relief, the court shall cause notice thereof to be served on the county attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Constitution of this state or the Constitution of the United States, the court shall vacate and set aside the judgment and shall discharge the prisoner or resentence him or grant a new trial as may appear appropriate. Proceedings under the provisions of sections 29-3001 to 29-3004 shall be civil in nature. Costs shall be taxed as in habeas corpus cases.

A court may entertain and determine such motion without requiring the production of the prisoner, whether or not a hearing is held. Testimony of the prisoner or other witnesses may be offered by deposition. ~~The court need not entertain a second motion or successive motions for similar relief on behalf of the same prisoner.~~".

2. Renumber the remaining sections and correct repealer 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. Insert the following new sections:

"Section 1. Section 25-1912, Revised Statutes Supplement, 1998, is amended to read:

25-1912. (1) The proceedings to obtain a reversal, vacation, or modification of judgments and decrees rendered or

final orders made by the district court, including judgments and sentences upon convictions for felonies and misdemeanors, shall be by filing in the office of the clerk of the district court in which such judgment, decree, or final order was rendered, within thirty days after the rendition of such judgment or decree or the making of such final order, a notice of intention to prosecute such appeal signed by the appellant or appellants or his, her, or their attorney of record and, except as otherwise provided in sections 25-2301 to 25-2310 and sections 3 and 4 of this act, 29-2306, and 48-641, by depositing with the clerk of the district court the docket fee required by section 33-103.

(2) The running of the time for filing a notice of appeal shall be terminated as to all parties (a) by a motion for a new trial under section 25-1143 if such motion is filed by any party within ten days after the verdict, report, or decision was rendered or (b) by a motion to set aside the verdict or judgment under section 25-1315.02 if such motion is filed by any party within ten days after the receipt of a verdict, and the full time for appeal fixed in subsection (1) of this section commences to run from the entry of the order ruling upon the motion filed pursuant to subdivision (a) or (b) of this subsection. When any motion terminating the time for filing a notice of appeal is timely filed by any party, a notice of appeal filed before the court announces its decision upon the terminating motion shall have no effect, whether filed before or after the timely filing of the terminating motion. A new notice of appeal shall be filed within the prescribed time from the ruling on the motion. No additional fees are required for such filing. A notice of appeal filed after the court announces its decision or order on the terminating motion but before the entry of the order is treated as filed on the date of and after the entry of the order.

(3) Except as otherwise provided in subsection (2) of this section and sections 25-2301 to 25-2310 and sections 3 and 4 of this act, 29-2306, and 48-641, an appeal shall be deemed perfected and the appellate court shall have jurisdiction of the cause when such notice of appeal has been filed and such docket fee deposited in the office of the clerk of the district court, and after being perfected no appeal shall be dismissed without notice, and no step other than the filing of such notice of appeal and the depositing of such docket fee shall be deemed jurisdictional.

(4) The clerk of the district court shall forward such docket fee and a certified copy of such notice of appeal to the Clerk of the Supreme Court, and the Clerk of the Supreme Court shall docket such appeal.

(5) Within thirty days from the date of filing of notice of appeal, the clerk of the district court shall prepare and file with the Clerk of the Supreme Court a transcript certified as a true copy of the proceedings contained therein. The Supreme Court shall, by rule, specify the method of ordering the transcript and

the form and content of the transcript. Neither the form nor substance of such transcript shall affect the jurisdiction of the Court of Appeals or Supreme Court.

(6) Nothing in this section shall prevent any person from giving supersedeas bond in the district court in the time and manner provided in section 25-1916 nor affect the right of a defendant in a criminal case to be admitted to bail pending the review of such case in the Court of Appeals or Supreme Court.

Sec. 13. Section 29-2306, Reissue Revised Statutes of Nebraska, is amended to read:

29-2306. If a defendant in a criminal case files, within thirty days after the rendition of the judgment, order, or sentence, an ~~affidavit~~ application to proceed in forma pauperis in accordance with sections 25-2301 to 25-2310 and sections 3 and 4 of this act with the clerk of the district court, ~~that he or she is unable by reason of poverty to pay the costs,~~ then no payment of the docket fee shall be required of him or her unless the defendant's application to proceed in forma pauperis is denied. The clerk of the district court shall forward a certified copy of such application, including the affidavit, to the Clerk of the Supreme Court. If ~~such affidavit~~ an application to proceed in forma pauperis is filed and granted, the Court of Appeals or Supreme Court shall acquire jurisdiction of the case when the notice of appeal is filed with the clerk of the district court. In cases in which ~~such affidavits of poverty have been filed~~ an application to proceed in forma pauperis is granted, the amount of the costs shall be endorsed on the mandate and ~~the same~~ shall be paid by the county in which the indictment was found.".

2. On page 1, line 2, after the third comma insert "29-2306,"; and in line 3 after "Nebraska" insert ", and section 25-1912, Revised Statutes Supplement, 1998".

3. On page 2, line 4; page 5, line 25; page 6, lines 3 and 16; and page 7, line 3, strike "2 and 3" and insert "3 and 4".

4. On page 3, line 14, after "application" insert "on the basis that the appellant's legal positions are frivolous or malicious".

5. On page 7, line 8, after the first comma insert "29-2306,"; and in line 9 after the comma insert "and section 25-1912, Revised Statutes Supplement, 1998,".

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. Strike section 1 and insert the following new section:

"Section 1. Section 77-2704.09, Reissue Revised Statutes of Nebraska, is amended to read:

77-2704.09. (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of insulin and the following when sold for a patient's use under a prescription written by a person licensed under Chapter 71, article 1, or sections 71-4701 to 71-4719: Prescription medicines; durable medical equipment; home medical supplies; prosthetic devices; orthotic devices; oxygen; ~~and~~ oxygen equipment; and mobility enhancing equipment.

(2) For purposes of this section:

(a) Durable medical equipment ~~shall mean~~ means equipment which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is appropriate for use in the home;

(b) Home medical supplies ~~shall mean~~ means supplies primarily and customarily used to serve a medical purpose which are appropriate for use in the home and are generally not useful to a person in the absence of illness or injury;

(c) Mobility enhancing equipment means equipment which is primarily and customarily used to provide or increase the ability to move from one place to another for a person required to use durable medical equipment, orthotics, or prosthetics for locomotion and which is appropriate for use either in a home or a motor vehicle. Mobility enhancing equipment does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(d) Orthotic devices ~~shall mean~~ means devices which are used to support, or limit the movement of, parts of the body to serve a medical purpose and generally are not useful to a person in the absence of illness or injury;

~~(d)~~ (e) Oxygen equipment ~~shall mean~~ means oxygen cylinders, cylinder transport devices including sheaths and carts, cylinder studs and support devices, regulators, flowmeters, tank wrenches, oxygen concentrators, liquid oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing, nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and accessories; and

~~(e)~~ (f) Prosthetic devices ~~shall mean~~ means devices which permanently or temporarily replace a missing part or a nonfunctioning part of the human body and shall include any supplies used with such devices.".

2. On page 1, strike beginning with line 3 through the first semicolon in line 4 and insert "provide a sales and use tax 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. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Convention Center Facility Financing Assistance Act.

Sec. 2. The Legislature finds that it is essential to the educational progress and economic well-being of the people of this state that there be in this state convention and meeting center facilities of appropriate size and quality to host regional, national, or international events for instruction and education of the participants.

The Legislature finds that convention and meeting center facilities can generate new economic activity which will in turn generate additional state and local tax collections from persons residing outside the state. This new economic activity can reduce tax burdens of state residents, while creating new economic opportunities for residents.

For the state to receive the long-term beneficial educational, economic, and fiscal impact of such facilities there is a need to provide state financial assistance for convention and meeting center facilities to political subdivisions endeavoring to construct the facilities.

It is therefor in the interest of both the state and its political subdivisions for the state to assist political subdivisions in the financing of the construction of convention and meeting center facilities which may be used to hold regional, national, or international events. The amount of state financial assistance provided to the project shall be a designated share of the new state tax revenue attributed to such events and facilities.

Sec. 3. For purposes of the Convention Center Facility Financing Assistance Act:

(1) Attributable revenue means state tax revenue generated due to the construction of the eligible facility, employment at the eligible facility, and spending by participants, increased by the applicable investment multiplier;

(2) Board means a board consisting of the Governor, the State Treasurer, the chairperson of the Nebraska Investment Council, the chairperson of the Nebraska State Board of Public Accountancy, and a professor of economics on the faculty of a state postsecondary educational institution appointed to a two-year term by the Coordinating Commission for Postsecondary Education;

(3) Bond means a general obligation bond, redevelopment bond, lease-purchase bond, revenue bond, or combination of any such

bonds;

(4) Convention and meeting center facility means any real or personal property necessary for a convention and meeting center, including an auditorium, an exhibition hall, a facility for onsite food preparation and serving, an onsite, directly connected parking facility for the use of the convention and meeting center facility, and an administrative office of a convention and meeting center facility;

(5) Eligible facility means any publicly owned convention and meeting center facility acquired or completed, or substantially reconstructed or expanded, after January 1, 1999;

(6) General obligation bond means any bond or refunding bond issued by a political subdivision and which is payable from the proceeds of an ad valorem tax;

(7) Investment multiplier means the number of times spending by participants in a new regional, national, or international event induces additional spending on goods and services;

(8) New regional, national, or international event means a convention, meeting, trade show, or other educational function at which fifty percent of the participants are registered from a location outside Nebraska and which was not held in Nebraska during the three years prior to the completion of construction of the convention and meeting center facilities;

(9) Participant means a person registered to attend and shown to have attended a new regional, national, or international event at a convention and meeting center facility financed under the act;

(10) Political subdivision means any local governmental body formed and organized under state law and any joint entity or joint public agency created under state law to act on behalf of political subdivisions;

(11) Revenue bond means any bond or refunding bond issued by a political subdivision which is limited or special rather than a general obligation bond of the political subdivision and which is not payable from the proceeds of an ad valorem tax; and

(12) State tax revenue means the Nebraska income tax imposed pursuant to the Nebraska Revenue Act of 1967, the Nebraska sales and use tax imposed pursuant to the Nebraska Revenue Act of 1967, and the state tax imposed by section 81-1253.

Sec. 4. Any political subdivision that has acquired, constructed, or operated or has approved a general obligation bond issue to acquire, construct, and operate eligible facilities may apply to the board for state assistance. The state assistance may be used to pay back amounts expended or borrowed through one or more issues of bonds to be expended by the political subdivision to acquire, construct, improve, and equip eligible facilities until repayment in full of the amounts expended or borrowed by the political subdivision, including the principal of and interest on

bonds, for eligible facilities. The political subdivision may continue to apply to the board for continuing state assistance in reimbursing the costs of financing the acquisition, construction, improvement, and equipping of the eligible facility.

Sec. 5. (1) All applications for state assistance under the Convention Center Facility Financing Assistance Act shall be in writing and shall include a certified copy of the approving action of the governing body of the applicant describing the proposed eligible facility and the anticipated finances.

(2) The application shall contain:

(a) A description of the proposed financing of the eligible facility, including the estimated principal and interest requirements for the bonds proposed to be issued in connection with the eligible facility or the amounts necessary to repay the original investment by the applicant in the eligible facility;

(b) The estimated number of participants and the estimated amount of the spending impact of these participants on attributable revenue;

(c) A specific listing of the investment multipliers suggested for use in evaluating the application;

(d) Estimates of attributable revenue based on the investment multipliers;

(e) Documentation of local financial commitment to support the project, including all public and private resources pledged or committed to the project; and

(f) Any other project information deemed appropriate by the board.

(3) Upon receiving an application for state assistance, the board shall review the application and notify the applicant of any additional information needed for a proper evaluation of the application.

Sec. 6. (1) After reviewing an application submitted under section 5 of this act and upon reasonable notice to the applicant, the board shall hold a public hearing on the application.

(2) The board shall give notice of the time, place, and purpose of the public hearing by publication three times in a newspaper of statewide circulation. Such publication shall be not less than ten days prior to the hearing. The notice shall describe generally the facilities for which state assistance has been requested. The applicant shall pay the cost of the notice.

(3) At the public hearing, representatives of the applicant and any other interested persons may appear and present evidence and argument in support of or in opposition to the application or neutral testimony. The board may seek expert testimony and may require testimony of persons whom the board desires to comment on the application. The board may provide for the acceptance of additional evidence after conclusion of the public hearing.

Sec. 7. (1) After consideration of the application and the evidence, the board shall issue a finding of whether the convention and meeting center facility described in the application is eligible for state assistance.

(2) If the board finds that the facility described in the application is an eligible facility and that state assistance is in the best interest of the state, the application shall be approved.

(3) In determining whether state assistance is in the best interest of the state, the board shall consider the amount of attributable revenue estimated to be derived by the state from the eligible facility and the fiscal and economic capacity of the applicant to finance the local share of the eligible facility. Actions of the board shall be by majority vote.

Sec. 8. The board shall, on the basis of the application and evidence presented to it, make an estimate as to the amount of attributable revenue to be derived by the state from the proposed eligible facility. The finding shall be made on the basis of testimony submitted to the board as to the impact of participant spending. Investment multipliers used by the board shall not exceed two. The board may use a lower economic multiplier than described in this section upon a review of expert testimony submitted in a public hearing and subject to a specific finding of the board.

Sec. 9. If an application is approved, the board shall:

(1) Audit or review audits of the approved convention and meeting center facility to determine the number of participants at the facility that are registered from an out-of-state address and to assure the number of conventions which were not held in the state during the three years prior to the construction of the facility;

(2) Determine the amount of attributable revenue with regard to construction of the eligible facility, employment at the eligible facility, and out-of-state participants attending conventions that were not held in the state in the three years prior to the construction of the eligible facility; and

(3) Certify the amount of attributable revenue to the State Treasurer.

Sec. 10. (1) Upon certification under section 9 of this act, the State Treasurer shall transfer the amount certified to the Convention Center Support Fund. The Convention Center Support Fund is created. 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) It is the intent of the Legislature to appropriate from the fund to any political subdivision for which an application for state assistance under the Convention Center Facility Financing Assistance Act has been approved, an amount not to exceed seventy percent of the attributable revenue, seventy-five million dollars

for any one approved project, or the cost of acquiring, constructing, improving, or equipping the eligible facility. The money shall not be used for an operating subsidy or other ancillary facility.

(3) State assistance to the political subdivision shall no longer be available upon the retirement of the bonds issued to acquire, construct, improve, or equip the facility or any subsequent bonds that refunded the original issue or the cost of acquiring, constructing, improving, or equipping the eligible facility exceeds seventy-five million dollars, whichever comes first.

(4) It is the intent of the Legislature that the remaining thirty percent of attributable revenue be appropriated by the Legislature to the Local Civic, Cultural, and Convention Center Financing Fund.

Sec. 11. (1) The applicant political subdivision may issue from time to time its bonds and refunding bonds to finance and refinance the acquisition, construction, improving, and equipping of eligible facilities. The bonds may be sold by the applicant in such manner and for such price as the applicant determines, at a discount, at par, or at a premium, at private negotiated sale or at public sale, after notice published prior to the sale in a legal newspaper having general circulation in the political subdivision or in such other medium of publication as the applicant deems appropriate. The bonds shall have a stated maturity of thirty years or less and shall bear interest at such rate or rates and otherwise be issued in accordance with the respective procedures and with such other terms and provisions as are established, permitted, or authorized by applicable state laws and home rule charters for the type of bonds to be issued. Such bonds may be secured as to payment in whole or in part by a pledge, as shall be determined by the applicant from the income, proceeds, and revenue of the eligible facilities financed with proceeds of such bonds, from the income, proceeds, and revenue of any of its eligible facilities, or from its revenue and income, including its sales, use, or occupation tax revenue, fees, or receipts as may be determined by the applicant. The applicant may further secure the bonds by a mortgage or deed of trust encumbering all or any portion of the eligible facilities and by a bond insurance policy or other credit support facility. No general obligation bonds, except refunding bonds, shall be issued until authorized by a majority of the applicant's electors voting on the question as to their issuance. The face of the bonds shall plainly state that the bonds and the interest thereon shall not constitute nor give rise to an indebtedness, obligation, or pecuniary liability of the state nor a charge against the general credit, revenue, or taxing power of the state. Bonds of the applicant are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempt from all

state income taxes.

(2) All payments to political subdivisions under the act are made subject to specific appropriation for such purpose. Nothing in the act precludes the Legislature from amending or repealing the act at any time.

Sec. 12. The Convention Center Facility Financing Assistance Act shall terminate on June 1, 2002, if no applications for assistance have been approved prior to such date.

Sec. 13. Sections 13 to 22 of this act shall be known and may be cited as the Local Civic, Cultural, and Convention Center Financing Act.

Sec. 14. The purpose of the Local Civic, Cultural, and Convention Center Financing Act is to support the development of civic, cultural, and convention centers throughout Nebraska. Furthermore, the act is intended to support projects that attract new civic, cultural, and convention activity to Nebraska from outside of Nebraska.

Sec. 15. For purposes of the Local Civic, Cultural, and Convention Center Financing Act:

(1) Center means a civic, cultural, or convention center;

(2) Department means the Department of Economic Development; and

(3) Fund means the Local Civic, Cultural, and Convention Center Financing Fund.

Sec. 16. The Local Civic, Cultural, and Convention Center Financing Fund is created. The fund shall be administered by the department. 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. The fund may be used for assistance for the construction of new centers or the renovation or expansion of existing centers. The fund may not be used for planning, programming, marketing, advertising, and related activities.

Sec. 17. The department may conditionally approve grants of assistance from the fund to eligible and competitive applicants within the following limits:

(1) The minimum amount allowed to be applied for by a single project is twenty thousand dollars, and no project shall be granted more than two hundred fifty thousand dollars from the fund; and

(2) Assistance from the fund shall not amount to more than fifty percent of the cost of construction, renovation, or expansion.

Sec. 18. Any municipality or county may apply for a grant of assistance from the fund. Application shall be made on forms developed by the department. The applicant may receive assistance only once for construction, renovation, or expansion of any one center.

Sec. 19. The department shall evaluate all applications

for grants of assistance based on the following criteria:

(1) Attraction impact. Funding decisions by the department shall be based in part on the likelihood of the project attracting new cultural, civic, or convention activity to Nebraska from outside of Nebraska. A project with greater out-of-state draw shall be preferred over a project with less impact;

(2) Socioeconomic impact. The project's potential for long-term positive impacts on the local and regional economy and society;

(3) Financial support. Assistance from the fund shall be matched at least equally from local sources. At least eighty percent of the local match must be in cash. Projects with a higher level of local matching funds shall be preferred as compared to those with a lower level of matching funds; and

(4) Readiness. The applicant's ability to proceed and implement its plan and operate the convention center.

Sec. 20. If a grant of assistance is approved by the department, the applicant shall receive conditional approval of the level of assistance. Projects shall receive funding from the fund in the order conditional approval is received and whenever there is sufficient money in the fund to provide the assistance in full. It is the intent of the Legislature to appropriate funds to support projects which have received conditional approval from the department. A grant of assistance shall be finally approved when funds for the project are appropriated by the Legislature.

Sec. 21. The department shall submit to the Governor, the Clerk of the Legislature, and the Legislative Fiscal Analyst an annual report on or before December 1 each year documenting the grants conditionally approved for funding by the Legislature in the following fiscal year.

Sec. 22. The department shall adopt and promulgate rules and regulations to carry out the Local Civic, Cultural, and Convention Center Financing Act.".

LEGISLATIVE BILL 770. Placed on General File as amended.
Standing Committee amendment to LB 770:
AM1376

1. On page 2, line 20, after the period insert "The changes made to this section by this legislative bill apply to 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. Strike the original sections and all amendments thereto and insert the following new sections:

"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) During such period as funds remain in the Ethanol Production Incentive Cash Fund, any ethanol facility shall also 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 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 paid 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. 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 which 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, and is available only during such period.

(4) Any ethanol facility that did not maximize benefits for which the facility was otherwise eligible under subsections (1) and (2) of this section based on name plate design capacity stipulated in a contract with the Department of Revenue and which has expanded its capacity by at least six million gallons over its original name plate design capacity shall receive a credit of five cents per gallon, before denaturing, if the ethanol facility maintains an average production rate of at least one hundred percent of its original name plate design capacity for a twelve-consecutive-month period. Production shall be approved by the Department of Revenue based on such ethanol production records as may be necessary to reasonably determine the eligible credits. 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 which 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, 2000, and is available only during such period.

(5) The credits described in this section ~~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 subsection (1) or (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 credits described in subsections (3) and (4) of this section, and the credits may only be claimed by a producer for the periods specified in subsections (3) and (4) 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 subsections. An ethanol facility may only participate in the credits described in subsection (3) of this section or the credits described in subsection (4) of this section. 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 number of gallons eligible for the credit for each applicant. 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.~~

(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.

(7) For purposes of ascertaining the correctness of any application for claiming the 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. 2. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. 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. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2003. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through

the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On ~~February 15, 2001~~ June 30, 2004, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.

Sec. 3. Section 66-1345.01, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345.01. An excise tax is levied upon all corn and grain sorghum sold through commercial channels in Nebraska or delivered in Nebraska. ~~The tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum.~~ For any sale or delivery of corn or grain sorghum occurring on or after July 1, 1995, and before January 1, 2000, the tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum. For any sale or delivery of corn or grain sorghum occurring on or after January 1, 2000, and before January 1, 2001, the tax is one-half cent per bushel for corn and one-half cent per hundredweight for grain sorghum. The tax shall be in addition to any fee imposed pursuant to sections 2-3623 and 2-4012. ~~The excise tax shall be imposed on any sale or delivery occurring on or after July 1, 1995, and before January 1, 2001.~~ The Legislature finds and declares that those in production agriculture have contributed sufficiently to support the Ethanol Production Incentive Cash Fund by the imposition of the excise tax. If additional funds are needed in the future to meet the Legislature's obligation to fully fund the Ethanol Production Incentive Cash Fund, those funds should come from sources other than production agriculture.

The excise tax shall be imposed at the time of sale or delivery and shall be collected by the first purchaser. The tax shall be collected, administered, and enforced in conjunction with the fees imposed pursuant to sections 2-3623 and 2-4012. The tax shall be collected, administered, and enforced by the Department of Agriculture. No corn or grain sorghum shall be subject to the tax imposed by this section more than once.

In the case of a pledge or mortgage of corn or grain sorghum as security for a loan under the federal price support program, the excise tax shall be deducted from the proceeds of such loan at the time the loan is made. If, within the life of the loan plus thirty days after the collection of the excise tax for corn or

grain sorghum that is mortgaged as security for a loan under the federal price support program, the grower of the corn or grain sorghum so mortgaged decides to purchase the corn or grain sorghum and use it as feed, the grower shall be entitled to a refund of the excise tax previously paid. The refund shall be payable by the department upon the grower's written application for a refund. The application shall have attached proof of the tax deducted.

The excise tax shall be deducted whether the corn or grain sorghum is stored in this or any other state. The excise tax shall not apply to the sale of corn or grain sorghum to the federal government for ultimate use or consumption by the people of the United States when the State of Nebraska is prohibited from imposing such tax by the Constitution of the United States and laws enacted pursuant thereto.

Sec. 4. Original sections 66-1344 to 66-1345.01, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Beutler offered the following amendment to the Stuhr et al. amendment: AM1386

(Amendments to AM1380)

1. On page 5, line 10, strike "each applicant" and insert "applicants which are new facilities located more than thirty miles from an existing facility and more than thirty miles from the borders of Nebraska shall receive credits first and then 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. Strike section 3.

2. On page 10, line 18, strike "to 66-1345.01" and insert "and 66-1345".

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. Insert the following new section:

"Sec. 4. Section 77-4401, Reissue Revised Statutes of Nebraska, is amended to read:

77-4401. (1) ~~Through December 31, 1996, there shall be imposed a fee of four dollars per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers, and commencing January 1, 1997, through December 31, 2000, there shall be~~ There is imposed a fee of one dollar per ton upon such gross tonnage. The fee shall be paid by the purchaser of the commercial fertilizer. Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section. For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the Department of Revenue for credit to the ~~Ethanol Production Incentive Cash Fund through December 31, 1996, and to the~~ Natural Resources Enhancement Fund ~~on and after January 1, 1997,~~ based on the gross tonnage of commercial fertilizers sold during the preceding period. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers sold by the seller. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) For purposes of this section, gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing ten pounds or less.

(4) Any person who purchased commercial fertilizer prior to May 1, 1993, and paid a fee greater than three dollars per ton shall be entitled to a refund of the amount paid in excess of three dollars per ton.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 7, strike beginning with line 4 through "(f)" in line 5 and show as stricken; and in line 7 strike "(g)", show as stricken, insert "(f)".

3. On page 10, line 17, after "66-1345.01" insert "and 77-4401".

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. Insert the following new sections:

"Sec. 4. (1) Sales of oxygenated gasoline in Nebraska shall be reported monthly by sellers to the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue on a form prescribed by the division. The division shall prepare a report on oxygenated gasoline sales and submit the report to the Clerk of the Legislature no later than April 30, 2000. If the report concludes that less than one-half of all gasoline sold for use as motor fuel between October 1999 and March 2000 met the oxygen requirement in this subsection, then all gasoline sold for use as motor fuel in Nebraska shall meet the oxygen requirement in this subsection beginning July 1, 2000, except as provided in subsections (3) and (4) of this section. For purposes of this section, oxygenated gasoline means gasoline that contains an oxygen content equal to or greater than two and seven-tenths percent by weight except as provided in subsections (3) and (4) of this section.

(2) Beginning in 2001, the division shall prepare a report on oxygenated gasoline sales in the preceding year and submit the report to the Clerk of the Legislature no later than April 30 each year. If the report concludes that less than one-half of all gasoline sold for use as motor fuel during the preceding year met the oxygen requirement in subsection (1) of this section, then all gasoline sold for use as motor fuel in Nebraska shall meet the oxygen requirement in such subsection beginning January 1 of the following year except as provided in subsections (3) and (4) of this section.

(3) Gasoline that does not have the oxygen content required by this section may be offered for sale, sold, or dispensed at a retail gasoline station for use in historical vehicles, vehicles eligible to be licensed as historical vehicles, off-road vehicles, motorcycles, boats, or snowmobiles, or small engines if:

(a) The nonoxygenated gasoline is dispensed into a can with a capacity of six or fewer gallons if it is for use in a small engine;

(b) The nonoxygenated gasoline is unleaded premium grade;

(c) No more than one storage tank on the premises of the retail gasoline station is used for storage of the nonoxygenated gasoline offered for sale, sold, or dispensed by the station; and

(d) The pump stands are posted with a permanent notice stating: NONOXYGENATED GASOLINE. FOR USE IN HISTORICAL VEHICLES, VEHICLES ELIGIBLE TO BE LICENSED AS HISTORICAL VEHICLES, OFF-ROAD VEHICLES, MOTORCYCLES, BOATS, OR SNOWMOBILES, OR SMALL ENGINES ONLY.

(4) Gasoline that does not have the oxygen content required by this section may be offered for sale, sold, or dispensed at an airport for use in aircraft.

Sec. 5. If any report submitted pursuant to section 1 of this act concludes that less than one-half of all gasoline sold for use as a motor fuel during the applicable period met the oxygen requirement in such section, then the Nebraska Ethanol Board shall develop a plan of public education on the benefits of requiring oxygenated gasoline. The plan shall be developed in cooperation with the State Energy Office and shall be submitted to the Natural Resources Committee of the Legislature no later than June 1 following such report. The board shall begin implementation of the plan no later than July 1 following submission of such report.

Sec. 7. The following section is outright repealed: Section 66-1225, Reissue Revised Statutes of Nebraska.".

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Nebraska Telehealth Act.

Sec. 2. The Legislature finds that:

(1) Access to health care facilities and health care practitioners is critically important to the citizens of Nebraska;

(2) Access to a continuum of health care services is restricted in some medically underserved areas of Nebraska, and many health care practitioners in such areas are isolated from

mentors, colleagues, and information resources necessary to support them personally and professionally;

(3) The use of telecommunications technology to deliver health care services can reduce health care costs, improve health care quality, improve access to health care, and enhance the economic health of communities in medically underserved areas of Nebraska; and

(4) The full potential of delivering health care services through Telehealth cannot be realized without the assurance of payment for such services and the resolution of existing legal and policy barriers to such payment.

Sec. 3. For purposes of the Nebraska Telehealth Act:

(1) Department means the Department of Health and Human Services Finance and Support;

(2) Health care practitioner means a Nebraska medicaid-enrolled provider who is licensed, registered, or certified to practice in this state by the Department of Health and Human Services Regulation and Licensure;

(3) Telehealth means the use of telecommunications technology by a health care practitioner to deliver health care services within his or her scope of practice at a site other than the site where the patient is located; and

(4) Telehealth consultation means any contact between a patient and a health care practitioner relating to the health care diagnosis or treatment of such patient that requires the use of telecommunications technology, but does not include a telephone conversation, electronic mail message, or facsimile transmission between a health care practitioner and a patient or a consultation between two health care practitioners.

Sec. 4. The Nebraska Telehealth Act does not alter the scope of practice of any health care practitioner or authorize the delivery of health care services in a setting or manner not otherwise authorized by law.

Sec. 5. (1) Prior to an initial telehealth consultation under section 6 of this act, a health care practitioner who delivers a health care service to a patient through telehealth shall ensure that the following written information is provided to such patient:

(a) A statement that the patient retains the option to refuse the telehealth consultation at any time without affecting the patient's right to future care or treatment and without risking the loss or withdrawal of any program benefits to which the patient would otherwise be entitled;

(b) A statement that all existing confidentiality protections shall apply to the telehealth consultation;

(c) A statement that the patient shall have access to all medical information resulting from the telehealth consultation as provided by law for patient access to his or her medical records; and

(d) A statement that dissemination of any patient identifiable images or information from the telehealth consultation to researchers or other entities shall not occur without the written consent of the patient.

(2) The patient shall sign a written statement prior to an initial telehealth consultation, indicating that the patient understands the written information provided pursuant to subsection (1) of this section and that this information has been discussed with the health care practitioner or his or her designee. Such signed statement shall become a part of the patient's medical record.

(3) If the patient is a minor or is incapacitated or mentally incompetent such that he or she is unable to sign the written statement required by subsection (2) of this section, such statement shall be signed by the patient's legally authorized representative.

(4) This section shall not apply in an emergency situation in which the patient is unable to sign the written statement required by subsection (2) of this section and the patient's legally authorized representative is unavailable.

Sec. 6. (1) On or after July 1, 2000, in-person contact between a health care practitioner and a patient shall not be required under the medical assistance program established in sections 68-1018 to 68-1025 and Title XXI of the federal Social Security Act, as amended, for health care services delivered through telehealth that are otherwise eligible for reimbursement under such program and federal act. Such services shall be subject to reimbursement policies developed pursuant to such program and federal act. This section also applies to managed care plans which contract with the department pursuant to the Managed Care Plan Act only to the extent that:

(a) Health care services delivered through telehealth are covered by and reimbursed under the medicaid fee-for-service program; and

(b) Managed care contracts with managed care plans are amended to add coverage of health care services delivered through telehealth and any appropriate capitation rate adjustments are incorporated.

(2) The reimbursement rate for a telehealth consultation shall, as a minimum, be set at the same rate as the medical assistance program rate for a comparable in-person consultation.

(3) The department shall establish rates for transmission cost reimbursement for telehealth consultations, considering, to the extent applicable, reductions in travel costs by health care practitioners and patients to deliver or to access health care services and such other factors as the department deems relevant.

Sec. 7. A health care facility licensed pursuant to sections 71-2017 to 71-2029 that receives reimbursement under the Nebraska Telehealth Act for telehealth consultations shall

establish quality of care protocols and patient confidentiality guidelines to ensure that such consultations meet the requirements of the act and acceptable patient care standards.

Sec. 8. By July 1, 2000, the department shall adopt and promulgate rules and regulations to carry out the Nebraska Telehealth Act, including, but not limited to, rules and regulations to: (1) Ensure the provision of appropriate care to patients through telehealth; (2) prevent fraud and abuse in the provision of telehealth consultations; and (3) establish methods and procedures necessary to safeguard against unnecessary utilization of telehealth consultations.".

Ms. Schimek filed the following amendment to LB 113A:
AM1361

1. Insert the following new section:

"Sec. 2. There is hereby appropriated $100,000 from the Temporary Employee Pool Revolving Fund for FY1999-00 to the Department of Administrative Services, for Program 605, to aid in carrying out the provisions of Legislative Bill 113, Ninety-sixth Legislature, First Session, 1999.".

Ms. Schimek filed the following amendment to LB 113:
AM1364

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 3. Section 77-912, Revised Statutes Supplement, 1998, is amended to read:

77-912. The Director of Insurance shall transmit fifty percent of the taxes paid in conformity with Chapter 44, article 1, and Chapter 77, article 9, to the State Treasurer, forty percent of such taxes paid to the General Fund, and ten percent of such taxes paid to the Mutual Finance Assistance Fund promptly upon completion of his or her audit and examination and in no event later than May 1 of each year, except that:

(1) All fire insurance taxes paid pursuant to sections 44-150 and 81-523 shall be remitted to the State Treasurer for credit to the Fire Insurance Tax Fund;

(2) All workers' compensation insurance taxes paid pursuant to section 44-150 shall be remitted to the State Treasurer for credit to the Compensation Court Cash Fund; and

(3) On ~~August 1, 1996, and each August 1 thereafter through~~ August 1, 1999, the State Treasurer shall transfer one hundred thousand dollars to the Nebraska Local Government Innovation and Restructuring Fund.

Sec. 4. Section 77-913, Revised Statutes Supplement, 1998, is amended to read:

77-913. The Insurance Tax Fund is created. The State Treasurer shall receive the funds paid pursuant to Chapter 77, article 9, and except as provided in sections 77-912 and 77-918

shall keep all money received in the Insurance Tax Fund. 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.

Prior to June 1 of each year, the State Treasurer shall disburse or allocate all of the funds in the Insurance Tax Fund on May 1 of each year as follows:

(1) Ten percent of the total less one hundred thousand dollars for ~~each of fiscal years 1997-98 through~~ fiscal year 1999-00 shall be allocated to the counties proportionately in the proportion that the population of each county bears to the entire state, as shown by the last federal decennial census. The one hundred thousand dollars shall be allocated to the Nebraska Local Government Innovation and Restructuring Fund on or before August 1, 1999;

(2)~~(a) Until July 1, 1998, thirty percent of the total shall be allocated to incorporated municipalities proportionately in the proportion that the population of each incorporated municipality bears to the total population of all incorporated municipalities, as determined by the last federal decennial census; and~~

~~(b) On and after July 1, 1998, thirty~~ Thirty percent of the total shall be allocated to the Municipal Equalization Fund; and

(3) Sixty percent of the total shall be allocated to the State Department of Education for distribution to school districts as equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act as follows: The Commissioner of Education shall (a) include the amount certified by the State Treasurer pursuant to this section with the amount appropriated to the Tax Equity and Educational Opportunities Fund for distribution in the ensuing school fiscal year, (b) include such amounts in the state aid certified to each school district pursuant to section 79-1022, and (c) distribute such funds as equalization aid under the provisions of the act during the ensuing fiscal year.

Sec. 5. Section 81-1317, Revised Statutes Supplement, 1998, is amended to read:

81-1317. Except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act and except for the pay increases provided by the Legislature, the Director of Personnel shall have authority to establish programs and otherwise adjust terms and conditions of employment for ~~FY1997-98 and FY1998-99~~ FY1999-2000 and FY2000-01 for employees not covered by collective-bargaining agreements, including terms and conditions of employment which may not be specifically provided or may otherwise be provided by law, in order to make such terms and conditions of employment more consistent with those of such covered employees or otherwise address changes arising out of collective bargaining, but in no event shall the adjustment exceed the

benefits derived from collective bargaining.

Sec. 6. Section 81-1317.01, Revised Statutes Supplement, 1998, is amended to read:

81-1317.01. Except for employees of the University of Nebraska and the state colleges and except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act, terms and conditions of employment which may otherwise be provided by law for employees not covered under the State Personnel System may be adjusted by the employer-representative as defined in section 81-1371 for ~~FY1997-98 and FY1998-99~~ FY1999-2000 and FY2000-01 to address changes arising out of collective bargaining, but in no event shall the adjustment exceed the benefits derived from collective bargaining.

Sec. 7. Section 84-1601, Revised Statutes Supplement, 1998, is amended to read:

84-1601. (1) There is hereby established a program of group life and health insurance for all permanent employees of this state who work one-half or more of the regularly scheduled hours during each pay period, excluding employees of the University of Nebraska, the state colleges, and the community colleges. Such program shall be known as the Nebraska State Insurance Program and shall replace any current program of such insurance in effect in any agency and funded in whole or in part by state contributions.

(2) Temporary employees of the state who have a work assignment of at least six months' duration and who work at least twenty hours per week may purchase health insurance through the Nebraska State Insurance Program. The state shall pay the same proportion of the insurance premium for temporary employees as is established through the collective bargaining process for permanent employees. For purposes of this subsection, temporary employees means individuals (a) employed in the Temporary Employee Pool as described in subdivision (6) of section 81-1307 and (b) hired directly by state agencies. In no event shall a temporary employee mean an individual hired through a private employment agency. The provisions of this subsection shall terminate on July 1, ~~1999~~ 2000.

(3) For purposes of sections 84-1601 to 84-1615, health insurance may be construed to include coverage for disability and dental health care services.

(4) Any commissioned employee of the Nebraska State Patrol who on or after July 17, 1986, has reached fifty-one years of age or becomes medically disabled and who will not receive benefits from the federal social security program shall be afforded the opportunity to remain enrolled in the state employees group health insurance program until age sixty-five. Employees electing this option shall be responsible for the entire premium cost, including the state's share, the employee's share, and an administrative fee consistent with that allowed by federal guidelines for continuation of health insurance.

Sec. 8. Original sections 77-912, 77-913, 81-1317,

81-1317.01, and 84-1601, Revised Statutes Supplement, 1998, are repealed.

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

2. On page 1, strike beginning with "purchasing" in line 1 through line 3 and insert "; 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.".

3. Insert underscoring in the original sections.

Mr. D. Pederson filed the following amendment to LB 548:
AM1344

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It is the intent of the Legislature that in implementing section 2 of this act:

(1) The Department of Health and Human Services Finance and Support shall seek to access, to the extent possible under federal law, medicaid funds to reimburse school districts and educational service units for administrative expenses related to administrative activities, including outreach services, currently provided to medicaid-eligible and potentially medicaid-eligible students;

(2) School districts or educational service units shall not be required to perform any new activities or services; and

(3) The department shall coordinate administrative outreach activities provided by schools and educational service units with those provided under contract by other public or private providers. Medicaid administrative outreach activities provided by schools and educational service units shall enhance and not duplicate such activities by other providers.

Sec. 2. (1) On and after January 1, 2000, the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, and the State Department of Education shall jointly develop a statewide billing system to access matching federal medicaid funds for medicaid administrative activities which are not reimbursed through the medicaid reimbursement rates established under section 43-2511. The Director of Finance and Support shall apply for and secure any federal waivers and state medicaid plan amendments required to implement this section. Only administrative activities delivered by school districts or educational service units under contract with the Department of Health and Human Services Finance and Support which are not reimbursed through the reimbursement rates under section 43-2511 shall be eligible for reimbursement under this section.

(2) Prior to entering into such a contract, the school

district or educational service unit shall certify (a) the administrative activities for which they are seeking reimbursement, (b) that it shall expend nonfederal funds in an amount sufficient to meet the required nonfederal match of expenditures, (c) that all funds received under this section shall be used only to offset costs incurred in providing medicaid administrative activities under this section, including a transfer of funds to the department to pay for initial implementation and annual administrative costs, (d) compliance with all applicable federal and state rules and regulations, and (e) any other certification required by the department. School districts or educational service units accessing funds under this section shall transfer three percent or a percentage which corresponds to the department's actual cost, whichever is greater, of the total amount of funds accessed under this section for initial implementation and annual administrative costs. The department shall require audits, reports, and certifications as it deems necessary to oversee such contracts and shall adopt and promulgate rules and regulations necessary to implement this section. Nothing in this section shall require any school district or educational service unit to enter into a contract with the department under this section. Nothing in this section shall prohibit the department from contracting with other public or private providers of medicaid administrative activities. Federal medicaid funds provided to school districts or educational services units under this section shall not be subject to section 43-2515.

Sec. 3. The Revisor of Statutes shall assign sections 1 and 2 of this act within Chapter 68, article 10.

Sec. 4. Sections 1 and 2 of this act become operative January 1, 2000. The other sections of this act become operative on their effective date.".

Mr. Wehrbein filed the following amendment to LB 630:
AM1369

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 77-2715.07, Revised Statutes Supplement, 1998, is amended to read:

77-2715.07. (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(b) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to qualified resident individuals against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) For returns filed reporting federal adjusted gross

incomes of greater than twenty-nine thousand dollars, a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended; ~~and~~

(b) For returns filed reporting federal adjusted gross income of twenty-nine thousand dollars or less, a refundable credit equal to a percentage of the federal credit allowable under section 21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal tax liability. The percentage of the federal credit shall be one hundred percent for incomes not greater than twenty-two thousand dollars, and the percentage shall be reduced by ten percent for each one thousand dollars, or fraction thereof, by which the reported federal adjusted gross income exceeds twenty-two thousand dollars; and

(c) A refundable credit for individuals who qualify for an income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 1999, under the Internal Revenue Code of 1986, as amended.

(3) There shall be allowed to all individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit for personal exemptions allowed under section 77-2716.01; and

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income.

(4) There shall be allowed as a credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit to all resident estates and trusts for taxes paid to another state as provided in section 77-2730; and

(b) A credit to all estates and trusts for contributions to certified community betterment programs as provided in the Community Development Assistance Act.

Sec. 2. Sections 2 to 14 of this act shall be known and may be cited as the Beginning Farmer Tax Credit Act.

Sec. 3. (1) The Legislature hereby finds and declares that:

(a) Current farm economic conditions in the State of Nebraska have resulted in unemployment, outmigration of people, loss of agricultural jobs, and difficulty in attracting and retaining farm operations; and

(b) Major revisions in Nebraska's tax structure are necessary to accomplish economic revitalization of rural Nebraska and to be competitive with other states involved in economic

revitalization and development of agriculture.

(2) It is the policy of this state to make revisions in Nebraska's tax structure in order to encourage persons to seek careers in the farming industry, retain existing and established farm operations, promote the creation and retention of new farm jobs in Nebraska, and attract and retain investment capital in rural Nebraska.

Sec. 4. For purposes of the Beginning Farmer Tax Credit Act:

(1) Agricultural assets means agricultural land, livestock, farming, or livestock production facilities or buildings and machinery used for farming or livestock production;

(2) Board means the Beginning Farmer Board created by section 5 of this act;

(3) Family means parents and grandparents of, and parents and grandparents of spouses of, persons who apply for assistance from the board for the purpose of entering into farming or livestock production;

(4) Farm means any tract of land over ten acres in area used for or devoted to the commercial production of farm products;

(5) Farm product means those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing livestock, fruits, and vegetables;

(6) Farming or livestock production means the active use, management, and operation of real and personal property for the production of a farm product;

(7) Financial management program means a program for beginning farmers or livestock producers which includes, but is not limited to, assistance in the creation and proper use of record-keeping systems, periodic private consultations with licensed financial management personnel, year-end monthly cash flow analysis, and detailed enterprise analysis;

(8) Owner of agricultural assets means an individual who is a resident individual as defined in section 77-2714.01, who has derived at least fifty percent or more of his or her gross annual income for income tax purposes from farming or livestock production, who has a net worth of at least one hundred thousand dollars, including any holdings by a spouse or dependent, based on fair market value, who has provided the majority of the day-to-day physical labor and management of a farm over a period of time deemed sufficient to qualify for the granting of tax credits under the act by the board, and who has such other qualifications as determined by the board; and

(9) Qualified beginning farmer or livestock producer means an individual who is a resident individual as defined in section 77-2714.01, who has entered farming or livestock production or is seeking entry into farming or livestock production, who

intends to farm or raise crops or livestock on land located within the state borders of Nebraska, and who meets the eligibility guidelines established in section 10 of this act and such other qualifications as determined by the board.

Sec. 5. For the purpose of developing and directing programs to provide increased and enhanced opportunities for beginning farmers and livestock producers, the Beginning Farmer Board is created. For administrative and budgetary purposes only, the board shall be housed within the Department of Agriculture. The board shall be vested with the following duties and responsibilities:

(1) To approve and certify beginning farmers and livestock producers as eligible for the programs provided by the board;

(2) To approve and certify owners of agricultural assets as eligible for the tax credits authorized by sections 12 to 14 of this act;

(3) To advocate joint ventures between beginning farmers or livestock producers and existing private and public credit and banking licensed institutions, as well as to advocate joint ventures with owners of agricultural assets desiring to assist beginning farmers and livestock producers seeking entry into farming or livestock production;

(4) To provide necessary and reasonable assistance and support to beginning farmers and livestock producers for qualification and participation in financial management programs approved by the board;

(5) To advocate appropriate changes in policies and programs of other public and private institutions or agencies which will directly benefit beginning farmers and livestock producers and may include changes regarding financing, taxation, and any other existing policies which prohibit or impede individuals from entering into farming or livestock production;

(6) To provide adequate explanations of facts and aspects of available programs offered or recommended by the board intended for beginning farmers and livestock producers;

(7) To assist and educate beginning farmers and livestock producers by acting as a liaison between beginning farmers or livestock producers and the Nebraska Investment Finance Authority;

(8) To encourage licensed financial institutions and individuals to use alternative amortization schedules for loans and land contracts granted to beginning farmers and livestock producers;

(9) To refer beginning farmers and livestock producers to agencies and organizations which may provide additional pertinent information and assistance;

(10) To provide any other assistance and support the board deems necessary and appropriate in order for entry into farming or livestock production;

(11) To adopt and promulgate rules and regulations necessary to carry out the purposes of the Beginning Farmer Tax Credit Act, including criteria required for tax credit eligibility and financial management program certification and guidelines which constitute a viably sized farm that is necessary to adequately support a beginning farmer or livestock producer. Such guidelines shall vary and take into account the region of the state, number of acres, land quality and type, type of operation, type of crops or livestock raised, and other factors of farming or livestock production; and

(12) To keep minutes of the board's meetings and other books and records which will adequately reflect actions and decisions of the board and to provide an annual report to the Legislature and Governor by December 1.

Sec. 6. The board shall consist of the following members:

(1) The Director of Agriculture or his or her designee;

(2) The Tax Commissioner or his or her designee;

(3) One individual representing lenders of agricultural credit;

(4) One individual of the academic community with extensive knowledge and insight in the analysis of agricultural economic issues; and

(5) Three individuals, one from each congressional district, who are currently engaged in farming or livestock production and are representative of a variety of farming or livestock production interests based on size of farm, type of farm operation, net worth of farm operation, and geographic location.

All members of the board shall be resident individuals as defined in section 77-2714.01. Members of the board listed in subdivisions (3) through (5) of this section shall be appointed by the Governor with the approval of a majority of the Legislature. All appointments shall be for terms of four years.

Vacancies in the appointed membership of the board shall be filled for the unexpired term by appointment by the Governor. Members of the board shall serve the full term and until a successor has been appointed by the Governor and approved by the Legislature. Any member is eligible for reappointment. Any member may be removed from the board by the Governor or by an affirmative vote by any four members of the board for incompetence, neglect of duty, or malfeasance.

Sec. 7. Once every two years, the members of the board shall elect a chairperson and a vice-chairperson. A member of the board may be reelected to the position of chairperson or vice-chairperson upon the discretion of the board. Members of the board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 8. Four of the members of the board shall constitute a quorum for the transaction of official business. The

affirmative vote of at least four members shall be necessary for any action to be taken by the board. No vacancy in the membership of the board shall constitute an impairment of a quorum to exercise any and all rights and perform all duties of the board.

Sec. 9. The board shall meet quarterly during the year and shall review pending applications in order to approve and certify beginning farmers and livestock producers as eligible for the programs provided by the board and to approve and certify owners of agricultural assets as eligible for the tax credits authorized by sections 12 to 14 of this act. Any action taken by the board regarding approval and certification of program eligibility, granting of tax credits, or termination of share-rental agreements shall require the affirmative vote of at least four members of the board.

Sec. 10. The board shall determine who is qualified as a beginning farmer or livestock producer based on the qualifications found in this section. A qualified beginning farmer or livestock producer shall be an individual who: (1) Has a net worth of not more than one hundred thousand dollars, including any holdings by a spouse or dependent, based on fair market value; (2) provides the majority of the day-to-day physical labor and management of the farm; (3) has, by the judgment of the board, adequate farming or livestock production experience or demonstrates knowledge in the type of farming or livestock production for which he or she seeks assistance from the board; (4) demonstrates to the board a profit potential by submitting board-approved projected earnings statements and agrees that farming or livestock production is intended to become his or her principal source of income; (5) demonstrates to the board a need for assistance; (6) participates in a financial management program approved by the board; (7) submits a nutrient management plan and a soil conservation plan to the board for approval on any applicable agricultural assets purchased or rented from an owner of agricultural assets; (8) is not a relative as defined in section 36-702 of the owner of agricultural assets in which the beginning farmer or livestock producer is seeking to enter into a share-rental agreement; and (9) has such other qualifications as specified by the board. A qualified beginning farmer or livestock producer who has successfully participated in and completed a board approved and certified three-year share-rental agreement with an owner of agricultural assets shall not be eligible to file a subsequent application with the board but may refer to the board for additional support and participate in programs, including educational and financial programs and seminars, established or recommended by the board that are applicable to the continued success of such farmer or livestock producer.

Sec. 11. The board shall, following the close of each fiscal year, submit an annual report of the activities and actions of the board for the preceding fiscal year to the Governor, the

Legislative Fiscal Analyst, and the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by request to the chairperson of the board. Each report shall include the following information:

(1) A complete operating and financial statement for the board for the prior fiscal year;

(2) The number of qualified beginning farmers and livestock producers receiving assistance from the board;

(3) The number of owners of agricultural assets claiming tax credits and the monetary amount of credits granted by the board; and

(4) Any other relevant information which the board deems necessary to report.

Sec. 12. An owner of agricultural assets shall be allowed a credit to be applied against the state income tax liability of such individual for agricultural assets rented on a share-rental agreement basis to qualified beginning farmers or livestock producers. Such asset shall be rented at prevailing community rates as determined by the board. The credit allowed shall be for renting agricultural assets used for farming or livestock production. Such credit shall be granted by the Department of Revenue only after approval and certification by the board and a written three-year share-rental agreement for such assets is entered into between an owner of agricultural assets and a qualified beginning farmer or livestock producer. An owner of agricultural assets or qualified beginning farmer or livestock producer may terminate such agreement for reasonable cause upon approval by the board. If an agreement is terminated without fault on the part of the owner of agricultural assets as determined by the board, the tax credit shall not be retroactively disallowed. If an agreement is terminated with fault on the part of the owner of agricultural assets as determined by the board, any prior tax credits claimed by such owner shall be disallowed and recaptured and shall be immediately due and payable to the State of Nebraska. A credit may be granted to an owner of agricultural assets for renting agricultural assets to any qualified beginning farmer or livestock producer for a period of three years. After the successful completion of a board approved and certified three-year share-rental agreement with a qualified beginning farmer or livestock producer, an owner of agricultural assets may enter into a board-approved and certified three-year share-rental agreement and rent such assets to another qualified beginning farmer or livestock owner and be eligible to receive a credit. In order to be eligible for a credit, an owner of agricultural assets cannot enter into more than one three-year share-rental agreement approved and certified by the board with the same qualified beginning farmer or livestock owner or with more than one beginning farmer or livestock owner at one time.

Sec. 13. In evaluating a share-rental agreement between

an owner of agricultural assets and a qualified beginning farmer or livestock producer, the board shall not approve and certify credit for an owner of agricultural assets who (1) has, with fault, terminated a prior board approved and certified share-rental agreement with a qualified beginning farmer or livestock producer or (2) is proposing a share-rental agreement of agricultural assets which, if rented to a qualified beginning farmer or livestock producer, would cause the lessee to be responsible for managing or maintaining a farm which, based on the discretion of the board, is of greater scope and scale than necessary for a viably sized farm as established by the guidelines implemented by the board in order to adequately support a beginning farmer or livestock producer. Any person aggrieved by a decision of the board may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 14. The tax credit approved and certified by the board under section 12 of this act for an owner of agricultural assets shall be equal to five percent of the gross rental income on any share-rental agreement that is approved and certified by the board under the Beginning Farmer Tax Credit Act, including the renting of agricultural assets by an owner of such assets to a qualified beginning farmer or livestock producer. The board shall review each existing three-year share-rental agreement between a beginning farmer or livestock producer and an owner of agricultural assets on a quarterly basis and shall either certify or terminate program eligibility for beginning farmers or livestock producers or tax credits granted to owners of agricultural assets on an annual basis.

Sec. 15. Original section 77-2715.07, Revised Statutes 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 29-2521.02, Reissue Revised Statutes

of Nebraska, is amended to read:

29-2521.02. (1) The Supreme Court shall within a reasonable time after July 22, 1978, review and analyze all cases involving criminal homicide committed on or after April 20, 1973. Such review and analysis shall examine ~~(1)~~ (a) the facts including mitigating and aggravating circumstances, ~~(2)~~ (b) the charges filed, ~~(3)~~ (c) the crime for which defendant was convicted, and ~~(4)~~ (d) the sentence imposed. Such review shall be updated as new criminal homicide cases occur.

(2) Following the transmittal of a report of the Nebraska Commission on Law Enforcement and Criminal Justice pursuant to subdivision (7) of section 81-1425 and subsequent reports updating such report, the Supreme Court may take judicial notice of such reports in undertaking the determinations required by sections 29-2521.01 to 29-2521.04.

Sec. 2. Section 29-2528, Reissue Revised Statutes of Nebraska, is amended to read:

29-2528. ~~In~~ (1) Except as provided in subsection (2) of this section, in all cases when the death penalty has been imposed by the district court, the Supreme Court shall, after consideration of the appeal, order the prisoner to be discharged, order a new trial to be had, or appoint a day certain for the execution of the sentence.

(2)(a) The Supreme Court shall not appoint a day certain for the execution of a death sentence that falls during the period beginning on the effective date of this act and ending on September 1, 2001.

(b) During the moratorium period specified in subdivision (a) of this subsection, the special procedures in cases of homicide provided in sections 29-2519 to 29-2546 and any other proceedings related to capital cases, including motions for postconviction relief, shall continue to be operative and shall proceed as if no such moratorium were in place, except that no day certain for execution shall be appointed that falls during the moratorium period.

(c) During the moratorium period specified in subdivision (a) of this subsection, the Supreme Court may appoint a day certain for the execution of a death sentence that does not fall during the moratorium period.

Sec. 3. Section 81-1425, Reissue Revised Statutes of Nebraska, is amended to read:

81-1425. The executive director of the commission shall:

(1) Supervise and be responsible for the administration of the policies established by the commission;

(2) Establish a Jail Standards subdivision within the commission and establish, consolidate, or abolish any other administrative subdivision within the commission and appoint and remove for cause the heads thereof, and delegate appropriate powers and duties to them;

(3) Establish and administer projects and programs for the operation of the commission;

(4) Appoint and remove employees of the commission and delegate appropriate powers and duties to them;

(5) Make rules and regulations for the management and the administration of policies of the commission and the conduct of employees under his or her jurisdiction;

(6) Collect, develop, and maintain statistical information, records, and reports as the commission may determine relevant to its functions;

(7) Prior to January 1, 2001, review and analyze all cases involving criminal homicide committed on or after April 20, 1973. The review and analysis shall examine (a) the facts, including mitigating and aggravating circumstances, (b) to the extent such can be ascertained, the race, gender, religious preference, and economic status of the defendant and of the victim, (c) the charges filed, (d) the result of the judicial proceeding in each case, and (e) the sentence imposed. Upon the completion of such review, the report of such shall be transmitted to the Governor, the Clerk of the Legislature, and the Chief Justice of the Supreme Court. The review and analysis shall be updated as new cases of criminal homicide occur. The commission shall report on such updating annually to the parties named in this subdivision;

(8) Transmit monthly to the commission a report of the operations of the commission for the preceding calendar month;

~~(8)~~ (9) Execute and carry out the provisions of all contracts, leases, and agreements authorized by the commission with agencies of federal, state, or local government, corporations, or persons;

~~(9)~~ (10) Perform such additional duties as may be assigned to him or her by the commission, the chairperson of the commission, or by law; and

~~(10)~~ (11) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

Sec. 4. Original sections 29-2521.02, 29-2528, and 81-1425, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, strike beginning with "crimes" in line 1 through line 17 and insert "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.".

(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. Insert the following new sections:

"Sec. 3. Section 29-2532, Reissue Revised Statutes of Nebraska, is amended to read:

29-2532. (1)(a) Until January 1, 2001, the ~~The~~ mode of inflicting the punishment of death, in all cases, shall be by causing to pass through the body of the convicted person a current of electricity of sufficient intensity to cause death; and the application of such current shall be continued until such convicted person is dead.

(b) On and after January 1, 2001, the mode of inflicting the punishment of death shall be by a continuous, intravenous administration of a lethal quantity of an ultra-short-acting barbiturate in connection with a chemical paralytic agent and an agent to cause cardiac arrest into the body of the convicted person until death occurs. The person administering the injection need not be a physician, registered nurse, or licensed practical nurse, licensed or registered under the laws of this state or any other state. The infliction of the punishment of death by lethal injection shall not be construed to be the practice of medicine, and any pharmacist or pharmaceutical supplier may dispense the necessary drugs as needed and without prescription to the warden. The warden of the Nebraska Penal and Correctional Complex, and in case of his or her death, sickness, absence or inability to act, then the deputy warden, shall be the executioner. The ; ~~PROVIDED, the~~ warden may in writing specially designate and appoint a suitable and competent person to act for him or her, and under his or her direction, as executioner in any particular case. A crime punishable by death must be punished according to the provisions herein made and not otherwise.

Sec. 4. Section 29-2533, Reissue Revised Statutes of Nebraska, is amended to read:

29-2533. When any person shall be sentenced to ~~be electrocuted~~ death, such punishment shall be inflicted within the walls of the Department of Correctional Services adult correctional facility, or within the yard or enclosure adjacent thereto, under the supervision of the warden and in such a manner as to exclude the view of all persons save those permitted to be present as provided in sections 29-2534 and 29-2535.

Sec. 5. Section 29-2542, Reissue Revised Statutes of Nebraska, is amended to read:

29-2542. If any person who has been convicted of a crime punishable by death, and sentenced to ~~be electrocuted~~ death, shall escape, and shall not be retaken before the time fixed for his or her execution, it shall be lawful for the warden, or any sheriff or

other officer or person to rearrest such person and return him or her to the custody of the warden of the Nebraska Penal and Correctional Complex, who shall thereupon make return thereof to the Governor of the state, and the Governor shall thereupon issue a warrant, fixing and appointing a day for the execution, which shall be carried into effect by the warden in the same manner as herein provided for the execution of an original sentence of death.

Sec. 6. Section 29-2543, Reissue Revised Statutes of Nebraska, is amended to read:

29-2543. Whenever any person has been tried and convicted before any district court in this state of a crime punishable by death and under the conviction has been sentenced by the court to suffer death, it shall be the duty of the clerk of the court before which the conviction was had to issue a warrant, under the seal of the court, reciting therein the conviction and sentence directed to the warden of the Nebraska Penal and Correctional Complex, commanding him or her to proceed at the time named in the sentence to carry the same into execution by causing the person so convicted and sentenced to be ~~electrocuted~~ put to death by the ~~passage of an electric current through the body until dead~~ means set forth in section 29-2532. The clerk shall deliver the warrant to the sheriff of the county in which conviction was had and such sheriff shall thereupon forthwith remove such convicted person to a Department of Correctional Services adult correctional facility of the state and there deliver him or her, together with the warrant, into the custody of the warden who shall receive and safely keep such convict within a Department of Correctional Services adult correctional facility until the time of execution or until otherwise ordered by competent authority.".

2. On page 4, lines 9 and 13, after the second comma insert "29-2532, 29-2533, 29-2542, 29-2543,"; and in line 15 after the semicolon insert "to change the method of inflicting the death penalty;".

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. Insert the following new sections:

"Sec. 12. Section 70-625, Revised Statutes Supplement, 1998, is amended to read:

70-625. (1) Subject to the limitations of the petition for its creation and all amendments to such petition, a public power district has all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real property reasonably necessary for the conduct of its business. No district may sell household appliances at retail if the retail price of any such appliance exceeds fifty dollars, except that newly developed electrical appliances may be merchandised and sold during the period of time in which any such appliances are being introduced to the public. New models of existing appliances shall not be deemed to be newly developed appliances. An electrical appliance shall be considered to be in such introductory period of time until the particular type of appliance is used by twenty-five percent of all the electrical customers served by such district, but such period shall in no event exceed five years from the date of introduction by the manufacturer of the new appliance to the local market.

(2) In addition to its powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district may sell, lease, and service satellite television signal descrambling or decoding devices, satellite television programming, and equipment and services associated with such devices and programming, except that this section does not authorize public power districts (a) to operate as contract or

common carriers engaged in furnishing communications services for hire in Nebraska intrastate commerce, (b) to provide signal descrambling or decoding devices or satellite programming to any location (i) being furnished such devices or programming on April 24, 1987, or (ii) where community antenna television service is available from any person, firm, or corporation holding a franchise pursuant to sections 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on April 24, 1987, or ~~(b)~~ (c) to sell, service, or lease C-band satellite dish systems or repair parts.

(3) In addition to the powers authorized by Chapter 70 and specified in its petition for creation as amended, the board of directors of a public power district may apply for and use funds available from the United States Department of Agriculture or other federal agencies for grants or loans to promote economic development and job creation projects in rural areas as permitted under the rules and regulations of the federal agency from which the funds are received. Any loan to be made by a district shall only be made in participation with a bank pursuant to a contract. The district and the participating bank shall determine the terms and conditions of the contract. In addition, in rural areas of the district, the board of directors of such district may provide technical or management assistance to prospective, new, or expanding businesses, including home-based businesses, provide assistance to a local or regional industrial or economic development corporation or foundation located within or contiguous to the district's service area, and provide youth and adult community leadership training.

(4) Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act or pursuant to this section. In addition to the powers authorized by Chapter 70 and specified in its petition for creation, as amended, and without the need for further amendment thereto, a public power district may own and operate, contract to operate, or lease energy equipment and provide billing, meter reading, surveys, or evaluations and other administrative services, but not to include natural gas services, of public utility systems within a district's service territory.

Sec. 14. Original section 70-625, Revised Statutes Supplement, 1998, is repealed.".

2. Underscore sections 1 to 11 and all amendments thereto.

3. In the Landis amendment, AM0816, on page 1, line 3, strike "This" and insert "Sections 1 to 11 of this".

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. Insert the following new sections:

"Sec. 39. Section 75-302, Reissue Revised Statutes of Nebraska, is amended to read:

75-302. For purposes of sections 75-301 to 75-322 and in all rules and regulations adopted and promulgated by the commission pursuant to such sections, unless the context otherwise requires:

(1) Carrier enforcement division means the carrier enforcement division of the Nebraska State Patrol or the Nebraska State Patrol;

(2) Certificate means a certificate of public convenience and necessity issued under Chapter 75, article 3, to common carriers by motor vehicle;

(3) Civil penalty means any monetary penalty assessed by the commission or carrier enforcement division due to a violation of Chapter 75, article 3, or section 75-126 as such section applies to any person or carrier specified in Chapter 75, article 3; any term, condition, or limitation of any certificate or permit issued pursuant to Chapter 75, article 3; or any rule, regulation, or order of the commission, the Division of Motor Carrier Services, or the carrier enforcement division issued pursuant to Chapter 75, article 3;

(4) Commission means the Public Service Commission;

(5) Common carrier means any person who or which undertakes to transport passengers or household goods for the general public in intrastate commerce by motor vehicle for hire, whether over regular or irregular routes, upon the highways of this state;

(6) Contract carrier means any motor carrier which transports passengers or household goods for hire other than as a common carrier designed to meet the distinct needs of each individual customer or a specifically designated class of customers without any limitation as to the number of customers it can serve within the class;

(7) Division of Motor Carrier Services means the Division of Motor Carrier Services of the Department of Motor Vehicles;

(8) Escort services means an attendant or caregiver accompanying a minor or persons who are physically, mentally, or developmentally disabled and unable to travel or wait without assistance or supervision;

(9) Highway means the roads, highways, streets, and ways in this state;

~~(9)~~ (10) Household goods means personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, and similar property as the commission may provide by regulation if the transportation of such effects or property, is:

(a) Arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with the intent to use in his or her dwelling; or

(b) Arranged and paid for by another party;

~~(10)~~ (11) Intrastate commerce means commerce between any place in this state and any other place in this state and not in part through any other state;

~~(11)~~ (12) Motor carrier means any person other than a regulated motor carrier who or which owns, controls, manages, operates, or causes to be operated any motor vehicle used to transport passengers or property over any public highway in this state;

~~(12)~~ (13) Motor vehicle means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails;

~~(13)~~ (14) Permit means a permit issued under Chapter 75, article 3, to contract carriers by motor vehicle;

~~(14)~~ (15) Person means any individual, firm, partnership, limited liability company, corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof;

~~(15)~~ (16) Private carrier means any motor carrier which owns, controls, manages, operates, or causes to be operated a motor vehicle to transport passengers or property to or from its facility, plant, or place of business or to deliver to purchasers its products, supplies, or raw materials (a) when such transportation is within the scope of and furthers a primary business of the carrier other than transportation and (b) when not for hire. Nothing in sections 75-301 to 75-322 shall apply to private carriers except sections 75-307 to 75-307.03 as they apply to private carriers; and

~~(16)~~ (17) Regulated motor carrier means any person who or which owns, controls, manages, operates, or causes to be operated

any motor vehicle used to transport passengers, other than those excepted under section 75-303, or household goods over any public highway in this state.

Sec. 40. Section 75-303, Reissue Revised Statutes of Nebraska, is amended to read:

75-303. Sections 75-301 to 75-322 shall apply to transportation by a motor carrier or the transportation of passengers and household goods by a regulated motor carrier for hire in intrastate commerce except for the following:

(1) A motor carrier for hire in the transportation of school children and teachers to and from school;

(2) A motor carrier for hire operated in connection with a part of a streetcar system;

(3) An ambulance, ambulance owner, hearse, or automobile used exclusively as an incident to conducting a funeral;

(4) A motor carrier exempt by subdivision (1) of this section which hauls for hire (a) persons of a religious, fraternal, educational, or charitable organization, (b) pupils of a school to athletic events, (c) players of American Legion baseball teams when the point of origin or termination is within five miles of the domicile of the carrier, and (d) the elderly as defined in section 13-1203 and their spouses and dependents under a contract with a municipality or county authorized in section 13-1208;

(5) A motor carrier operated by a city and engaged in the transportation of passengers, and such exempt operations shall be no broader than those authorized in intrastate commerce at the time the city or other political subdivision assumed ownership of the operation;

(6) A motor vehicle owned and operated by a nonprofit organization which is exempt from payment of federal income taxes, as provided by section 501(c)(4), Internal Revenue Code, transporting solely persons over age sixty, persons who are spouses and dependents of persons over age sixty, and handicapped persons;

(7) A motor carrier engaged in the transportation of passengers operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska;

(8) A motor carrier operated by a municipality or county, as authorized in section 13-1208, in the transportation of elderly persons;

(9) A motor vehicle having a seating capacity of twenty or less which is operated by a governmental subdivision or a qualified public-purpose organization as defined in section 13-1203 engaged in the transportation of passengers in the state; ~~and~~

(10) A motor vehicle owned and operated by a nonprofit entity organized for the purpose of furnishing electric service; and

(11) A motor carrier engaged in escort services and under contract with the Department of Health and Human Services or with any agency organized under the Nebraska Community Aging Services

Act.

Sec. 41. Section 75-303.01, Reissue Revised Statutes of Nebraska, is amended to read:

75-303.01. The Department of Health and Human Services Finance and Support or any agency organized under the Nebraska Community Aging Services Act may contract for transportation for its clients with a contractor which does not hold a certificate or which is not otherwise exempt under section 75-303 only if:

(1) The proposed contractor is the individual who will personally drive the vehicle in question;

(2) The only compensation to the contractor for the transportation is paid by the department at a rate no greater than that provided for reimbursement of state employees pursuant to section 81-1176 for the costs incurred in the transportation; and

(3)(a) There is no regulated motor carrier serving the area in which the client needs transportation, (b) ~~or~~ the regulated motor carrier serving the area is incapable of providing the specific service in question by its own written statement or as determined by the commission upon application of the regulated motor carrier or the department, or (c) the regulated carrier can not or will not provide such service at the rate specified in subsection (2) of section 75-303.02.

Sec. 42. Section 75-303.02, Reissue Revised Statutes of Nebraska, is amended to read:

75-303.02. (1) The commission, in consultation with the Department of Health and Human Services Finance and Support, shall adopt and promulgate rules and regulations governing minimum liability insurance requirements, equipment standards, driver qualification requirements, and the issuance and filing of notice for any contractor utilized by the department or any agency organized under the Nebraska Community Aging Services Act pursuant to section 75-303.01.

(2) The Department of Health and Human Services or any agency organized under the Nebraska Community Aging Services Act shall reimburse common and contract carriers for transportation of passengers at a rate not to exceed the rate of reimbursement pursuant to section 81-1176 multiplied by three. The maximum reimbursement rate provided for in this subsection shall not apply when the carrier (a) transports such person wholly within the corporate limits of the city or village where the transportation of the person originated or (b) transports a disabled person as defined by the federal Americans with Disabilities Act of 1990 in a vehicle that is compliant with the regulations providing for the transportation of such disabled person.".

2. Correct the operative date and repealer so the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen filed the following amendment to LB 556:
AM1402

1. On page 3, line 13, after "tabs" insert "and stickers"; and in line 20 after "60-311.02" insert ", 60-6,322,".

Mrs. Bohlke filed the following amendment to LB 314A:
AM1413

(Amendments to Final Reading copy)

1. On page 1, line 4, strike "transfers" and insert "a transfer of funds".

2. On page 2, strike beginning with "The" in line 13 through line 15.

Messrs. Vrtiska and Kristensen filed the following amendment to LB 882:
AM1412

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 Caroline C. and Bruce Mason, Attorney, 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 Debra W. and Bruce Mason, Attorney, 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 Donna W. and Bruce Mason, Attorney, 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 Billie V. and Bruce Mason, Attorney, 1505 South 108th St., Omaha, NE 68144, out of the General Fund	75,000.00
Tort Claim No. 98-173, against the Department of Labor, pay to Elaine Miller and V. Gene Summerlin, Attorney, 330 South 10th St., Lincoln, NE 68508, out of the General Fund	698,242.16
and out of the Elevator Inspection Fund	100,000.00

The claims included in this section shall be paid through Program 591 in Agency 65.

For informational purposes only, the appropriations 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.

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. In the Stuhr et al. amendment, AM1380:

a. On page 3, line 16; and page 4, line 9, strike "which" and insert "the";

b. On page 4, line 22, strike "subsection (1) or (2)", show the old matter as stricken, and insert "subsections (1) and (2)";

c. On page 5, line 5, strike "subsections" and insert "subsection"; in line 14 after "nonrefundable" insert an underscored comma; and in line 22 strike the first "the", show as stricken, and insert "a"; and

d. On page 8, line 1, before "2003" insert "~~2000~~" and insert underscoring under "2003".

2. On page 1, strike beginning with "motor" in line 1 through line 4 and insert "the Ethanol Development Act; to amend sections 66-1344 to 66-1345.01, 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 harmonize provisions; and to repeal the original sections.".

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

Monday, May 3, 1999 1:00 p.m.
Board of Emergency Medical Services
William Heine
Val Snyder

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Nebraska Telehealth Act.

Sec. 2. The Legislature finds that:

(1) Access to health care facilities and health care practitioners is critically important to the citizens of Nebraska;

(2) Access to a continuum of health care services is restricted in some medically underserved areas of Nebraska, and many health care practitioners in such areas are isolated from mentors, colleagues, and information resources necessary to support them personally and professionally;

(3) The use of telecommunications technology to deliver health care services can reduce health care costs, improve health care quality, improve access to health care, and enhance the economic health of communities in medically underserved areas of Nebraska; and

(4) The full potential of delivering health care services through Telehealth cannot be realized without the assurance of payment for such services and the resolution of existing legal and policy barriers to such payment.

Sec. 3. For purposes of the Nebraska Telehealth Act:

(1) Department means the Department of Health and Human Services Finance and Support;

(2) Health care practitioner means a Nebraska medicaid-enrolled provider who is licensed, registered, or certified to practice in this state by the Department of Health and Human Services Regulation and Licensure;

(3) Telehealth means the use of telecommunications technology by a health care practitioner to deliver health care services within his or her scope of practice at a site other than the site where the patient is located; and

(4) Telehealth consultation means any contact between a patient and a health care practitioner relating to the health care diagnosis or treatment of such patient through telehealth but does not include a telephone conversation, electronic mail message, or facsimile transmission between a health care practitioner and a patient or a consultation between two health care practitioners.

Sec. 4. The Nebraska Telehealth Act does not: (1) Alter the scope of practice of any health care practitioner; (2) authorize the delivery of health care services in a setting or manner not otherwise authorized by law; or (3) limit a patient's right to choose in-person contact with a health care practitioner for the delivery of health care services for which telehealth is available.

Sec. 5. (1) Prior to an initial telehealth consultation under section 6 of this act, a health care practitioner who delivers a health care service to a patient through telehealth shall ensure that the following written information is provided to the patient:

(a) A statement that the patient retains the option to refuse the telehealth consultation at any time without affecting the patient's right to future care or treatment and without risking the loss or withdrawal of any program benefits to which the patient would otherwise be entitled;

(b) A statement that all existing confidentiality protections shall apply to the telehealth consultation;

(c) A statement that the patient shall have access to all medical information resulting from the telehealth consultation as provided by law for patient access to his or her medical records; and

(d) A statement that dissemination of any patient identifiable images or information from the telehealth consultation to researchers or other entities shall not occur without the written consent of the patient.

(2) The patient shall sign a written statement prior to an initial telehealth consultation, indicating that the patient understands the written information provided pursuant to subsection (1) of this section and that this information has been discussed with the health care practitioner or his or her designee. Such signed statement shall become a part of the patient's medical record.

(3) If the patient is a minor or is incapacitated or mentally incompetent such that he or she is unable to sign the written statement required by subsection (2) of this section, such statement shall be signed by the patient's legally authorized representative.

(4) This section shall not apply in an emergency situation in which the patient is unable to sign the written statement required by subsection (2) of this section and the patient's legally authorized representative is unavailable.

Sec. 6. (1) On or after July 1, 2000, in-person contact between a health care practitioner and a patient shall not be required under the medical assistance program established in sections 68-1018 to 68-1025 and Title XXI of the federal Social Security Act, as amended, for health care services delivered through telehealth that are otherwise eligible for reimbursement

under such program and federal act. Such services shall be subject to reimbursement policies developed pursuant to such program and federal act. This section also applies to managed care plans which contract with the department pursuant to the Managed Care Plan Act only to the extent that:

(a) Health care services delivered through telehealth are covered by and reimbursed under the medicaid fee-for-service program; and

(b) Managed care contracts with managed care plans are amended to add coverage of health care services delivered through telehealth and any appropriate capitation rate adjustments are incorporated.

(2) The reimbursement rate for a telehealth consultation shall, as a minimum, be set at the same rate as the medical assistance program rate for a comparable in-person consultation.

(3) The department shall establish rates for transmission cost reimbursement for telehealth consultations, considering, to the extent applicable, reductions in travel costs by health care practitioners and patients to deliver or to access health care services and such other factors as the department deems relevant.

Sec. 7. A health care facility licensed pursuant to sections 71-2017 to 71-2029 that receives reimbursement under the Nebraska Telehealth Act for telehealth consultations shall establish quality of care protocols and patient confidentiality guidelines to ensure that such consultations meet the requirements of the act and acceptable patient care standards.

Sec. 8. By July 1, 2000, the department shall adopt and promulgate rules and regulations to carry out the Nebraska Telehealth Act, including, but not limited to, rules and regulations to: (1) Ensure the provision of appropriate care to patients; (2) prevent fraud and abuse; and (3) establish methods and procedures necessary to safeguard against unnecessary utilization of telehealth consultations.".

Mr. Wickersham filed the following amendment to LB 271:
AM1415

(Amendments to E & R amendments, AM7122)

1. On page 5, line 15, after "organizations" insert ", or any organization for the exclusive benefit of any such educational, religious, charitable, or cemetery organization,"; and in lines 25 and 26 strike the new language.

2. On page 11, lines 5, 8, 14, and 18; and page 12, line 7, strike "real".

3. On page 11, line 9, strike "77-112" and insert "77-201"; and in line 22 after "paid" insert "and shall be collected in the same manner as personal property taxes as provided 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. Strike section 4 and insert the following section:

"Sec. 4. Nothing in the Livestock Waste Management Act shall be construed to change the zoning authority of a county that 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. Insert the following new sections:

"Sec. 8. The Department of Correctional Services is authorized to develop a central warehouse system for the ordering, purchasing, delivering, and billing for facilities and programs within the Department of Correctional Services of items stocked in the central warehouse system. The central warehouse system shall operate separately and distinctly from other department revolving-funded operations.

Sec. 9. There is hereby created the Department of Correctional Services Warehouse Revolving Fund. This fund shall only be used for the purchase of items to be resold at cost to facilities and programs within the Department of Correctional Services. Facilities and programs within the department receiving items from the central warehouse system shall be billed for such goods at the time of delivery. All receipts from the items sold through the central warehouse system shall be deposited in the fund. The fund shall be administered by the Director of Correctional Services. 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. 10. The budget division of the Department of Administrative Services shall administratively create a separate budget program classification within the Department of Correctional Services to properly account for revenue and disbursements of items stocked and sold by the central warehouse system. The Department of Correctional Services shall track the operating expenses of the central warehouse system within a separate budget subprogram within the central office budget.

Sec. 11. Upon written request from the Director of Correctional Services, the State Treasurer is authorized to make transfers from the Department of Correctional Services Facility Cash Fund to the Department of Correctional Services Warehouse Revolving Fund in cumulative amounts not to exceed $500,000, on or before June 30, 2001, in order to provide one-time seed money for the program.".

2. On page 4, line 17, strike "(1)" and show as stricken.

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 876. Placed on General File.

LEGISLATIVE BILL 877. Placed on General File as amended.
Standing Committee amendment to LB 877:
AM1158

1. Strike the original sections and insert the following new sections:

"Section 1. APPROPRIATION LANGUAGE.

There is hereby appropriated, for FY1999-00 and FY2000-01, the sums specified in this act, or so much as may be necessary, for the salaries and benefits of officers of the Nebraska state government.

Sec. 2. DEFINITION OF APPROPRIATION PERIOD.

For purposes of this act, FY1999-00 means the period beginning July 1, 1999, and ending June 30, 2000, and FY2000-01 means the period beginning July 1, 2000, and ending June 30, 2001.

Sec. 3. REAPPROPRIATION OF BALANCE, FY1999-00 to FY2000-01.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2000, for FY2000-01 to the respective agencies, programs, and funds in this act.

Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

The definitions contained in the Nebraska Accounting System Manual, and any amendments thereto, on file with the Clerk of the Legislature are hereby adopted by the Legislature as the definitions for this act, except as provided in section 21 of this act.

Sec. 5. DRAWING AND PAYING WARRANTS.

The Director of Administrative Services shall draw warrants upon the proper fund in the state treasury for an amount not to exceed the appropriations set forth in this act upon presentation of proper documentation. The State Treasurer shall pay the warrants out of the appropriate funds.

Sec. 6. AGENCY NO. 5 -- SUPREME COURT
Program No. 3 - Supreme Court Judges' Salaries

	FY1999-00	FY2000-01
GENERAL FUND	796,490	803,087
PROGRAM TOTAL	796,490	803,087
SALARY LIMIT	711,543	711,543

Sec. 7. AGENCY NO. 5 -- SUPREME COURT
Program No. 4 - Court of Appeals Judges' Salaries

	FY1999-00	FY2000-01
GENERAL FUND	648,739	655,665
PROGRAM TOTAL	648,739	655,665
SALARY LIMIT	579,399	579,399

Sec. 8. AGENCY NO. 5 -- SUPREME COURT
Program No. 5 - Retired Judges' Salaries

	FY1999-00	FY2000-01
GENERAL FUND	25,000	25,000
PROGRAM TOTAL	25,000	25,000

SALARY LIMIT	25,000	25,000

The budget division of the Department of Administrative Services is hereby authorized to transfer General Fund appropriations from Agency 5, Programs 3, 4, 6, and 7 to Agency 5, Program 5, upon written certification by the State Court Administrator that excess appropriations are available and are necessary to pay retired judges' salaries. The Salary Limit for Agency 5, Program 5, may be administratively increased for any transfers made pursuant to this section.

Sec. 9. AGENCY NO. 5 -- SUPREME COURT

Program No. 6 - District and Juvenile Court Judges' Salaries

	FY1999-00	FY2000-01
GENERAL FUND	6,481,184	6,665,492
PROGRAM TOTAL	6,481,184	6,665,492
SALARY LIMIT	5,829,563	5,923,588

Sec. 10. AGENCY NO. 5 -- SUPREME COURT

Program No. 7 - County Court Judges' Salaries

	FY1999-00	FY2000-01
GENERAL FUND	5,742,816	5,806,032
PROGRAM TOTAL	5,742,816	5,806,032
SALARY LIMIT	5,097,710	5,097,710

Sec. 11. AGENCY NO. 7 -- GOVERNOR

Program No. 2 - Salary - Governor

	FY1999-00	FY2000-01
GENERAL FUND	80,972	81,889
PROGRAM TOTAL	80,972	81,889
SALARY LIMIT	65,000	65,000

Sec. 12. AGENCY NO. 8 -- LIEUTENANT GOVERNOR

Program No. 8 - Salary - Lieutenant Governor

	FY1999-00	FY2000-01
GENERAL FUND	60,346	61,356
PROGRAM TOTAL	60,346	61,356
SALARY LIMIT	47,000	47,000

Sec. 13. AGENCY NO. 9 -- SECRETARY OF STATE

Program No. 9 - Salary - Secretary of State

	FY1999-00	FY2000-01
GENERAL FUND	65,107	65,952
PROGRAM TOTAL	65,107	65,952
SALARY LIMIT	52,000	52,000

Sec. 14. AGENCY NO. 10 -- AUDITOR OF PUBLIC ACCOUNTS

Program No. 10 - Salary - Auditor

	FY1999-00	FY2000-01
GENERAL FUND	63,063	64,073
PROGRAM TOTAL	63,063	64,073
SALARY LIMIT	49,500	49,500

Sec. 15. AGENCY NO. 11 -- ATTORNEY GENERAL

Program No. 11 - Attorney General's Salary

	FY1999-00	FY2000-01

GENERAL FUND	73,849	73,849
PROGRAM TOTAL	73,849	73,849
SALARY LIMIT	64,500	64,500

Sec. 16. AGENCY NO. 12 -- STATE TREASURER

Program No. 12 - Salary - State Treasurer

	FY1999-00	FY2000-01
GENERAL FUND	61,700	62,421
PROGRAM TOTAL	61,700	62,421
SALARY LIMIT	49,500	49,500

Sec. 17. AGENCY NO. 14 -- PUBLIC SERVICE COMMISSION

Program No. 14 - Salaries of Public Service Commissioners

	FY1999-00	FY2000-01
GENERAL FUND	259,894	262,737
PROGRAM TOTAL	259,894	262,737
SALARY LIMIT	210,000	210,000

Sec. 18. AGENCY NO. 15 -- BOARD OF PARDONS AND BOARD OF PAROLE

Program No. 320 - Board of Parole Salaries

	FY1999-00	FY2000-01
GENERAL FUND	339,469	355,013
PROGRAM TOTAL	339,469	355,013
SALARY LIMIT	278,139	291,046

Sec. 19. AGENCY NO. 16 -- DEPARTMENT OF REVENUE

Program No. 13 - Tax Commissioner

	FY1999-00	FY2000-01
GENERAL FUND	102,384	102,384
PROGRAM TOTAL	102,384	102,384
SALARY LIMIT	90,224	90,224

It is the intent of the Legislature that if the appropriation or the salary limit is insufficient in this program to meet anticipated expenditures, the Tax Commissioner shall request additional funds or a higher salary limit, or both, from the Legislature by the usual deficit process. The appropriation or the salary limit shall not be administratively increased solely by the Department of Administrative Services without legislative authorization.

Sec. 20. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION COURT

Program No. 526 - Judges' Salaries

	FY1999-00	FY2000-01
CASH FUND	730,495	735,790
PROGRAM TOTAL	730,495	735,790
SALARY LIMIT	658,182	658,182

Sec. 21. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

(1) As used in this act:

(a) SALARY LIMIT means total expenditures for permanent and temporary salaries and per diems; and

(b) Total expenditures for permanent and temporary salaries and per diems means all remuneration paid to employees

treated as taxable compensation by the Internal Revenue Service or subject to social security coverage, specifically including payments accounted for as vacation, holidays, sick leave, military leave, funeral leave, maternity leave, administrative leave, compensatory time, deferred compensation, or any other similar form, and amounts withheld pursuant to law, but excluding state contributions for social security, retirement, and employee insurance plans.

(2) Total expenditures for permanent and temporary salaries and per diems are limited to the amount provided by law for constitutional officers.

(3) The limitation on expenditures for permanent and temporary salaries and per diems for FY2000-01 shall be increased by amounts encumbered from FY1999-00 for permanent and temporary salaries and per diems. Encumbered amounts shall be calculated in accordance with section 81-138.01.

Sec. 22. Since an emergency exists, this act takes 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. On page 5, strike lines 11 through 15.

2. On page 6, strike beginning with "schools" in line 5 through "Nebraska" in line 6 and insert "out-of-state schools"; and after line 11 insert the following new subsection:

"(4) Beginning July 1, 2001, the board may establish fees in excess of those stated in subsection (2) of this section. The board shall consult with the advisory council established pursuant to section 85-1607 regarding any increase in fees under the act. Fees may be increased not more than five percent once each three years and shall be set out in the rules and regulations adopted and promulgated by the board.".

LEGISLATIVE BILL 664. Placed on General File as amended.
Standing Committee amendment to LB 664:
AM1303

1. Insert the following new section:

"Sec. 2. It is the intent of the legislature that no expenditures for construction of the Buffalo Soldier Barracks from funds appropriated in section 1 of this act shall be made until the Appropriations Committee of the Legislature has reviewed the program statement and final design for such project. The program statement shall be prepared by or for the Game and Parks Commission and shall include a description of the project's final design. The program statement and final design shall be completed and available for presentation to the committee by the start of the 2000 legislative session.".

LEGISLATIVE BILL 805. Placed on General File as amended.
Standing Committee amendment to LB 805:
AM1226

1. Strike original section 2.
2. On page 3, strike beginning with "There" in line 26 through line 28.
3. On page 4, strike beginning with "Loan" in line 1 through "to" in line 2 and insert "The Legislative Council shall".
4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 860. Placed on General File as amended.
Standing Committee amendment to LB 860:
AM1323

1. Strike the original section and insert the following new sections:

"Section 1. Section 79-1319, Reissue Revised Statutes of Nebraska, is amended to read:

79-1319. All telecommunications facilities operated or supervised by the Nebraska Educational Telecommunications Commission shall be operated at all times on a noncommercial basis, except that ~~space on the 72 MHz C-band GE Spacenet III Transponder may be leased by the commission for transmission purposes to other nonprofit or commercial users~~ revenue may be generated from other nonprofit or commercial sources by the lease of excess transponder capacity, excess transmission spectrum, or transmission facilities. All lease arrangements authorized by this section shall be made for the purpose of paying a portion of the costs associated with satellite capacity replacement and digital conversion. All lease arrangements shall be based on sound business principles that are made in the best interest of the State of Nebraska. The commission may also enter into partnerships with public or private entities for the purpose of jointly building and operating tower and other transmission structures.

Operational and administrative service pertinent to the

production and utilization of inclass telecommunications instruction shall be made available to all schools and colleges of Nebraska on the basis of the actual cost of production exclusive of general overhead expense.

Sec. 2. Section 79-1321, Reissue Revised Statutes of Nebraska, is amended to read:

79-1321. The NEB*SAT Cash Fund is created. The fund shall be under the direction of the Nebraska Educational Telecommunications Commission. The commission shall remit user and lease fees, penalty fees, nonfederal grant or contract funds, gifts, bequests, equipment purchase fee funds, and any other such fees or payments which are related to NEB*SAT, distance learning activities and programs, and other telecommunications-related activities to the State Treasurer for credit to the fund. Fees and revenue remitted to and expended from the fund shall not be considered to be part of the permanent operating equipment budget or construction budget of the commission and may be used for equipment purchases. 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. 3. Original sections 79-1319 and 79-1321, Reissue 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. On page 2, line 14, strike beginning with "as" through the second comma.

2. On page 3, strike beginning with "Expansion" in line 1 through line 18; in line 19 strike "such" and insert "existing"; and strike beginning with "For" in line 25 through line 27 and insert "The department may deny or restrict an application for a permit regarding a transfer or modification of an existing permit based upon the potential degradation of a cold water class A stream.".

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. Insert the following new sections:

"Sec. 5. The department shall expand its surface water monitoring programs to regularly include analysis of stream water parameters associated with nonpoint and point source runoff, including but not limited to, total suspended solids, total Kjeldahl nitrogen, nitrate-nitrite, ammonia, phosphorous, dissolved ortho-phosphorous, and chlorides.

Sec. 6. It is the intent of the Legislature to appropriate one hundred fifty thousand dollars annually to the department for the purpose of enhancing the department's water quality monitoring programs to further the purposes of section 5 of this act.".

2. On page 1, lines 5 and 6, strike "and 4" and insert "to 6".

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

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

Excused and not voting, 4:

Brashear	Crosby	Kiel	Quandahl

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

(b) Persons who are passengers in the living quarters of a self-propelled mobile home or cabin trailer as defined in section 60-301, but who are not operating the self-propelled mobile home or motor vehicle towing the cabin trailer, may possess open alcoholic beverage containers while such vehicle is in a public 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. Insert the following new section:

"Sec. 32. Section 60-6,288, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,288. (1) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any portion of the National System of Interstate and Defense Highways. The Director-State Engineer shall adopt and promulgate rules and regulations, consistent with federal requirements, designating safety devices which shall be excluded in determining vehicle width.

(2) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any highway which is not a portion of the National System of Interstate and Defense Highways, except that such prohibition shall not apply to:

(a) Farm equipment in temporary movement, during daylight hours or during hours of darkness when the clearance light requirements of section 60-6,235 are fully complied with, in the normal course of farm operations;

(b) Combines eighteen feet or less in width, while in the normal course of farm operations and while being driven during daylight hours or during hours of darkness when the clearance light requirements of section 60-6,235 are fully complied with;

(c) Combines in excess of eighteen feet in width, while in the normal course of farm operations, while being driven during daylight hours for distances of twenty-five miles or less on highways and while preceded by a well-lighted pilot vehicle or flagperson, except that such combines may be driven on highways while in the normal course of farm operations for distances of twenty-five miles or less and while preceded by a well-lighted pilot vehicle or flagperson during hours of darkness when the clearance light requirements of section 60-6,235 are fully complied with;

(d) Combines and vehicles used in transporting combines, and only when transporting combines, to be engaged in harvesting, while being transported into or through the state during daylight hours, when the total width including the width of the combine being transported does not exceed fifteen feet, except that

vehicles used in transporting combines may, when necessary to the harvesting operation, travel unloaded for distances not to exceed twenty-five miles, while the combine to be transported is engaged in a harvesting operation;

(e) Farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours;

(f) Alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (i) the clearance light requirements of section 60-6,235 are fully complied with, (ii) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (iii) there is a well-lighted pilot vehicle or flagperson at least three hundred feet in advance of such vehicles to give warning of the approach of overwidth equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways;

(g) Livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 60-6,305;

(h) During daylight hours only, vehicles en route to pick up, delivering, or returning unloaded from delivery of baled livestock forage which, including the load if any, may be twelve feet in width;

(i) Mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width and with an outside tire width dimension not exceeding one hundred twenty inches moving during daylight hours;

(j) A rubber-tired crane with a fixed load when:

(i) The crane will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city;

(ii) The city in which the crane is intended to be transported has authorized a ~~one-day~~ permit pursuant to section 60-6,298 for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads;

(iii) ~~The crane will be escorted by another vehicle or vehicles assigned by the city;~~

~~(iv)~~ The crane's gross weight does not exceed ninety-four

thousand pounds, if a four-axle crane, or seventy-two thousand pounds, if a three-axle crane; and

~~(v)~~ (iv) If a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-seven thousand pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-seven thousand pounds; or

(k) Vehicles which have been issued a permit pursuant to section 60-6,299.

(3) The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways upon which vehicles of no more than ninety-six inches in width may be permitted to travel. Highways so designated shall be limited to one or more of the following:

(a) Highways with traffic lanes of ten feet or less;

(b) Highways upon which are located narrow bridges; and

(c) Highways which because of sight distance, surfacing, unusual curves, topographic conditions, or other unusual circumstances would not in the opinion of the Director-State Engineer safely accommodate vehicles of more than ninety-six inches in width.".

2. On page 54, line 18, strike "and" and before "Reissue" insert "and 60-6,288,".

3. Renumber the remaining sections accordingly.

Mr. Hilgert filed the following amendment to LB 179:
AM1427

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. Section 77-3504, Reissue Revised Statutes of Nebraska, is amended to read:

77-3504. Household income means the total federal adjusted gross income, as defined in the Internal Revenue Code, plus (1) any Nebraska adjustments increasing the total federal adjusted gross income, (2) any interest or dividends received by the owner regarding obligations of the State of Nebraska or any political subdivision, authority, commission, or instrumentality thereof to the extent excluded in the computation of gross income for federal income tax purposes, and (3) any social security or railroad retirement benefit to the extent excluded in the computation of gross income for federal income tax purposes, of the claimant and spouse, and any additional owners who are natural persons and who occupy the homestead, for the taxable year of the claimant immediately prior to the year for which the claim for exemption is made, less all medical expenses actually incurred and paid by the claimant, his or her spouse, or any owner-occupant which are in excess of four percent of household income calculated prior to the deduction for medical expenses. For purposes of this

section, medical expenses means the costs of health insurance premiums and the costs of goods and services purchased from a person licensed under Chapter 71, article 1 or 47, or a facility licensed pursuant to Chapter 71, article 20, for purposes of restoring or maintaining health, including insulin and prescription medicine but not including nonprescription medicine. For purposes of this section, the amount of social security benefits received by a claimant as described in subdivision (1)(b) or (c) of section 77-3508 shall be reduced by the amount of social security benefits solely attributed to the disability which the claimant would have received solely because of his or her disability.".

2. On page 1, line 1, after "amend" insert "section 77-3504, Reissue Revised Statutes of Nebraska, and".

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

printed on recycled paper

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

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

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

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

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

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	Coordsen	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

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. Strike the original amendments and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. Section 14-2115, Reissue Revised Statutes of 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 to any customer in order to obtain an agreement to provide natural gas service to 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 city or village to enter into a franchise agreement or promote discontinuance of natural gas service with the utility, unless a specific invitation to submit a proposal on such a franchise has been formally presented to the board of directors of the metropolitan utilities district. For purposes of this section, a specific invitation to submit a proposal 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.

Whenever a specific invitation to submit a proposal is received by the board of directors of a metropolitan utilities district, the invitation will be considered by the board at its next regularly scheduled monthly meeting.

Sec. 3. Sections 4 to 8 of this act shall be applicable to an investor-owned natural gas utility only when it is operating in a county in which there is located the natural gas service area, or portion of the natural gas service area, of a metropolitan utilities district and only with regard to matters arising within any such county.

Sec. 4. No investor-owned natural gas utility or metropolitan utilities district may extend or enlarge its natural gas service area or extend or enlarge its natural gas mains or

natural gas services unless it is in the public interest to do so. In determining whether or not an extension or enlargement is in the public interest, the district or the utility shall consider the following:

(1) The economic feasibility of the extension or enlargement;

(2) The impact the enlargement will have on the existing and future natural gas ratepayers of the metropolitan utilities district or the investor-owned natural gas utility;

(3) Whether the extension or enlargement contributes to the orderly development of natural gas utility infrastructure;

(4) Whether the extension or enlargement will result in duplicative or redundant natural gas utility infrastructure; and

(5) Whether the extension or enlargement is applied in a nondiscriminatory manner.

Sec. 5. In determining whether an enlargement or extension of a natural gas service area, natural gas mains, or natural gas services is in the public interest pursuant to section 4 of this act, the following shall constitute rebuttable presumptions:

(1) Any enlargement or extension by a metropolitan utilities district within a city of the metropolitan class or its extraterritorial zoning jurisdiction is in the public interest;

(2) Any enlargement or extension by an investor-owned natural gas utility within a city of the primary, first, or second class or village in which it serves natural gas on a franchise basis or its extraterritorial zoning jurisdiction is in the public interest; and

(3) Any enlargement or extension by a metropolitan utilities district within its statutory boundary or within a city of the first or second class or village in which it serves natural gas on a franchise basis or its extraterritorial zoning jurisdiction is in the public interest.

Sec. 6. A metropolitan utilities district or investor-owned natural gas utility shall not extend duplicative or redundant interior natural gas mains or natural gas services into a subdivision, whether residential, commercial, or industrial, which has existing natural gas utility infrastructure or which has contracted for natural gas utility infrastructure with another utility.

Sec. 7. If the investor-owned natural gas utility or the metropolitan utilities district disagrees with a determination by an investor-owned natural gas utility or a metropolitan utilities district that a proposed extension or enlargement is in the public interest, the matter may be submitted to the Public Service Commission for hearing and determination in the county where the extension or enlargement is proposed and shall be subject to the applicable procedures provided in sections 75-112, 75-129, and 75-134 to 75-136. In making a determination whether a proposed

extension or enlargement is in the public interest, the Public Service Commission shall consider the factors set forth in sections 4 and 5 of this act. The Public Service Commission shall have no jurisdiction over a metropolitan utilities district or natural gas utility beyond the determination of disputes brought before it under sections 2 to 8 of this act. Ratepayers of the investor-owned natural gas utility or the metropolitan utilities district shall have the right to appear and present testimony before the Public Service Commission on any matter submitted to the commission under sections 2 to 8 of this act, and shall have such testimony considered by the commission in arriving at its determination.

Sec. 8. All books, records, vouchers, papers, contracts, engineering designs, and any other data of the metropolitan utilities district relating to the public interest of an extension or enlargement of natural gas mains or natural gas services or relating to natural gas service areas, whether in written or electronic form, shall be open and made available for public inspection, investigation, comment, or protest upon reasonable request during business hours, except that such books, records, vouchers, papers, contracts, designs, and other data shall be subject to section 84-712.05. Any books, records, vouchers, papers, contracts, designs, or other data not made available to the metropolitan utilities district or an investor-owned natural gas utility shall not be considered by the Public Service Commission in determining whether an enlargement or extension is in the public interest.

Sec. 9. Original section 14-2115, Reissue Revised 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	Coordsen		

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

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

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

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

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. On page 2, lines 19 and 20, after "fee" insert "or charge"; in line 22 after "fees" insert "or charges"; and strike beginning with "In" in line 24 through line 27 and insert "Any highway construction permit fee or charge shall also be reasonably related in time to the occurrence of such costs.".

Messrs. Coordsen and Wickersham filed the following amendment to LB 271:
AM1257

1. Insert the following new section:
"Sec. 9. Any political subdivision which owns real estate not used for daily operations of the political subdivision shall dispose of the real estate within five years after the real estate was acquired or within five years after the effective date of this act, whichever is later. This section does not apply to real estate owned by a political subdivision for recreational or expansion purposes.".
2. Renumber the remaining section accordingly.

Mr. Matzke filed the following amendment to LB 530:
AM1424

1. Insert the following new section:
"Sec. 2. All expenses of litigation incurred by the State of Nebraska resulting from the defense of any legal action commenced in any state or federal court against the state by a political subdivision of the state shall be surcharged as an excise tax on the political subdivision on an annual basis.".
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. Strike sections 2 and 3 and insert the following new sections:

"Sec. 2. Section 60-601, Reissue Revised Statutes of Nebraska, is amended to read:

60-601. Sections 60-601 to 60-6,374 and sections 3 and 6 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 3. (1) For purposes of this section:

(a) Alcoholic beverage means (i) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, (ii) wine of not less than one-half of one percent of alcohol by volume, or (iii) distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. Alcoholic beverage does not include trace amounts, not readily consumable as a beverage;

(b) Highway means a road or street including the entire area within the right-of-way;

(c) Open alcoholic beverage container means any bottle, can, or other receptacle:

(i) That contains any amount of alcoholic beverage; and

(ii)(A) That is open or has a broken seal or (B) the contents of which are partially removed; and

(d) Passenger area means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. Passenger area does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.

(2) It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this state.

(3) Except as provided in section 53-186, it is unlawful for any person to consume an alcoholic beverage (a) in a public parking area or on any highway in this state or (b) inside a motor vehicle while in a public parking area or on any highway in this state.".

2. On page 4, line 23; page 6, line 1; page 7, line 8; page 12, line 23; page 14, line 2; and page 15, line 11, strike "may" and insert "shall".

3. On page 4, lines 24 and 25; page 6, line 3; page 7, line 10; page 12, lines 24 and 25; page 14, line 4; and page 15, line 13, strike "for a like period".

4. On page 8, line 8, after "under" insert "subdivision (2)(a) of"; and strike beginning with "for" in line 26 through line 27 and show as stricken.

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

printed on recycled paper

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. Insert the following new section:

"Sec. 9. This act becomes operative on January 1, 2000.".

2. On page 4, strike beginning with "to" in line 6

through line 19 and insert "to the extent used or being developed for use by the state or governmental subdivision for a public purpose. For purposes of this subdivision, public purpose means use of the property (i) to provide public services with or without cost to the recipient, including the general operation of government, public education, public safety, transportation, public works, civil and criminal justice, public health and welfare, developments by a public housing authority, parks, culture, recreation, community development, and cemetery purposes or (ii) to carry out the duties and responsibilities conferred by law with or without consideration. Public purpose does not include leasing of property to a private party unless the lease of the property is at fair market value for a public purpose. Leases of property by a public housing authority to low-income individuals as a place of residence are for the authority's public purpose;"; and in line 21 after "used" insert "or developed for use".

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. Insert the following new section:

"Sec. 9. (1) On or before March 1, the county assessor shall send notice to the state or to any state or governmental

subdivision which has unleased property not being used for a public purpose and upon which a payment of in lieu of taxes is not made. Such notice shall inform the state or governmental subdivision that the property will be subject to taxation for property tax purposes. The written notice shall contain the legal description of the property and be given by first-class mail addressed to the state's or governmental subdivision's last-known address.

(2) The state or governmental subdivision may protest such determination of the county assessor to the county board of equalization on or before April 1. The county board of equalization shall issue its decision on the protest on or before May 1.

(3) The decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission on or before June 1.".

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. Insert the following new section:

"Sec. 9. The state or any governmental subdivision which owns property, all of which is integral and necessary to the public purpose of the state or governmental subdivision, a portion of which is specifically used for the public purpose, may negotiate with the affected governmental units a mutually agreed upon in lieu of tax payment. Payments under this section shall be in lieu of taxation.".

2. On page 4, line 21, after "purpose" insert "or property subject to section 9 of this act".

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 OPINION

Opinion 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 managementpool 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 Introducer'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 Grasz
Deputy Attorney General

3-374-21

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Beginning Farmer Assistance Act.

Sec. 2. The Legislature hereby finds and declares that:

(1) Current farm economic conditions in the State of Nebraska have resulted in unemployment, outmigration of people, loss of agricultural jobs, and difficulty in attracting and retaining farm operations; and

(2) It is the policy of this state to encourage persons to seek careers in the farming industry, retain existing and established farm operations, promote the creation and retention of new farm jobs in Nebraska, and attract and retain investment capital in rural Nebraska.

Sec. 3. For purposes of the Beginning Farmer Assistance Act:

(1) Agricultural assets means agricultural land, livestock, farming, or livestock production facilities or buildings and machinery used for farming or livestock production;

(2) Board means the Beginning Farmer Board created by section 4 of this act;

(3) Family means parents and grandparents of, and parents and grandparents of spouses of, persons who apply for assistance from the board for the purpose of entering into farming or livestock production;

(4) Farm means any tract of real property used for or devoted to the commercial production of farm products;

(5) Farm product means those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing livestock, fruits, and vegetables;

(6) Farming or livestock production means the active use, management, and operation of real and personal property for the production of a farm product;

(7) Financial management program means a program for beginning farmers or livestock producers which includes, but is not limited to, assistance in the creation and proper use of record-keeping systems, periodic private consultations with licensed financial management personnel, year-end monthly cash flow analysis, and detailed enterprise analysis;

(8) Owner of agricultural assets means an individual who is a resident individual as defined in section 77-2714.01, who has derived at least fifty percent or more of his or her gross annual income for income tax purposes from farming or livestock production, who has a net worth of at least one hundred thousand dollars, including any holdings by a spouse or dependent, based on fair market value, who has provided the majority of the day-to-day physical labor and management of a farm over a period of time deemed sufficient by the board, and who has such other qualifications as determined by the board; and

(9) Qualified beginning farmer or livestock producer means an individual who is a resident individual as defined in section 77-2714.01, who has entered farming or livestock production or is seeking entry into farming or livestock production, who intends to farm or raise crops or livestock on land located within the state borders of Nebraska, and who meets the eligibility guidelines established in section 9 of this act and such other qualifications as determined by the board.

Sec. 4. For the purpose of developing and directing programs to provide increased and enhanced opportunities for beginning farmers and livestock producers, the Beginning Farmer Board is created. For administrative and budgetary purposes only,

the board shall be housed within the Department of Agriculture. The board shall be vested with the following duties and responsibilities:

(1) To approve and certify beginning farmers and livestock producers as eligible for the programs provided by the board;

(2) To approve and certify owners of agricultural assets and beginning farmers or livestock producers as eligible for the benefits authorized by sections 11 and 12 of this act;

(3) To advocate joint ventures between beginning farmers or livestock producers and existing private and public credit and banking licensed institutions, as well as to advocate joint ventures with owners of agricultural assets desiring to assist beginning farmers and livestock producers seeking entry into farming or livestock production;

(4) To provide necessary and reasonable assistance and support to beginning farmers and livestock producers for qualification and participation in financial management programs approved by the board;

(5) To advocate appropriate changes in policies and programs of other public and private institutions or agencies which will directly benefit beginning farmers and livestock producers and may include changes regarding financing, taxation, and any other existing policies which prohibit or impede individuals from entering into farming or livestock production;

(6) To provide adequate explanations of facts and aspects of available programs offered or recommended by the board intended for beginning farmers and livestock producers;

(7) To assist and educate beginning farmers and livestock producers by acting as a liaison between beginning farmers or livestock producers and the Nebraska Investment Finance Authority;

(8) To encourage licensed financial institutions and individuals to use alternative amortization schedules for loans and land contracts granted to beginning farmers and livestock producers;

(9) To refer beginning farmers and livestock producers to agencies and organizations which may provide additional pertinent information and assistance;

(10) To provide any other assistance and support the board deems necessary and appropriate in order for entry into farming or livestock production;

(11) To adopt and promulgate rules and regulations necessary to carry out the purposes of the Beginning Farmer Tax Credit Act, including criteria required for rental agreement eligibility and financial management program certification and guidelines which constitute a viably sized farm that is necessary to adequately support a beginning farmer or livestock producer. Such guidelines shall vary and take into account the region of the state, number of acres, land quality and type, type of operation,

type of crops or livestock raised, and other factors of farming or livestock production;

(12) To enter into rental agreements with owners of agricultural assets and beginning farmers or livestock producers as provided in sections 11 and 12 of this act; and

(13) To keep minutes of the board's meetings and other books and records which will adequately reflect actions and decisions of the board and to provide an annual report to the Legislature, the Governor, and the Legislative Fiscal Analyst by December 1.

Sec. 5. The board shall consist of the following members:

(1) The Director of Agriculture or his or her designee;

(2) The executive director of the Rural Development Commission or his or her designee;

(3) One individual representing lenders of agricultural credit;

(4) One individual of the academic community with extensive knowledge and insight in the analysis of agricultural economic issues; and

(5) Three individuals, one from each congressional district, who are currently engaged in farming or livestock production and are representative of a variety of farming or livestock production interests based on size of farm, type of farm operation, net worth of farm operation, and geographic location.

All members of the board shall be resident individuals as defined in section 77-2714.01. Members of the board listed in subdivisions (3) through (5) of this section shall be appointed by the Governor with the approval of a majority of the Legislature. All appointments shall be for terms of four years.

Vacancies in the appointed membership of the board shall be filled for the unexpired term by appointment by the Governor. Members of the board shall serve the full term and until a successor has been appointed by the Governor and approved by the Legislature. Any member is eligible for reappointment. Any member may be removed from the board by the Governor or by an affirmative vote by any four members of the board for incompetence, neglect of duty, or malfeasance.

Sec. 6. Once every two years, the members of the board shall elect a chairperson and a vice-chairperson. A member of the board may be reelected to the position of chairperson or vice-chairperson upon the discretion of the board. Members of the board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 7. Four of the members of the board shall constitute a quorum for the transaction of official business. The affirmative vote of at least four members shall be necessary for any action to be taken by the board. No vacancy in the membership of the board shall constitute an impairment of a quorum to exercise

any and all rights and perform all duties of the board.

Sec. 8. The board shall meet quarterly during the year and shall review pending applications in order to approve and certify beginning farmers and livestock producers as eligible for the programs provided by the board and to approve and execute rental agreements with owners of agricultural assets and beginning farmers or livestock producers that are eligible for the benefits authorized by sections 11 and 12 of this act. Any action taken by the board regarding approval and certification of program eligibility, granting of tax credits, or termination of rental agreements shall require the affirmative vote of at least four members of the board.

Sec. 9. The board shall determine who is qualified as a beginning farmer or livestock producer based on the qualifications found in this section. A qualified beginning farmer or livestock producer shall be an individual who: (1) Has a net worth of not more than one hundred thousand dollars, including any holdings by a spouse or dependent, based on fair market value; (2) provides the majority of the day-to-day physical labor and management of the farm; (3) has, by the judgment of the board, adequate farming or livestock production experience or demonstrates knowledge in the type of farming or livestock production for which he or she seeks assistance from the board; (4) demonstrates to the board a profit potential by submitting board-approved projected earnings statements and agrees that farming or livestock production is intended to become his or her principal source of income; (5) demonstrates to the board a need for assistance; (6) participates in a financial management program approved by the board; (7) submits a nutrient management plan and a soil conservation plan to the board for approval on any applicable agricultural assets purchased or rented from an owner of agricultural assets; (8) is not a relative as defined in section 36-702 of the owner of agricultural assets in which the beginning farmer or livestock producer is seeking to enter into a rental agreement; and (9) has such other qualifications as specified by the board.

Sec. 10. The board shall, following the close of each fiscal year, submit an annual report of the activities and actions of the board for the preceding fiscal year to the Governor, the Legislative Fiscal Analyst, and the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by request to the chairperson of the board. Each report shall include the following information:

(1) A complete operating and financial statement for the board for the prior fiscal year;

(2) The number of qualified beginning farmers and livestock producers receiving assistance from the board;

(3) The number of rental agreements entered into by the board and the amount of assistance granted by the board; and

(4) Any other relevant information which the board deems

necessary to report.

Sec. 11. Beginning January 1, 2001, the beginning farmer or livestock producer and owner of agricultural assets shall be entitled to a rental assistance benefit equal to five percent of the cash rent of agricultural assets of the owner of agricultural assets to the beginning farmer or livestock producer. Such assets shall only be rented at prevailing market rates as determined by the board. The benefit shall be granted only after approval and certification by the board of a written three-year rental agreement entered into between the owner of agricultural assets, the beginning farmer or livestock producer, and the board. The agreement shall obligate the owner of agricultural assets not to terminate the agreement without just cause and shall not obligate the beginning farmer or livestock producer to be responsible for managing or maintaining a farm which, based on the discretion of the board, is of greater scope and scale than necessary for a viably sized farm as established by the guidelines of the board. The written agreement shall obligate the beginning farmer or livestock producer to commit to farming or livestock production as his or her principal source of income, participate in a financial management program approved by the board, and comply with the nutrient management plan and soil conservation that was approved by the board. The written agreement shall obligate the board to provide five percent of the cash rent required in the rental agreement. An owner of agricultural assets or a beginning farmer or livestock producer may terminate such agreement for reasonable cause upon approval by the board. The benefits provided by the Beginning Farmer Assistance Act may be collected for a total of three years. After execution of an agreement qualifying for assistance under the act, neither the beginning farmer or livestock producer or the owner of agricultural assets shall be eligible for further benefits under the act unless the rental agreement is terminated prior to the end of the three-year period at no fault of the person seeking later qualification for benefits. If the board finds that such termination was not the fault of the person seeking later qualification for the program, it may approve the beginning farmer or livestock producer or owner of agricultural assets for benefits arising from a subsequent qualifying rental agreement. Any person aggrieved by a decision of the board may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 12. The Beginning Farmer Benefit Fund is created. 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. The fund shall consist of money appropriated to the fund for this purpose. The board shall not enter into contracts which obligate the board to pay more under the contracts than has been appropriated by the Legislature for the fund for the current budget

period. Any benefits approved under the Beginning Farmer Assistance Act are to be paid from the fund as provided in the agreement of the board. The benefit amount shall be limited to five percent of the cash rent provided for in the agreement for 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 8:30 a.m.
Nebraska Ethanol Board
James Ziebarth

(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. Insert the following new section:

"Sec. 13. Section 53-180.06, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.06. (1) To establish proof of age for the purpose of purchasing or consuming alcoholic liquor, a person shall present or display only a valid driver's or operator's license, Nebraska state identification card, military identification card, alien registration card, or passport.

(2) Every holder of a retail license ~~shall~~ may maintain, in a separate book, a record of each person who has furnished documentary proof of age for the purpose of making any purchase of alcoholic liquor. The record shall show the name and address of the purchaser, the date of the purchase, and a description of the identification used and shall be signed by the purchaser.".

2. On page 46, line 24, after the first comma insert "53-180.06,".

3. Renumber the remaining sections accordingly.

Mr. Dierks filed the following amendment to LB 404:
AM1479

(Amendments to E & R amendments, AM7111)

1. On page 2, line 10, after the period insert "This section shall not be construed to require a municipal, state, or federal zoo, park, refuge, or wildlife area, a bona fide circus or animal exhibit, or any private, nonprofit zoological society to

obtain a permit in order to own, possess, buy, sell, or barter a domesticated cervine animal.".

Mr. Quandahl filed the following amendment to LB 729:
AM1446

(Amendments to E & R amendments, AM7124)

1. On page 1, line 12, after "which" insert "the Attorney General determines"; in line 20 after the period insert "The Secretary of State shall transmit a copy of the proposed measure to the Attorney General for a determination of whether it should be accepted for filing. The Attorney General shall return his or her determination to the Secretary of State within ten days of receiving the proposal from the Secretary of State."; and in line 21 strike "receipt", show as stricken, and insert "acceptance".

2. On page 3, line 21, after "which" insert "the Attorney General determines".

3. On page 4, line 2, after the period insert "The Secretary of State shall transmit a copy of the proposed measure to the Attorney General for a determination of whether it should be accepted for filing. The Attorney General shall return his or her determination to the Secretary of State within ten days of 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. Strike section 17.
2. On page 75, line 1, strike "68-1020,".
3. Renumber the remaining sections accordingly.

Mr. Coordsen filed the following amendment to LB 880:
AM1482

(Amendments to Standing Committee amendments, AM1258)

1. On page 2, line 25, strike "5,976,154" and insert "5,986,154"; and in line 27 strike "6,036,154" and insert "6,046,154".

2. On page 3, after line 1 insert:

"There is included in the appropriation to this program for FY1999-00 $10,000 from General Funds for the purpose of conducting the joint study prescribed by Legislative Resolution 22, Ninety-sixth Legislature, First Session, 1999.".

Mr. Schrock filed the following amendment to LB 880:
AM1438

(Amendments to Standing Committee amendments, AM1258)

1. On page 129, strike line 4 and insert "GENERAL FUND 3,517,619 3,718,541"; strike line 7 and insert: "PROGRAM TOTAL 35,208,978 35,185,288"; and after line 18 insert:

"There is included in the appropriation to this program for FY1999-00 $150,000 General Funds to enhance water quality monitoring programs. There is included in the appropriation to this program for FY2000-01 $150,000 General Funds to enhance water quality monitoring programs.".

Mrs. Bohlke filed the following amendment to LB 539:
AM1483

(Amendments to E & R amendments, AM7125)

1. On page 1, line 17; and page 8, line 8, strike "all" 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

printed on recycled paper

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

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. On page 2, line 20, after the underscored period insert the following new paragraph:

"Beginning with the 2007-08 school year, the assessment program shall consist of one test chosen by the board to be given in grades 4, 8, and 11 which tests students on the standards adopted by the board in the areas of mathematics, reading, writing, science, and social studies and to be reported to the board in a 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

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

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 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

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. On page 2, line 20, after the underscored period insert the following new paragraph:

"Beginning with the 2007-08 school year, the assessment program shall consist of one test chosen by the board to be given in grades 4, 8, and 11 which tests students on the standards adopted by the board in the areas of mathematics, reading, writing, science, and social studies and to be reported to the board in a 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. On page 6, line 20, after "section" insert "and to fund ethanol promotion".

2. On page 8, line 16, after "(4)" insert "The Governor's Ethanol Promotion Fund is created. The State Treasurer shall transfer up to one hundred thousand dollars from the Ethanol Production Incentive Cash Fund to the Governor's Ethanol Promotion Fund each fiscal year at the request of the Governor. The Governor's Ethanol Promotion Fund shall be used for ethanol promotion activities, including promotion of ethanol-derived products such as ethyl tertiary butyl ether and travel related to ethanol promotion, in other states at the discretion and direction of the Governor. The Governor shall use the fund in a manner designed to best provide the Nebraska ethanol industry with representation in discussions and negotiations with other states

considering oxygenating motor fuel. 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.

(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. Insert the following new section:

"Sec. 13. Section 53-1,104, Reissue Revised Statutes of 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. On page 22, lines 7 and 8, strike "23,645" and insert "43,023,645" and strike "25,407" and insert "60,025,407"; and after line 9 insert:

"There is included in the appropriation to this program for FY1999-00 $43,000,000 Cash Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2000-01 $60,000,000 Cash Funds for state aid, which shall only be used for such purpose.".

2. On page 139, line 1, after "Fund" insert ", Nebraska 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. On page 5, line 22, strike "13,147,365" and insert "12,731,320"; in line 23 strike "530,317" and insert "451,786"; in line 24 strike "13,677,682" and insert "13,183,106"; and in line 25

strike "10,218,858" and insert "9,927,669".

2. On page 6, strike lines 4 through 8.

3. On page 68, line 24, strike "83,069,910 90,426,301" and insert "82,569,726 86,983,594".

4. On page 69, line 1, strike "91,420,284 102,025,585" and insert "90,920,100 98,582,878"; in line 2 strike "49,634,497 54,117,383" and insert "49,478,103 51,924,926"; and strike line 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/

GUBERNATORIAL 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

MESSAGE FROM THE SECRETARY OF STATE

April 27, 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 Robert L. Dickey, as a Member of the Legislature for the Eighteenth District for the unexpired term of Stan Schellpeper, deceased.

Sincerely,
(Signed) Greg Lemon
Deputy 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 Robert L. Dickey has been appointed as a Member of the Nebraska Unicameral Legislature from the Eighteenth District for the unexpired term of Stan Schellpeper, deceased. The term beginning April 27, 1999, shall continue until January 3, 2001, or such time as he 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 Mike Johanns 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 Twenty-seventh day of April in the year of our Lord, one thousand nine hundred and ninety-nine.

(SEAL)

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. Strike section 6 and insert the following new sections:

"Sec. 2. Section 60-4,118, Reissue Revised Statutes of Nebraska, 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. ~~; but upon application therefor and proof of age in the manner provided in section 60-484, any such person may take the examination required by this section at any time within sixty days prior to his or her seventeenth birthday.~~

(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 ~~eighteen~~ seventeen to twenty-one years of age ~~or older~~ applying for his or her initial operator's license, except a commercial driver's license or permit, if he or she has ~~held~~ been issued a provisional operator's permit. ~~within the twenty-four months immediately preceding the date of application.~~

(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 shall have 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.

Sec. 7. Upon conviction for a second or subsequent violation of section 60-6,196 or 60-6,197, the court shall impose either of the following restrictions on all motor vehicles owned by the person so convicted:

(1)(a) The court shall order the motor vehicle or motor vehicles immobilized at the owner's expense for a period of time not less than five days and not more than eight months and shall notify the department of Motor Vehicles of the period of immobilization. Any immobilized motor vehicle shall be released to the holder of a bona fide lien on the motor vehicle executed prior to such immobilization when possession of the motor vehicle is requested as provided by law by such lienholder for purposes of foreclosing and satisfying such lien. If a person tows and stores a motor vehicle pursuant to this subdivision at the direction of a peace officer or the court and has a lien upon such motor vehicle while it is in his or her possession for reasonable towing and storage charges, the person towing the vehicle has the right to retain such motor vehicle until such lien is paid. For purposes of this subdivision, immobilized or immobilization means revocation or suspension, at the discretion of the court, of the registration of such motor vehicle or motor vehicles, including the license plates. The record of such revocation or suspension shall become a part of the owner's record maintained by the department; and

(b)(i) Any immobilized motor vehicle shall be released by the court without any legal or physical restraints to any registered owner who is not the registered owner convicted of a second or subsequent violation of section 60-6,196 or 60-6,197 if an affidavit is submitted to the court by such registered owner stating that the affiant is employed, that the motor vehicle subject to immobilization is necessary to continue that employment, that such employment is necessary for the well-being of the

affiant's dependent children or parents, that the affiant will not authorize the use of the motor vehicle by any person known by the affiant to have been convicted of a second or subsequent violation of section 60-6,196 or 60-6,197, that affiant will immediately report to a local law enforcement agency any unauthorized use of the motor vehicle by any person known by the affiant to have been convicted of a second or subsequent conviction of section 60-6,196 or 60-6,197, and that failure to release the motor vehicle would cause undue hardship to the affiant.

(ii) A registered owner who executes an affidavit pursuant to subdivision (c)(i) of this section which is acted upon by the court and who fails to immediately report an unauthorized use of the motor vehicle which is the subject of the affidavit is guilty of a Class IV misdemeanor and may not file any additional affidavits pursuant to subdivision (c)(i) of this section.

(iii) The Department of Motor Vehicles shall adopt and promulgate rules and regulations to implement the provisions of this subsection; or

(2) As an alternative to subdivision (1) of this section, the court shall order the installation of an ignition interlock device on each of the owner's motor vehicles, if the owner was sentenced to an operator's license revocation of at least one year and has completed at least one year of such revocation. The installation of an ignition interlock device shall be for a period not less than six months, commencing upon the end of such year of the operator's license revocation. Notwithstanding any other provision of law, and if the owner was convicted of a second or subsequent violation of section 60-6,196 or 60-6,197, no ignition interlock device shall be ordered by any court or state agency under any circumstances until at least one year of the operator's license revocation shall have elapsed.".

2. On page 4, lines 10 through 12; page 5, lines 16 through 18; page 6, lines 22 and 23; page 12, lines 11 through 13; page 13, lines 18 and 19; and page 14, lines 24 through 26, strike the new matter and all amendments thereto and insert ", and shall issue an order pursuant to section 7 of this act with respect to all motor vehicles owned by such person".

3. On page 4, lines 23 through 25; page 6, lines 1 through 3; page 7, lines 8 through 10; page 12, lines 23 through 25; page 14, lines 2 through 4; and page 15, lines 11 through 13, strike the new matter and all amendments thereto and insert "and shall issue an order pursuant to section 7 of this act with respect to all motor vehicles owned by such person".

4. Renumber the remaining sections and correct internal references and the repealer section accordingly.

Messrs. Wickersham and Wehrbein filed the following amendment to LB 87A:
AM1511

1. Strike the original section and insert the following new sections:

"Section 1. Section 77-4104, Reissue Revised Statutes of Nebraska, is amended to read:

77-4104. (1) In order to utilize the incentives set forth in the Employment and Investment Growth Act, the taxpayer shall file an application for an agreement with the Tax Commissioner.

(2) The application shall contain:

(a) A written statement describing the plan of employment and investment for a qualified business in this state;

(b) Sufficient documents, plans, and specifications as required by the Tax Commissioner to support the plan and to define a project;

(c) If more than one location within this state is involved, sufficient documentation to show that the employment and investment at different locations are interdependent parts of the plan. A headquarters shall be presumed to be interdependent with any other location directly controlled by such headquarters. A showing that the parts of the plan would be considered parts of a unitary business for corporate income tax purposes shall not be sufficient to show interdependence for the purposes of this subdivision;

(d) A nonrefundable application fee of five hundred dollars. The fee shall be deposited into the Employment and Investment Growth Fund, which fund is hereby created. 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; ~~and~~

(e) A timetable showing the expected sales tax refunds and what year they are expected to be claimed. The timetable shall include both direct refunds due to investment and credits taken as sales tax refunds as accurately as possible; and

(f) Beginning October 1, 1999, a realistic assessment of the amount of investment and employment expected at the project.

The application and all supporting information shall be confidential except for the information required to be reported by sections 77-4110 and 77-4113 and beginning October 1, 1999, the realistic assessment of the amount of investment and employment expected at the project.

(3) Once satisfied that the plan in the application defines a project consistent with the purposes stated in section 77-4102 in one or more qualified business activities within this state, that the plans will result in either (a) the investment in qualified property of at least three million dollars and the hiring of at least thirty new employees or (b) the investment in qualified property resulting in a net gain in the total value of tangible property in this state of a type subject to depreciation, amortization, or other recovery under the Internal Revenue Code of

1986 of at least twenty million dollars, and that the required levels of employment and investment for the project will be met prior to the end of the sixth year after the year in which the application was submitted, the Tax Commissioner shall approve the application. In determining the net gain in value for purposes of this subsection, all tangible personal property shall be valued in a manner consistent with the value determined for qualified property, and the total value on the last day of each year shall be compared with the total value on the last day of the base year.

(4) After approval, the taxpayer and the Tax Commissioner shall enter into a written agreement. The taxpayer shall agree to complete the project, and the Tax Commissioner, on behalf of the State of Nebraska, shall designate the approved plans of the taxpayer as a project and, in consideration of the taxpayer's agreement, agree to allow the taxpayer to use the incentives contained in the Employment and Investment Growth Act. The application, and all supporting documentation, to the extent approved, shall be considered a part of the agreement. The agreement shall state:

(a) The levels of employment and investment required by the act for the project;

(b) The time period under the act in which the required levels must be met;

(c) The documentation the taxpayer will need to supply when claiming an incentive under the act;

(d) The date the application was filed; and

(e) A requirement that the company update the Department of Revenue annually on any changes in plans or circumstances which affect the timetable of sales tax refunds as set out in the application. If the company fails to comply with this requirement, the Tax Commissioner may defer any pending sales tax refunds until the company does comply.

(5) The incentives contained in section 77-4105 shall be in lieu of the tax credits allowed by section 77-27,188 for any project. In computing credits under section 77-27,188, any investment or employment which is eligible for benefits under the Employment and Investment Growth Act shall be subtracted from the increases computed for determining the credits under section 77-27,188.

(6) A taxpayer and the Tax Commissioner may enter into agreements for more than one project and may include more than one project in a single agreement. The projects may be either sequential or concurrent. A project may involve the same location as another project. No new employment or new investment shall be included in more than one project for either the meeting of the employment or investment requirements or the creation of credits. When projects overlap and the plans do not clearly specify, then the taxpayer shall specify in which project the employment and investment belongs.

Sec. 2. Original section 77-4104, Reissue Revised 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	Preister	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. Insert the following new section:

"Sec. 2. There is hereby appropriated $2,500 from the General Fund for FY1999-00 to the Nebraska State Historical Society, for a historical marker to commemorate the history of the 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-

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

Improvements

	FY1999-00	FY2000-01	FUTURE
STATE BUILDING FUND	-0-	2,200,000	-0-
PROGRAM TOTAL	-0-	2,200,000	-0-

The Department of Administrative Services is authorized to replace and renovate existing facilities at the Youth Rehabilitation and Treatment Center - Geneva.".

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

nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Mrs. Brown asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 664. Title read. Considered.

The Standing Committee amendment, AM1303, found on page 1629, was adopted with 39 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 41 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 805. Title read. Considered.

The Standing Committee amendment, AM1226, found on page 1629, was adopted with 39 ayes, 0 nays, 2 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 805A. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Mrs. Kiel filed the following amendment to LB 882:
AM1498
1. On page 3, after line 15 insert
"Claim No. 99-019, against the Department of Revenue, pay to Florence Mansur, 122 S. 39th St. #204-205, Omaha, NE 68131 575.11".
2. On page 4, lines 5 and 6, strike both occurrences of "1,045,736.95" and insert "1,046,312.06".

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Kiel asked unanimous consent to have her name added as cointroducer

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

printed on recycled paper

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
"Claim No. 99-261, against the Department of Revenue
pay to Record Printing Company, P.O. Box 530, Cairo,
NE 68824,
out of the General Fund 25,072.03".
On page 4, lines 5 and 6, strike "1,045,736.95" and insert
"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. On page 3, after line 15 insert
"Claim No. 99-100, against the Department of Revenue, pay to Muckels Aerial Inc., P.O. Box 1107, Grand Island, NE 68802, out of the General Fund 5,750.00";
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.

Excused and not voting, 5:

Baker	Beutler	Robak	Stuhr	Suttle

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. Insert the following new sections:

"Sec. 13. The Department of Environmental Quality shall expand its surface water monitoring programs to regularly include analysis of stream water parameters associated with nonpoint and point source runoff, including, but not limited to, total suspended

solids, total Kjeldahl nitrogen, nitrate-nitrite, ammonia, phosphorous, dissolved ortho-phosphorous, and chlorides.

Sec. 14. It is the intent of the Legislature to appropriate one hundred fifty thousand dollars annually to the Department of Environmental Quality for the purpose of enhancing the department's water quality monitoring programs to further the purposes of section 13 of this act.".

2. Renumber the remaining sections accordingly.

Mr. Wehrbein filed the following amendment to LB 730:
AM1515

1. On page 3, line 15, after "(3)" insert "For administrative and budgetary purposes only, the task force shall be housed within the Department of Agriculture.
(4)".

Mr. Schrock filed the following amendment to LB 605:
AM1526

(Amendments to AM1380)

1. Insert the following new sections:

"Section 1. Section 66-1330, Reissue Revised Statutes of Nebraska, is amended to read:

66-1330. Sections 66-1330 to 66-1348 and section 2 of this act shall be known and may be cited as the Ethanol Development Act.

Sec. 2. The board shall present an award each year in recognition of a Nebraska petroleum marketer who effectively markets ethanol-blended fuel in a positive manner. The award shall recognize a marketer who prices ethanol blends in a manner that encourages consumers to use the product, who emphasizes the performance attributes of ethanol blended fuel, who promotes air quality benefits of ethanol, who uses promotional materials including pump signage to convey the benefits of ethanol fuels, who has generally demonstrated a marketing strategy that promotes the use of ethanol, and who operates retail outlets that have ethanol blend sales totaling at least forty percent of gasoline sales. The board shall annually identify at least one qualified recipient for the award. The award shall be publicly announced through news media, and the recipient will be publicly acknowledged.".

2. On page 10, line 18, after "sections" insert "66-1330 and".

3. Renumber the remaining sections accordingly.

Ms. Schimek filed the following amendment to LB 480:
AM1503

1. On page 3, line 6, after "Initiative" insert "Advisory"; in line 9 strike "(1)" and insert "(a)"; in line 10 strike "(2)" and insert "(b)"; in line 11 strike "(3)" and insert "(c)" and strike "(4)" and insert "(d)"; in line 12 strike "(5)"

and insert "(e)"; in line 13 strike "(6)" and insert "(f)" and strike "(7)" and insert "(g)"; in line 14 strike "(8)" and insert "(h)" and strike "(9)" and insert "(i)"; in line 15 strike "(10)" and insert "(j)"; in line 16 strike "(11)" and insert "(k)"; in line 17 strike "(12)" and insert "(l)"; in line 18 strike "(13)" and insert "(m)"; and in line 28 after "appoint" insert "advisory".

2. On page 4, line 4, after "the" insert "advisory"; strike beginning with "The" in line 7 through line 9; in line 22 strike "commission" and insert "advisory council"; in line 24 after the period insert "Funds for reimbursement for expenses shall be from the Women's Health Initiative Fund."; and in line 25 after "The" insert "advisory".

3. On page 5, strike beginning with "shall" in line 1 through the "for" in line 2 and insert "will determine how the Department of Health and Human Services will provide personnel to carry out"; strike beginning with the second "and" in line 3 through "director" in line 4; and in line 4 strike "may" and insert "shall" and after "personnel" insert ", including an executive director,".

4. On page 6, line 1, after "Initiative" insert "Advisory"; and in lines 5 and 12 strike beginning with "Women's" through "Nebraska" and insert "Department of Health and Human Services".

Mr. Schrock filed the following amendment to LB 870:
AM1530

(Amendments to Standing Committee amendments, AM1312)

1. On page 13, line 11, after the last comma insert "the results of water quality monitoring programs,"; and after line 16 insert:

"(4) It is the intent of the Legislature to appropriate $150,000 annually to the department to enhance water quality monitoring programs.".

Mr. Bromm filed the following amendment to LB 770:
AM1528

(Amendments to Standing Committee amendments, AM1376)

1. On page 1, line 3, strike "2000" and insert "2001. Each clerk of the county court shall send to the Department of Revenue a copy of each inheritance tax worksheet filed in the county court between October 1, 1999, and September 30, 2000. The department shall use the information to create a report for the Legislature of the financial impact of the changes made by this legislative bill on the various counties had the changes been effective during the reporting period. The report shall be filed with the Clerk of the Legislature by January 1, 2000".

Mrs. Robak filed the following amendment to LB 571:
AM1537

1. Insert the following new sections:

"Sec. 5. Section 32-1201, Reissue Revised Statutes of Nebraska, is amended to read:

32-1201. The county board shall draw warrants in payment of all bills submitted by the election commissioner or county clerk related to the cost of any election conducted by the office of the election commissioner or county clerk. Except as otherwise provided in subsection (4) of section 32-1203, the initial payment for bills submitted to the election commissioner or county clerk for the cost of preparing for and conducting elections shall be a county expense. The compensation of the election commissioner or county clerk, the deputy election commissioner or deputy county clerk for elections, and all permanent employees of the election commissioner or county clerk, the expenditures for the rental, furnishing, and equipping of the office of the election commissioner or county clerk, the expenditures for necessary office supplies, books, documents, and appurtenances relating to or used in performing the duties of the election commissioner or county clerk in relation to elections, ~~and~~ the cost of elections for county~~,~~ ~~state,~~ and federal governments, and the cost of elections for state government other than constitutional amendments as provided in subsection (5) of section 32-1203 shall be an apportioned county expense and shall not be chargeable to other political subdivisions.

Sec. 6. Section 32-1202, Reissue Revised Statutes of Nebraska, is amended to read:

32-1202. The cost of publication and posting of notices and ballots, the cost of precinct registration lists, the compensation of temporary employees, inspectors, judges and clerks of election, and members of counting boards, the cost of renting, heating, lighting, and equipping polling places including placing and removing ballot boxes and other fixtures and equipment, the cost of printing and delivering ballots and sample ballots, the cost of postage, cards of instructions for voters, maps, voter books for the polling place, other election supplies, and electronic media, the expense of programming and operation of voting machines and vote counting devices, and all other expenses of conducting statewide primary and general elections not listed in section 32-1201 shall be chargeable to the political subdivisions and the state, if applicable under subsection (5) of section 32-1203, in and for which such elections are held.

Sec. 7. Section 32-1203, Reissue Revised Statutes of Nebraska, is amended to read:

32-1203. (1) Each city, village, school district, public power district, sanitary and improvement district, metropolitan utilities district, fire district, natural resources district, community college area, educational service unit, hospital district, reclamation district, and library board shall pay for the costs of nominating and electing its officers as provided in

subsection (2), (3), or (4) of this section. If a special issue is placed on the ballot at the time of the statewide primary or general election by any political subdivision, the political subdivision shall pay for the costs of the election as provided in subsection (2), (3), or (4) of this section. The districts listed in this subsection shall furnish to the Secretary of State and election commissioner or county clerk any maps and additional information which the election commissioner or county clerk may require in the proper performance of their duties in the conduct of elections and certification of results.

(2) The charge for each primary and general election shall be determined by (a) ascertaining the total cost of all chargeable costs as described in section 32-1202, (b) dividing the total cost by the number of precincts participating in the election to fix the cost per precinct, (c) prorating the cost per precinct by the inked ballot inch in each precinct for each political subdivision and the state, if applicable under subsection (5) of this section, and (d) totaling the cost for each precinct for each political subdivision and the state, if applicable.

(3) In lieu of the charge determined pursuant to subsection (2) of this section, the election commissioner or county clerk may charge public power districts the fee for election costs set by section 70-610.

(4) In lieu of the charge determined pursuant to subsection (2) of this section, the election commissioner or county clerk may bill school districts directly for the costs of an election held under section 10-703.01.

(5) The state shall reimburse each county for the actual cost of placing constitutional amendments on the primary and general election ballots at the direction of the Legislature.

Sec. 8. Section 32-1207, Reissue Revised Statutes of Nebraska, is amended to read:

32-1207. The election commissioner or county clerk shall fix and certify the cost of elections pursuant to sections 32-1203 to 32-1206. The cost of elections shall be due and payable from each political subdivision and the state, if applicable, within thirty days after the receipt of the statement certifying the cost of the election. All payments received by the election commissioner or county clerk from each political subdivision and the state, if applicable, for the cost of elections shall be placed in the county general fund and shall be used to help defray the cost of elections.".

2. Renumber the remaining sections and correct the repealer accordingly.

Mr. Hilgert filed the following amendment to LB 179:
AM1514

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. Section 77-3504, Reissue Revised Statutes of Nebraska, is amended to read:

77-3504. Household income means the total federal adjusted gross income, as defined in the Internal Revenue Code, plus (1) any Nebraska adjustments increasing the total federal adjusted gross income, (2) any interest or dividends received by the owner regarding obligations of the State of Nebraska or any political subdivision, authority, commission, or instrumentality thereof to the extent excluded in the computation of gross income for federal income tax purposes, and (3) any social security or railroad retirement benefit to the extent excluded in the computation of gross income for federal income tax purposes, of the claimant and spouse, and any additional owners who are natural persons and who occupy the homestead, for the taxable year of the claimant immediately prior to the year for which the claim for exemption is made, less all medical expenses actually incurred and paid by the claimant, his or her spouse, or any owner-occupant which are in excess of four percent of household income calculated prior to the deduction for medical expenses. For purposes of this section, medical expenses means the costs of health insurance premiums and the costs of goods and services purchased from a person licensed under Chapter 71, article 1 or 47, or a facility licensed pursuant to Chapter 71, article 20, for purposes of restoring or maintaining health, including insulin and prescription medicine but not including nonprescription medicine. For purposes of this section, the amount of social security benefits received by a claimant as described in subdivision (1)(b) or (c) of section 77-3508 shall be reduced by the amount of social security benefits which the claimant received solely because of his or her disability in the last year the claimant was less than sixty-five years of age.".

2. On page 1, line 1, after "amend" insert "section 77-3504, Reissue Revised Statutes of Nebraska, and".

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

Tort Claim No. 98-173, against the Department of Labor, pay to Elaine Miller and V. Gene Summerlin, Attorney, 330 South 10th St., Lincoln, NE 68508, out of the General Fund 698,242.16
and out of the Elevator Inspection Fund 100,000.00

The claims included in this section shall be paid through Program 591 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

GENERAL FUND	1,065,242.16
CASH FUND	100,000.00
TOTAL	1,165,242.16.".

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 Caroline C. and Bruce Mason, Attorney, 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 Debra W. and Bruce Mason, Attorney, 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 Donna W. and Bruce Mason, Attorney, 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 Billie V. and Bruce Mason, Attorney, 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. On page 4, strike beginning with "The" in line 2 through line 5; and strike beginning with "The" in line 20 through line 24.

2. On page 5, strike beginning with "The" in line 8 through line 12; in line 14 strike "this subsection" and insert "subdivision (1)(b) or (1)(c) of this section"; and strike lines 16 through line 18.

Mr. Preister filed the following amendment to LB 870:
AM1551

(Amendments to Standing Committee amendments, AM1312)

1. On page 11, line 22, after the stricken "any" insert "It is the intent of the Legislature that the applicant shall bear the responsibility of notifying the public and all necessary local authorities and comply with all applicable zoning requirements, regulations, and other ordinances prior to the submission of an application to the department.

(2)"; and in line 25 after the period insert "The application shall include certification by each municipal and county planning commission and governing body with zoning jurisdiction over the proposed facility site that all local zoning requirements, regulations, and ordinances have been complied with prior to submission of the application to the department. Certification shall be in the form of an ordinance or a resolution adopted by such commission or governing body. Any local zoning requirement, regulation, ordinance, or resolution that cannot be met until the department has approved the permit shall be specifically identified as items of conditional compliance, and the commission or governing body may issue a conditional certification of such requirements.".

2. On page 12, line 10, strike "(2)" and show as stricken.

3. On page 12, line 24, and page 13, line 4, strike the 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. On page 3, after line 15 insert
"Claim No. 99-019, against the Department of Revenue, pay to Florence Mansur, 122 S. 39th St. #204-205, Omaha, NE 68131, out of the General Fund 575.11".
2. On page 4, lines 5 and 6, strike both occurrences of "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

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. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Convention Center Facility Financing Assistance Act.

Sec. 2. The Legislature finds that it is essential to the educational progress and economic well-being of the people of this state that there be in this state convention and meeting center facilities of appropriate size and quality to host regional, national, or international events for instruction and education of the participants.

The Legislature finds that convention and meeting center facilities can generate new economic activity which will in turn generate additional state and local tax collections from persons residing outside the state. This new economic activity can reduce tax burdens of state residents, while creating new economic opportunities for residents.

For the state to receive the long-term beneficial educational, economic, and fiscal impact of such facilities there is a need to provide state financial assistance for convention and meeting center facilities to political subdivisions endeavoring to construct the facilities.

It is therefor in the interest of both the state and its political subdivisions for the state to assist political subdivisions in the financing of the construction of convention and meeting center facilities which may be used to hold regional, national, or international events. The amount of state financial assistance provided to the project shall be a designated share of 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. On page 5, line 22, strike "face", show as stricken, and insert "back".

2. On page 7, line 16, strike "and the", show as stricken, and insert "an" and strike "an unsealed return" and show as stricken; in line 17 strike "envelope" and show as stricken; and strike beginning with "The" in line 19 through the period in line 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

printed on recycled paper

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

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) 1:00 p.m.
Board of Emergency Medical Services
Val Snyder

(Signed) Jim Jensen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Corbin, David - Excellence in Heathcare Council -- Health and Human Services

Elliott, Jeff - Excellence in Heathcare Council -- Health and Human Services

Gajardo, Joel - Excellence in Heathcare Council -- Health and Human Services

Klosterman, John - Excellence in Heathcare Council -- Health and Human Services

Massey, Sandra - Excellence in Heathcare Council -- Health and Human Services

Michels, Dale - Excellence in Heathcare Council -- Health and Human Services

Okoye, Cordelia - Excellence in Heathcare 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. Insert the following new section:

"Sec. 10. Section 48-159, Reissue Revised Statutes of Nebraska, is amended to read:

48-159. (1) As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the Nebraska Workers' Compensation Court shall receive an annual salary of ninety-two and one-half percent of the salary set for the Chief Justice and judges of the Supreme Court, payable in the same manner as the salaries of other state officers are paid. Changes in salaries and term of court shall be effective on the same date as changes in salary and term of court for the judges of the district courts. Such salary is an increase from the salary of eighty-five percent of the salary set for the Chief Justice and judges of the Supreme Court which such judges have received on and after January 6, 1983. The clerk and all other assistants and employees of the compensation court shall receive such salaries as the compensation court shall determine, but not to exceed the amount of the appropriation made by the Legislature for such purpose. Such salaries shall be payable in the same manner as the salaries of other state employees are paid. Such assistants and employees shall not receive any other salary or pay for their services from any other source.

(2) In addition to the salaries, as provided by subsection (1) of this section, the judges of the Nebraska Workers' Compensation Court, the clerk, and other assistants and employees of the compensation court shall be entitled, while traveling on the business of the compensation court, to be reimbursed by the state for their necessary traveling expenses, consisting of

transportation, subsistence, lodging, and such other items of expense as are necessary, to be paid as provided in sections 81-1174 to 81-1177.".

2. Correct the repealer and renumber the remaining 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.

Excused and not voting, 2:

Bourne	Dickey

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

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

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

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

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

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

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

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

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

printed on recycled paper

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"

and insert "learners with high ability";

b. On page 35, line 15, after "the" insert "Legislative";

c. On page 46, line 27, after "federal" insert "medicaid" and strike the first "and";

d. On page 72, line 3, after "$10,000" insert a comma;

e. On page 75, line 12, after "subcommittees" insert a comma;

f. On page 76, lines 6 and 11; and page 85, line 23, strike "state";

g. On page 83, line 24, strike the first "that";

h. On page 84, line 8, after "Nebraska" insert "Industrial"; and

i. On page 151, line 21, after "Equipment" insert "Trust Fund".

LEGISLATIVE BILL 878. Placed on Select File as amended.
E & R amendment to LB 878:
AM7136

1. In the Chambers amendment, FA129, on page 1, strike "Corrections" and insert "Correctional Services", strike "their" and insert "its", and strike "Legislature" and insert "Legislative Council".

2. In the Wehrbein amendment, AM1527, renumber section 52 as section 54.

3. In the Standing Committee amendments, AM1216:

a. Renumber sections 44 and 45 as sections 46 and 45, respectively;

b. On page 20, line 14, strike "facilities" and insert "facility's";

c. On page 22, line 22, strike "32" and insert "33";

d. On page 25, line 23; and page 26, lines 4 and 8, strike "38 and 58" and insert "39 and 60";

e. On page 26, line 8, strike "33" and insert "34";

f. On page 28, line 3, strike "374,967" and insert "374,962"; and

g. On page 34, line 5, strike "BUILDING" and insert "BUILDINGS".

4. On page 1, line 4, after the first semicolon insert "to provide for transfers;".

LEGISLATIVE BILL 879. Placed on Select File as amended.
E & R amendment to LB 879:
AM7135

1. In the Standing Committee amendments, AM1203:

a. On page 10, after line 16, insert "PROGRAM TOTAL -0- 84,944";

b. On page 51, line 5, strike "methodic" and insert "methodical";

c. On page 53, line 9, strike "learning" and insert "education";

d. On page 54, line 2, strike "such"; and in line 4 strike ", which" and insert ". Such committees or subcommittees"; and

e. On page 58, line 23 strike "153.".

2. On page 1, strike beginning with "384" in line 1 through the semicolon in line 6 and insert "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 1063A, section 3; Laws 1998, LB 1070A, sections 2 and 3; 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; Laws 1998, LB 1138, section 2;".

LEGISLATIVE BILL 873. Placed on Select File as amended.
E & R amendment to LB 873:
AM7130

1. On page 1, line 1, strike "state funds" and insert "government"; and in line 2 after the semicolon insert "to change provisions relating to state funds; to authorize a central 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. On page 3, line 21, strike "the" and insert "an".

2. On page 4, line 16, strike "specified", show as stricken, and insert "provided"; and in lines 16 and 17 strike the new matter.

LEGISLATIVE BILL 860. Placed on Select File as amended.
E & R amendment to LB 860:
AM7131

1. On page 1, strike beginning with "state" in line 1 through line 2 and insert "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.".

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 ", 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

single"; and in line 25 after "permittee" insert "but may be revoked for a series of two or more negligent discharges".

AM1547

(Amendments to Standing Committee amendments, AM1312)

1. Strike section 11.
2. On page 21, line 10, strike "54-2412,".

AM1539

(Amendments to Standing Committee amendments, AM1312)

1. On page 8, line 13, after "well" insert "if the department determines that the facility has not and will not adversely affect the ground water quality"; and in line 22 after "subsection" insert "and may require periodic monitoring of the domestic well at the expense of the owner of the facility".

AM1549

(Amendments to Standing Committee amendments, AM1312)

1. On page 20, line 16, after "waste" insert "or 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. On page 2, line 7, strike "General" and insert "State Building"; and in line 8 after the comma insert "for Program 955,".
2. In the Dw. Pedersen and Wickersham amendment, AM1516, on page 1, line 4, after the comma insert "for Program 648,".

Mr. Wehrbein filed the following amendment to LB 664:
AM1572

1. On page 2, line 6, strike "General" and insert "State 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. On page 2, line 17, after "Education" insert ". For administrative and budget purposes only, the board shall be considered part of the Department of Revenue".

2. On page 3, line 2, strike "completed" and insert "constructed"; and in line 3 after the first comma insert "which activity is completed".

3. On page 4, line 7, strike "operated" and insert "substantially reconstructed"; in line 8 strike "and operate" and insert "or substantially reconstruct" in line 12 strike "improve, and equip" and insert "or substantially reconstruct"; and in line 18 strike "improvement, and equipping" and insert "or substantial reconstruction".

4. On page 6, line 22, strike "majority vote" and insert "the affirmative vote of a majority of the board".

5. On page 7, line 6, after "shall" insert "annually"; in line 14 after "construction" insert "or substantial reconstruction"; and strike beginning with "out-of-state" in line 15 through line 17 and insert "participants attending a new regional, national, or international event for which at least one-half of the participants were registered from an out-of-state address; and".

6. On page 8, lines 6 and 13, strike "improving, or equipping" and insert "or substantially reconstructing"; in line 11 strike "improve, or equip" and insert "or substantially reconstruct"; and in lines 22 and 23 strike "improving, and 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. Insert the following new sections:

"Sec. 2. Section 85-1101, Reissue Revised Statutes of Nebraska, is amended to read:

85-1101. For purposes of sections 85-1102 to 85-1104 and section 4 of this act, unless the context otherwise requires, out-of-state institution of higher education shall include any college, university, community college, technical institute, junior college, or the equivalent that offers college credit courses or awards an associate or higher degree and is controlled by a public or private body organized outside the boundaries of the State of Nebraska.

Sec. 3. Section 85-1102, Reissue Revised Statutes of Nebraska, is amended to read:

85-1102. No out-of-state institution of higher education shall offer a course for college credit or degree program within the State of Nebraska unless it is first registered with and been authorized to do so by the Coordinating Commission for Postsecondary Education. The out-of-state institution of higher

education shall be exempt from this section if the offering is in the nature of a short course or seminar and instruction for the segment takes not more than twenty classroom hours or each course or program offered by it in this state is offered on a military installation solely for military personnel or civilians employed on such installation.

Sec. 4. (1) Institutions shall make application for authorization to offer college credit courses or degree programs within the State of Nebraska on forms prescribed by the Coordinating Commission for Postsecondary Education. Following receipt of a complete application, the commission shall set a time and place for public hearing and shall cause notice of the hearing to be published in one or more newspapers of general circulation in the affected county or counties not less than thirty days or more than sixty days prior to the date set for the hearing. Such hearing shall be held as provided in the Administrative Procedure Act.

(2) Following the public hearing, the commission shall either approve or disapprove the application for authorization to offer college credit courses or degree programs in the state. If approved, the commission shall specify in its approval the level and range of courses or degree programs which the applying institution is authorized to offer in the state.

Sec. 5. Section 85-1104, Reissue Revised Statutes of Nebraska, is amended to read:

85-1104. Any person violating sections 85-1101 to 85-1103.01 and section 4 of this act shall be guilty of a Class III misdemeanor.

Sec. 6. Section 85-1105, Reissue Revised Statutes of Nebraska, is amended to read:

85-1105. In order to establish a new two-year, ~~or~~ four-year, graduate, or professional private college, any individual or organization sponsoring such a college shall first petition the Coordinating Commission for Postsecondary Education for approval thereof. Any private college which, on the effective date of this act, has offered one or more four-year undergraduate programs for at least one academic year in compliance with state and federal law shall not be required to petition the commission under this section for approval to offer graduate or professional programs.

Sec. 7. Section 85-1108, Reissue Revised Statutes of Nebraska, is amended to read:

85-1108. (1) In considering the feasibility of the college proposed in a petition under section 85-1105, the Coordinating Commission for Postsecondary Education shall take into account the following factors:

(a) The need for and the objectives of the proposed college;

(b) The proposed instructional program and the plan for

staffing such a program, including staff qualifications;

(c) The financial soundness and capability to fulfill its proposed commitments; ~~and~~

(d) Affirmation of intent to seek appropriate accreditation of the institution; and

(e) Such other pertinent factors as relate to the potential of the proposed college to achieve its objectives or as may be developed at the hearing.

(2) The commission may charge a reasonable fee based on its administrative costs for review and authorization and may also adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of sections 85-1105 to 85-1110.

Sec. 8. Section 85-1109, Reissue Revised Statutes of Nebraska, is amended to read:

85-1109. After the hearing, the Coordinating Commission for Postsecondary Education shall either approve or disapprove the petition. If approved, the commission shall specify in its approval the courses and degree programs which the new private college is authorized to offer.

Sec. 9. Any person violating sections 85-1105 to 85-1110 shall be guilty of a Class III misdemeanor.

Sec. 12. Section 85-1409, Reissue Revised Statutes of Nebraska, is amended to read:

85-1409. (1) The members of the commission shall annually elect a chairperson and vice-chairperson from among their members.

(2) The commission shall hold regular meetings at times ~~specified in its rules and regulations~~ determined by the commission. Special or additional meetings may be held on the call of the chairperson or upon the call of at least three members. A majority of the members shall constitute a quorum at all meetings. Commission action on any item shall require a majority of those present at meetings in which there is a quorum, except that adoption of the comprehensive statewide plan, or any changes or alternatives thereto, required by section 85-1413 and approval of a new program or disapproval of an existing program pursuant to section 85-1414 shall require the concurrence of a majority of the members.

Sec. 19. Section 85-1420, Reissue Revised Statutes of Nebraska, is amended to read:

85-1420. There is hereby created the Coordinating Commission for Postsecondary Education Trust Fund. The fund shall serve as a revolving fund to receive grants from foundations, ~~and~~ institutions, or individuals for specific studies which are a part of the powers and duties of the commission or for the administration of privately endowed scholarship programs for students attending Nebraska institutions. The grant money shall be used only for purposes specified in the grant. A report of the findings of any studies done pursuant to the grants shall be

included as a part of the operating budget request submitted to the Legislature and the Governor. 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 2, line 11; page 7, line 27; page 16, line 22; and page 24, line 11, strike "9" and insert "18".

3. On page 7, strike beginning with "Not" in line 9 through "or" in line 10 and insert "Develop only those programs, activities, or functions (a) authorized by Article VII, section 14, of the Constitution of Nebraska or the Coordinating Commission for Postsecondary Education Act or (b) as directed by the Legislature. The commission, at its discretion, may develop programs, activities, or functions requested by the Legislature or the Governor. The commission may not".

4. On page 8, line 5, strike "85-121.05 and" and show as stricken.

5. On page 9, line 12, after "functions" insert ", including the administration of privately endowed scholarship programs".

6. On page 10, line 2, after "(11)" insert "Pursuant to sections 85-1105 to 85-1111, approve or disapprove petitions to establish new private colleges in this state;

(12)(a)"; in line 3 after "thereafter" insert "through October 1, 1999"; in line 6 after the semicolon insert "and

(b) On or before December 1, 2000, and on or before December 1 every two years thereafter, submit to the Legislature and the Governor a report of its objectives and activities and any new private colleges in Nebraska and the implementation of any recommendations of the commission for the preceding two calendar years;"; in line 7 strike "(12)" and show as stricken; in line 10 reinstate the stricken matter; and in line 12 strike the new matter and reinstate the stricken matter.

7. On page 11, line 11, after "consideration" insert "(i)"; in lines 11 and 12 strike "based upon (i)" and insert "as described in subsection (4) of this section,(ii)"; and in line 13 strike "and (ii)" and insert ", and (iii)".

8. On page 20, line 12, after the period insert "The governing boards of the public institutions shall be responsible for assuring the quality and effectiveness of programs offered by their institutions."; in line 13 before "criteria" insert "commission's"; strike beginning with "assure" in line 13 through "(b)" in line 15 and show as stricken; in line 15 strike the second comma and show as stricken and strike "(c)", show as stricken, and insert "(b)"; in lines 18, 20, and 25 strike the new matter and reinstate the stricken matter; in line 22 strike the new matter and reinstate the stricken "(iii)"; and in line 25 strike "the program", show as stricken, and insert "proposed new programs".

9. On page 27, line 10, after "85-408," insert "85-1101,

85-1102, 85-1104, 85-1105, 85-1108, 85-1109," and after "85-1402," insert "85-1409,"; and in line 11 after "85-1416," insert "85-1420,".

Ms. Schimek filed the following amendment to LB 880:
AM1432

(Amendments to Standing Committee amendments, AM1258)

1. On page 35, strike line 10 and insert:
"GENERAL FUND 41,452,823 43,930,774"
and strike line 13 and insert:
"PROGRAM TOTAL 101,323,325 105,019,250".

Mr. Tyson filed the following amendment to LB 480:
AM1597

(Amendments to AM1503)

1. On page 1, line 2, after the first semicolon insert "in line 8 strike 'shall' and insert 'may';"; in line 12 after the semicolon insert "strike beginning with 'The' in line 18 through line 21 and insert 'The advisory council shall meet as determined by the Department of Health and Human Services in order to provide meaningful input for the Women's Health Initiative of Nebraska.'"; in line 13 after "commission" insert "shall" and after "council" insert "may"; in line 21 strike the first "and"; strike beginning with "strike" in line 21 through "and" in line 22; and in line 23 before the period insert "; and in line 27 strike 'shall' and insert 'may'".

2. On page 2, line 1, before the semicolon insert "and after the period insert 'No state or private funds expended or received by or through the initiative shall be paid or granted to organizations or affiliates of organizations which perform, promote, or refer for abortions. The services, policy, advocacy, and education performed by or through the initiative shall be provided, developed, or conducted in a manner consistent with the 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. Insert the following new section:

"Sec. 37. Beginning in 1999, if the final adjusted value of a political subdivision provided by the county assessor pursuant to section 13-509 for the current year increases over the immediately preceding year for reasons other than new construction, additions of improvements, or additions of omitted property, the tax levy of the political subdivision shall be reduced proportionately to the increase in actual valuation. The purpose of this section is to maintain the revenue derived from property taxes at the same amount as it would have been had no such increase in the actual value occurred. Nothing in this section shall be

construed to prohibit an increase in property taxes levied if such increase is due to a budget increase by a political subdivision or a voter-approved levy override.".

2. Renumber the remaining sections accordingly.

Mr. Raikes filed the following amendment to LB 880:
AM1598

(Amendments to Standing Committee amendments, AM1258)

1. On page 12, lines 7 and 8, strike each occurrence of "2,301,138" and insert "689,500"; and in lines 10 and 12 strike "$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. In the Standing Committee amendments, AM1203:

a. Strike original sections 53 to 55;

b. On page 16, line 3, strike "unexpended"; strike beginning with "existing" in line 3 through "1999," in line 4; strike beginning with "is" in line 4 through "reappropriated" in line 5; and in line 5 after "FY1999-00" insert "may be used";

c. On page 73, strike beginning with the second "Laws" in line 23 through the second semicolon in line 24; and

d. Renumber the remaining sections accordingly.

2. In the E & R amendments, AM7135, on page 1, strike beginning with the second "Laws" in line 16 through the second semicolon in line 17.

Mr. Wehrbein filed the following amendment to LB 878:
AM1600

1. In the Standing Committee amendments, AM1216, on page 20, lines 3 and 4, strike the second "-0-" and insert "4,687,500"; and in line 5 strike the second "-0-" and insert "9,375,000".

2. In the Wehrbein amendment, AM1527, on page 1, lines 4 and 16, strike "917" and insert "931"; in line 10 after "plan" insert "for the juvenile services system"; and in line 23 after "Geneva" insert "and the Youth Rehabilitation and Treatment Center - Kearney".

Mr. Wehrbein filed the following amendment to LB 880:
AM1601

(Amendments to Standing Committee amendments, AM1258)

1. On page 63, after line 2 insert the following:

"It is the intent of the Legislature that the Game and Parks Commission shall not expend appropriated funds for the rearing or stocking of pheasants except for youth education programs.".

2. On page 102, strike lines 21 through 23 and insert:

"REVOLVING FUND	16,098,832	16,373,151
PROGRAM TOTAL	17,768,806	18,069,399
SALARY LIMIT	905,466	942,296".

3. On page 131, line 22, strike "5,724,000" and insert "3,472,000"; and in line 25 strike "9,458,657" and insert "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

printed on recycled paper

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. Insert the following new sections:

"Sec. 18. Section 71-1,132.09, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.09. The board, at the last scheduled meeting of the calendar year, shall ~~meet annually during the month of January and shall~~ elect from its members a president, vice president, and secretary, each of whom shall hold office for one year. ~~It~~ The

board shall hold at least three regular meetings each year upon such dates and times as may be determined by the board. A quorum shall be a simple majority of the appointed members of the board.

Sec. 19. Section 71-1,132.11, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.11. The board may adopt, promulgate, and revise, with the approval of the department, such rules and regulations consistent with the Nurse Practice Act as may be necessary to carry the act into effect. All such rules and regulations shall be published and distributed. The board shall:

(1) Adopt reasonable and uniform standards for nursing practice and nursing education; ~~which are reviewed at least every four years;~~

(2) If requested, issue or decline to issue advisory opinions defining acts which in the opinion of the board are or are not permitted in the practice of nursing as defined in section 71-1,132.05. Such opinions shall be considered informational only and are nonbinding;

(3) Establish rules and regulations for approving and classifying programs preparing practical and professional nurses, taking into consideration administrative and organizational patterns, the curriculum, students, student services, faculty, and instructional resources and facilities, and provide surveys for each educational program ~~at least every four years or more frequently as deemed necessary~~ as determined by the board;

(4) Approve educational programs which meet the requirements of the act;

(5) Examine, license, and renew the licenses of duly qualified applicants;

(6) Keep a record of all its proceedings and compile an annual report for distribution;

(7) Develop standards for continued competency of licensees continuing in or returning to practice;

(8) Adopt rules and regulations establishing standards for delegation of nursing activities, including training or experience requirements, competency determination, and nursing supervision;

(9) Make recommendations in accordance with section 71-168.01 regarding licensure and disciplinary dispositions for individuals who have violated the act and upon the grounds provided in the Uniform Licensing Law;

(10) Collect data regarding nursing;

(11) Provide consultation~~,~~ and conduct conferences, forums, studies, and research on nursing practice and education;

(12) Join organizations that develop and regulate the national nursing licensure examinations and exclusively promote the improvement of the legal standards of the practice of nursing for the protection of the public health, safety, and welfare;

(13) Appoint special purpose groups or ad hoc groups to

advise the board; and

(14) Administer the provisions of the Advanced Registered Nurse Practitioner Act as it applies to certified registered nurse anesthetists and the Nebraska Certified Nurse Midwifery Practice Act.

Sec. 20. Section 71-1,132.13, Revised Statutes Supplement, 1998, is amended to read:

71-1,132.13. (1) An applicant for a license to practice as a registered nurse shall file with the department a written application for a license and submit satisfactory proof that the applicant (a) is of good moral character, (b) has completed four years of high school study or its equivalent as determined by the ~~department~~ board, and (c) has completed the basic professional curriculum in and holds a diploma from an accredited program of professional nursing approved by the board. Graduates of foreign nursing programs shall ~~have passed~~ pass the Canadian Nurses Association Testing Service or hold a certificate from the Commission on Graduates of Foreign Nursing Schools. Such application shall be made upon a form prescribed and approved by the department, verified by the applicant's oath, and accompanied by an application fee established by rules and regulations of the department. The application shall include the applicant's social security number.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

Sec. 21. Section 71-1,132.20, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.20. (1) The license of every registered nurse or licensed practical nurse shall be renewed biennially. The biennial expiration date is October 31 of every odd-numbered year for licensed practical nurses and October 31 of every even-numbered year for registered nurses. The biennial license renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the board, shall establish by rule and regulation.

(2) On or before August 1 of each renewal year, the department shall mail an application for renewal of license to every person to whom such license was issued or renewed during the current renewal period. The applicant shall complete and return the application to the department with a renewal fee established by the department pursuant to section 71-1,132.49 on or before October

31 following the mailing of such notice. Upon receipt of the application and fee, the department shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the renewal period beginning November 1 following the mailing of such notice. The certificate of renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the certificate of renewal.

(3) A licensed practical nurse or registered nurse who wishes to have his or her license lapse upon expiration shall give the department written notice to that effect. The department shall notify the licensee in writing of the acceptance or denial of the request to allow the license to lapse. When the lapsed status becomes effective, the right to practice nursing and to represent himself or herself as a licensed practical nurse or registered nurse shall terminate. To restore the license, the individual shall be required to meet the renewal requirements in effect at the time he or she wishes to restore the license and pay the renewal fee and an additional fee of fifty dollars.

(4) A licensed practical nurse or registered nurse who wishes to have his or her license placed on inactive status upon expiration shall give the department written notice to that effect and pay the fee provided in section 71-1,132.49. The department shall notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive status. When the license is placed on inactive status, the licensee shall not engage in the practice of nursing. A license may remain on inactive status for an indefinite period of time. In order to move a license from inactive to active status, an individual shall meet the renewal requirements in effect at the time he or she wishes to regain active status and pay the renewal fee and reinstatement fee due at such time as specified in section 71-1,132.49.

(5) Any licensed practical nurse or registered nurse who fails to (a) notify the department that he or she wishes his or her license to lapse or to be placed on inactive status or (b) meet the renewal requirements, on or before the date of expiration of his or her license~~,~~ shall be given a second notice in the same manner as the first notice advising him or her (i) of the failure to pay, (ii) that the license has expired, (iii) that the department will suspend action for thirty days following the date of expiration, (iv) that upon the receipt of the renewal fee, together with an additional fee of fifty dollars, within that time, the license will be renewed, ~~no order of revocation will be entered,~~ and (v) that upon the failure to receive the amount then due and fifty dollars in addition to the regular renewal fee, the license will be ~~revoked in the same manner as provided in section 71-149~~ placed on lapsed status.

~~(6) Any licensee who fails to renew his or her license may have such license reinstated upon the recommendation of the board and the payment of the renewal fee and an additional fee of~~

~~fifty dollars if an application for reinstatement is made more than thirty days after expiration and not more than one year from the date of revocation.~~

~~(7) Any licensee who applies for reinstatement after one year of revocation shall pay an additional fee of seventy-five dollars and petition the board to recommend reinstatement in the same manner as provided in section 71-161.05.~~

~~(8)~~ (6) A fee to be determined by rules and regulations pursuant to section 71-1,132.49 shall be charged to any registered nurse or licensed practical nurse for the issuance of a certification of credentials to another state and to any educational institution or agency.

~~(9)~~ (7) In order to insure that all nurses have sufficient scientific and practical knowledge to continue to practice nursing, a license to practice nursing shall not be renewed after January 1, 1997, unless the nurse has within the preceding five years engaged in the practice of nursing for a minimum of five hundred hours and completed twenty contact hours within the previous two years of either:

(a) Inservice education provided by the employer; or

(b) Continuing education courses which meet requirements as specified by the board in rules and regulations.

The department, with the concurrence of the board, may waive continuing education or inservice requirements, for any two-year licensing period when a licensee submits documentation that circumstances justify such waiver. Such circumstances shall be defined in rules and regulations.

If more than five years have elapsed since the individual has practiced nursing as defined in section 71-1,132.05, the individual must complete a seventy-five-hour approved review course of study before his or her license can be renewed. Such course may be individually designed and must include a practice or clinical component.

Sec. 22. Section 71-1,132.21, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.21. Any person practicing nursing prior to receipt of a license or temporary permit or during the time his or her license has expired or lapsed or is suspended, revoked, or on inactive status shall be considered an illegal practitioner and shall be subject to a fine of ten dollars for each day the person practiced without a license or temporary permit or on an expired, lapsed, suspended, revoked, or inactive license up to a maximum of one thousand dollars or other such penalties provided for violation of the Nurse Practice Act.

Sec. 23. Section 71-1,132.27, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.27. ~~At least every four years or as deemed necessary by the board, the~~ The board shall, through its executive director or other representative appointed by the board, survey all

programs of nursing in the state at time intervals to be determined by the board through rules and regulations. Written reports of such surveys shall be submitted to the board. The board shall act on the report to grant or deny continuing approval of the program.

Sec. 24. Section 71-1,132.30, Revised Statutes Supplement, 1998, is amended to read:

71-1,132.30. The Nurse Practice Act confers no authority to practice medicine or surgery. The act does not prohibit performance of health maintenance activities by a designated ~~caregiver~~ care aide for a competent ~~individual~~ adult at the direction of ~~that individual~~ such adult or at the direction of a caretaker for a minor child or incompetent adult. Health maintenance activities are those activities which enable the ~~individual~~ minor child or adult to live in his or her home and community. Such activities are those specialized procedures, beyond activities of daily living, which the ~~individual would~~ minor child or adult is unable to perform for himself or herself ~~if he or she were physically able~~ and which the attending physician or registered nurse determines can be safely performed in the home and community by a designated ~~caregiver~~ care aide as directed by ~~the~~ a competent ~~individual~~ adult or caretaker. A competent ~~individual~~ adult is someone who has the capability and capacity to make an informed decision. For purposes of this section, caretaker means a person who (1) is directly and personally involved in providing care for a minor child or incompetent adult and (2) is the parent, foster parent, family member, friend, or legal guardian of such minor child or incompetent adult.

Sec. 25. Section 71-1,132.37, Revised Statutes Supplement, 1998, is amended to read:

71-1,132.37. (1) An applicant for a license to practice as a licensed practical nurse shall file with the department a written application for a license which shall include the applicant's social security number, pay the fee as set by the department, and submit satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Has completed four years of high school study or its equivalent as determined by the board; and

(c) Has completed the basic curriculum in and holds a diploma from an approved program of ~~practical~~ nursing.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

Sec. 32. Section 71-1774, Revised Statutes Supplement, 1998, is amended to read:

71-1774. For purposes of the Licensed Practical Nurse-Certified Act:

(1) Administration includes observing, initiating, monitoring, discontinuing, maintaining, regulating, adjusting, documenting, assessing, planning, intervening, and evaluating;

(2) Approved certification course means a course for the education and training of a licensed practical nurse-certified which the board has approved;

(3) Board means the Board of Nursing;

(4) Delegation means the decision by a registered nurse to give the responsibility for the performance of an act or procedure to a licensed practical nurse-certified;

(5) Department means the Department of Health and Human Services Regulation and Licensure;

(6) Direct supervision means that the licensed practitioner or registered nurse is in the clinical area and retains accountability for patient care;

(7) Initial venipuncture means the initiation of intravenous therapy based on a new order from a licensed practitioner for an individual for whom a previous order for intravenous therapy was not in effect;

(8) Intravenous therapy means the therapeutic infusion or injection of substances through the venous system;

(9) Licensed practical nurse-certified means a licensed practical nurse ~~providing services in a long-term care facility or in a hospital~~ who meets the standards established pursuant to section 71-1777 and who holds a valid certificate issued by the department pursuant to the act;

(10) Licensed practitioner means any person authorized by state law to prescribe intravenous therapy and nasogastric tube insertion;

(11) Nasogastric tube insertion means the placing of a tube via the nares or mouth into the stomach; and

(12) Pediatric patient means a patient who is younger than eighteen years old and who weighs thirty-five kilograms or less.".

2. Correct the operative date section and repealer so that the sections added by this amendment become operative on their effective date with the emergency clause.

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

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. On page 12, lines 7 and 8, strike each occurrence of "2,301,138" and insert "689,500"; in lines 10 and 12 strike "$2,301,138" and insert "$689,500"; and in line 27 strike each occurrence of "7,493,808" and insert "9,105,446".

2. On page 13, line 1, strike each occurrence of "7,493,808" and insert "9,105,446"; and in lines 3 and 5 strike "$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 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

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. On page 68, line 24, strike "83,069,910 90,426,301"
and insert "82,569,910 89,926,301".
2. On page 69, line 1, strike "91,420,284 102,025,585"
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 in 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. On page 1, strike lines 2 and 3 and insert "Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act.".

LEGISLATIVE BILL 355. Placed on Select File as amended.
E & R amendment to LB 355:
AM7140

1. In the Standing Committee amendments, AM1291:

a. On page 4, line 14, strike "subdivision" and insert "subsection"; and

b. On page 5, line 7, strike "that" and insert "through".

2. On page 1, lines 1 and 2, strike "require" through "conditions" and insert "provide requirements for health insurance plans relating to coverage of mental health conditions and serious 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. On page 14, strike line 4 and insert:
"GENERAL FUND 744,187,902 746,462,415"
strike line 8 and insert
"PROGRAM TOTAL 900,637,288 903,141,401"
and after line 9 insert:
"The State Board of Education shall allocate funds to established youth mentoring programs in Nebraska. The programs supported shall be ones designed to provide effective mentoring services to young people in the state who are at risk for alcohol and other drug use, teen pregnancy, school failure or dropping out of school, and juvenile delinquency. The board shall adopt and 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. On page 16, lines 5 and 6, strike "23,316,291" and insert "22,366,291"; in line 11 strike "$73,943,763" and insert "$72,993,763"; and in line 19 strike "$23,316,291" and insert "$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

Excused and not voting, 3:

Brashear	Bruning	Dickey

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. Insert the following new section:

"Sec. 59. Laws 1998, LB 1108, section 85, is amended to read:

Sec. 85. AGENCY NO. 12 -- STATE TREASURER

Program No. 12 - Salary - State Treasurer

	FY1997-98	FY1998-99
~~GENERAL FUND~~	~~59,905~~	~~60,067~~
~~PROGRAM TOTAL~~	~~59,905~~	~~60,067~~

GENERAL FUND	59,905	60,370
PROGRAM TOTAL	59,905	60,370
SALARY LIMIT	49,500	49,500".

2. On page 73, line 25, after the fourth comma insert "85,".

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. On page 4, lines 24 and 25, strike "61,700" and 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. Insert the following new section:

"Sec. 37. Beginning in 1999, if the final adjusted value of a political subdivision located in a county with a population of three hundred thousand inhabitants or more provided by the county assessor pursuant to section 13-509 for the current year increases over the immediately preceding year for reasons other than new construction, additions of improvements, or additions of omitted property, the tax levy of the political subdivision shall be reduced proportionately to the increase in actual valuation. The purpose of this section is to maintain the revenue derived from property taxes at the same amount as it would have been had no such increase in the actual value occurred. Nothing in this section shall be construed to prohibit an increase in property taxes levied if such increase is due to a budget increase by a political subdivision or a voter-approved levy override.".

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. Insert the following new section:

"Section 1. Section 77-3504, Reissue Revised Statutes of Nebraska, is amended to read:

77-3504. Household income means the total federal adjusted gross income, as defined in the Internal Revenue Code, plus (1) any Nebraska adjustments increasing the total federal adjusted gross income, (2) any interest or dividends received by the owner regarding obligations of the State of Nebraska or any political subdivision, authority, commission, or instrumentality thereof to the extent excluded in the computation of gross income for federal income tax purposes, and (3) any social security or railroad retirement benefit to the extent excluded in the computation of gross income for federal income tax purposes, of the claimant and spouse, and any additional owners who are natural persons and who occupy the homestead, for the taxable year of the claimant immediately prior to the year for which the claim for exemption is made, less all medical expenses actually incurred and paid by the claimant, his or her spouse, or any owner-occupant which are in excess of four percent of household income calculated prior to the deduction for medical expenses. For purposes of this section, medical expenses means the costs of health insurance premiums and the costs of goods and services purchased from a person licensed under Chapter 71, article 1 or 47, or a facility licensed pursuant to Chapter 71, article 20, for purposes of restoring or maintaining health, including insulin and prescription medicine but not including nonprescription medicine. For purposes of this section, the amount of social security benefits received by a claimant as described in subdivision (1)(b) or (c) of section 77-3508 shall be reduced by the amount of social security benefits which the claimant received solely because of his or her disability in the last full year the claimant received social security disability benefits.".

2. On page 1, line 1, after "amend" insert "section 77-3504, Reissue Revised Statutes of Nebraska, and".

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. Strike amendments 1 and 2 and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new section:

'Section 1. The following section is outright repealed: Section 79-760, Revised Statutes Supplement, 1998.'.".

Messrs. Wickersham and Wehrbein filed the following amendment to LB 87A:
AM1643

1. Strike the original section and insert the following new sections:

"Section 1. Section 77-4104, Reissue Revised Statutes of Nebraska, is amended to read:

77-4104. (1) In order to utilize the incentives set forth in the Employment and Investment Growth Act, the taxpayer shall file an application for an agreement with the Tax Commissioner.

(2) The application shall contain:

(a) A written statement describing the plan of employment and investment for a qualified business in this state;

(b) Sufficient documents, plans, and specifications as required by the Tax Commissioner to support the plan and to define a project;

(c) If more than one location within this state is involved, sufficient documentation to show that the employment and investment at different locations are interdependent parts of the plan. A headquarters shall be presumed to be interdependent with any other location directly controlled by such headquarters. A showing that the parts of the plan would be considered parts of a unitary business for corporate income tax purposes shall not be sufficient to show interdependence for the purposes of this subdivision;

(d) A nonrefundable application fee of five hundred dollars. The fee shall be deposited into the Employment and Investment Growth Fund, which fund is hereby created. 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; and

(e) A timetable showing the expected sales tax refunds and what year they are expected to be claimed. The timetable shall include both direct refunds due to investment and credits taken as sales tax refunds as accurately as possible.

The application and all supporting information shall be confidential except for the name of the taxpayer, the location of

the project, the amounts of increased employment and investment, and the information required to be reported by sections 77-4110 and 77-4113.

(3) Once satisfied that the plan in the application defines a project consistent with the purposes stated in section 77-4102 in one or more qualified business activities within this state, that the plans will result in either (a) the investment in qualified property of at least three million dollars and the hiring of at least thirty new employees or (b) the investment in qualified property resulting in a net gain in the total value of tangible property in this state of a type subject to depreciation, amortization, or other recovery under the Internal Revenue Code of 1986 of at least twenty million dollars, and that the required levels of employment and investment for the project will be met prior to the end of the sixth year after the year in which the application was submitted, the Tax Commissioner shall approve the application. In determining the net gain in value for purposes of this subsection, all tangible personal property shall be valued in a manner consistent with the value determined for qualified property, and the total value on the last day of each year shall be compared with the total value on the last day of the base year.

(4) After approval, the taxpayer and the Tax Commissioner shall enter into a written agreement. The taxpayer shall agree to complete the project, and the Tax Commissioner, on behalf of the State of Nebraska, shall designate the approved plans of the taxpayer as a project and, in consideration of the taxpayer's agreement, agree to allow the taxpayer to use the incentives contained in the Employment and Investment Growth Act. The application, and all supporting documentation, to the extent approved, shall be considered a part of the agreement. The agreement shall state:

(a) The levels of employment and investment required by the act for the project;

(b) The time period under the act in which the required levels must be met;

(c) The documentation the taxpayer will need to supply when claiming an incentive under the act;

(d) The date the application was filed; and

(e) A requirement that the company update the Department of Revenue annually on any changes in plans or circumstances which affect the timetable of sales tax refunds as set out in the application. If the company fails to comply with this requirement, the Tax Commissioner may defer any pending sales tax refunds until the company does comply.

(5) The incentives contained in section 77-4105 shall be in lieu of the tax credits allowed by section 77-27,188 for any project. In computing credits under section 77-27,188, any investment or employment which is eligible for benefits under the Employment and Investment Growth Act shall be subtracted from the

increases computed for determining the credits under section 77-27,188.

(6) A taxpayer and the Tax Commissioner may enter into agreements for more than one project and may include more than one project in a single agreement. The projects may be either sequential or concurrent. A project may involve the same location as another project. No new employment or new investment shall be included in more than one project for either the meeting of the employment or investment requirements or the creation of credits. When projects overlap and the plans do not clearly specify, then the taxpayer shall specify in which project the employment and investment belongs.

Sec. 2. Original section 77-4104, Reissue Revised Statutes of Nebraska, is repealed.".

Mr. Beutler filed the following amendment to LB 870:
AM1596

(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) Thirty dollars for a class I facility; (b) fifty dollars for a class II facility; (c) five 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.

Messrs. Beutler and Schrock filed the following amendment to LB 870:
AM1645

(Amendments to Standing Committee amendments, AM1312)

1. On page 4, strike the new matter in lines 4 and 9.

2. On page 7, line 14, strike "is or"; and in line 15 after "state" insert "or the department has determined that because of conditions at the livestock operation there is a high potential for a discharge into waters of the state in which case the department shall notify the owner of the livestock operation by certified mail that the owner is subject to the requirements of the Livestock Waste Management Act".

3. On page 11, line 14, after "operation" insert ", except exempt livestock operations and livestock operations that the department has determined not to require livestock waste control facilities,".

4. On page 15, strike lines 23 through 25.

5. On page 18, line 25, strike "a" and insert "an 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

printed on recycled paper

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. Insert the following new sections:

"Sec. 33. Section 77-5017, Reissue Revised Statutes of Nebraska, is amended to read:

77-5017. In resolving a contested case, the commission may make such orders as are appropriate for resolving the dispute but in no case shall the relief be excessive compared to the problems addressed. The commission may make prospective orders requiring changes in assessment practices which will improve assessment practices or affect the general level of assessment or the measures of central tendency in a positive way. If no other relief is adequate to resolve disputes, the commission may order a

reappraisal of property within a county, an area within a county, or classes or subclasses of property within a county. If reappraisal of a class or subclass of property is to be ordered, the commission shall first make a finding that the other classes or subclasses of property are within the acceptable range specified in section 77-5023.

Sec. 34. Section 77-5023, Revised Statutes Supplement, 1998, is amended to read:

77-5023. Pursuant to section 77-5022, the commission shall have the power to increase or decrease the value of a class or subclass of real property of any county or tax district or real property valued by the state so that all classes or subclasses of real property in all counties fall within the acceptable range. If an increase in value of a class or subclass is to be ordered, the commission shall first make a finding that the other classes or subclasses of property are within the acceptable range specified in this section. For agricultural land, the acceptable range shall be from seventy-four percent to eighty percent of actual value of agricultural land; and for nonagricultural real property, the acceptable range shall be from ninety-two percent to one hundred percent of actual value of nonagricultural real property. Such increase or decrease shall be made by a percentage and shall result in an average level of assessment for the class or subclass adjusted at seventy-seven percent of actual value for agricultural land and ninety-six percent of actual value for nonagricultural real property.".

2. On page 38, line 8, before "81-101" insert "77-5017,"; and in line 11 strike "and 77-5012" and insert "77-5012, and 77-5023".

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 1:15 p.m.
Crime Victims Reparation Committee
Scot Ford

(Signed) Kermit A. Brashear, Chairperson

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 267:
AM1646

1. Insert the following new sections:

"Sec. 13. Section 53-177, Reissue Revised Statutes of Nebraska, is amended to read:

53-177. (1) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred and fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children. This prohibition does ~~:~~ ~~PROVIDED, that this prohibition shall~~ not apply ~~(1)~~ (a) to any location within such distance of one hundred and fifty feet for which a license to sell alcoholic ~~liquors~~ liquor at retail has been granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license~~, and (2)~~ and (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic ~~liquors~~ liquor is not the principal business carried on, if such place of business so exempted ~~shall have been~~ was established for such purposes prior to May 24, 1935.

(2) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state, except that this section does not prohibit a nonpublic college or university from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university but does prohibit the sale of alcoholic liquor at retail on the campus of such nonpublic colleges or universities at student activities or events.

Sec. 14. Section 53-180.06, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.06. (1) To establish proof of age for the purpose of purchasing or consuming alcoholic liquor, a person shall present or display only a valid driver's or operator's license, Nebraska state identification card, military identification card, alien registration card, or passport.

(2) Every holder of a retail license ~~shall~~ may maintain, in a separate book, a record of each person who has furnished documentary proof of age for the purpose of making any purchase of alcoholic liquor. The record shall show the name and address of the purchaser, the date of the purchase, and a description of the identification used and shall be signed by the purchaser.

Sec. 15. Section 53-1,104, Reissue Revised Statutes of 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:

(a) 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 forty-eight hours 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; and

(b) For a third 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 fifteen 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, third 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 third 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 third 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. Amend the repealer and renumber the remaining 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. Strike sections 20, 71 through 75, and 77 and insert the following new sections:

"Sec. 20. (1) The real and personal property of a local housing agency and any controlled affiliate thereof, and their use of any property, shall be exempt from all taxes and special assessments of any city, county, the state, or any public agency thereof, including without limitation any special taxing district or similar political subdivision. Property owned jointly by a housing agency or its controlled affiliates with other nongovernmental persons or entities shall be exempt from such taxes and assessments to the extent of the ownership interest which the housing agency and its controlled affiliates hold in the property. Nothing in this section shall be deemed to preclude the enactment

of legislation extending an exemption from such taxation or assessment of property owned by nongovernmental persons and entities as an inducement to form, operate, or otherwise participate as affiliates pursuant to subdivision (10) of section 43 of this act.

(2) A housing agency and its controlled affiliates may agree to make payments in lieu of all taxes or special assessments to the city or county, as the case may be, within whose territorial jurisdiction any development of such housing agency or its controlled affiliates is located, for improvements, services, and facilities furnished by the city, county, or other public agencies, for the benefit of such development. Nothing contained in this section shall be deemed to require such agreement by a local housing agency and in no event shall the amounts payable by the housing agency and its controlled affiliates exceed the amounts which, except for the exemption provided in this section, would otherwise be payable under regular taxes and special assessments for similar properties referred to in subsection (1) of this section. All payments made by any such housing agency for any development to such city or county, as the case may be, and whether such payments are contractually stipulated or gratuitous voluntary payments, shall be distributed by the city or county, as the case may be, to all public agencies furnishing improvements, services, and facilities for the development in such proportion that the state and each public agency shall receive from the total payment the same proportion as its property tax rate bears to the total property tax which would be levied by the state and each public agency against property of the housing agency, if the same were not exempt from taxation.

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 joint local 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.".

2. On page 21, line 8, strike "(27)" and insert "(28)".

3. On page 42, line 4, strike "(39)" and insert "(40)".

4. On page 43, line 5, strike "(38)" and insert "(39)"; and in line 27 strike "loans,".

5. On page 45, line 24, after "(iii)" insert "To make loans for the purpose of assisting such persons to become homeowners or economically self-sufficient when such persons are not otherwise qualified, or need such assistance to become qualified, to borrow from private financial institutions;

(iv)"; and in line 26 strike "(iv)" and insert "(v)".

6. On page 46, line 2, strike "To make guarantees for the benefit of" and insert "To make loans, including acquisition, development, construction, and rehabilitation loans, long-term mortgage loans, and guarantees, to or for the benefit of (i) affiliates of the housing agency or (ii)"; in line 4 after "for-profit," insert "in conjunction with loans provided by private financial institutions,"; in line 17 after the second "such" insert "repayment terms and other"; in line 18 after "concerning" insert "loans, mortgages,"; in line 20 strike "and"; in line 21 after "not" insert "lend its credit or"; in line 25 after the semicolon insert "; and

(g) To not make loans directly, or indirectly through a controlled affiliate, except as provided in subdivision (25) of this section;"; in line 26 after "(26)" insert "To forgive, compromise, or forebear from collecting or enforcing, wholly, partially, temporarily, or permanently, any debt or obligation owed to the local housing agency;

(27)".

7. On page 47, line 2, strike "(27)" and insert "(28)"; and in line 18 strike "(28)" and insert "(29)".

8. On page 48, line 7, strike "(29)" and insert "(30)"; in line 9 strike "(30)" and insert "(31)"; and in line 23 strike "(31)" and insert "(32)".

9. On page 50, line 3, strike "(32)" and insert "(33)"; and in line 20 strike "(33)" and insert "(34)".

10. On page 51, line 11, strike "(34)" and insert "(35)"; and in line 21 strike "(35)" and insert "(36)".

11. On page 52, line 12, strike "(36)" and insert "(37)"; and in line 19 strike "(37)" and insert "(38)".

12. On page 53, line 8, strike "(38)" and insert "(39)"; and in line 14 strike "(39)" and insert "(40)".

13. On page 54, line 1, strike "(40)" and insert "(41)"; in line 4 strike "(41)" and insert "(42)"; in line 8 strike "(42)" and insert "(43)"; in line 19 strike "(43)" and insert "(44)"; and in line 22 strike "(44)" and insert "(45)".

14. On page 60, line 13, strike "or" and insert a comma, and after "revenue" insert ", or loan repayments".

15. On page 69, line 15, after "shall" insert "lend its credit to or"; and in line 27 after "Any" insert "loan of credit,"

and after "guarantee" insert a comma.

16. On page 70, lines 6, 10, and 13, strike each occurrence of "guarantee or suretyship" and insert "loan of credit, guarantee, or suretyship".

17. On page 99, line 4, strike "donations or grants" and insert "donations, grants, or loans".

18. On page 100, line 14, strike "money" and insert "credit".

19. On page 104, line 19, strike "or covenants" and after "agency" insert "or to claims, actions, or proceedings on notes, guarantees, or other evidences of indebtedness".

20. Renumber the remaining sections and correct internal 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 729[1] 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

[1]After 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

[2]We 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. Labedz 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. On page 3, line 27, after the period insert "The commission may charge a fee of no more than ten dollars for a boating safety course required by this section.".

Messrs. Beutler and Schrock filed the following amendment to LB 176:
AM1649

1. Insert the following new sections:

"Section 1. Section 13-2042, Reissue Revised Statutes of Nebraska, is amended to read:

13-2042. (1) A disposal fee of one dollar and twenty-five cents is imposed for each six cubic yards of uncompacted solid waste, one dollar and twenty-five cents for each three cubic yards of compacted solid waste, or one dollar and twenty-five cents per ton of solid waste disposed of at landfills regulated by the department. Each operator of a landfill disposal facility shall make the fee payment quarterly. The fee shall be paid quarterly to the department on or before the forty-fifth day following the end of each quarter. For purposes of this section, landfill has the same definition as municipal solid waste landfill unit in 40 C.F.R. part 258, subpart A, section 258.2.

(2) ~~The department shall exempt a landfill operator from the disposal fee imposed by this section for solid waste that is disposed pursuant to a contract shown to have been in effect on or before December 15, 1991, if such contract requires the landfill~~

~~operator to dispose of solid waste without a mechanism for a price increase for a period of not less than one year. Such exemption shall terminate at the earlier of the following dates: (a) The date such contract allows for a price increase; (b) the expiration of such contract; or (c) July 1, 1994.~~

~~(3)~~ Each fee payment shall be accompanied by a form prepared and furnished by the department and completed by the permitholder. The form shall state the total volume of solid waste disposed of at that facility during the payment period and shall provide any other information deemed necessary by the department. The form shall be signed by the permitholder.

~~(4)~~ (3) If a permitholder fails to make a timely payment of the fee, he or she shall pay interest on the unpaid amount at the rate specified in section 45-104.02, as such rate may from time to time be adjusted.

~~(5)~~ (4) This section shall not apply to a site used solely for the reclamation of land through the introduction of landscaping rubble or inert material.

~~(6)~~ (5) Fifty percent of the total of such fees collected in each quarter shall be remitted to the State Treasurer for credit to the Integrated Solid Waste Management Cash Fund and shall be used by the department to cover the direct and indirect costs of regulating and monitoring facilities during and after operation of facilities or performance of regulated activities under the Integrated Solid Waste Management Act. Of the amount credited to the Integrated Solid Waste Management Cash Fund, the department may disburse amounts to political subdivisions for costs incurred in response to and remediation of any solid waste disposed of or abandoned at dump sites or discrete locations along public roadways or ditches and on any contiguous area affected by such disposal or abandonment. Such reimbursement shall be by application to the department on forms prescribed by the department. The department shall prepare and make available a schedule of eligible costs and application procedures which may include a requirement of a demonstration of preventive measures to be taken to discourage future dumping. The department may not disburse to political subdivisions an amount which in the aggregate exceeds five percent of total revenue from the disposal fees collected pursuant to this section in the preceding fiscal year. These disbursements shall be made on a fiscal-year basis, and applications received after funds for this purpose have been exhausted may be eligible during the next fiscal year but are not an obligation of the state. Any eligible costs incurred by a political subdivision which are not funded due to a lack of funds shall not be considered an obligation of the state. In disbursing funds under this section, the director shall make efforts to ensure equal geographic distribution throughout the state and may deny reimbursements in order to accomplish this goal.

~~(7)~~ (6) The remaining fifty percent of the total of such

fees collected per quarter shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. For purposes of determining the total fees collected, any amount of fees rebated pursuant to section 13-2042.01 shall be included as if the fees had not been rebated, and the amount of the fees rebated pursuant to such section shall be deducted from the amount to be credited to the Waste Reduction and Recycling Incentive Fund.

~~(8)~~ (7) The council shall adopt and promulgate rules and regulations for the distribution of grants under subsection ~~(7)~~ (6) of this section from the proceeds of the fees imposed by this section to counties, municipalities, and agencies for the purposes of planning and implementing facilities and systems to further the goals of the Integrated Solid Waste Management Act. The fees collected pursuant to this section shall not be used as grant proceeds to fund landfill closure site assessments, closure, monitoring, or investigative or corrective action costs for existing landfills or landfills already closed prior to July 15, 1992. The rules and regulations shall base the awarding of grants on a project's reflection of the integrated solid waste management policy and hierarchy established in section 13-2018, the proposed amount of local matching funds, and community need.

Sec. 26. Section 81-1558, Reissue Revised Statutes of Nebraska, is amended to read:

81-1558. There is hereby created within the state treasury a fund to be known as the Nebraska Litter Reduction and Recycling Fund. The proceeds of the fee imposed by sections 81-1559 to 81-1560.02, money received by the department as gifts, donations, or contributions toward the goals stated in section 81-1535, and money received by the department for nonprofit activities concerning litter reduction and recycling, including, but not limited to, honoraria, literature furnished by the department, and funds realized as reimbursement for expenses in conducting educational forums, shall be remitted to the State Treasurer for credit to such fund to be used for the administration and enforcement of the Nebraska Litter Reduction and Recycling 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. ~~On or before December 1, 1994, and each year thereafter, the director shall direct the State Treasurer to transfer all amounts remitted to the department pursuant to section 81-1561, raised in the previous fiscal year from the Nebraska Litter Reduction and Recycling Act, which are in excess of eight hundred thousand dollars to the Waste Reduction and Recycling Incentive Fund. If such transfer occurs, the Waste Reduction and Recycling Incentive Fund shall consist of such transfers in addition to amounts credited pursuant to section 81-15,160.~~

Sec. 27. Section 81-15,160, Revised Statutes Supplement, 1998, is amended to read:

81-15,160. (1) The Waste Reduction and Recycling Incentive Fund is created. The department shall deduct from the fund amounts sufficient to reimburse itself for its costs of administration of the fund. The fund shall be administered by the Department of Environmental Quality. The fund shall consist of proceeds from the fees imposed pursuant to ~~sections 81-15,159 to 81-15,165~~ the Waste Reduction and Recycling Incentive Act.

(2) The fund may be used for purposes which include, but are not limited to:

(a) Technical and financial assistance to political subdivisions for creation of recycling systems and for modification of present recycling systems;

(b) Recycling and waste reduction projects, including public education, planning, and technical assistance;

(c) Market development for recyclable materials separated by generators, including public education, planning, and technical assistance;

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

(e) Programs which develop and implement composting of yard waste and composting with sewage sludge;

(f) Technical assistance for waste reduction and waste exchange for waste generators;

(g) Programs to assist communities and counties to develop and implement household hazardous waste management programs;

(h) Incentive grants to political subdivisions to assist and encourage the closure of landfills operating without a permit, the regional consolidation of solid waste disposal facilities operating with a permit, and the use of transfer stations. Grants awarded for programs involving land disposal shall include provisions for waste reduction and recycling; and

(i) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources.

(3) No grant shall be made under section 81-15,161 to a political subdivision which operates a landfill operating without a permit unless the grant will be used to meet permit standards and the landfill is issued a permit within two years after the award of the grant.

~~(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction~~

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction, except that on or before June 1, 2001, up to one million dollars will be available for scrap tire projects only, if acceptable scrap tire project

applications are received. Eligible categories of disbursement may include:

(a) Studies to determine economic and technical feasibility of uses of scrap tires or tire-derived product, with disbursements of up to one hundred percent of the cost of the study;

(b) Reimbursement for the purchase of crumb rubber generated and used in Nebraska, with disbursements not to exceed fifty percent of the cost of the crumb rubber;

(c) Reimbursement for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content, with disbursements not to exceed twenty-five percent of the product's retail cost;

(d) Participation in the capital costs of building, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived product, with disbursements not to exceed fifty percent of such costs or five hundred thousand dollars, whichever is less;

(e) Participation in the capital costs of building, equipment, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not to exceed fifty percent of such costs;

(f) Cost-sharing for the manufacturing of tire-derived product, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(g) Cost-sharing for the processing of scrap tires, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(h) Cost-sharing for the use of scrap tires for civil engineering applications for specified projects, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually.

The director shall give preference to projects which utilize scrap tires generated and used in Nebraska.

(5) The department may disburse (a) to any person up to one hundred percent of the costs incurred in cleaning up scrap tire collection sites existing on June 11, 1997, if application for such cleanup is submitted prior to June 1, 1999, and the cleanup is completed by September 1, 2000, or (b) to a political subdivision up to one hundred percent of costs incurred in cleaning up collection sites if application for such cleanup is submitted prior to June 1, 1999, and the cleanup is completed by September 1, 2000.

(6) Priority for grants made under section 81-15,161 shall be given to grant proposals demonstrating a formal public/private partnership except for grants awarded from funds collected under subsection (6) of section 13-2042.

(7) Grants awarded from fees collected under subsection

(6) of section 13-2042 may be renewed for up to a five-year grant period. Such applications shall include an updated solid waste management plan pursuant to section 13-2032. Annual disbursements are subject to available funds and the grantee meeting established grant conditions. Priority for such grants shall be given to grant proposals showing regional participation and programs which address the first waste management hierarchy as stated in section 13-2018 which shall include toxicity reduction. Disbursements for any one year shall not exceed fifty percent of the total funds collected after rebates under subsection (6) of section 13-2042 during that year. ~~; except that on or before June 30, 1999, grant proposals that will be used for the recycling of tires or tire waste reduction shall be submitted and considered under section 81-15,162.02 and shall not be funded from the Waste Reduction and Recycling Incentive Fund.~~

~~(5)~~ (8) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the fund. 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. 28. Section 81-15,162, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,162. (1) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on each tire of every new motor vehicle, trailer, or semitrailer sold at retail in this state. Such fee shall be collected by the county treasurer at the time of registration of the motor vehicle, trailer, or semitrailer and remitted to the Department of Revenue.

(2) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on every tire sold at retail in this state, including every farm tractor tire, which tires are not on a motor vehicle, trailer, or semitrailer pursuant to subsection (1) of this section. Such fee shall be collected from the purchaser by the tire retailer at the time of purchase and shall be remitted to the Department of Revenue.

(3) For purposes of this section, tire shall have the definition found in section 81-15,159.02 and shall include a pneumatic and solid tire but shall not include a recapped or regrooved tire.

(4) Subject to section 81-15,165:

(a) On or before June 30, 1999, the fees remitted to the Department of Revenue under this section shall be remitted to the State Treasurer for credit to the Scrap Tire Reduction and Recycling Incentive Fund; and

(b) After June 30, 1999, the fees remitted to the Department of Revenue under this section along with any unobligated balance in the Scrap Tire Reduction and Recycling Incentive Fund shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. Fees collected in excess

of one million dollars shall be available for grants to political subdivisions under rules and regulations adopted pursuant to subsection (7) of section 13-2042.

Sec. 30. Original sections 13-2042, 81-1558, and 81-15,162, Reissue Revised Statutes of Nebraska, and section 81-15,160, Revised Statutes Supplement, 1998, are repealed.

Sec. 31. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Correct the operative date section so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Smith filed the following amendment to LB 105:
AM1648

(Amendments to Standing Committee amendments, AM1282)

1. On page 11, line 26, strike "other" through "income" and insert "whose income does not exceed one hundred percent of the median income in counties having a population in excess of thirty thousand inhabitants or one hundred twenty-five percent of the median income in other counties of the state".

2. On page 12, line 22, after "exceed" insert "eighty percent of".

3. On page 66, line 17, strike "who" through "income" and insert "whose income does not exceed one hundred percent of the median income in counties having a population in excess of thirty thousand inhabitants or one hundred twenty-five percent of the 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. Insert the following new sections:

"Sec. 3. The General Fund appropriation to the Department of Health and Human Services Finance and Support, for Program 348, is hereby reduced by $211,785 for FY1999-00 and by $214,298 for FY2000-01. The Federal Funds appropriation to the Department of Health and Human Services Finance and Support, for Program 348, is hereby reduced by $164,576 for FY1999-00 and by $165,827 for FY2000-01.

Sec. 4. Since an emergency exists, this act takes effect 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. Strike the original sections and insert the following new sections:

"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~~ one thousand dollars per month increased to reflect cost-of-living increases from 1988 through 2000 and beginning in 2001 and each year thereafter, if there is a cost-of-living increase for the year, the annual salary shall be increased by the percentage of the cost-of-living increase. The salary shall be paid monthly. 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'.".

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:

"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 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.

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. Insert the following new sections:

"Sec. 4. This act becomes operative on October 1, 1999.

Sec. 6. The following sections are outright repealed: Sections 66-1343 and 66-1347, Reissue Revised Statutes of Nebraska.".

2. On page 2, line 18, strike "During" and insert "Beginning June 1, 2000, during"; in line 19 strike "also"; and in line 26 before "first" insert "by at least two million gallons".

3. On page 3, line 5, strike "paid" and insert "allowed"; strike beginning with the last comma in line 18 through "period" in line 19; strike beginning with "subsections" in line 21 through "Revenue" in line 23 and insert "subsection (1) of this section"; in line 24 strike "six" and insert "two"; in line 25 after "capacity" insert "as certified by the facility's design engineer to the Department of Revenue,"; in line 26 after "gallon" insert "of ethanol produced"; and strike line 27 and insert "produces at least one hundred".

4. On page 4, line 1, strike "for" and insert "during"; strike beginning with the first comma in line 11 through line 12 and insert ", 2001. For this subsection, maximized benefits means receipt of a total of twenty-five million dollars or more in credits for which the facility was otherwise eligible under subsection (1) of this section on or before December 31, 2000"; in line 25 strike "credits" and insert "credit"; strike beginning with "subsections" in line 25 through "(4)" in line 26 and insert "subsection (3)"; and in line 26 strike ", and the" and insert ". Not more than ten million gallons of ethanol produced during the entire period specified shall be eligible for the credit described in subsection (4) of this section. The".

5. On page 5, line 5, after "An" insert "ethanol facility which receives credits for ethanol produced under subsection (1) or (2) of this section shall not receive credits under subsection (3) or (4) of this section until its eligibility to receive credits under subsection (1) or (2) has been completed. Upon completion of its eligibility, an"; in line 12 after the first "the" insert "aggregate"; and in lines 12 and 13 strike "each applicant" and insert "all applicants".

6. On page 7, lines 11 and 12; and page 8, line 14, strike "quarter", show as stricken, and insert "month".

7. On page 7, line 26; and page 8, lines 7 and 8, strike ", 1999, and 2000", show as stricken, and insert "through 2004".

8. On page 7, line 27, strike "December 31," and show as stricken.

9. On page 8, line 1, strike "2003" and all amendments

thereto and insert "June 30, 2004"; and in line 16 after "(4)" insert "The board shall monitor all receipts to and reimbursements from the Ethanol Production Incentive Cash Fund and notify the Department of Revenue prior to the beginning of the fiscal year in which the board projects that there will be insufficient funds available within the fund to satisfy all valid ethanol production credit claims submitted pursuant to section 66-1344.

(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. On page 4, line 20, after "property" insert ", or property leased at fair market value,".

2. On page 11, line 6, after "property" insert "(a)"; and in line 7 after "77-202" insert "or (b) upon which a payment in lieu of taxes has been paid".

3. On page 12, line 5, after "Nebraska" insert "and subdivision (1)(b) of section 77-202".

GENERAL FILE

LEGISLATIVE BILL 683. Title read. Considered.

Mrs. Thompson offered the following amendment:
AM1651

1. Insert the following new sections:

"Section 1. The Department of Health and Human Services shall plan, develop, and construct a new secure juvenile correctional facility in the metropolitan Omaha area for chronic and serious juvenile offenders and juvenile offenders who are at risk of flight.

Sec. 2. The Juvenile Correctional Facilities Improvement Fund is created. The fund shall contain such revenue as deposited under section 77-2602. The Department of Health and Human Services shall use the fund to develop the secure juvenile correctional facility and improve existing juvenile correctional facilities. 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 2, strike beginning with "thirty-four" in line 9 through "package" in line 10, show as stricken, and insert

"thirty-seven cents per package commencing July 1, 1999, until July 1, 2002, and thirty-four cents per package on and after July 1, 2002"; and in line 23 strike "thirty-four", show as stricken, and insert "thirty-seven until July 1, 2002, and by thirty-four on and after July 1, 2002".

3. On page 4, line 25, strike "and" and show as stricken.

4. On page 5, line 4, before the period insert "; and

(g) Seventh, beginning July 1, 1999, and continuing until July 1, 2002, the State Treasurer shall place the equivalent of three cents of such tax in the Juvenile Correctional Facilities Improvement Fund to be used for the development of the secure juvenile correctional facility and for the improvement of existing juvenile correctional facilities"; in line 7 strike "and" and show as stricken; in line 8 after "Fund" insert ", and the Juvenile Correctional Facilities Improvement Fund"; in line 27 strike "and" and show as stricken; and in line 28 after "Fund" insert ", and (g) the Juvenile Correctional Facilities Improvement Fund".

5. On page 6, line 2, strike "(f)", show as stricken, and insert "(g)".

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. Strike amendment 2 and insert the following new amendments:

"2. On page 2, line 16, strike "2009", show as stricken, and insert '1999'; and in line 18 after the period insert 'Commencing July 1, 1999, and continuing until July 1, 2002, the State Treasurer shall place the equivalent of eighteen cents of such tax less three million dollars each fiscal year of proceeds of such tax in the General Fund. Commencing July 1, 2002, and continuing until July 1, 2009, the State Treasurer shall place the equivalent of twenty-one cents of such tax less three million dollars each fiscal year of proceeds of such tax in the General Fund.'.

3. On page 3, lines 5 and 15; and page 4, lines 1 and 19, strike 'twenty-one-cent'.".

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. On page 2, line 24, strike "acting" through "and" and insert "and local housing agencies acting"; and in line 25 after "enterprises" insert "and failing that, then local housing agencies may act alone".

2. On page 4, line 25, before the first "to" insert "to the private sector of the economy,"; and after the first "agencies" insert an underscored comma; and in line 27 after the first "to" insert "jointly or separately".

3. On page 5, line 9, after "agencies" insert "and private entities".

4. On page 8, line 5, after "section" insert "when local housing agencies have identified through their planning process that the private sector has not fulfilled the housing demand for low and moderate income sectors of the market".

5. On page 38, line 25, after "designees" insert "if the witness or holder of records has consented in writing or as part of

a contract agreement with the local housing agency to allow the same".

6. On page 82, line 7, after the period insert "Such plan shall describe each new housing development and specific projects by unique name and by the number of units to be created, unit size, and units to be specifically designed for the elderly or handicapped, proposed sources of funds, and those projects which are to have mixed incomes and those which are to have mixed uses. Also if any supportive services and programs are to provided to persons of eligible income and qualified tenants, such services and programs are to be identified with each associated project. All mixed-income and mixed-use projects shall include a market study of the residential housing of the appropriate area of operation in sufficient detail to justify any such new development or housing project contained in the current-year plan as well as any requirement of the Nebraska Investment Finance Authority or the Department of Economic Development in providing assistance to such project.".

7. On page 83, line 26, after "person" insert "and no right to restitution for any actions taken in furtherance of a new development or project without having first complied with sections 77 and 93 of this act".

8. On page 101, after line 16, insert the following new subsection:

"(3) In connection with the limitations to the commencement of a new mixed-income housing project or mixed-use developments pursuant to sections 77 and 93 of this act or to promote cooperation as required by section 93 of this act, a private person or entity may bring an action to enforce such sections in the courts of this state and if it is found that the requirements of such sections have not been met, such private person or entity may be entitled to relief which may include, without limitation, the award of monetary damages, specific performance, and mandamus and other injunctive relief.".

9. On page 104, line 17, after the period insert "If a claim is denied in whole or in part after a hearing as set forth in this subsection, the claimant may appeal to the district court of the appropriate area of operation. The court may award costs to include attorney's fees to the prevailing party in any such appeal.".

Mr. Bromm filed the following amendment to LB 271:
AM1656

(Amendments to E & R amendments, AM7122)

1. On page 4, line 17, after the period insert "Property owned by the state or its governmental subdivisions that is not within the boundaries of, or the area served by, the state or governmental subdivision owning the property shall not be considered property used for a public purpose and shall be subject to taxation.".

Mr. Wickersham filed the following amendment to LB 142:
AM1525

(Amendments to E & R amendments, AM7091)

1. On page 1, line 21, after the comma insert "local school system,".

2. On page 2, line 1, after "the" insert "local school system or"; and in line 7 after the period insert "The amount allocated to a local school system shall be distributed to school 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. On page 2, line 2, strike "Institutions" and insert "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. On page 1, line 9, after "court" insert "in a form as developed by the state board in consultation with representatives of entities required to make such reports"; and in line 20 strike "as necessary".

2. On page 2, strike lines 4 through 9 and insert:
"(e) Agency or other entity having custody of the child;
(f) Case worker; and
(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

printed on recycled paper

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 of
Report 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, 79-4,108, 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, 79-10,110, 79-10,124, 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, 79-11,109, 79-11,110, 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, 79-11,112, 79-11,116, 79-11,117, 79-11,118, 79-11,120, and 90-118, Reissue Revised Statutes of Nebraska, and sections 79-1134, 79-1198, 79-11,111, 79-11,113, 79-11,114, 79-11,115, and 79-11,119, 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

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
Coordsen	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

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
Coordsen	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

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

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

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

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	Coordsen	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	Coordsen	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 thereto and insert the following new sections:

"Section 1. Section 29-3001, Reissue Revised Statutes of Nebraska, is amended to read:

29-3001. A prisoner in custody under sentence and claiming a right to be released on the ground that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Constitution of this state or the Constitution of the United States, may file a verified motion ~~at any time~~ within five years after the sentencing date in the court which imposed such sentence, stating the grounds relied upon, and asking the court to vacate or set aside the sentence. A prisoner may file only three petitions pursuant to this section within the five-year period which alleges any and all grounds upon which relief may be granted. A fourth or subsequent petition for postconviction relief may not be filed or heard by the court regardless of whether it is based on the same or different grounds from the first petition, unless the petition involves the potential innocence of the prisoner.

Unless the motion and the files and records of the case show to the satisfaction of the court that the prisoner is entitled to no relief, the court shall cause notice thereof to be served on the county attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Constitution of this state or the Constitution of the United States, the court shall vacate and set aside the judgment and shall discharge the prisoner or resentence him or grant a new trial as may appear appropriate. Proceedings under the provisions of sections 29-3001 to 29-3004 shall be civil in nature. Costs shall be taxed as in habeas corpus cases.

A court may entertain and determine such motion without requiring the production of the prisoner, whether or not a hearing is held. Testimony of the prisoner or other witnesses may be offered by deposition. ~~The court need not entertain a second motion or successive motions for similar relief on behalf of the same prisoner.~~

Sec. 2. Original section 29-3001, Reissue Revised Statutes of Nebraska is repealed.".

AM1442

(Amendments to E & R amendments, AM7128)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 29-2532, Reissue Revised Statutes of Nebraska, is amended to read:

29-2532. (1)(a) Until January 1, 2001, the ~~The~~ mode of inflicting the punishment of death, in all cases, shall be by causing to pass through the body of the convicted person a current

of electricity of sufficient intensity to cause death; and the application of such current shall be continued until such convicted person is dead.

(b) On and after January 1, 2001, the mode of inflicting the punishment of death shall be by a continuous, intravenous administration of a lethal quantity of an ultra-short-acting barbiturate in connection with a chemical paralytic agent and an agent to cause cardiac arrest into the body of the convicted person until death occurs. The person administering the injection need not be a physician, registered nurse, or licensed practical nurse, licensed or registered under the laws of this state or any other state. The infliction of the punishment of death by lethal injection shall not be construed to be the practice of medicine, and any pharmacist or pharmaceutical supplier may supply the necessary drugs as needed and without prescription to the warden. The warden of the Nebraska Penal and Correctional Complex, and in case of his or her death, sickness, absence or inability to act, then the deputy warden, shall be the executioner. The ~~; PROVIDED, the~~ warden may in writing specially designate and appoint a suitable and competent person to act for him or her, and under his or her direction, as executioner in any particular case. A crime punishable by death must be punished according to the provisions herein made and not otherwise.

Sec. 2. Section 29-2533, Reissue Revised Statutes of Nebraska, is amended to read:

29-2533. When any person shall be sentenced to ~~be electrocuted~~ death, such punishment shall be inflicted within the walls of the Department of Correctional Services adult correctional facility, or within the yard or enclosure adjacent thereto, under the supervision of the warden and in such a manner as to exclude the view of all persons save those permitted to be present as provided in sections 29-2534 and 29-2535.

Sec. 3. Section 29-2542, Reissue Revised Statutes of Nebraska, is amended to read:

29-2542. If any person who has been convicted of a crime punishable by death, and sentenced to ~~be electrocuted~~ death, shall escape, and shall not be retaken before the time fixed for his or her execution, it shall be lawful for the warden, or any sheriff or other officer or person to rearrest such person and return him or her to the custody of the warden of the Nebraska Penal and Correctional Complex, who shall thereupon make return thereof to the Governor of the state, and the Governor shall thereupon issue a warrant, fixing and appointing a day for the execution, which shall be carried into effect by the warden in the same manner as herein provided for the execution of an original sentence of death.

Sec. 4. Section 29-2543, Reissue Revised Statutes of Nebraska, is amended to read:

29-2543. Whenever any person has been tried and convicted before any district court in this state of a crime

punishable by death and under the conviction has been sentenced by the court to suffer death, it shall be the duty of the clerk of the court before which the conviction was had to issue a warrant, under the seal of the court, reciting therein the conviction and sentence directed to the warden of the Nebraska Penal and Correctional Complex, commanding him or her to proceed at the time named in the sentence to carry the same into execution by causing the person so convicted and sentenced to be ~~electrocuted~~ put to death by the ~~passage of an electric current through the body until dead~~ means set forth in section 29-2532. The clerk shall deliver the warrant to the sheriff of the county in which conviction was had and such sheriff shall thereupon forthwith remove such convicted person to a Department of Correctional Services adult correctional facility of the state and there deliver him or her, together with the warrant, into the custody of the warden who shall receive and safely keep such convict within a Department of Correctional Services adult correctional facility until the time of execution or until otherwise ordered by competent authority.

Sec. 5. Original sections 29-2532, 29-2533, 29-2542, and 29-2543, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Wickersham filed the following amendment to LB 605:
AM1628

(Amendments to AM1380)

1. Insert the following new section:

"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~~ 1999-00, 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. Funds shall be transferred upon the receipt of a report of costs incurred by the Department of Agriculture for the previous calendar quarter by the Department of Administrative Services.".

2. On page 9, strike beginning with "For" in line 5 through the period in line 8.

3. On page 10, line 18, strike "66-1345.01" and insert "66-1345.02".

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 8:45 a.m.
Nebraska Motor Vehicle Industry Licensing Board
Paula Wolfson-Kessler

(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. On page 2, line 7, strike "inboard vessel" and insert "motorboat"; and in line 10 strike "vessel" and insert "watercraft".

2. On page 3, strike beginning with "a" in line 22 through "person" in line 25 and insert "he or she".

3. On page 4, strike beginning with the period in line 3 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. On page 2, line 7, strike "inboard vessel" and insert "motorboat"; and in line 10 strike "vessel" and insert "watercraft".

2. On page 3, lines 1, 7, 13, and 21, strike "personal watercraft" and insert "motorboat"; in line 14 strike "watercraft" and insert "motorboat"; strike beginning with "a" in line 22 through "if" in line 25; in line 25 after "has" insert "successfully"; and strike beginning with "and" in line 26 through "certificate" in line 27.

3. On page 4, line 2, strike "personal watercraft" and insert "motorboat"; strike beginning with the period in line 3 through "if" in line 6 and insert "unless"; and strike line 7 and insert "has successfully completed a boating safety course approved 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. Insert the following new sections:

"Section 1. Section 13-2042, Reissue Revised Statutes of Nebraska, is amended to read:

13-2042. (1) A disposal fee of one dollar and twenty-five cents is imposed for each six cubic yards of uncompacted solid waste, one dollar and twenty-five cents for each three cubic yards of compacted solid waste, or one dollar and twenty-five cents per ton of solid waste disposed of at landfills regulated by the department. Each operator of a landfill disposal facility shall make the fee payment quarterly. The fee shall be paid quarterly to the department on or before the forty-fifth day

following the end of each quarter. For purposes of this section, landfill has the same definition as municipal solid waste landfill unit in 40 C.F.R. part 258, subpart A, section 258.2.

(2) ~~The department shall exempt a landfill operator from the disposal fee imposed by this section for solid waste that is disposed pursuant to a contract shown to have been in effect on or before December 15, 1991, if such contract requires the landfill operator to dispose of solid waste without a mechanism for a price increase for a period of not less than one year. Such exemption shall terminate at the earlier of the following dates: (a) The date such contract allows for a price increase; (b) the expiration of such contract; or (c) July 1, 1994.~~

~~(3)~~ Each fee payment shall be accompanied by a form prepared and furnished by the department and completed by the permitholder. The form shall state the total volume of solid waste disposed of at that facility during the payment period and shall provide any other information deemed necessary by the department. The form shall be signed by the permitholder.

~~(4)~~ (3) If a permitholder fails to make a timely payment of the fee, he or she shall pay interest on the unpaid amount at the rate specified in section 45-104.02, as such rate may from time to time be adjusted.

~~(5)~~ (4) This section shall not apply to a site used solely for the reclamation of land through the introduction of landscaping rubble or inert material.

~~(6)~~ (5) Fifty percent of the total of such fees collected in each quarter shall be remitted to the State Treasurer for credit to the Integrated Solid Waste Management Cash Fund and shall be used by the department to cover the direct and indirect costs of regulating and monitoring facilities during and after operation of facilities or performance of regulated activities under the Integrated Solid Waste Management Act. Of the amount credited to the Integrated Solid Waste Management Cash Fund, the department may disburse amounts to political subdivisions for costs incurred in response to and remediation of any solid waste disposed of or abandoned at dump sites or discrete locations along public roadways or ditches and on any contiguous area affected by such disposal or abandonment. Such reimbursement shall be by application to the department on forms prescribed by the department. The department shall prepare and make available a schedule of eligible costs and application procedures which may include a requirement of a demonstration of preventive measures to be taken to discourage future dumping. The department may not disburse to political subdivisions an amount which in the aggregate exceeds five percent of total revenue from the disposal fees collected pursuant to this section in the preceding fiscal year. These disbursements shall be made on a fiscal-year basis, and applications received after funds for this purpose have been exhausted may be eligible during the next fiscal year but are not an obligation of the state. Any

eligible costs incurred by a political subdivision which are not funded due to a lack of funds shall not be considered an obligation of the state. In disbursing funds under this section, the director shall make efforts to ensure equal geographic distribution throughout the state and may deny reimbursements in order to accomplish this goal.

~~(7)~~ (6) The remaining fifty percent of the total of such fees collected per quarter shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. For purposes of determining the total fees collected, any amount of fees rebated pursuant to section 13-2042.01 shall be included as if the fees had not been rebated, and the amount of the fees rebated pursuant to such section shall be deducted from the amount to be credited to the Waste Reduction and Recycling Incentive Fund.

~~(8)~~ (7) The council shall adopt and promulgate rules and regulations for the distribution of grants under subsection ~~(7)~~ (6) of this section from the proceeds of the fees imposed by this section to counties, municipalities, and agencies for the purposes of planning and implementing facilities and systems to further the goals of the Integrated Solid Waste Management Act. The fees collected pursuant to this section shall not be used as grant proceeds to fund landfill closure site assessments, closure, monitoring, or investigative or corrective action costs for existing landfills or landfills already closed prior to July 15, 1992. The rules and regulations shall base the awarding of grants on a project's reflection of the integrated solid waste management policy and hierarchy established in section 13-2018, the proposed amount of local matching funds, and community need.

Sec. 26. Section 81-1558, Reissue Revised Statutes of Nebraska, is amended to read:

81-1558. There is hereby created within the state treasury a fund to be known as the Nebraska Litter Reduction and Recycling Fund. The proceeds of the fee imposed by sections 81-1559 to 81-1560.02, money received by the department as gifts, donations, or contributions toward the goals stated in section 81-1535, and money received by the department for nonprofit activities concerning litter reduction and recycling, including, but not limited to, honoraria, literature furnished by the department, and funds realized as reimbursement for expenses in conducting educational forums, shall be remitted to the State Treasurer for credit to such fund to be used for the administration and enforcement of the Nebraska Litter Reduction and Recycling 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. ~~On or before December 1, 1994, and each year thereafter, the director shall direct the State Treasurer to transfer all amounts remitted to the department pursuant to section 81-1561, raised in the previous fiscal year from the Nebraska Litter Reduction and~~

~~Recycling Act, which are in excess of eight hundred thousand dollars to the Waste Reduction and Recycling Incentive Fund. If such transfer occurs, the Waste Reduction and Recycling Incentive Fund shall consist of such transfers in addition to amounts credited pursuant to section 81-15,160.~~

Sec. 27. Section 81-15,160, Revised Statutes Supplement, 1998, is amended to read:

81-15,160. (1) The Waste Reduction and Recycling Incentive Fund is created. The department shall deduct from the fund amounts sufficient to reimburse itself for its costs of administration of the fund. The fund shall be administered by the Department of Environmental Quality. The fund shall consist of proceeds from the fees imposed pursuant to ~~sections 81-15,159 to 81-15,165~~ the Waste Reduction and Recycling Incentive Act.

(2) The fund may be used for purposes which include, but are not limited to:

(a) Technical and financial assistance to political subdivisions for creation of recycling systems and for modification of present recycling systems;

(b) Recycling and waste reduction projects, including public education, planning, and technical assistance;

(c) Market development for recyclable materials separated by generators, including public education, planning, and technical assistance;

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

(e) Programs which develop and implement composting of yard waste and composting with sewage sludge;

(f) Technical assistance for waste reduction and waste exchange for waste generators;

(g) Programs to assist communities and counties to develop and implement household hazardous waste management programs;

(h) Incentive grants to political subdivisions to assist and encourage the closure of landfills operating without a permit, the regional consolidation of solid waste disposal facilities operating with a permit, and the use of transfer stations. Grants awarded for programs involving land disposal shall include provisions for waste reduction and recycling; and

(i) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources.

(3) No grant shall be made under section 81-15,161 to a political subdivision which operates a landfill operating without a permit unless the grant will be used to meet permit standards and the landfill is issued a permit within two years after the award of the grant.

~~(4) Priority for grants made under section 81-15,161~~

~~shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction~~

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction, except that on or before June 1, 2002, up to one million dollars will be available for scrap tire projects only, if acceptable scrap tire project applications are received. Eligible categories of disbursement may include:

(a) Studies to determine economic and technical feasibility of uses of scrap tires or tire-derived product, with disbursements of up to one hundred percent of the cost of the study;

(b) Reimbursement for the purchase of crumb rubber generated and used in Nebraska, with disbursements not to exceed fifty percent of the cost of the crumb rubber;

(c) Reimbursement for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content, with disbursements not to exceed twenty-five percent of the product's retail cost;

(d) Participation in the capital costs of building, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived product, with disbursements not to exceed fifty percent of such costs or five hundred thousand dollars, whichever is less;

(e) Participation in the capital costs of building, equipment, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not to exceed fifty percent of such costs;

(f) Cost-sharing for the manufacturing of tire-derived product, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(g) Cost-sharing for the processing of scrap tires, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(h) Cost-sharing for the use of scrap tires for civil engineering applications for specified projects, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually.

The director shall give preference to projects which utilize scrap tires generated and used in Nebraska.

(5) The department may disburse (a) to any person up to one hundred percent of the costs incurred in cleaning up scrap tire collection sites existing on June 11, 1997, if application for such cleanup is submitted prior to June 1, 1999, and the cleanup is completed by September 1, 2000, or (b) to a political subdivision up to one hundred percent of costs incurred in cleaning up

collection sites if application for such cleanup is submitted prior to June 1, 1999, and the cleanup is completed by September 1, 2000.

(6) Priority for grants made under section 81-15,161 shall be given to grant proposals demonstrating a formal public/private partnership except for grants awarded from funds collected under subsection (6) of section 13-2042.

(7) Grants awarded from fees collected under subsection (6) of section 13-2042 may be renewed for up to a five-year grant period. Such applications shall include an updated solid waste management plan pursuant to section 13-2032. Annual disbursements are subject to available funds and the grantee meeting established grant conditions. Priority for such grants shall be given to grant proposals showing regional participation and programs which address the first waste management hierarchy as stated in section 13-2018 which shall include toxicity reduction. Disbursements for any one year shall not exceed fifty percent of the total funds collected after rebates under subsection (6) of section 13-2042 during that year. ~~; except that on or before June 30, 1999, grant proposals that will be used for the recycling of tires or tire waste reduction shall be submitted and considered under section 81-15,162.02 and shall not be funded from the Waste Reduction and Recycling Incentive Fund.~~

~~(5)~~ (8) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the fund. 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. 28. Section 81-15,162, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,162. (1) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on each tire of every new motor vehicle, trailer, or semitrailer sold at retail in this state. Such fee shall be collected by the county treasurer at the time of registration of the motor vehicle, trailer, or semitrailer and remitted to the Department of Revenue.

(2) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on every tire sold at retail in this state, including every farm tractor tire, which tires are not on a motor vehicle, trailer, or semitrailer pursuant to subsection (1) of this section. Such fee shall be collected from the purchaser by the tire retailer at the time of purchase and shall be remitted to the Department of Revenue.

(3) For purposes of this section, tire shall have the definition found in section 81-15,159.02 and shall include a pneumatic and solid tire but shall not include a recapped or regrooved tire.

(4) Subject to section 81-15,165:

(a) On or before June 30, 1999, the fees remitted to the Department of Revenue under this section shall be remitted to the

State Treasurer for credit to the Scrap Tire Reduction and Recycling Incentive Fund; and

(b) After June 30, 1999, the fees remitted to the Department of Revenue under this section along with any unobligated balance in the Scrap Tire Reduction and Recycling Incentive Fund shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. Fees collected in excess of one million dollars shall be available for grants to political subdivisions under rules and regulations adopted pursuant to subsection (7) of section 13-2042.

Sec. 30. Original sections 13-2042, 81-1558, and 81-15,162, Reissue Revised Statutes of Nebraska, and section 81-15,160, Revised Statutes Supplement, 1998, are repealed.

Sec. 31. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Correct the operative date section so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal 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

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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. Strike sections 20, 71 through 75, and 77 and insert the following new sections:

"Sec. 20. (1) The real and personal property of a housing agency and any wholly owned controlled affiliate thereof shall be exempt from all taxes and special assessments of any city, any county, the state, or any public agency thereof, including without limitation any special taxing district or similar political subdivision except to the extent provided in subsection (2) of this section.

(2) Property of a housing agency or any wholly owned controlled affiliates thereof shall not be exempt from taxes and assessments under subsection (1) of this section if such property is leased to an individual or entity to engage in commercial activities on a for-profit basis. Property owned jointly by a housing agency or its wholly owned controlled affiliates with other nongovernmental persons or entities shall be exempt from such taxes and assessments to the extent of the ownership interest which the housing agency and its wholly owned controlled affiliates hold in the property.

(3) With respect to property which is exempt under subsection (1) of this section, a housing agency and its wholly owned controlled affiliates may agree to make payments in lieu of all taxes or special assessments with the city or county, as the

case may be, within whose territorial jurisdiction any development of such housing agency or its controlled affiliates is located, for improvements, services, and facilities furnished by the city, county, or other public agencies, for the benefit of such development. Nothing contained in this section shall be deemed to require such agreement by a housing agency and its controlled affiliates and in no event shall the amounts payable by the housing agency and its controlled affiliates exceed the amounts which, except for the exemption provided in this section, would otherwise be payable under regular taxes and special assessments for similar properties referred to in subsection (1) of this section. All payments in lieu of taxes made by any such housing agency and its controlled affiliates shall be paid to the county and distributed by the county to all public agencies in such proportion that each public agency shall receive from the total payment the same proportion as its property tax rate bears to the total property tax which would be levied by each public agency against property of the housing agency and its controlled affiliates, if the same were not exempt from taxation.

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.".

2. On page 21, line 8, strike "(27)" and insert "(28)".

3. On page 42, line 4, strike "(39)" and insert "(40)".

4. On page 43, line 5, strike "(38)" and insert "(39)"; and in line 27 strike "loans.".

5. On page 45, line 24, after "(iii)" insert "To make loans for the purpose of assisting such persons to become homeowners or economically self-sufficient when such persons are not otherwise qualified, or need such assistance to become qualified, to borrow from private financial institutions;

(iv)"; and in line 26 strike "(iv)" and insert "(v)".

6. On page 46, line 2, strike "To make guarantees for the benefit of" and insert "To make loans, including acquisition, development, construction, and rehabilitation loans, long-term mortgage loans, and guarantees, to or for the benefit of (i) affiliates of the housing agency or (ii)"; in line 4 after "for-profit," insert "in conjunction with loans provided by private financial institutions,"; in line 17 after the second "such" insert "repayment terms and other"; in line 18 after "concerning" insert "loans, mortgages,"; in line 20 strike "and"; in line 21 after "not" insert "lend its credit or"; in line 25 after the semicolon insert "; and

(g) To not make loans directly, or indirectly through a controlled affiliate, except as provided in subdivision (25) of this section;"; in line 26 after "(26)" insert "To forgive, compromise, or forebear from collecting or enforcing, wholly, partially, temporarily, or permanently, any debt or obligation owed to the local housing agency;

(27)".

7. On page 47, line 2, strike "(27)" and insert "(28)"; and in line 18 strike "(28)" and insert "(29)".

8. On page 48, line 7, strike "(29)" and insert "(30)"; in line 9 strike "(30)" and insert "(31)"; and in line 23 strike "(31)" and insert "(32)".

9. On page 50, line 3, strike "(32)" and insert "(33)"; and in line 20 strike "(33)" and insert "(34)".

10. On page 51, line 11, strike "(34)" and insert "(35)"; and in line 21 strike "(35)" and insert "(36)".

11. On page 52, line 12, strike "(36)" and insert "(37)"; and in line 19 strike "(37)" and insert "(38)".

12. On page 53, line 8, strike "(38)" and insert "(39)"; and in line 14 strike "(39)" and insert "(40)".

13. On page 54, line 1, strike "(40)" and insert "(41)"; in line 4 strike "(41)" and insert "(42)"; in line 8 strike "(42)" and insert "(43)"; in line 19 strike "(43)" and insert "(44)"; and in line 22 strike "(44)" and insert "(45)".

14. On page 60, line 13, strike "or" and insert a comma, and after "revenue" insert ", or loan repayments".

15. On page 69, line 15, after "shall" insert "lend its credit to or"; and in line 27 after "Any" insert "loan of credit," and after "guarantee" insert a comma.

16. On page 70, lines 6, 10, and 13, strike each occurrence of "guarantee or suretyship" and insert "loan of credit, guarantee, or suretyship".

17. On page 99, line 4, strike "donations or grants" and insert "donations, grants, or loans".

18. On page 100, line 14, strike "money" and insert "credit".

19. On page 104, line 19, strike "or covenants" and after "agency" insert "or to claims, actions, or proceedings on

notes, guarantees, or other evidences of indebtedness".

20. Renumber the remaining sections and correct internal 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)

Strike sections 71 through 75

2. On page 21, line 8, strike "(27)" and insert "(28)".

3. On page 42, line 4, strike "(39)" and insert "(40)".

4. On page 43, line 5, strike "(38)" and insert "(39)"; and in line 27 strike "loans,".

5. On page 45, line 24, after "(iii)" insert "To make loans for the purpose of assisting such persons to become homeowners or economically self-sufficient when such persons are not otherwise qualified, or need such assistance to become qualified, to borrow from private financial institutions;

(iv)"; and in line 26 strike "(iv)" and insert "(v)".

6. On page 46, line 2, strike "To make guarantees for the benefit of" and insert "To make loans, including acquisition, development, construction, and rehabilitation loans, long-term mortgage loans, and guarantees, to or for the benefit of (i) affiliates of the housing agency or (ii)"; in line 4 after "for-profit," insert "in conjunction with loans provided by private financial institutions,"; in line 17 after the second "such" insert "repayment terms and other"; in line 18 after "concerning" insert "loans, mortgages,"; in line 20 strike "and"; in line 21 after "not" insert "lend its credit or"; in line 25 after the semicolon insert "; and

(g) To not make loans directly, or indirectly through a controlled affiliate, except as provided in subdivision (25) of this section;"; in line 26 after "(26)" insert "To forgive, compromise, or forebear from collecting or enforcing, wholly, partially, temporarily, or permanently, any debt or obligation owed to the local housing agency;

(27)".

7. On page 47, line 2, strike "(27)" and insert "(28)"; and in line 18 strike "(28)" and insert "(29)".

8. On page 48, line 7, strike "(29)" and insert "(30)"; in line 9 strike "(30)" and insert "(31)"; and in line 23 strike "(31)" and insert "(32)".

9. On page 50, line 3, strike "(32)" and insert "(33)"; and in line 20 strike "(33)" and insert "(34)".

10. On page 51, line 11, strike "(34)" and insert "(35)"; and in line 21 strike "(35)" and insert "(36)".

11. On page 52, line 12, strike "(36)" and insert "(37)"; and in line 19 strike "(37)" and insert "(38)".

12. On page 53, line 8, strike "(38)" and insert "(39)"; and in line 14 strike "(39)" and insert "(40)".

13. On page 54, line 1, strike "(40)" and insert "(41)"; in line 4 strike "(41)" and insert "(42)"; in line 8 strike "(42)" and insert "(43)"; in line 19 strike "(43)" and insert "(44)"; and in line 22 strike "(44)" and insert "(45)".

14. On page 60, line 13, strike "or" and insert a comma, and after "revenue" insert ", or loan repayments".

15. On page 69, line 15, after "shall" insert "lend its credit to or"; and in line 27 after "Any" insert "loan of credit," and after "guarantee" insert a comma.

16. On page 70, lines 6, 10, and 13, strike each occurrence of "guarantee or suretyship" and insert "loan of credit, guarantee, or suretyship".

17. On page 99, line 4, strike "donations or grants" and insert "donations, grants, or loans".

18. On page 100, line 14, strike "money" and insert "credit".

19. On page 104, line 19, strike "or covenants" and after "agency" insert "or to claims, actions, or proceedings on notes, guarantees, or other evidences of indebtedness".

20. Renumber the remaining sections and correct internal 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. On page 1, line 5, after the second semicolon insert

"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. Strike the original sections and insert the following new sections:

"Section 1. For purposes of this act:

(1) Complying financial institution defendant means a federally insured financial institution that has substantially complied with or received a satisfactory rating with regard to examinations, guidelines, rules, or regulations of applicable federal regulatory agencies to protect against a computer date failure;

(2) Complying public defendant means the state or a political subdivision of the state that has made reasonable efforts to protect its computer systems, programs, or software from a computer date failure; and

(3) Computer date failure means the present or future inability of a computer system, program, or software to accurately store, process, provide, or receive data from, into, and between the years 1999 and 2000 and beyond, including leap-year calculations, if all other technology used in combination with the system, program, or software properly exchanges data with the system, program, or software.

Sec. 2. Damages recoverable in a civil action against a complying public defendant shall be those general damages which result from a computer date failure and shall (1) only be based on a contract to which the plaintiff is a party and (2) not include consequential or special damages.

Sec. 3. No action shall be brought under section 25-319 against a complying public defendant for damages resulting from a computer date failure.

Sec. 4. No action shall be brought under section 25-319 against a complying financial institution defendant for damages resulting from a computer date failure within one hundred eighty days after the cause of action accrues.

Sec. 5. This act does not apply to any cause of action for personal injuries.

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

LEGISLATIVE BILL 865. Placed on General File as amended.
Standing Committee amendment to LB 865:
AM1566

1. Strike the original sections and insert the following new sections:

"Section 1. The Governor shall appoint a substance abuse treatment task force to study substance abuse treatment services in the adult and juvenile criminal justice systems, recommend improvements, and evaluate the implementation of improvements. The task force shall include the chairperson of the Parole Board, the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, the administrator of the Nebraska Correctional Treatment Center, the administrators of the Department of Health and Human Services Protection and Safety Division, the Director of the Division of Alcoholism, Drug Abuse, and Addiction Services of the Department of Health and Human Services, the probation administrator, the administrator of the Office of Community Justice, the Director of Policy Research, the Parole Administrator, or the designees of such persons, and two members of the Legislature appointed by the Executive Board of the Legislative Council. The Governor shall also appoint ten additional persons from the private and public sectors representing law enforcement, prosecution, courts, public defenders, diversion, drug courts, county corrections, consumers, and substance abuse treatment services to serve on the task force. The appointments to the task force shall be made no later than June 15, 1999. The Governor shall appoint the chairperson of the task force from the membership.

Sec. 2. The substance abuse treatment task force shall study substance abuse treatment on the state level to determine future legislative and executive actions necessary to coordinate a statewide strategy to address gaps in the organization and delivery of substance abuse treatment to those within the adult and juvenile criminal justice systems. As a result of the recognition of a correlation between substance abuse and the criminal justice client and the subsequent risk to public safety, the study shall:

(1) Identify any gaps in the criminal justice system that apply to chemical dependency;

(2) Identify any need for formal initiatives or agreements between the substance abuse system and the criminal justice system;

(3) Eliminate fragmentation in services through the development of a criminal justice continuum of care;

(4) Identify treatment modalities to target populations for the most effective outcome;

(5) Identify criminogenic needs (predictors of recidivism) interfaced with chemical dependency treatment;

(6) Develop a model for future development of substance abuse services serving the criminal justice system and monitor and

evaluate the implementation of the model;

(7) Examine the extent of substance abuse within the criminal justice system, including, but not limited to, the inmates of the Department of Correctional Services, the inmates of county corrections, the juveniles committed to the Office of Juvenile Services, and persons under the supervision of the state probation and parole systems;

(8) Examine funding allocations for substance abuse treatment; and

(9) Examine the need for the creation of a management information services system to track substance-using offenders.

Sec. 3. The substance abuse treatment task force may gather information through public hearings and other appropriate means to assure ample opportunity for outside input to be received for consideration. The task force shall by a majority vote of all members adopt and issue a report outlining its findings and recommendations under section 2 of this act to the Governor and the Legislature no later than December 1, 1999.

Sec. 4. The substance abuse treatment task force shall develop and recommend standardized substance abuse evaluation and assessment instruments by January 1, 2000. The task force may hire a consultant for purposes of developing such instruments and shall by a majority vote of all members adopt a final recommended version of the instruments. The task force shall transmit its recommendations to the Governor and the Legislature.

Sec. 5. The Nebraska Commission on Law Enforcement and Criminal Justice shall provide administrative support to the task force, including the production and distribution of reports and other documents prepared by the task force. Members shall be reimbursed for their actual and necessary expenses incurred while serving as a member of the task force as provided in sections 81-1174 to 81-1177. It is the intent of the Legislature that money appropriated by the Legislature for sections 1 to 5 of this act be appropriated to the Nebraska Commission on Law Enforcement and Criminal Justice.

Sec. 6. Section 83-1,107, Revised Statutes Supplement, 1998, is amended to read:

83-1,107. (1)(a) Within sixty days after initial classification and assignment of any offender committed to the department, all available information regarding such committed offender shall be reviewed and a committed offender department-approved personalized program plan document shall be drawn up. The document shall specifically describe the department-approved personalized program plan and the specific goals the department expects the committed offender to achieve. The document shall also contain a realistic schedule for completion of the department-approved personalized program plan. The department-approved personalized program plan shall be fully explained to the committed offender. During incarceration, the

committed offender shall comply with the department-approved personalized program plan and the department shall provide programs to allow compliance by the committed offender with the department-approved personalized program plan.

Programming may include, but is not limited to:

(i) Academic and vocational education, including teaching such classes by qualified offenders;

(ii) Substance abuse treatment;

(iii) Mental health and psychiatric treatment, including criminal personality programming;

(iv) Constructive, meaningful work programs; and

(v) Any other program deemed necessary and appropriate by the department.

(b) A modification in the department-approved personalized program plan may be made to account for the increased or decreased abilities of the committed offender or the availability of any program. Any modification shall be made only after notice is given to the committed offender. Intentional failure to comply with the department-approved personalized program plan by any committed offender as scheduled for any year, or pro rata part thereof, shall cause disciplinary action to be taken by the department resulting in the forfeiture of up to a maximum of three months good time for the scheduled year.

(2) The chief executive officer of a facility shall reduce the term of a committed offender by six months for each year of the offender's term and pro rata for any part thereof which is less than a year.

The total reductions shall be credited from the date of sentence, which shall include any term of confinement prior to sentence and commitment as provided pursuant to section 83-1,106, and shall be deducted from the maximum term, to determine the date when discharge from the custody of the state becomes mandatory.

(3) While the offender is in the custody of the department, reductions of terms granted pursuant to subsection (2) of this section may be forfeited, withheld, and restored by the chief executive officer of the facility with the approval of the director after the offender has been consulted regarding the charges of misconduct, except that no reduction of term previously granted may be forfeited or withheld solely on the basis that the offender had brought an action or appeal in a court of this state that was dismissed on the grounds that it was frivolous or malicious or that it failed to state a claim upon which relief may be granted.

(4) While the offender is in the custody of the board, reductions of terms granted pursuant to subsection (2) of this section may be forfeited, withheld, and restored by the administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of parole. In addition, the board may recommend

such forfeitures of good time to the director.

(5) Good time or other reductions of sentence granted under the provisions of any law prior to July 1, 1996, may be forfeited, withheld, or restored in accordance with the terms of the Nebraska Treatment and Corrections Act.

Sec. 7. Original section 83-1,107, Revised Statutes Supplement, 1998, is repealed.

Sec. 8. Since an emergency exists, this act takes effect 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

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

housing agency and any wholly owned controlled affiliate thereof shall be exempt from all taxes and special assessments of any city, any county, the state, or any public agency thereof, including without limitation any special taxing district or similar political subdivision except to the extent provided in subsection (2) of this section.

(2) Property of a housing agency or any wholly owned controlled affiliates thereof shall not be exempt from taxes and assessments under subsection (1) of this section if such property is leased to an individual or entity to engage in commercial activities on a for-profit basis. Property owned jointly by a housing agency or its wholly owned controlled affiliates with other nongovernmental persons or entities shall be exempt from such taxes and assessments to the extent of the ownership interest which the housing agency and its wholly owned controlled affiliates hold in the property.

(3) With respect to property which is exempt under subsection (1) of this section, a housing agency and its wholly owned controlled affiliates may agree to make payments in lieu of all taxes or special assessments with the city or county, as the case may be, within whose territorial jurisdiction any development of such housing agency or its controlled affiliates is located, for improvements, services, and facilities furnished by the city, county, or other public agencies, for the benefit of such development. Nothing contained in this section shall be deemed to require such agreement by a housing agency and its controlled affiliates and in no event shall the amounts payable by the housing agency and its controlled affiliates exceed the amounts which, except for the exemption provided in this section, would otherwise be payable under regular taxes and special assessments for similar properties referred to in subsection (1) of this section. All payments in lieu of taxes made by any such housing agency and its controlled affiliates shall be paid to the county and distributed by the county to all public agencies in such proportion that each public agency shall receive from the total payment the same proportion as its property tax rate bears to the total property tax which would be levied by each public agency against property of the housing agency and its controlled affiliates, if the same were not 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. Insert the following new section:
"Sec. 6. The State Treasurer shall transfer $250,000 from the Charitable Gaming Operations Fund to the Compulsive Gamblers Assistance Fund on July 1, 1999. The State Treasurer shall transfer $250,000 from the Charitable Gaming Operations Fund to the Compulsive Gamblers Assistance Fund on July 1, 2000.".
2. On page 1, line 3, after the semicolon insert "to provide for transfers;".
3. Renumber the remaining sections accordingly.

Mrs. Crosby filed the following amendment to LB 119A:
AM1701

(Amendments to Final Reading copy)
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. Insert the following new sections:
"Sec. 2. There is hereby appropriated (1) $90,000 from the General Fund for FY1999-00 and (2) $93,000 from the General Fund for FY2000-01 to the Attorney General, for Program 507, to aid in carrying out the provisions of Legislative Bill 835, 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 $60,000 for FY1999-00 or $62,400 for FY2000-01.
Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".
2. On page 1, line 3, after "1999" insert "; and to declare an emergency".
3. On page 2, line 1, after "(1)" insert "$55,015 from the General Fund and"; and after line 9 insert:
"It is the intent of the Legislature that the Department of Agriculture shall direct the State Treasurer to transfer $55,015 from the Competitive Livestock Markets Cash Fund to the General 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" and insert "whose income, at initial occupancy, does not exceed one

hundred percent of the median income in counties having a population in excess of thirty thousand inhabitants or one hundred twenty-five percent of the median income in other counties of the state".

2. On page 12, line 22, after "exceed" insert "eighty percent of".

3. On page 66, line 17, strike "who" through "income" and insert "whose income, at initial occupancy, does not exceed one hundred percent of the median income in counties having a population in excess of thirty thousand inhabitants or one hundred twenty-five percent of the median income in other counties of the 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)

2. On page 12, line 22, after "exceed" insert "eighty 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. Insert the following new sections:

"Section 1. Sections 1 to 4 of this act shall be known and may be cited as the Attorney-Client Conference Act.

Sec. 2. For purposes of the Attorney-Client Conference Act:

(1) Attorney means any attorney named in writing by the client as his or her attorney and admitted to practice law in the State of Nebraska;

(2) Client means any person convicted or accused of a crime under any ordinance or state or federal law;

(3) Access means the attorney's face-to-face conference with his or her client in an area that has no physical obstruction or wall between the attorney and the client and affords

confidential communication between the attorney and the client;

(4) Contraband means any controlled substance described in section 28-405, any firearm or knife, or any explosive materials described in section 28-1213, and any other item prohibited by rule or regulation under section 4 of this act;

(5) Correctional facility means any local, county, or state facility or building confining, housing, or holding a client;

(6) Entrance means the access of an attorney to his or her client being confined, held, or housed in such facility;

(7) Probable cause shall be given the meaning generally applied to it by the Nebraska Supreme Court in criminal cases before the court; and

(8) Search means any physical touching of the attorney's clothing or body; any opening, examination, or inspection of the contents of the attorney's belongings; any required removal of any piece of clothing or clothing accessory worn by the attorney; or any scan or examination of the attorney's body, clothing, clothing accessories, or belongings by any hand-held electronic or magnetic device.

Sec. 3. (1) Absent probable cause that an attorney is in possession of contraband, such attorney shall not be searched prior to, during, or after entrance into a correctional facility.

(2) Any search shall be executed pursuant to sections 29-812 to 29-821.

(3) Any person who allows, orders, or conducts a search in violation of the Attorney-Client Conference Act is guilty of assault in the third degree and is also subject to civil liability and civil sanctions under the common law and statutory law of Nebraska.

Sec. 4. The Nebraska Supreme Court may adopt and promulgate rules and regulations to facilitate implementation of the Attorney-Client Conference Act.

Sec. 11. Sections 1 to 4 of this act become operative three calendar months after adjournment of this legislative session. The other sections of this act become operative on their effective date.".

2. Renumber the remaining sections and correct internal 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. On page 11, line 26, strike "other" through "income" and insert "whose income, at initial occupancy, does not exceed one hundred percent of the median income in counties having a population in excess of thirty thousand inhabitants or one hundred twenty-five percent of the median income in other counties of the state".

3. On page 66, line 17, strike "who" through "income" and insert "whose income, at initial occupancy, does not exceed one hundred percent of the median income in counties having a population in excess of thirty thousand inhabitants or one hundred twenty-five percent of the median income in other counties of the 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. On page 24, line 2, after "solely" insert "(a) for

the administrative offices of the housing agency or wholly owned controlled affiliate thereof, (b)"; in line 3 after "tenants" insert ", and (c) for appurtenances related to such housing"; and in line 6 after the period insert "All other real and personal property of the housing agency or wholly owned controlled affiliate thereof shall be deemed to not be used for a public purpose for purposes of section 77-202 and shall be taxable as provided in section 77-201 and section 8, Legislative Bill 271, Ninety-sixth 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. On page 11, line 26, strike "other" through the second "income" and insert "whose income, at initial occupancy, does not exceed one hundred percent of the median income in the county in which the development is located".

2. On page 66, line 17, strike "who" through "income" and insert "whose income, at initial occupancy, does not exceed one hundred percent of the median income in the county in which the 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

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. Strike amendments 1 through 3 and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. 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), (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 to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed and shall be paid only for education in kindergarten through grade twelve.~~

The court may enter a dispositional order removing a juvenile from his or her home upon a written determination that continuation in the home would be contrary to the health, safety, or welfare of such juvenile and that reasonable efforts to preserve and reunify the family have been made if required under section 43-283.01.

Sec. 2. Section 43-286, Reissue Revised Statutes of Nebraska, is amended to read:

43-286. (1) When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), or (4) of section 43-247:

(a) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged or an order requiring the juvenile to participate in community service programs, if such order is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(i) Place the juvenile on probation subject to the supervision of a probation officer; or

(ii) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer; or

~~(iii) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.~~

~~Under subdivision (1)(a) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, 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 a suitable provision may be made for the juvenile without such payment; or~~

(b) The court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be placed at the Youth Rehabilitation and Treatment Center-Geneva or the Youth Rehabilitation and Treatment

Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter.

(2) When any juvenile is found by the court to be a juvenile described in subdivision (3)(b) of section 43-247, the court may enter such order as it is empowered to enter under subdivision (1)(a) of this section or enter an order committing or placing the juvenile to the care and custody of the Department of Health and Human Services.

(3) Beginning July 15, 1998, when any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247 because of a nonviolent act or acts and the juvenile has not previously been adjudicated to be such a juvenile because of a violent act or acts, the court may, with the agreement of the victim, order the juvenile to attend juvenile offender and victim mediation with a mediator or at an approved center selected from the roster made available pursuant to section 25-2908.

(4)(a) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications.

(b) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(i) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(ii) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if

he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(iii) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversarial criminal trial;

(iv) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with this subsection;

(v) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered; and

(vi) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 3. Section 43-290, Reissue Revised Statutes of Nebraska, is amended to read:

43-290. It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or subsequent to adjudication, shall be in the nature of a disposition hearing.

At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile, which amount ordered paid shall be the extent of the

liability of the parent. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay, and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other sources. Support thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of the parent. If the parent willfully fails or refuses to pay the sum ordered or to pay over any health care plan benefit sums received, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile. The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

If the juvenile has been committed to the care and custody of the Department of Health and Human Services, the department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's parent.

~~If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the study or treatment shall be paid, when approved by an order of the court, out of a fund which shall be appropriated by the county in which the petition is filed.~~

The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 4. This act becomes operative on July 1, 2001.

Sec. 5. Original sections 43-284, 43-286, and 43-290, Reissue Revised Statutes of Nebraska, are repealed.'.".

Mr. Hilgert filed the following amendment to LB 179A:
AM1700

(Amendments to Final Reading copy)

1. On page 2, line 1, strike "$5,200,000" and insert "$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. Insert the following new section:

"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.

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. Insert the following new sections:

"Sec. 3. Section 32-810, Reissue Revised Statutes of Nebraska, is amended to read:

32-810. (1) The election commissioner or county clerk shall place the names of all partisan candidates certified to him or her by the Secretary of State and of those partisan candidates filing in his or her office on a primary election ballot headed with the political party designation. The names of each nonpartisan candidate certified by the Secretary of State and of each nonpartisan candidate filing in the office of the election commissioner or county clerk shall be placed on the primary election ballot headed by the words Nonpartisan Ticket.

(2) If any office is not subject to the upcoming election, the office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if a punch card or optical-scan ballot is used. <u>All proposals on the ballot submitted by a political subdivision shall follow all offices on the ballot for such political subdivision.</u>

(3) The election commissioner or county clerk shall follow the order of precincts or wards as set out in the official abstract book on file in his or her office in preparing the official ballots. At the primary election, on the first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour as certified by the Secretary of State and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the election commissioner or county clerk. When there are more candidates than vacancies for the same office, the names of all partisan and nonpartisan candidates at a primary election shall be rotated precinct by precinct in each office division in the order in which

the precincts are set out in the official abstract book. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

Sec. 4. Section 32-813, Reissue Revised Statutes of Nebraska, is amended to read:

32-813. (1) The names of all candidates and all proposals to be voted upon at the general election shall be arranged upon the ballot in parts separated from each other by bold lines in the order the offices and proposals are set forth in this section. If any office is not subject to the upcoming election, the office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if a punch card or optical-scan ballot is used. All proposals on the ballot shall remain separate from the offices, and the proposals shall follow all offices on the ballot.

(2) ~~All proposals submitted by initiative or referendum and proposals for constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires that the ballot after being voted be folded before being deposited in a ballot box. When a punch card or optical-scan ballot is used which requires a ballot envelope, jacket, or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, initiative or referendum proposals and constitutional amendments may be placed on either side of the ballot and shall be separated from other offices or issues by a bold line. Initiative or referendum proposals and constitutional amendments so arranged shall constitute a separate ballot. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections 49-201 to 49-211.~~

~~(3)~~ If the election is in a year in which a President of the United States is to be elected, the names and spaces for voting for candidates for President and Vice President shall be entitled Presidential Ticket in boldface type. The names of candidates for President and Vice President for each political party shall be grouped together, and each group shall be enclosed with brackets with the political party name to the right and one square or oval to the left in which the voter indicates his or her choice. The names of candidates for President and Vice President who have successfully petitioned on the ballot for the general election shall be grouped together with the candidates appearing on the same petition being grouped together, and each group shall be enclosed with brackets with the words "By Petition" to the right and one square or oval to the left in which the voter indicates his or her choice.

~~(4)~~ (3) The names and spaces for voting for candidates for United States Senator if any are to be elected shall be entitled United States Senatorial Ticket in boldface type.

~~(5)~~ (4) The names and spaces for voting for candidates for Representatives in Congress shall be entitled Congressional Ticket in boldface type. Above the candidates' names, the office shall be designated For Representative in Congress ..... District.

~~(6)~~ (5) The names and spaces for voting for candidates for the various state officers shall be entitled State Ticket in boldface type. Each set of candidates shall be separated by lines across the column, and above each set of candidates shall be designated the office for which they are candidates, arranged in the order prescribed by the Secretary of State. The candidates for Governor and Lieutenant Governor of each political party receiving the highest number of votes in the primary election shall be grouped together. Each group shall be enclosed with brackets with the political party name to the right and one square or oval to the left in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. The candidates for Governor and Lieutenant Governor who have successfully petitioned on the general election ballot shall be grouped together with the candidates appearing on the same petition being grouped together. Each group shall be enclosed with brackets with the words "By Petition" to the right and one square or oval to the left in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. Beneath the names of the candidates for Governor and Lieutenant Governor nominated at a primary election by political party and beneath the names of all candidates for Governor and Lieutenant Governor placed on the general election ballot by petition, two write-in lines shall be provided in which the registered voter may write the names of the candidates of his or her choice. The lines shall be enclosed with the brackets with one square or oval to the left in which the registered voter shall mark his or her choice. The name appearing on the top line shall be considered to be the candidate for Governor, and the name appearing on the second line shall be considered to be the candidate for Lieutenant Governor.

~~(7)~~ (6) The names and spaces for voting for nonpartisan candidates shall be entitled Nonpartisan Ticket in boldface type. The names of all nonpartisan candidates shall appear in the order listed in this subsection, except that when using a punch card or optical-scan ballot, the order of offices may be altered to allow for the best utilization of ballot space to avoid printing a second ballot when one ballot would be sufficient:

(a) Legislature;

(b) State Board of Education;

(c) Board of Regents of the University of Nebraska;

(d) Chief Justice of the Supreme Court;

(e) Judge of the Supreme Court;

(f) Judge of the Court of Appeals;
(g) Judge of the Nebraska Workers' Compensation Court;
(h) Judge of the District Court;
(i) Judge of the Separate Juvenile Court;
(j) Judge of the County Court; and
(k) County officers in the order prescribed by the election commissioner or county clerk.

~~(8)~~ (7) The names and spaces for voting for the various county offices and for measures submitted to the county vote only or in only a part of the county shall be entitled County Ticket in boldface type. If the election commissioner or county clerk deems it advisable, the measures may be submitted on a separate ballot if using a paper ballot or on either side of a punch card or optical-scan ballot if the ballot is placed in a ballot envelope, jacket, or sleeve before being deposited in a ballot box.

~~(9)~~ (8) The candidates for office in the precinct only or in the city or village only shall be printed on the ballot, except that if the election commissioner or county clerk deems it advisable, candidates for these offices may be submitted on a separate ballot if using a paper ballot or on either side of a punch card or optical-scan ballot if the ballot is placed in a ballot envelope, jacket, or sleeve before being deposited in a ballot box.

(9) All proposals submitted by initiative or referendum and proposals for constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires that the ballot after being voted be folded before being deposited in a ballot box. When an optical-scan ballot is used which requires a ballot envelope, jacket, or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, initiative or referendum proposals and proposals for constitutional amendments may be placed on either side of the ballot, shall be separated by a bold line, and shall follow all other offices placed on the same side of the ballot. Initiative or referendum proposals and constitutional amendments so arranged shall constitute a separate ballot. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections 49-201 to 49-211.".

2. Renumber the remaining sections and correct the 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. On page 1, line 4, strike "section" and insert "sections"; and in line 5 after the first period insert "(1) The State Board of Education shall implement a statewide assessment program for students in a selected grade in each of the grade ranges four through six, seven through nine, and ten through twelve each fall semester beginning with the fall semester of 2002. The assessment program shall consist of one assessment purchased from an assessment service for each selected grade which tests students in the areas of mathematics, reading, science, and social studies, plus one writing assessment, either developed within the state by educators with expertise in writing assessment or purchased as a part of the assessment for the other specified subjects.

(2) The purposes of the assessment program are to:

(a) Evaluate whether or not students in a school system have acquired skills and knowledge which allow them to meet or

exceed academic standards established by the state board;

(b) Measure progress of students in a school system toward meeting academic standards established by the state board;

(c) Provide information for analysis of adopted standards and consideration of new standards;

(d) Allow comparisons to be made between the academic achievement of students in a local system and students in another Nebraska local system; and

(e) Allow comparisons to be made between the academic achievement of Nebraska students with the academic achievement of students in other states.

(3) All public school districts shall participate in the assessment, and all students enrolled in the designated grade levels in such districts shall be assessed except as provided in this subsection. The state board shall establish criteria that schools may use to exempt special education students from assessment in any or all subject areas. The state board may also adopt alternative assessments or means of scoring for special education students and students with limited English proficiency.

(4) The individual assessment scores shall be confidential, shall be reported to the school district for educational purposes, and shall not be reported to the State Department of Education. Aggregate results for each school district shall be reported to the department by the assessment service and writing assessment scorers. School districts may also make aggregate data available based on attendance centers.

(5) The department shall be responsible for the cost of the assessment materials and scoring.

Sec. 2.".

Messrs. Raikes and Beutler filed the following amendment to LB 605:
AM1630

(Amendments to AM1380)

1. On page 3, strike lines 20 through 27.

2. On page 4, strike lines 1 through 12; in line 13 strike "(5)", show as stricken, and insert "(4)"; and in lines 25 and 26 and 27 strike "subsections (3) and (4)" and insert "subsection (3)".

3. On page 5, strike beginning with "An" in line 5 through the period in line 7; in line 17 strike "(6)", show as stricken, and insert "(5)"; and in line 21 strike "(7)", show as 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. insert the following new sections:

"Section 1. Section 53-101, Reissue Revised Statutes of Nebraska, is amended to read:

53-101. Sections 53-101 to 53-1,121 and section 14 of this act shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 14. In order to further the public policy of deterring minors from obtaining or consuming alcoholic liquor, persons under twenty-one years of age may be authorized to assist duly authorized law enforcement officers to determine compliance with sections 53-180 and 53-180.02. Such compliance checks shall be conducted by, in conjunction with, or under the direction of the Nebraska State Patrol and shall be conducted pursuant to guidelines adopted and promulgated by the Nebraska State Patrol with input from the commission. Such guidelines shall include, but need not be limited to, requirements that the person provide truthful identification and truthful responses to inquiries and present an appearance which is consistent with the person's chronological age. The Nebraska State Patrol shall maintain records of such compliance checks and shall make a report to the commission on or before December 1 of each year, indicating the outcome of such compliance checks. Compliance checks not conducted pursuant to this section shall not be considered by the commission for purposes of suspension, cancellation, or revocation of a license pursuant to section 53-1,104.

Sec. 15. Section 53-180.02, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.02. Except as provided in section 53-168.06, no minor may sell, consume, or dispense or knowingly have in his or her possession ~~or physical control~~ any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, highways, upon property owned by the State of Nebraska or any subdivision thereof, or inside any vehicle while in or on any other place, including, but not limited to, the public streets, alleys, roads, highways, or upon property owned by the State of Nebraska or any subdivision thereof, except that a minor may possess or have physical control of alcoholic liquor in his or her permanent place of residence.

The governing bodies of counties, cities, and villages 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

AND
NOTIFICATION OF PARENTS OR GUARDIAN
FOR SUBSEQUENT OFFENSES
IF YOU ARE UNDER 21 AND YOU PURCHASE
OR ATTEMPT TO PURCHASE
OR HAVE IN YOUR POSSESSION
ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT
AND
WARNING TO ADULTS
YOU ARE SUBJECT TO A PENALTY UP TO
$1000 FINE
1 YEAR IN JAIL
OR BOTH
IF YOU ARE 21 OR OVER AND YOU PURCHASE
ALCOHOLIC LIQUOR
FOR A PERSON UNDER 21
AND
WARNING TO PURCHASERS OF BEER KEGS
PROPER IDENTIFICATION AND PURCHASER'S SIGNATURE
ARE REQUIRED
LAWS OF THE STATE OF NEBRASKA

Sec. 17. Section 53-180.05, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.05. (1) Any person violating section 53-180 shall be guilty of a Class I misdemeanor. Any person violating ~~any of the provisions of sections~~ section 53-180.01 ~~to 53-180.03~~ or 53-180.02 shall be guilty of a Class III misdemeanor. ~~Any person violating section 53-180.02, in lieu of the other penalties set out in this subsection, may be sentenced to work on public streets, in parks, or on other public property for a period not exceeding ten working days~~ and shall be fined two hundred fifty dollars for the first such offense. For a second violation such person shall be fined five hundred dollars. For a third and any subsequent violation such person shall be guilty of a Class II misdemeanor and shall be fined seven hundred fifty dollars. If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle for any purpose for a period of (a) ninety days for a first violation of section 53-180.01 or 53-180.02 or (b) six months for a second or subsequent violation of such sections, from the date of the order. ~~Such work shall be under the supervision of the county sheriff. Upon the written certification by the county sheriff of the performance of such work, the sentence shall be satisfied.~~

(2) Any person violating section 53-180.03 shall be guilty of a Class III misdemeanor.

~~(2)~~ (3) Any person who knowingly manufactures, creates, or alters any form of identification for the purpose of sale or

delivery of such form of identification to a person under the age of twenty-one years shall be guilty of a Class I misdemeanor. For purposes of this subsection, form of identification ~~shall mean~~ means any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing alcoholic liquor.

(4) Any person who violates section 53-180.01 or 53-180.02, in addition to the penalties described in subsection (1) of this section, shall be subject to the suspension of his or her motor vehicle operator's license for the following time periods:

(a) For the first violation, suspension for a period of six months;

(b) For a second violation, suspension for a period of twelve months; and

(c) For a third and any subsequent violation, suspension for a period of two years or until the violator reaches twenty-one years of age, whichever occurs last. If the person does not have an operator's license when convicted or adjudicated as a juvenile, he or she shall be ineligible to apply for an operator's license for the time periods specified in this subsection. If the person is under sixteen years of age when convicted or adjudicated as a juvenile, the person shall have his or her operator's license suspended on the first day of issuance for the time periods specified in this subsection. An abstract of the court record of every person convicted of violating section 53-180.02 and whose license has been suspended pursuant to this subsection shall be transmitted to the Department of Motor Vehicles. The violation shall become part of the person's permanent record maintained by the department. The violation shall not be expunged from the person's record.

(5) Upon the expiration of any license suspension ordered pursuant to subsection (4) of this section, the person may have his or her license reinstated upon payment of a fee of ninety-five dollars. The fees paid pursuant to this section shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.

(6) Any minor arrested for a violation of sections 53-180 to 53-180.02 or subsection (3) of this section shall have his or her parents or guardian notified of the arrest by the law enforcement agency of the arresting peace officer.".

2. On page 46, line 22, after "sections" insert "53-101,"; and in line 24 after the first comma insert "53-180.02, 53-180.04, 53-180.05,".

3. Renumber the remaining sections accordingly.

Mr. Landis filed the following amendment to LB 267:
AM1738

1. Insert the following new sections:

"Sec. 13. Section 53-177, Reissue Revised Statutes of Nebraska, is amended to read:

53-177. (1) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred and fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children. This prohibition does ~~:~~ ~~PROVIDED, that this prohibition shall~~ not apply ~~(1)~~ (a) to any location within such distance of one hundred and fifty feet for which a license to sell alcoholic ~~liquors~~ liquor at retail has been granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license~~, and (2)~~ and (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic ~~liquors~~ liquor is not the principal business carried on, if such place of business so exempted ~~shall have been~~ was established for such purposes prior to May 24, 1935.

(2) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state, except that this section does not prohibit a nonpublic college or university from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university but does prohibit the sale of alcoholic liquor at retail by such licensee on the campus of such nonpublic college or university at student activities or events.

Sec. 14. Section 53-180.06, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.06. (1) To establish proof of age for the purpose of purchasing or consuming alcoholic liquor, a person shall present or display only a valid driver's or operator's license, Nebraska state identification card, military identification card, alien registration card, or passport.

(2) Every holder of a retail license ~~shall~~ may maintain, in a separate book, a record of each person who has furnished documentary proof of age for the purpose of making any purchase of alcoholic liquor. The record shall show the name and address of the purchaser, the date of the purchase, and a description of the identification used and shall be signed by the purchaser.

Sec. 15. Section 53-1,104, Reissue Revised Statutes of 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:

(a) For a second 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 forty-eight hours and that the licensee may not elect to pay a cash penalty. The commission may use the required suspension of sales of 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 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 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; and

(b) For a third 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 fifteen days and that the licensee may not elect to pay a cash penalty. The commission may use the required suspension of sales of 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, third 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 third 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~~ any suspension shall be treated as a new 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. Amend the repealer and renumber the remaining sections accordingly.

Mrs. Kiel filed the following amendment to LB 556:
AM1718

1. Strike original section 2 and insert the following new sections:

"Sec. 2. Section 60-320, Reissue Revised Statutes of Nebraska, is amended to read:

60-320. (1)(a) Each licensed motor vehicle dealer or trailer dealer as defined in section 60-1401.02 doing business in this state, in lieu of the registering of each motor vehicle or trailer which such dealer owns of a type otherwise required to be registered, or any full-time or part-time employee or agent of such dealer may, if the motor vehicle or trailer displays dealer number plates:

(i) Operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating, or use in the ordinary course and conduct of his or her business as a motor vehicle or trailer dealer. Such use may include personal or private use by the dealer and personal or private use by any bona fide employee licensed pursuant to Chapter 60, article 14, if the employee can be verified by payroll records maintained at the dealership as ordinarily working more than thirty hours per week or fifteen hundred hours per year at the dealership;

(ii) Operate or move the same upon the streets and highways of this state for transporting industrial equipment held by the licensee for purposes of demonstration, sale, rental, or delivery; or

(iii) Sell the same.

The dealer number plates provided for in subsection (3) of this section shall be displayed in the manner provided in section 60-323.

(b) Each licensed manufacturer as defined in section 60-1401.02 which actually manufactures or assembles motor vehicles, motorcycles, or trailers within this state, in lieu of the registering of each motor vehicle or trailer which such manufacturer owns of a type otherwise required to be registered, or any employee of such manufacturer may operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating to prospective customers, or use in the ordinary course and conduct of business as a motor vehicle, motorcycle, or trailer manufacturer, upon the condition that any such vehicle display thereon, in the manner prescribed in

section 60-323, dealer number plates as provided for in subsection (3) of this section.

(c) In no event shall such plates be used on motor vehicles or trailers hauling other than automotive or trailer equipment, complete motor vehicles, semitrailers, or trailers which are inventory of such licensed dealer or manufacturer unless there is issued by the Department of Motor Vehicles a special permit specifying the hauling of other products. This section shall not be construed to allow a dealer to operate a motor vehicle or trailer with dealer number plates for the delivery of parts inventory. A dealer may use such motor vehicle or trailer to pick up parts to be used for the motor vehicle or trailer inventory of the dealer.

(2) Motor vehicles or trailers owned by such dealer and bearing such dealer number plates may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Motor vehicles or trailers owned and held for sale by such dealer and bearing such dealer number plates may be driven upon the streets and highways for a period of forty-eight hours as service loaner vehicles by customers having their vehicles repaired by the dealer. Upon delivery of such motor vehicle or trailer to such prospective buyer for demonstration purposes or to a service customer, the dealer shall deliver to the prospective buyer or service customer a card or certificate giving the name and address of the dealer, the name and address of the prospective buyer or service customer, and the date and hour of such delivery and the products to be hauled, if any, under a special permit. The special permit and card or certificate shall be in such form as shall be prescribed by the department and shall be carried by such prospective buyer or service customer while driving such motor vehicle or pulling such trailer. The department shall make a charge of ten dollars for each special permit issued under this section. A finance company as defined in section 60-1401.02 which is licensed to do business in this state may, in lieu of registering each motor vehicle or trailer repossessed, upon the payment of a fee of ten dollars, make an application to the department for a repossession certificate and one repossession plate. Additional certificates and repossession plates may be procured for a fee of ten dollars each. Such repossession plates may be used only for moving motor vehicles or trailers on the streets and highways for the ~~purpose of~~ repossession, demonstration, maintenance, storage, and disposal of such motor vehicles or trailers repossessed. ~~Such repossession~~ Repossession plates shall be of the same size and material as the normal motor vehicle license plates and shall be prefixed with a large letter R and be serially numbered from 1 to distinguish them from each other. ~~Such~~ Repossession plates shall be displayed only on the rear of a repossessed motor vehicle or trailer. The certificate shall be displayed on demand for any motor vehicle or

trailer being operated on a repossession plate. A finance company shall be entitled to a dealer number plate only in the event such company has qualified as a motor vehicle dealer under Chapter 60, article 14.

(3)(a) Any licensed dealer or manufacturer described in subsection (1) of this section may, upon payment of a fee of thirty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer or designated county official as provided in section 60-302 of the county in which his or her place of business is located for a certificate and one dealer number plate for the type of vehicle the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. One additional dealer number plate may be procured for the type of vehicle the dealer has sold during the last previous period of October 1 through September 30 for each twenty vehicles sold at retail during such period or one additional dealer number plate for each thirty vehicles sold at wholesale during such period, but not to exceed a total of five additional dealer number plates in the case of vehicles sold at wholesale, or, in the case of a manufacturer, for each ten vehicles actually manufactured or assembled within the state within the last previous period of October 1 through September 30 for a fee of fifteen dollars each.

(b) Any licensed dealer or manufacturer described in subsection (1) of this section may, upon payment of an annual fee of two hundred fifty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer of the county in which his or her place of business is located for a certificate and one personal-use dealer number plate for the type of vehicle the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. Additional personal-use dealer number plates may be procured upon payment of an annual fee of two hundred fifty dollars each, subject to the same limitations as provided in subdivision (a) of this subsection as to the number of additional dealer number plates. Beginning January 1, 1998, a personal-use dealer number plate may be displayed on a passenger car as defined in section 60-301 or a truck having a gross weight including any load on the truck of six thousand pounds or less belonging to the dealer, may be used in the same manner as a dealer number plate, and may be used for personal or private use of the dealer, the dealer's immediate family, or any bona fide employee of the dealer licensed pursuant to Chapter 60, article 14. Personal-use dealer number plates shall have the same design and shall be displayed as provided in sections 60-311 and 60-311.01.

(c) When an applicant applies for a license, the Nebraska Motor Vehicle Industry Licensing Board may authorize the county treasurer or designated county official to issue additional dealer number plates when the dealer or manufacturer furnishes

satisfactory proof for a need of additional dealer number plates because of special condition or hardship. In the case of unauthorized use of dealer number plates by any licensed dealer, the Nebraska Motor Vehicle Industry Licensing Board may hold a hearing and after such hearing may determine that such dealer is not qualified for continued usage of such dealer number plates for a set period not to exceed one year. All additional dealer number plates shall, in addition to all other numbers and letters required by section 60-311.02, bear such mark or number as will distinguish such plates one from another.

(d) Subject to all the provisions of law relating to motor vehicles and trailers not inconsistent with this section, any person, firm, or corporation holding a dealer's license issued pursuant to the laws of this state who is regularly engaged within this state in the business of buying and selling motor vehicles and trailers, who regularly maintains within this state an established place of business, and who desires to effect delivery of any motor vehicle or trailer bought or sold by him or her from the point where purchased or sold to points within or outside this state may, solely for the purpose of such delivery by himself or herself, agent, or bona fide purchaser, drive such motor vehicle or pull such trailer on the highways of this state without charge or registration of such vehicle or trailer. There shall be displayed on the front and rear windows or the rear side windows of such motor vehicle, except a motorcycle, and displayed on the front and rear of each such trailer a decal on which shall be plainly printed in black letters the words In Transit. One In Transit decal shall be displayed on a motorcycle, which decal may be one-half the size required for other motor vehicles. Such decals shall include a registration number, which registration number shall be different for each decal or pair of decals issued, and the form of such decal and the numbering system shall be as prescribed by the Department of Motor Vehicles. Each dealer issuing such decals shall keep a record of the registration number of each decal or pair of decals on the invoice of such sale. Such transit decal shall allow such owner to operate the motor vehicle or pull such trailer for a period of thirty days in order to effect proper registration of the new or used motor vehicle or trailer. When any person, firm, or corporation has had a motor vehicle or trailer previously registered and license plates assigned to such person, firm, or corporation, such owner may operate the motor vehicle or pull such trailer for a period of thirty days in order to effect transfer of plates to the new or used motor vehicle or trailer. Upon demand of proper authorities, there shall be presented by the person in charge of such motor vehicle or trailer, for examination, a duly executed bill of sale therefor, a certificate of title, or other satisfactory evidence of the right of possession by such person of such motor vehicle or trailer.

(4) Any transporter doing business in this state may, in

lieu of registering each motor vehicle or trailer which such transporter is transporting, upon payment of a fee of ten dollars, make an application to the Department of Motor Vehicles for a transporter's certificate and one transporter number plate. Additional certificates and plates may be procured for a fee of ten dollars each. Such transporter number plates may be the same size as plates issued for motorcycles, shall bear thereon a mark to distinguish them as transporter plates, and shall be serially numbered so as to distinguish them from each other. Such plates may only be displayed upon the front of a driven vehicle of a lawful combination or upon the front of a motor vehicle driven singly or upon the rear of a trailer being pulled. The certificate shall be issued in duplicate. The original thereof shall be kept on file by the transporter, and the duplicate shall be displayed upon demand by the driver of any vehicle or trailer being transported. A transporter plate or certificate may not be displayed upon a work or service vehicle, except that when a properly registered truck or tractor being a work or service vehicle is in the process of towing or drawing a trailer or semitrailer, including a cabin trailer, which itself is being delivered by the transporter, then the registered truck or tractor shall also display a transporter plate upon the front thereof. The applicant for a transporter plate shall keep for three years a record of each vehicle transported by him or her under this section, and such record shall be available to the department for inspection. Each applicant shall file proof of his or her status as a bona fide transporter.

(5) Any boat dealer when transporting a boat which is part of the inventory of the boat dealer on a trailer required to be registered may annually, in lieu of registration of the trailer and upon application to the Department of Motor Vehicles and payment of a fee of ten dollars, obtain a certificate and a number plate. The plate may be displayed on any trailer owned by the boat dealer when the trailer is transporting such a boat. The number plate shall be of a type designed by the department and so numbered as to distinguish one plate from another.

For purposes of this subsection, boat dealer ~~shall mean~~ means a person engaged in the business of buying, selling, or exchanging boats at retail who has a principal place of business for such purposes in this state.

(6) It shall be the duty of all law enforcement officers to arrest and prosecute all violators of the provisions of subsection (1), (2), (3), (4), or (5) of this section and see that they are properly prosecuted according to law. Any person, firm, or corporation, including any motor vehicle, trailer, or boat dealer or manufacturer, who fails to comply with such provisions shall be deemed guilty of a Class V misdemeanor and, in addition thereto, shall pay the county treasurer or designated county official any and all motor vehicle taxes and fees imposed in

sections 60-3002 and 60-3007, registration fees, or certification fees due had the motor vehicle or trailer been properly registered or certified according to law.

When any motor vehicle or trailer dealer's or manufacturer's license has been revoked or otherwise terminated, it shall be the duty of such dealer or manufacturer to immediately surrender to the Department of Motor Vehicles or to the Nebraska Motor Vehicle Industry Licensing Board any dealer number plates issued to him or her for the current year. Failure of such dealer or manufacturer to immediately surrender such dealer number plates to the department upon demand by the department shall be unlawful.

(7) Any motor vehicle or trailer owned by a dealer and bearing other than dealer number plates as provided in this section shall be conclusively presumed not to be a part of the dealer's inventory and not for demonstration or sale and therefor not eligible for any exemption from taxes or fees applicable to vehicles with dealer number plates.

Sec. 3. Original sections 60-311 and 60-320, Reissue 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 43-1303, Reissue Revised Statutes of Nebraska, is amended to read:

43-1303. (1) The state board shall meet at least twice per year. The state board shall establish a statewide register of all foster care placements occurring within the state, and there shall be a monthly report made to the state board registry of all foster care placements by the Department of Health and Human Services, any child-placing agency, or any ~~or~~ court in a form as developed by the state board in consultation with representatives of entities required to make such reports. For each child entering and leaving foster care, such monthly report shall consist of identifying information, placement information, and the plan or permanency plan developed by the person or court in charge of the child pursuant to section 43-1312. ~~Every~~ The department and every court and child-placing agency shall report any foster care placement within three working days. The report shall contain the following information:

(a) Child identification information, including name, social security number, date of birth, gender, race, and religion;

(b) Identification information for parents and stepparents, including name, social security number, address, and status of parental rights;

(c) Placement information, including initial placement date, current placement date, and the name and address of the foster care provider;

(d) Court status information, including which court has jurisdiction, initial custody date, court hearing date, and results of the court hearing;

(e) Agency or other entity having custody of the child;

(f) Case worker; and

(g) Permanency Plan Objective.

(2) The state board shall review the activities of local boards and may adopt and promulgate its own rules and regulations. Such rules and regulations shall provide for the following:

~~(1)~~ (a) Establishment of training programs for local board members which shall include an initial training program and periodic inservice training programs;

~~(2)~~ (b) Development of procedures for local boards;

~~(3)~~ (c) Establishment of a central record-keeping facility for all local board files, including individual case reviews;

~~(4)~~ (d) Accumulation of data and the making of annual reports on children in foster care. Such reports shall include ~~(a)~~ (i) personal data on length of time in foster care, ~~(b)~~ (ii) number of placements, ~~(c)~~ (iii) frequency and results of court review, and

~~(d)~~ (iv) number of children supervised by the foster care programs in the state annually;

~~(5)~~ (e) To the extent not prohibited by section 43-1310, evaluation of the judicial and administrative data collected on foster care and the dissemination of such data to the judiciary, public and private agencies, the ~~Department of Health and Human Services~~ department, and members of the public; and

~~(6)~~ (f) Manner in which the state board shall determine the appropriateness of requesting a review hearing as provided for in section 43-1313.

(3) The state board, upon completion of a review of local board activities, shall report and make recommendations to the department and county welfare offices. Such reports and recommendations shall include, but not be limited to, the annual judicial and administrative data collected on foster care pursuant to ~~subdivision (4)~~ subsection (2) of this section and the annual evaluation of such data. In addition the state board shall provide copies of such reports and recommendations to each court having the authority to make foster care placements. The state board may visit and observe foster care facilities in order to ascertain whether the individual physical, psychological, and sociological needs of each foster child are being met.

Sec. 2. Section 43-1304, Reissue Revised Statutes of Nebraska, is amended to read:

43-1304. The state board shall establish local foster care review boards for the review of cases of children in foster care placement. The state board shall select members to serve on local boards from a list of applications submitted to the state board. Each local board shall consist of ~~five~~ not less than four and not more than ten members. The members of the board shall reasonably represent the various social, economic, racial, and ethnic groups of the county or counties from which its members may be appointed. A person employed by the state board, the Department of Health and Human Services, a child-caring agency, a child-placing agency, or a court shall not be appointed to a local board. A list of the members of each local board shall be sent to the ~~Department of Health and Human Services~~ department.

Sec. 3. Section 43-1314.01, Reissue Revised Statutes of Nebraska, is amended to read:

43-1314.01. (1) The State Foster Care Review Board shall be responsible for the conduct of periodic reviews which shall be identified as reviews which meet the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the requirements for review outlined in the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. It is the intent of the Legislature that beginning October 1, 1996, the state board shall

be the only state agency with the responsibility to conduct six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(2) It is the intent of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(3) The state board may assist the Department of Health and Human Services as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or aid to families with dependent children benefits, for child support orders of the court, and for medical insurance other than medicaid.

~~(4) Between January 1, 1998, and August 1, 1998, a review of the state board shall be completed by the Executive Board of the Legislative Council or its designee. This review shall include a determination of the state board's timely performance in meeting federal guidelines, a cost analysis of its case reviews, an analysis as to the quality of reviews, and the effectiveness of such reviews on the children within the state foster care system.~~

~~(5) On or before November 1, 1998, the Executive Board of the Legislative Council or its designee shall make findings and recommendations to the Legislature as to the areas noted in subsection (4) of this section.~~

~~(6) On July 1, 1996, seven full-time employees shall be added to the state board. On September 30, 1996, three full-time employees shall be added to the state board.~~

Sec. 4. Original sections 43-1303, 43-1304, and 43-1314.01, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, line 1, strike "section" and insert "sections 43-1303, 43-1304, and"; in line 2 after the semicolon insert "to change provisions relating to reports and to membership on local boards;" and in line 5 strike "section" and insert "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. Insert the following new section:

"Sec. 12. Before disciplinary measures are taken against an inmate for drug or alcohol violations, an inmate may request and the department shall provide independent confirmation testing of positive results of urinalysis testing. If the confirmation test remains positive, the inmate may be required to pay the cost of the confirmation test.".

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. On page 17, line 24, after "(8)" insert "Any person who operates a scrap tire collection site in violation of state law which is the subject of abatement or cleanup as provided in section 81-15,161.01 shall be liable to the State of Nebraska for the reimbursement of expenses of such abatement or cleanup paid out of the fund.
(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. On page 3, strike beginning with the underscored colon in line 5 through "For" in line 6 and insert "for"; in lines 6, 15, and 18 strike "second" and insert "third"; in line 7 strike "four" and insert "three"; in line 21 strike "; and" and insert an underscored period; and strike lines 22 to 27.
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. Strike the original sections and insert the following new sections:

"Section 1. Section 77-1359, Revised Statutes Supplement, 1998, is amended to read:

77-1359. For purposes of sections 77-1359 to 77-1363 and section 2 of this act:

(1) Agricultural land and horticultural land shall mean land which is primarily used for the production of agricultural or horticultural products, including wasteland lying in or adjacent to and in common ownership or management with land used for the production of agricultural or horticultural products. Land retained or protected for future agricultural or horticultural uses under a conservation easement as provided in the Conservation and Preservation Easements Act shall be defined as agricultural land or horticultural land. Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production shall be defined as agricultural land or horticultural land. Land that is zoned predominantly for purposes other than agricultural or horticultural use shall not be assessed as agricultural land or horticultural land; ~~and~~

(2) Agricultural or horticultural products shall include grain and feed crops; forages and sod crops; animal production, including breeding, feeding, or grazing of cattle, horses, swine, sheep, goats, bees, or poultry; and fruits, vegetables, flowers, seeds, grasses, trees, and other horticultural crops; and

(3) Farmstead site shall mean residential property and agricultural improvements and the real property on which the

residential property and agricultural improvements are sited if the residential property and agricultural improvements are used in association with the agricultural land and improvements by the occupant of the site who is engaged in agricultural production as described in section 2 of this act.

Sec. 2. A parcel of land of twenty acres or less in size that is not managed as part of an agricultural or horticultural operation exceeding twenty acres in size shall qualify for assessment as agricultural land or horticultural land only upon submission of proof by the owner that sales of agricultural or horticultural products of a gross value of more than two thousand dollars were produced from the land or from feeding products grown upon such land in two of the three previous years or upon submission of proof that such land is under the land-use requirements or restrictions required in subdivision (1) of section 77-1359. The owner shall certify on or before March 1 of each year on a form prescribed and subject to audit by the Department of Revenue that the land meets the requirements of this section.

Sec. 3. Section 77-1361, Revised Statutes Supplement, 1998, is amended to read:

77-1361. (1) Agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of property taxation. Agricultural land and horticultural land shall be classified using the agricultural land valuation manual issued by the Property Tax Administrator pursuant to section 77-1330 which shall be developed using the methods prescribed in section 77-1362.

(2) No residential, commercial, industrial, or agricultural building or enclosed structure or the directly associated land or site of the building or enclosed structure shall be assessed as agricultural land or horticultural land, except that real property currently or formerly in use as a farmstead site and not currently occupied or used for any other nonagricultural purpose shall be valued at the same assessed value as the directly adjoining agricultural land which is associated by ownership and is in use as agricultural land as described in section 2 of this act.

Sec. 4. Original sections 77-1359 and 77-1361, Revised Statutes Supplement, 1998, are repealed.".

LEGISLATIVE BILL 881. Placed on General File as amended.
Standing Committee amendment to LB 881:
AM1744

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 4 of this act shall be known and may be cited as the Relief to Property Taxpayers Act.

Sec. 2. The purpose of the Relief to Property Taxpayers Act is to provide property tax relief for property taxes levied

against real property. The property tax relief will be made to owners of real property in the form of a property tax credit.

Sec. 3. The Relief to Property Taxpayers Cash Fund is created. The fund shall only be used pursuant to the Relief to Property Taxpayers 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. 4. (1) For tax year 2000 the amount of relief granted under the Relief to Property Taxpayers Act shall be thirty-five million dollars. For tax years after 2001, the amount of relief granted under the act shall be equal to the amount appropriated or transferred to the Relief to Property Taxpayers Cash Fund by August 16. It is the intent of the Legislature to fund the Relief to Property Taxpayers Act for tax years after 2001 using available excess revenue. The relief shall be in the form of a property tax credit which appears on the property tax statement.

(2) To determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subsection (4) of this section by the ratio of the real property valuation to the real property valuation in the county. The amount determined shall be the property tax credit for the property.

(3) If the property owner qualifies for a homestead exemption under the provisions of sections 77-3501 to 77-3529, the homestead owner shall also be qualified for the relief provided in the act to the extent of any remaining liability after calculation of the relief provided by the homestead exemption. If the credit results in a property tax liability on the homestead that is less than zero, the amount of the credit which cannot be used by the taxpayer shall be returned to the State Treasurer by July 1 of the year the amount disbursed to the county was disbursed. The State Treasurer shall credit any funds returned under this section to the Tax Equity and Educational Opportunities Support Act Stabilization Fund until July 1, 2001, and to the Relief to Property Taxpayers Cash Fund on and after such date.

(4) The amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the real property valuation in the county to the real property valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subsection to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit levying taxes on taxable property in the tax district in which the real property is located in the same

proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the real property is located.

Sec. 5. On August 16, 2000, the State Treasurer shall transfer to the Tax Equity and Educational Opportunities Support Act Stabilization Fund any money appropriated for purposes of the Tax Equity and Educational Opportunities Support Act which is in excess of the certification made under section 79-1022. The Tax Equity and Educational Opportunities Support Act Stabilization Fund is created. 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. On July 1, 2001, the fund shall terminate and the State Treasurer shall transfer any money in the fund on such date to the General Fund for purposes of funding the Tax Equity and Educational Opportunities Support Act.

Sec. 6. Section 13-518, Revised Statutes Supplement, 1998, is amended to read:

13-518. For purposes of sections 13-518 to 13-522:

(1) Allowable growth means (a) for governmental units other than community colleges, the percentage increase in taxable valuation in excess of the base limitation established under section 77-3446, if any, due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year and (b) for community colleges, the percentage increase in excess of the base limitation, if any, in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined;

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

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

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

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

THE AMOUNT OF STATE FUNDS SHOWN ABOVE WOULD HAVE BEEN ADDITIONAL PROPERTY TAXES IF NOT ALLOCATED TO THE COUNTY, CITY, VILLAGE, AND SCHOOL DISTRICT BY THE LEGISLATURE.

Sec. 8. Section 84-612, Revised Statutes Supplement, 1998, is amended to read:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to subsections (2) and (5) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(4) On or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) The State Treasurer shall transfer funds from the Cash Reserve Fund to the Roads Operations Cash Fund upon certification by the Director of Administrative Services that the current cash balance in the Roads Operations Cash Fund is inadequate to meet current obligations as the result of delayed receipt of federal funds. The certification shall include the dollar amount to be transferred. The authority to transfer funds pursuant to this subsection shall be in effect for the period July 1, 1998, through June 30, 1999.

(6) On or before September 1, 1998, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund.

(7) On or before September 1, 1998, the State Treasurer shall transfer two million dollars from the Cash Reserve Fund to the Reorganized School Assistance Fund.

(8) On June 15, 1999, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 30, 1999, the State Treasurer shall transfer eighty million dollars from the Cash Reserve Fund to the General Fund.

(10) On June 15, 2001, the State Treasurer shall transfer twenty-eight million dollars from the Cash Reserve Fund to the General Fund.

(11) On August 16, 1999, the State Treasurer shall transfer thirty million dollars from the Cash Reserve Fund to the Relief to Property Taxpayers Cash Fund for the purposes of

increased aid to community colleges.

(12) On August 16, 2000, the State Treasurer shall transfer thirty-five million dollars from the Cash Reserve Fund to the Relief to Property Taxpayers Cash Fund.

(13) On August 1, 2001, the State Treasurer shall transfer thirty-five million dollars from the Cash Reserve Fund to the General Fund for purposes of funding the Tax Equity and Educational Opportunities Support Act.

Sec. 9. If the Legislature appropriates more money for aid to community colleges than is necessary to fully fund the provisions of sections 85-1536 to 85-1537 for any fiscal year, the excess money shall be allocated to each community college area in the same proportion as the community college area's property valuation is to the state's total property valuation.

Sec. 10. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 11. Original section 77-1704.01, Reissue Revised Statutes of Nebraska, and sections 13-518 and 84-612, Revised Statutes Supplement, 1998, are repealed.

Sec. 12. Since an emergency exists, this act takes 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Women's Health Initiative of Nebraska is created within the Department of Health and Human Services. The Women's Health Initiative of Nebraska shall strive to improve the health of women in Nebraska by fostering the development of a comprehensive system of coordinated services, policy development, advocacy, and education. The initiative shall:

(1) Serve as a clearinghouse for information regarding women's health issues, including pregnancy, breast and cervical cancers, acquired immunodeficiency syndrome, osteoporosis, menopause, heart disease, smoking, and mental health issues as well as other issues that impact women's health, including substance abuse, domestic violence, teenage pregnancy, sexual assault, adequacy of health insurance, access to primary and preventative health care, and rural and ethnic disparities in health outcomes;

(2) Perform strategic planning within the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services Finance and Support to develop department-wide plans for implementation of goals and objectives for women's health;

(3) Conduct department-wide policy analysis on specific issues related to women's health;

(4) Coordinate pilot projects and planning projects funded by the state that are related to women's health;

(5) Communicate and disseminate information and perform a liaison function within the departments and to providers of health, social, educational, and support services to women;

(6) Provide technical assistance to communities, other public entities, and private entities for initiatives in women's health, including but not limited to, community health assessment and strategic planning and identification of sources of funding and assistance with writing of grants; and

(7) Encourage innovative responses by public and private entities that are attempting to address women's health issues.

Sec. 2. (1) The Women's Health Initiative Advisory Council is created and shall consist of not more than thirty members, at least three-fourths of whom are women. At least one member shall be appointed from the following disciplines: (a) An obstetrician/gynecologist; (b) a nurse practitioner from a rural community; (c) a geriatrics physician or nurse; (d) a pediatrician; (e) a community public health representative from each congressional district; (f) a health educator; (g) an insurance industry representative; (h) a mental health professional; (i) a representative from a statewide health volunteer agency; (j) a private health care industry representative; (k) an epidemiologist or a health statistician; (l) a foundation representative; and (m) a woman who is a health care consumer from each of the following

age categories: Eighteen to thirty; thirty-one to forty; forty-one to sixty-five; and sixty-six and older. The membership shall also include a representative of the University of Nebraska Medical Center, a representative from Creighton Medical School, the executive director of the Nebraska Commission on the Status of Women or his or her designee, the chief medical officer of the Department of Health and Human Services Regulation and Licensure, and the Title V Director of the Department of Health and Human Services.

(2) The Governor shall appoint advisory council members and shall consider and attempt to balance representation based on political party affiliation, race, and different geographical areas of Nebraska when making appointments. The Governor shall appoint the first chairperson and vice-chairperson of the advisory council. There shall be two ex officio, nonvoting members from the Legislature, one of which shall be the chairperson of the Health and Human Services Committee.

(3) The terms of the initial members shall be as follows: One-third shall serve for a one-year term, one-third shall serve for two-year terms, and one-third shall serve for three-year terms including the members designated chairperson and vice-chairperson. Thereafter members shall serve for a three-year term. Members may not serve more than two consecutive three-year terms.

(4) The Governor shall make the appointments within three months after the effective date of this act.

(5) The council shall meet quarterly the first two years. After this time the council shall meet at least every six months or upon the call of the chairperson or a majority of the voting members. A quorum shall be one-half of the voting members.

(6) The members of the advisory council shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177 and pursuant to policies of the council. Funds for reimbursement for expenses shall be from the Women's Health Initiative Fund.

(7) The advisory council shall advise the Women's Health Initiative of Nebraska in carrying out its duties under section 1 of this act and may solicit private funds to support the initiative.

Sec. 3. The Director of Health and Human Services will determine how the Department of Health and Human Services will provide personnel to carry out the Women's Health Initiative of Nebraska. The Director of Health and Human Services shall employ personnel, including an executive director, necessary to carry out the powers and duties of the initiative. The Governor's Policy Research Office, the Department of Health and Human Services Finance and Support, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services and other state agencies as necessary may provide administrative and technical support under the direct supervision

of the Governor. The initiative may secure cooperation and assistance of other appropriate government and private-sector entities for women's health issues, programs, and educational materials.

Sec. 4. The Legislature recognizes the generosity of its citizens and charitable organizations that donate their time and money to provide funds to their fellow citizens. It is the intent of the Legislature to permit the Women's Health Initiative of Nebraska to obtain and expend such funds to carry out the purposes of sections 1 to 7 of this act. Private citizens and charitable organizations may donate and grant funds to the Women's Health Initiative of Nebraska to pay for programs, educational materials, promotions, and other activities undertaken by the initiative.

Sec. 5. The Women's Health Initiative Fund is created. The fund shall consist of money received as gifts or grants or collected as fees or charges from any federal, state, public, or private source. Money in the fund shall be used to reimburse the expenses of the Women's Health Initiative of Nebraska and expenses of members of the Women's Health Initiative Advisory Council. Nothing in sections 1 to 7 of this act requires the Women's Health Initiative of Nebraska to accept any private donations that are not in keeping with the goals and objectives set forth by the initiative and the Department of Health and Human Services. No funds expended or received by or through the initiative shall pay for abortion referral or abortion services. 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. 6. The Department of Health and Human Services shall have all powers necessary to implement the purposes and intent of sections 1 to 7 of this act, including applying for, receiving, and administering federal and other public and private funds credited to the Women's Health Initiative Fund. Any funds obtained for the Women's Health Initiative of Nebraska shall be remitted to the State Treasurer for credit to the Women's Health Initiative Fund.

Sec. 7. The Department of Health and Human Services shall issue an annual report to the Governor and the Legislature on September 1 for the preceding fiscal year's activities of the initiative. The report shall include progress reports on any programs, activities, or educational promotions that were undertaken by the initiative. The report shall also include a status report on women's health in Nebraska and any results 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
Coordsen				

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 1:15 p.m.
Motor Carrier Advisory Council
David Lee Hale

(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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 39, Legislative Bill 880, Ninety-sixth Legislature, First Session, 1999, is amended to read:

Sec. 39. AGENCY NO.13 -- STATE DEPARTMENT OF EDUCATION
Program No. 25 - Education, Administration, and Support

	FY1999-00	FY2000-01
~~GENERAL FUND~~	~~743,687,902~~	~~745,962,415~~
GENERAL FUND	742,179,902	744,534,415
CASH FUND	3,097,517	3,121,778
FEDERAL FUND est.	152,868,651	153,056,779
REVOLVING FUND	483,218	500,429
~~PROGRAM TOTAL~~	~~900,137,288~~	~~902,641,401~~
PROGRAM TOTAL	898,629,288	901,213,401
SALARY LIMIT	7,948,125	8,241,452

There is included in the appropriation to this program for FY1999-00 $734,042,116 General Funds, $2,040,938 Cash Funds, and $145,937,874 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2000-01 $736,196,432 General Funds, $2,040,938 Cash Funds, and $145,937,874 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown for FY1999-00 $172,200 General Funds as state aid for the reimbursement of transportation costs pursuant to section 79-241 for the enrollment option program. There is included in the amount shown for FY2000-01 $172,200 General Funds as state aid for the reimbursement of transportation costs pursuant to section 79-241 for the enrollment option program.

There is included in the amount shown for FY1999-00 $586,502,250 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act. There is included in the amount shown for FY2000-01 $584,503,855 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

There is included in the amount shown for this program $132,575,807 General Funds provided as state aid in FY1999-00 for special education reimbursement. There is included in the amount shown for this program $136,553,081 General Funds provided as state aid in FY2000-01 for special education reimbursement.

There is included in the amount shown for this program $349,225 General Funds provided as state aid in FY1999-00 and

$349,225 General Funds provided as state aid in FY2000-01 to carry out the provisions of subsection (2) of section 79-734.

There is included in the amount shown for this program $560,000 General Funds provided as state aid in FY1999-00 and $560,000 General Funds provided as state aid in FY2000-01 for early childhood education projects.

There is included in the amount shown for this program a one-time appropriation of $150,000 General Funds provided as state aid in FY1999-00 to match funds provided by the National Geographic Society for an endowment for geography education.

There is included in the amount shown for this program $9,942,500 General Funds provided as state aid in FY1999-00 and $10,191,062 General Funds provided as state aid in FY2000-01 for core services for educational service units.

There is included in the amount shown for this program $3,075,000 General Funds provided as state aid in FY1999-00 and $3,151,875 General Funds provided as state aid in FY2000-01 for programs for learners with high ability.

There is included in the amount shown for this program $195,715 General Funds for FY1999-00, which shall only be used to contract with the Nebraska Educational Telecommunications Commission for the Schools TeleLearning/Distance Learning Program. There is included in the amount shown for this program $201,586 General Funds for FY2000-01, which shall only be used to contract with the Nebraska Educational Telecommunications Commission for the Schools TeleLearning/Distance Learning Program.

There is included in the amount shown for this program $100,000 General Funds for FY1999-00 and $100,000 General Funds for FY2000-01 to develop or enhance interpreter training programs, which shall only be used for such purpose.

There is included in the amount shown for this program $250,000 General Funds for FY1999-00 and $250,000 General Funds for FY2000-01, which shall only be used for satellite programs for children who are deaf or hard of hearing.

There is included in the amount shown for this program ~~$1,728,000 General Funds for FY1999-00 and $1,728,000~~ $220,000 General Funds for FY1999-00 and $220,000 General Funds for FY2000-01 to provide a reporting system that results in a statewide report card for primary and secondary education in Nebraska that includes, but is not limited to, information on student performance, teacher and student attendance, teacher qualifications and salaries, graduate tracking, and demographics. There is included in the amount shown for this program $80,000 General Funds for FY2000-01 to ~~implement a statewide assessment and reporting system~~ provide incentives and reimburse schools for participation in the National Assessment of Educational Progress.

The General Fund appropriation shown for FY2000-01 is increased by $10,000 and the Cash Fund appropriation shown for FY2000-01 is reduced by $15,000 if Legislative Bill 489,

Ninety-sixth Legislature, First Session, 1999, does not become law.

On or before October 1 of each year, the Department of Health and Human Services Finance and Support and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to school districts pursuant to the Early Intervention Act for special education services for children age five years and older. The General Fund appropriation to the State Department of Education, Program No. 25, for state special education aid shall be decreased by an amount equal to the amount that would have been reimbursed with state General Funds to the school districts through the special education reimbursement process for special education services for children age five years and older that was paid to school districts or approved cooperatives with federal medicaid funds. There is hereby appropriated from the General Fund an amount equal to the amount certified to the budget administrator for FY1999-00 and FY2000-01 to the Department of Health and Human Services Finance and Support to aid in carrying out the provisions of Laws 1991, LB 701. The budget administrator of the budget division of the Department of Administrative Services shall distribute the amount appropriated between budget programs according to percentages certified by the Department of Health and Human Services Finance and Support.

Sec. 2. This act becomes operative on July 1, 1999.

Sec. 3. Original section 39, Legislative Bill 880, Ninety-sixth Legislature, First Session, 1999, is repealed.

Sec. 4. Since an emergency exists, this act takes effect 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. Strike amendments 1 through 5 and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new section:

'Section 1. The following section is outright repealed:
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. On page 3, line 2, after "tabs" insert "and 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. Strike the original sections and insert the following new sections:

"Section 1. Section 54-701.03, Reissue Revised Statutes of Nebraska, is amended to read:

54-701.03. For purposes of sections 54-701 to 54-705 and 54-742 to 54-753.05:

(1) Animal means all vertebrate members of the animal kingdom except humans or uncaptured wild animals;

(2) Domesticated cervine animal means any elk, deer, or other member of the family cervidae legally obtained and raised in a confined area for breeding stock, exhibition, or companionship, or for the carcass, skin, or other part of such animal, but not for hunting or sport;

(3) Livestock means cattle, swine, sheep, horses, goats, domesticated cervine animals, ratite birds, and poultry; ~~and~~

(4) Poultry means domesticated birds that serve as a source of eggs or meat and includes, but is not limited to, chickens, turkeys, ducks, and geese; and

(5) Ratite bird means any ostrich, emu, rhea, kiwi, or cassowary.

Sec. 2. Section 54-744, Reissue Revised Statutes of Nebraska, is amended to read:

54-744. (1) Except as set out in subsection (2) of this section, it ~~shall be~~ is the duty of the owner or custodian of any animal which dies from and on account of any infectious, contagious, or otherwise transmissible disease to cause such animal, within thirty-six hours after receiving knowledge of the

death of such animal, to be buried at least four feet below the surface of the ground or to be completely burned on the premises where such animal dies unless the animal is disposed of to a duly licensed rendering establishment in this state. Such animal shall not be moved or transported from the premises where such animal has died except by the authorized agents and employees of the rendering establishment to which such carcass is disposed. Any animal which dies of disease or is found dead shall be presumed to have died from and on account of an infectious, contagious, or otherwise transmissible disease.

(2) ~~Chicken and turkey carcasses~~ Livestock carcasses up to three hundred pounds may be incorporated into a composting facility on the premises where the ~~chickens or turkeys~~ livestock died and shall remain in such compost facility until completely composted before spreading on land. Any person incorporating livestock carcasses into a composting facility shall follow the operating procedures as set forth in the Journal of the American Veterinary Medical Association, Volume 210, No. 8. Not less than one copy of such journal, or portion thereof, shall be filed for use and examination by the public in the offices of the Clerk of the Legislature and the Secretary of State.

Sec. 3. Original sections 54-701.03 and 54-744, Reissue 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. Insert the following new sections:

"Sec. 4. This act becomes operative on October 1, 1999.

Sec. 6. The following sections are outright repealed: Sections 66-1343 and 66-1347, Reissue Revised Statutes of Nebraska.".

2. On page 2, line 18, strike "During" and insert "Beginning June 1, 2000, during"; in line 19 strike "also"; and in line 26 before "first" insert "by at least two million gallons".

3. On page 3, line 5, strike "paid" and insert "allowed"; in line 9 after "period" insert "beginning no sooner than June 1, 2000"; strike beginning with the last comma in line 18 through "period" in line 19; strike beginning with "subsections" in line 21 through "Revenue" in line 23 and insert "subsection (1) of this section"; in line 24 strike "six" and insert "two"; in line 25 after "capacity" insert "as certified by the facility's design engineer to the Department of Revenue,"; in line 26 after "gallon" insert "of ethanol produced"; and strike line 27 and insert "produces at least one hundred".

4. On page 4, line 1, strike "for" and insert "during"; strike beginning with the first comma in line 11 through line 12 and insert ", 2001. For this subsection, maximized benefits means receipt of a total of twenty-five million dollars or more in credits for which the facility was otherwise eligible under subsection (1) of this section on or before December 31, 2000"; in line 25 strike "credits" and insert "credit"; strike beginning with "subsections" in line 25 through "(4)" in line 26 and insert "subsection (3)"; and in line 26 strike ", and the" and insert ". Not more than ten million gallons of ethanol produced during the entire period specified shall be eligible for the credit described in subsection (4) of this section. The".

5. On page 5, line 5, after "An" insert "ethanol facility which receives credits for ethanol produced under subsection (1) or (2) of this section shall not receive credits under subsection (3) or (4) of this section until its eligibility to receive credits under subsection (1) or (2) has been completed. Upon completion of its eligibility, an"; in line 12 after the first

"the" insert "aggregate"; and in lines 12 and 13 strike "each applicant" and insert "all applicants".

6. On page 7, lines 11 and 12; and page 8, line 14, strike "quarter", show as stricken, and insert "month".

7. On page 7, line 26; and page 8, lines 7 and 8, strike ", 1999, and 2000", show as stricken, and insert "through 2004".

8. On page 7, line 27, strike "December 31," and show as stricken.

9. On page 8, line 1, strike "2003" and all amendments thereto and insert "June 30, 2004"; and in line 16 after "(4)" insert "The board shall monitor all receipts to and reimbursements from the Ethanol Production Incentive Cash Fund and notify the Department of Revenue prior to the beginning of the fiscal year in which the board projects that there will be insufficient funds available within the fund to satisfy all valid ethanol production credit claims submitted pursuant to section 66-1344.

(5)".

Messrs. Beutler and Raikes filed the following amendment to LB 605:
AM1753

(Amendments to AM1380)

1. Insert the following new section:

"Sec. 4. Section 66-1345.04, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345.04. (1) The State Treasurer shall transfer from the General Fund to the Ethanol Production Incentive Cash Fund, on or before the end of each of fiscal years 1995-96 and 1996-97, $8,000,000 per fiscal year.

(2) It is the intent of the Legislature that the following General Fund amounts be appropriated to the Ethanol Production Incentive Cash Fund in each of the following years:

(a) For each of fiscal years 1997-98 and 1998-99, $7,000,000 per fiscal year;

(b) For fiscal year 1999-2000, $6,000,000; and

(c) For fiscal year 2000-01, ~~$6,000,000~~ $5,000,000.".

2. On page 8, line 17, strike "any", show as stricken, and insert "one-half of the"; and in line 22 after the period insert "The Department of Agriculture shall assist the State Treasurer in determining the amounts to be transferred to the funds. The remaining one-half of the unexpended and unobligated funds shall be transferred to the General Fund.".

3. On page 10, line 18, before the comma insert "and 66-1345.04".

4. Renumber the remaining section accordingly.

Mr. Wickersham filed the following amendment to LB 881:
AM1759

(Amendments to Standing Committee amendments, AM1744)

1. Insert the following new section:

"Sec. 7. Section 77-1701, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999, is amended to read:

77-1701. (1) The county treasurer shall be ex officio county collector of all taxes levied within the county. The county board shall direct that a statement of the amount of taxes due and a notice that special assessments are due be mailed or otherwise delivered to the last-known address of the person, firm, association, or corporation against whom such taxes or special assessments are assessed or to the lending institution or other party responsible for paying such taxes or special assessments. Such statement shall clearly indicate, for each political subdivision, the levy rate and the amount of taxes due as the result of principal or interest payments on bonds issued by the political subdivision and shall show such rate and amount separate from any other levy. ~~When taxes are delinquent for a prior year, the county treasurer shall indicate this information on such tax statement in a clearly defined space or in a separate notice. The separate notice shall be on a colored piece of paper and may be enclosed with the tax statement. The separate notice or information on such tax statement shall read: "ATTENTION: Taxes for a prior year are delinquent. Interest is accruing. Please contact the county treasurer's office immediately."~~ Failure to receive such statement or notice shall not relieve the taxpayer from any liability to pay such taxes or special assessments and any interest 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.".

2. On page 5, line 22, strike "9" and insert "10".

3. On page 6, strike line 10; and in line 14 after

"parcel" insert "; and

(4) if there are delinquent taxes due on the parcel from the immediate past year, a notice stating that the prior year taxes are delinquent shall be clearly stated in the information concerning the immediate past year's taxes".

4. On page 9, line 9, strike "and"; and in line 10 after the last comma insert "and section 77-1701, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999,".

5. Renumber the remaining sections accordingly.

Mr. Dierks filed the following amendment to LB 870:
AM1730

(Amendments to E & R amendments, AM7143)

1. Insert the following new sections:

"Sec. 2. Section 54-701.03, Reissue Revised Statutes of Nebraska, is amended to read:

54-701.03. For purposes of sections 54-701 to 54-705 and 54-742 to 54-753.05:

(1) Animal means all vertebrate members of the animal kingdom except humans or uncaptured wild animals;

(2) Domesticated cervine animal means any elk, deer, or other member of the family cervidae legally obtained and raised in a confined area for breeding stock, exhibition, or companionship, or for the carcass, skin, or other part of such animal, but not for hunting or sport;

(3) Livestock means cattle, swine, sheep, horses, goats, domesticated cervine animals, ratite birds, and poultry; ~~and~~

(4) Poultry means domesticated birds that serve as a source of eggs or meat and includes, but is not limited to, chickens, turkeys, ducks, and geese; and

(5) Ratite bird means any ostrich, emu, rhea, kiwi, or cassowary.

Sec. 4. Section 54-744, Reissue Revised Statutes of Nebraska, is amended to read:

54-744. (1) Except as set out in subsection (2) of this section, it ~~shall be~~ is the duty of the owner or custodian of any animal which dies from and on account of any infectious, contagious, or otherwise transmissible disease to cause such animal, within thirty-six hours after receiving knowledge of the death of such animal, to be buried at least four feet below the surface of the ground or to be completely burned on the premises where such animal dies unless the animal is disposed of to a duly licensed rendering establishment in this state. Such animal shall not be moved or transported from the premises where such animal has died except by the authorized agents and employees of the rendering establishment to which such carcass is disposed. Any animal which dies of disease or is found dead shall be presumed to have died from and on account of an infectious, contagious, or otherwise

transmissible disease.

(2) ~~Chicken and turkey carcasses~~ Livestock carcasses up to three hundred pounds may be incorporated into a composting facility on the premises where the ~~chickens or turkeys~~ livestock died and shall remain in such compost facility until completely composted before spreading on land. Any person incorporating livestock carcasses into a composting facility shall follow the operating procedures as set forth in the Journal of the American Veterinary Medical Association, Volume 210, No. 8. Not less than one copy of such journal, or portion thereof, shall be filed for use and examination by the public in the offices of the Clerk of the Legislature and the Secretary of State.".

2. On page 21, line 14, after the first comma insert "54-701.03," and after the second comma insert "54-744,".

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. On page 4, line 20, after "property" insert ", or property leased by a public airport at fair market value,".

2. On page 11, line 6, after "property" insert "(a)"; and in line 7 after "77-202" insert "or (b) upon which a payment in lieu of taxes has been paid under section 77-202(1)(b)".

3. On page 12, line 5, after "Nebraska" insert "and 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. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 4, line 6, strike "and", show as stricken, and insert an underscored semicolon; and in line 8 after "month" insert "; and (c) school employees having retired pursuant to the School Employees Retirement Act who subsequently provide compensated service on a regular basis in any capacity".

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of sections 1 to 4 of this act:

(1) Business day means a day on which state offices are open for regular business;

(2) Department means the Department of Health and Human Services;

(3) Obligee means a person to whom a duty of support is owed pursuant to a support order;

(4) Obligor means a person who owes a duty of support pursuant to a support order;

(5) State Disbursement Unit means the office established in section 2 of this act;

(6) Support has the same meaning as found in section 43-3313;

(7) Support order has the same meaning as found in section 43-1717; and

(8) Title IV-D Division means the Title IV-D Division of the department.

Sec. 2. There is hereby created a State Disbursement Unit, pursuant to 42 U.S.C. 654b, for the statewide collection and disbursement of support order payments. The State Disbursement Unit shall be administered and operated directly by a public or private entity or state officer as designated by the Legislature upon the recommendations of the Title IV-D Division. The entity or officer as designated shall be directly responsible to the Title IV-D Division. The Title IV-D Division shall adopt and promulgate rules and regulations necessary to implement this section.

Sec. 3. The Executive Board of the Legislative Council shall oversee a study to determine a method by which the State of Nebraska can comply with the federal requirements regarding the collection and disbursement of support order payments. The Executive Board shall select the person or group to conduct the study and shall determine the date upon which the study shall be completed. The study shall determine a method which complies with federal law most effectively and efficiently while retaining the high enforcement rates and superior customer service which characterize the present Nebraska support collection and disbursement system.

Sec. 4. (1) By enacting sections 1 to 4 of this act, the Legislature recognizes the importance of establishing a centralized disbursement unit at the state level in accordance with 42 U.S.C. 654b. Despite the good faith efforts spanning several years by the State of Nebraska to comply with 42 U.S.C. 654b it seems apparent that the State Disbursement Unit will not be operative prior to October 1, 1999.

(2) On and after October 1, 1999, and until the State Disbursement Unit established in section 2 of this act becomes operative, the Title IV-D Division shall reimburse counties for unrecovered costs associated with the processing and disbursement of support order payments based upon insufficient funds checks received from obligors.

(3) Support order payments shall be disbursed within two business days after receipt.

Sec. 5. Section 42-364.13, Reissue Revised Statutes of Nebraska, is amended to read:

42-364.13. (1) Any order for support entered by the court shall specifically provide that any person ordered to pay a judgment shall ~~be required to~~ furnish to the clerk of the district court his or her address, telephone number, and social security number, the name of his or her employer, whether or not such person has access to employer-related health insurance coverage and, if so, the health insurance policy information, and any other information the court deems relevant until such judgment is paid in full. The person shall also be required to advise the clerk of any changes in such information between the time of entry of the decree and the payment of the judgment in full. If both parents are parties to the action, such order shall provide that each be required to furnish to the clerk of the district court all of the information required by this subsection. ~~whether he or she has access to employer-related health insurance coverage and, if so, the health insurance policy information.~~ Failure to comply with this section shall be punishable by contempt.

(2) For purposes of the establishment, modification, or enforcement of a support order, all district courts shall utilize the Title IV-D Division's statewide automated data processing and information retrieval system. The Title IV-D Division may withhold IV-D funds to counties within the jurisdiction of a district court which are not in compliance with this subsection.

(3) All support orders entered by the court shall include the birthdate and social security number of any child for whom the order requires the provision of support.

(4)(a) If any case contains an order or judgment for child, medical, or spousal support, the order shall include the following statements:

In the event (respondent or petitioner) fails to pay any child, medical, or spousal support payment, as such failure is certified each month by the district court clerk in cases in which court-ordered support is delinquent in an amount equal to the support due and payable for a one-month period of time, he or she shall be subject to income withholding and may be required to appear in court on a date to be determined by the court and show cause why such payment was not made. In the event that the (respondent or petitioner) fails to pay and appear as ordered, a warrant shall be issued for his or her arrest.

~~(3)~~ (b) If the court orders income withholding regardless of whether or not payments are in arrears pursuant to section 43-1718.01 or 43-1718.02, the statement in subdivision (a) of this subsection ~~(2) of this section~~ may be altered to read as follows:

In the event (respondent or petitioner) fails to pay any child, medical, or spousal support payment, as such failure is certified each month by the district court clerk in cases in which court-ordered support is delinquent in an amount equal to the

support due and payable for a one-month period of time, he or she may be required to appear in court on a date to be determined by the court and show cause why such payment was not made. In the event that the (respondent or petitioner) fails to pay and appear as ordered, a warrant shall be issued for his or her arrest.

Sec. 6. Original section 42-364.13, Reissue Revised 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. On page 2, line 7, after the period insert "Until July 1, 2000, the amount allocated to each school district pursuant to this section shall be further allocated to each individual fund for which property taxes were levied for the school district in the same proportion that the levy of the fund bore to the total levy on 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

printed on recycled paper

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, Westminister 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 1:15 p.m.
Commission of Industrial Relations
Jeffrey L. Orr

(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. Insert the follow new sections:

"Section 1. Section 13-2040, Reissue Revised Statutes of Nebraska, is amended to read:

13-2040. The department shall review all licenses for solid waste management facilities which were issued under the Environmental Protection Act prior to July 15, 1992, and which expire after October 1, 1993, to determine whether the licensee is in compliance with the requirements of the Integrated Solid Waste Management Act and the rules and regulations adopted by the council.

The department may require such licensee to furnish written documentation evidencing compliance. If the department determines that the licensee is not in compliance with the Integrated Solid Waste Management Act and the rules and regulations adopted by the council, the department may issue an amended permit as necessary to bring the licensee into compliance with these provisions.

All licenses for solid waste management facilities issued under the Environmental Protection Act prior to July 15, 1992, shall expire at the stated date of expiration if such expiration date is before October 1, 1993, except that the department may extend such licenses to continue until October 1, 1993, if it finds that the facility remains in compliance with the Environmental Protection Act and the rules and regulations adopted thereunder by the council prior to July 15, 1992.

Permits for facilities issued pursuant to the Integrated Solid Waste Management Act shall expire five years following the date of issuance and may be renewed only if the department determines, upon application, that the permitholder is in compliance with all requirements of the act. Each such renewal shall expire five years following the date of such renewal.

If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 3. Notwithstanding the Integrated Solid Waste Management Act, the Environmental Protection Act or sections

13-1701 to 13-1714, no permit, license, or approval or renewal thereof shall be issued for any proposed solid waste disposal site, or expansion of existing site within the zoning jurisdiction of a city of the metropolitan class unless such use is expressly allowed by the zoning regulations.

Sec. 4. Notwithstanding the Integrated Solid Waste Management Act, the Environmental Protection Act, or sections 13-1701 through 13-1714, no permit, license, or approval or renewal thereof shall be issued for any proposed solid waste disposal site or expansion of an existing site within the zoning jurisdiction of a city of the metropolitan class unless siting approval has been first granted by the applicable governing board of such city pursuant to sections 13-1701 to 13-1714.".

2. On page 19, line 8, after "sections" insert "13-2040,".

3. Renumber the remaining sections and correct internal 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of this act:

(1) Business day means a day on which state offices are open for regular business;

(2) Department means the Department of Health and Human Services;

(3) Obligee means a person to whom a duty of support is owed pursuant to a support order;

(4) Obligor means a person who owes a duty of support pursuant to a support order;

(5) State Disbursement Unit means the office established in section 2 of this act;

(6) Support has the same meaning as found in section 43-3313;

(7) Support order has the same meaning as found in section 43-1717; and

(8) Title IV-D Division means the Title IV-D Division of the department.

Sec. 2. There is hereby created a State Disbursement Unit, pursuant to 42 U.S.C. 654b, for the statewide collection and disbursement of support order payments. The State Disbursement Unit shall be administered and operated directly by a public or private entity or state officer as designated by the Legislature upon the recommendations of the Title IV-D Division. The entity or officer as designated shall be directly responsible to the Title IV-D Division.

Sec. 3. The Executive Board of the Legislative Council shall oversee a study to determine a method by which the State of

Nebraska can comply with the federal requirements regarding the collection and disbursement of support order payments. The Executive Board shall select the person or group to conduct the study and shall determine the date upon which the study shall be completed. The study shall determine a method which complies with federal law most effectively and efficiently while retaining the high enforcement rates and superior customer service which characterize the present Nebraska support collection and disbursement system.

Sec. 4. (1) By enacting this act, the Legislature recognizes the importance of establishing a centralized disbursement unit at the state level in accordance with 42 U.S.C. 654b. Despite the good faith efforts spanning several years by the State of Nebraska to comply with 42 U.S.C. 654b it seems apparent that the State Disbursement Unit will not be operative prior to October 1, 1999.

(2) On and after October 1, 1999, and until the State Disbursement Unit established in section 2 of this act becomes operative, the Title IV-D Division shall reimburse counties for unrecovered costs associated with the processing and disbursement of support order payments based upon insufficient funds checks received from obligors.

(3) Support order payments shall be disbursed within two business days after receipt.

Sec. 5. For purposes of the establishment, modification, or enforcement of a support order, all district courts shall utilize the Title IV-D Division's statewide automated data processing and information retrieval system. The Title IV-D Division may withhold IV-D funds to counties within the jurisdiction of a district court which are not in compliance with this section.

Sec. 6. The Title IV-D Support Payment Cash Fund is created. The fund shall be used for the collection and disbursement of support payments as provided in this act.

Sec. 7. The Title IV-D Division shall adopt and 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of sections 1 to 7 of this act:

(1) Business day means a day on which state offices are open for regular business;

(2) Child support has the same meaning as found in section 43-1705;

(3) Department means the Department of Health and Human Services;

(4) Medical support has the same meaning as found in section 43-512;

(5) Obligee means a person to whom a duty of support is owed pursuant to a support order;

(6) Obligor means a person who owes a duty of support pursuant to a support order;

(7) Spousal support has the same meaning as found in section 43-1715;

(8) State Disbursement Unit means the unit established in section 2 of this act;

(9) Support has the same meaning as found in section 43-3313;

(10) Support order has the same meaning as found in section 43-1717; and

(11) Title IV-D Division means the Title IV-D Division of the department.

Sec. 2. There is hereby created a State Disbursement Unit, pursuant to 42 U.S.C. 654b, for the statewide collection and disbursement of support order payments. The State Disbursement Unit shall be administered and operated directly by a public or private entity or state officer as designated by the Title IV-D Division. The designation shall be subject to confirmation by a majority of the members of the Legislature. The entity or officer as designated shall be directly responsible to the Title IV-D Division.

Sec. 3. The Executive Board of the Legislative Council shall oversee a study to determine a method by which the State of Nebraska can comply with the federal requirements regarding the collection and disbursement of support order payments. The Executive Board shall select the person or group to conduct the study. The study shall determine a method which complies with federal law most effectively and efficiently while retaining the high enforcement rates and superior customer service which

characterize the present Nebraska support collection and disbursement system. The study shall not delay implementation of wage withholding procedures.

Sec. 4. Until the State Disbursement Unit established in section 2 of this act becomes operative, the Title IV-D Division shall reimburse counties for unrecovered costs associated with the processing and disbursement of support order payments based upon insufficient funds checks received from obligors. Support order payments shall be disbursed within two business days after receipt.

Sec. 5. For purposes of the establishment, modification, or enforcement of a support order, all district courts shall utilize the Title IV-D Division's statewide automated data processing and information retrieval system. The Title IV-D Division may withhold IV-D funds to counties within the jurisdiction of a district court which are not in compliance with this section.

Sec. 6. The Title IV-D Support Payment Cash Fund is created. The fund shall be used for the collection and disbursement of support payments as provided in sections 1 to 7 of this act.

Sec. 7. The Title IV-D Division shall adopt and promulgate rules and regulations to carry out sections 1 to 7 of this act.

Sec. 8. Original section 42-364.13, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 9. Since an emergency exists, this act takes effect 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. Strike section 14.

2. On page 1, line 4, strike "48-159,"; and in line 7 strike "compensation,".

3. On page 49, line 25, strike "19, 20, and 22" and insert "18, 19, and 21".

4. On page 50, line 4, strike "48-159,".

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 descendents 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 that 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

Excused and not voting, 5:

Janssen	Jensen	Peterson, C.	Preister	Robak

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

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

printed on recycled paper

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. On page 13, line 3, after "a" insert "firm".

2. On page 17, strike beginning with "been" in line 11 through "department" in line 16, show as stricken, and insert "passed an examination approved or administered by the department with at least the minimum score prescribed by the department, and (c) for the classes of worker and supervisor, been examined by a physician within the preceding year and declared by the physician 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. Strike sections 6 and 7.
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. Insert the following new section:
"Sec. 3. Section 43-1305, Reissue Revised Statutes of Nebraska, is amended to read:
43-1305. ~~Of the local board members initially appointed,~~

~~two shall be appointed for a term of one year, two shall be appointed for a term of two years, and one shall be appointed for a term of three years.~~ All ~~subsequent~~ local board members shall be appointed for ~~a term~~ terms of three years. If a vacancy occurs on a local board, the state board shall appoint another person to serve the unexpired portion of the term. Appointments to fill vacancies on the local board shall be made in the same manner and subject to the same conditions as the initial appointments to such board. The term of each member shall expire on the second Monday in July of the appropriate year. Members shall continue to serve until a successor is appointed.".

2. On page 5, line 22, after the second comma insert "43-1305,".

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	Engel	Preister	Robak	Vrtiska
Bohlke	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.

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. Insert the following new section:

"Sec. 2. Section 32-607, Reissue Revised Statutes of Nebraska, is amended to read:

32-607. All candidate filing forms shall contain the following statement: I hereby swear that I will abide by the laws of the State of Nebraska regarding the results of the primary and general elections, that I am a registered voter and qualified to be elected, and that I will serve if elected. Candidate filing forms shall be filed with the following filing officers:

(1) For candidates for national, state, or congressional office, directors of public power and irrigation districts, directors of reclamation districts, directors of natural resources districts, members at large of the boards of educational service units, members of governing boards of community colleges, delegates to national conventions, and other offices filled by election held in more than one county and judges desiring retention, in the office of the Secretary of State; ~~: Candidate filing forms for~~

~~such officers shall be accompanied by a certificate of registration obtained by the candidate under section 32-316;~~

(2) For officers elected within a county, in the office of the election commissioner or county clerk. If the candidate is not a resident of the county, he or she shall submit a certificate of registration obtained under section 32-316 with the candidate filing form;

(3) For representatives from the county in which they reside on the boards of educational service units, in the office of the election commissioner or county clerk;

(4) For officers in school districts which include land in adjoining counties, in the office of the election commissioner or county clerk of the county in which the greatest number of registered voters entitled to vote for the officers reside. If the candidate is not a resident of the county, he or she shall submit a certificate of registration obtained under section 32-316 with the candidate filing form; and

(5) For city or village officers, in the office of the city or village clerk, except that in the case of joint elections, the filing may be either in the office of the election commissioner or county clerk or in the office of the city or village clerk with deputized personnel. When the city or village clerk is deputized to take filings, he or she shall return all filings to the office of the election commissioner or county clerk by the end of the next business day following the filing deadline.".

2. On page 17, line 11, after "19-3051," insert "32-607,"; in line 14 after the quotation mark insert "32-607,"; and in line 18 after the first comma insert "certificates of registration,".

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

printed on recycled paper

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 ~~(c)~~ (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

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) The Agricultural Structure Assessment Task Force is created. The Governor shall appoint fifteen members to the task force, including:

(a) The Director of Agriculture, or his or her designee;

(b) The Director of Economic Development, or his or her designee;

(c) Two members of the Legislature, one of whom shall be the chairperson of the Agriculture Committee;

(d) A representative of agribusiness;

(e) An agricultural economist;

(f) An agriculture credit lender; and

(g) Individuals representing various sizes, types, and management forms existing in agricultural production operations in the state.

Members of the task force shall elect a chairperson and a vice-chairperson. Eight members constitute a quorum, and a majority vote of the entire membership is required for the recommendations of the task force to be valid and official. The task force shall meet at least six times prior to December 15, 1999.

Members of the task force shall serve without compensation but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(2) The task force shall study the overall structure of agriculture, including the types and management forms of agricultural operations in the state; past, present, and future trends of ownership of land, equipment, and capital in production agriculture; and agricultural product market dynamics. The objective of the task force is to recommend state and federal legislation which will help to achieve a balance among various types of agricultural entities which serves the best interests of all the people of the state and nation. Issues that the task force shall address shall include, but are not limited to:

(a) The effect of the current state and federal tax structure and policies;

(b) Maintaining nonrestrictive entry into production agriculture;

(c) Maintaining open, competitive markets;

(d) The role of independent producers in relation to large food conglomerates which control processing and marketing of food products;

(e) How to safeguard national self-reliance and independence with regard to the agricultural production system; and

(f) The validity of protecting national security interests regarding food security.

A report of the findings and recommendations of the task force shall be given to the Governor and the Clerk of the Legislature before December 15, 1999. A copy of the report shall be provided to a member of the Legislature upon request.

(3) For administrative and budgetary purposes only, the task force shall be housed within the Department of Agriculture.

(4) The task force shall terminate on January 1, 2000.

Sec. 2. Since an emergency exists, this act takes effect 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. On page 6, line 14, after "parcel" insert ", except that the amount of taxes levied by a community college area shall not be reflected until tax year 2002".

Mmes. Stuhr and Thompson filed the following amendment to LB 147:
AM1787
1. On page 6, strike beginning with "ninety-five" in line 1 through "dollar" in line 2 and insert "all funds"; and 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. On page 6, line 10, after the period insert "The commission may charge a fee of no more than ten dollars for a 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, Mses. 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. In the Jensen et al. amendment, AM0851, on page 1, line 3, strike "5" and insert "7".

2. In the Standing Committee amendments, AM0673:

a. Insert the following sections:

"Sec. 2. Section 33-151, Reissue Revised Statutes of Nebraska, is amended to read:

33-151. All money now in the state treasury to the credit of the ~~special boards, bureaus, divisions, and commissions enumerated in section 33-150~~ state boards of medicine and surgery, chiropractic, respiratory care, dentistry, including fees from dental hygiene, medical nutrition therapy, athletic training, massage therapy, optometry, pharmacy, funeral directing and embalming, including fees received from funeral establishments and branch establishments, as defined in section 71-1301, as well as funeral directors and embalmers, podiatry, veterinary medicine, and mental health practice, the Board of Occupational Therapy Practice, the Board of Cosmetology Examiners, the Board of Barber Examiners, the Board of Nursing, the State Real Estate Commission, the Board of Engineers and Architects, the State Athletic Commissioner, the Nebraska Oil and Gas Conservation Commission pursuant to sections 57-906 and 57-911, and any other state board, bureau, division, fund, or commission not mentioned in this section, and all money collected by each of the special boards, bureaus, divisions, or commissions during any biennium, ~~except the percentage credited from each and deposited in the General Fund as provided in such section,~~ if and when specifically appropriated by the Legislature for that purpose, are made immediately available for the use and benefit of such special board, bureau, division, or commission. This section shall not be construed to apply to the fees inuring to the Nebraska Brand Inspection and Theft Prevention Fund.

Sec. 3. Section 33-152, Reissue Revised Statutes of Nebraska, is amended to read:

33-152. The Director of Administrative Services is authorized and empowered to draw his or her warrants against the

several fee fund accounts of each of the special boards, bureaus, commissions, or divisions enumerated in section ~~33-150~~ 33-151, upon duly itemized and verified vouchers approved by the person or persons having supervision or charge of ~~said~~ the respective funds, and who are authorized by law to approve such vouchers. Upon presentation of ~~said~~ the warrants the State Treasurer shall countersign the same and shall pay ~~said~~ the warrants out of, but never in excess of, the amount of ~~said~~ the fee funds specifically appropriated.

Sec. 134. Section 71-1,237, Revised Statutes Supplement, 1998, is amended to read:

71-1,237. The Respiratory Care Practitioners Fund is hereby created. All money in the fund shall be used exclusively by the department to carry out its statutory and regulatory duties pertaining to the practice of respiratory care. The State Treasurer shall credit to the fund all license and renewal fees for the practice of respiratory care remitted to the State Treasurer by the department pursuant to section 71-162 except such amount distributed pursuant to ~~sections 33-150 and~~ section 71-6228. 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. 136. Section 71-1,243, Revised Statutes Supplement, 1998, is amended to read:

71-1,243. The Athletic Trainer Fund is hereby created. All money in the fund shall be used exclusively by the department to carry out the statutory and regulatory duties pertaining to the practice of athletic training. The State Treasurer shall credit to the fund all certification and renewal fees for the practice of athletic training remitted to the State Treasurer by the department pursuant to section 71-162 except such amounts distributed pursuant to ~~sections 33-150 and~~ section 71-6228. 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. 140. Section 71-1,283, Revised Statutes Supplement, 1998, is amended to read:

71-1,283. The Massage Therapy Fund is hereby created. All money in the fund shall be used exclusively by the department to carry out the statutory and regulatory duties pertaining to the practice of massage therapy. The State Treasurer shall credit to the fund all certification and renewal fees for the practice of massage therapy remitted to the State Treasurer by the department pursuant to section 71-162 except such amounts distributed pursuant to ~~sections 33-150 and~~ section 71-6228. 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. 142. Section 71-1,288, Revised Statutes Supplement,

1998, is amended to read:

71-1,288. The Medical Nutrition Therapy Fund is created. All money in the fund shall be used exclusively by the department to carry out the statutory and regulatory duties pertaining to the practice of medical nutrition therapy. The State Treasurer shall credit to the fund all licensure and renewal fees for the practice of medical nutrition therapy remitted to the State Treasurer by the department pursuant to section 71-162 except such amounts distributed pursuant to ~~sections 33-150 and~~ section 71-6228. 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. 144. Section 71-1,334, Revised Statutes Supplement, 1998, is amended to read:

71-1,334. The Mental Health Practice Fund is hereby created. The money in the fund shall be used by the department to carry out the statutory and regulatory duties pertaining to mental health practice.

The State Treasurer shall credit to the fund all licensure and renewal fees for mental health practice and certification and renewal fees for social work, professional counseling, and marriage and family therapy remitted by the department pursuant to section 71-162 except the amounts distributed pursuant to ~~sections 33-150 and~~ section 71-6228.

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.";

b. On page 6, lines 11 and 12, strike "Department of Health and Human Services Regulation and Licensure" and insert "department";

c. On page 7, line 18, strike "In" and insert "On";

d. On page 18, lines 10 and 11, strike beginning with "(4)" through "(6)", show the old matter as stricken, and insert "(3) and (5)";

e. On page 41, lines 8 and 9, strike "of examiners" and show as stricken;

f. On page 57, line 9, strike "interested", show as stricken, and insert "appropriate"; and in line 24 strike "examining" and show as stricken;

g. On page 186, line 17, strike "(1)", show as stricken, and insert "(a)"; and in line 18 strike "(2)", show as stricken, and insert "(b)" and strike "(3)", show as stricken, and insert "(c)";

h. On page 137, line 11, insert "Reissue" after the last comma; and in line 12 strike "Supplement, 1998" and insert "of Nebraska";

i. On page 192, line 4, after "sections" insert "33-151, 33-152,"; and in line 18 after "71-1,147.02," insert

"71-1,147.10,";

j. On page 193, line 4, strike "71-1,147.10," and after "71-1,154," insert "71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334,"; and

k. Renumber the remaining sections accordingly.

3. On page 1, strike beginning with line 2 through the semicolon in line 6 and insert "33-151, 33-152, 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, 71-1,206.02, 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, and 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 strike lines 14 and 15 and insert "to repeal the original sections; and to outright repeal sections 33-150, 71-1741, and 71-1742, Reissue Revised Statutes of 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. On page 9, line 18, strike "a majority" and insert "greater than fifty-one percent"; and in line 20 after "issuance" 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. Strike section 2 and insert the following new sections:

"Sec. 2. (1) The Legislature finds that it will be beneficial to the economic well-being of the people of this state that there be convention and meeting center facilities of appropriate size and quality to host regional, national, or international events. Regional refers to states that border Nebraska; national refers to states other than those that border Nebraska; and international refers to nations other than the United States.

(2) The Legislature further finds that such facilities may (a) generate new economic activity as well as additional state and local taxes from persons residing within and outside the state and (b) create new economic opportunities for residents.

(3) In order that the state may receive any long-term economic and fiscal benefits from such facilities, a need exists to provide some state financial assistance to political subdivisions endeavoring to construct, acquire, substantially reconstruct, expand, operate, improve, or equip such facilities.

(4) Therefor, it is deemed to be in the best interest of both the state and its political subdivisions that the state assist political subdivisions in financing the construction, acquisition, substantial reconstruction, expansion, operation, improvement, or equipping of such facilities.

(5) The amount of state financial assistance shall be limited to a designated portion of new tax revenue attributed to such facilities and defined events hosted at such facilities.

Sec. 23. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 17, after "Education" insert ". For administrative and budget purposes only, the board shall be considered part of the Department of Revenue".

3. On page 3, strike beginning with the first "or" in line 2 through the first comma in line 3 and insert ", constructed, improved, or equipped"; strike beginning with "by" in line 8 through "event" in line 9; and in line 24 after "subdivisions" insert "which has statutory authority to issue general obligation bonds".

4. On page 4, line 7, strike "or operated" and insert "improved, or equipped"; in line 8 strike "and operate" and insert "improve, or equip"; and in line 23 strike "finances" and insert "financing".

5. On page 6, line 22, strike "majority vote" and insert "the affirmative vote of a majority of the board".

6. On page 7, line 1, after "spending" insert "and construction or employment at the eligible facility"; in line 2

strike "a lower economic multiplier" and insert "lower investment multipliers"; in line 6 after "shall" insert "annually"; in line 9 strike "an out-of-state address" and insert "a location outside Nebraska"; in line 14 after "construction" insert ", improvement, or equipping"; and strike beginning with "out-of-state" in line 15 through line 17 and insert "participants attending a new regional, national, or international event for which at least one-half of the participants were registered from a location outside Nebraska; and".

7. On page 8, line 12, after "or" insert "when"; and in line 23 after "facilities" insert "and appurtenant public facilities that are a part of the same project".

8. On page 10, line 19, strike "center" and insert "facility or area".

9. On page 11, strike beginning with the comma in line 10 through "fund" in line 11.

10. On page 12, line 9, after "applicant's" insert "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. Strike section 2 and insert the following new sections:

"Sec. 2. (1) The Legislature finds that it will be beneficial to the economic well-being of the people of this state that there be convention and meeting center facilities of appropriate size and quality to host regional, national, or international events. Regional refers to states that border Nebraska; national refers to states other than those that border Nebraska; and international refers to nations other than the United States.

(2) The Legislature further finds that such facilities may (a) generate new economic activity as well as additional state and local taxes from persons residing within and outside the state and (b) create new economic opportunities for residents.

(3) In order that the state may receive any long-term economic and fiscal benefits from such facilities, a need exists to provide some state financial assistance to political subdivisions endeavoring to construct, acquire, substantially reconstruct, expand, operate, improve, or equip such facilities.

(4) Therefor, it is deemed to be in the best interest of both the state and its political subdivisions that the state assist

political subdivisions in financing the construction, acquisition, substantial reconstruction, expansion, operation, improvement, or equipping of such facilities.

(5) The amount of state financial assistance shall be limited to a designated portion of new tax revenue attributed to such facilities and defined events hosted at such facilities.

Sec. 23. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 17, after "Education" insert ". For administrative and budget purposes only, the board shall be considered part of the Department of Revenue".

3. On page 3, strike beginning with the first "or" in line 2 through the first comma in line 3 and insert ", constructed, improved, or equipped"; strike beginning with "by" in line 8 through "event" in line 9; and in line 24 after "subdivisions" insert "which has statutory authority to issue general obligation bonds".

4. On page 4, line 7, strike "or operated" and insert "improved, or equipped"; in line 8 strike "and operate" and insert "improve, or equip"; and in line 23 strike "finances" and insert "financing".

6. On page 7, line 1, after "spending" insert "and construction or employment at the eligible facility"; in line 2 strike "a lower economic multiplier" and insert "lower investment multipliers"; in line 6 after "shall" insert "annually"; in line 9 strike "an out-of-state address" and insert "a location outside Nebraska"; in line 14 after "construction" insert ", improvement, or equipping"; and strike beginning with "out-of-state" in line 15 through line 17 and insert "participants attending a new regional, national, or international event for which at least one-half of the participants were registered from a location outside Nebraska; and".

7. On page 8, line 12, after "or" insert "when"; and in line 23 after "facilities" insert "and appurtenant public facilities that are a part of the same project".

8. On page 10, line 19, strike "center" and insert "facility or area".

9. On page 11, strike beginning with the comma in line 10 through "fund" in line 11.

10. On page 12, line 9, after "applicant's" insert "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
5. On page 6, line 22, strike "majority vote" and insert "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. 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

Present and not voting, 5:

Brown	Dickey	Schimek	Schmitt	Vrtiska

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. Insert the following new sections:

"Sec. 6. Section 83-183, Reissue Revised Statutes of Nebraska, is amended to read:

83-183. (1) To establish good habits of work and responsibility, to foster vocational training, and to reduce the cost of operating the facilities, persons committed to the department shall be employed, eight hours per day, so far as possible in constructive and diversified activities in the production of goods, services, and foodstuffs to maintain the facilities, for state use, and for other purposes authorized by law. To accomplish these purposes, the director may establish and maintain industries and farms in appropriate facilities and may enter into arrangements with any other department or agency of the state, any political subdivision, or any nonprofit corporation for the employment of persons committed to the department for state or governmental purposes.

(2) The director shall make rules and regulations governing the hours, conditions of labor, and the rates of compensation of persons committed to the department. In determining the rates of compensation, such regulations may take into consideration the quantity and quality of the work performed by such person, whether or not such work was performed during regular working hours, the skill required for its performance, and the economic value of similar work outside of correctional facilities.

(3) Except as provided in section 83-183.01, wage payments to a person committed to the department shall be set aside by the chief executive officer of the facility in a separate fund. The fund shall enable such person committed to the department to contribute to the support of his or her dependents, if any, to make necessary purchases from the commissary, and to set aside sums to be paid to him or her at the time of his or her release from the facility.

(4) The director may authorize the chief executive officer to invest the earnings of a person committed to the department. Any accrued interest thereon shall be credited to such person's fund.

(5) The director may authorize the chief executive officer to reimburse the state from the wage fund of a person committed to the department for:

(a) The actual value of property belonging to the state or any other person intentionally or recklessly destroyed by such person committed to the department during his or her commitment;

(b) The actual value of the damage or loss incurred as a result of unauthorized use of property belonging to the state or any other person by such person committed to the department;

(c) The actual cost to the state for injuries or other damages caused by intentional acts of such person committed to the department; and

(d) The reasonable costs incurred in returning such person committed to the department to the facility to which he or she is committed in the event of his or her escape.

(6) No person committed to the department shall be required to engage in excessive labor, and no such person shall be required to perform any work for which he or she is declared unfit by a physician designated by the director.

(7) The director may authorize that a portion of the earnings of a person committed to the department be retained by that person for personal use.

Sec. 7. Original section 83-183, Reissue Revised Statutes of Nebraska, is repealed.".

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. Insert the following new sections:

"Sec. 6. Section 44-4233, Reissue Revised Statutes of Nebraska, is amended to read:

44-4233. (1) Any member subject to premium and related retaliatory tax liability imposed by section 44-150 or 77-908 may offset assessments paid to the pool by such member against its tax liability in the year of payment or subsequent years. For tax years commencing on or after January 1, 1992, the member may offset such paid assessments against (a) subsequent premium tax prepayments imposed by section 77-918, (b) subsequent premium tax payments imposed by section 77-908, and (c) related retaliatory tax liability imposed by section 44-150. Prior to January 1, ~~2000~~ 2002, no individual member shall be subject to any liability of the pool in excess of its premium and related retaliatory tax liability

which may be offset under this section.

(2) Commencing with assessments imposed or paid in 1991 and for all subsequent years prior to January 1, ~~2000~~ 2002, whenever it reasonably appears to the satisfaction of the board that a member has during a calendar year paid assessments that exceed that member's premium and related retaliatory tax liability for that calendar year, the board shall, upon request from such member, order the refund to that member of the amount of the assessment that exceeded that member's premium and related retaliatory tax liability. A member's request for a refund shall be filed with the board not later than thirty days after the due date of the member's premium tax return filed with the department. If the refund is not made by the board within thirty days after receipt of the refund request, the member may within thirty days thereafter initiate a suit in district court for the amount claimed. The suit shall be heard by the district court de novo. In the event that an assessment against a member is limited by reason of that member's premium and related retaliatory tax liability, the amount by which the assessment is limited may be assessed against the other members in a manner consistent with the basis for assessments specified in subsection (3) of section 44-4225.

Sec. 8. Original section 44-4233, Reissue Revised Statutes of Nebraska, is repealed.".

2. Underscore sections 1 to 5 of this act.

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. On page 4, strike beginning with "Compliant" in line 12 through "(4)" in line 21; in line 26 strike "(5)" and insert "(4)"; and in line 27 strike "(6)" and insert "(5)".

2. On page 5, line 2, strike "(7)" and insert "(6)"; in line 6 strike "(8)" and insert "(7)"; in line 9 strike "(9)" and insert "(8)"; in line 16 strike "(10)" and insert "(9)"; and in line 25 strike "(11)" and insert "(10)".

3. On page 6, line 5, strike "(12)" and insert "(11)"; in line 8 strike "(13)" and insert "(12)"; in line 10 strike "(14)" and insert "(13)"; and in line 13 strike "(15)" and insert "(14)".

4. On page 7, strike beginning with "Permitting" in line 20 through "(a)" in line 22; in line 25 strike "(i)" and insert "(a)"; and in line 26 strike "(ii)" and insert "(b)".

5. On page 8, line 1, strike "(iii)" and insert "(c)"; strike lines 3 through 5 and insert

"(d) Has adequate capacity; and

(e) Has adequate area for disposal of waste.

(3) An existing livestock waste control facility"; and strike lines 14 through 25 and insert

"(4) The department shall not issue a permit for an existing livestock waste control facility which is located within one hundred feet of a water well if the water well is under separate ownership and water from the well is used primarily for human consumption.".

6. On page 11, strike beginning with "A" in line 2 through the period in line 5, show the old matter as stricken, and insert "A permit issued under section 54-2404 shall be valid as long as the livestock operation continues to operate. Any livestock waste control facility meeting the requirements of subsection (1), (2), or (3) of section 54-2403 may continue to operate as long as such requirements are met."; and in lines 17 through 19 strike the new matter and insert "person holding a permit for a livestock waste control facility issued under section 54-2404 or any person owning a livestock waste control facility meeting the requirements of subsection (2) or (3) of section 54-2403".

Mr. Beutler offered the following amendment to the Schrock amendment:
FA234

(Amendments to AM1816)

1. On page 1, line 16, strike "and"; and in line 17 after "waste" insert "; and

(f) Was constructed in a manner and with materials reasonably likely to prevent a discharge into the waters of the 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. On page 5, strike beginning with "A" in line 13 through "(2)" in line 18; and in line 24 strike "(3)" and insert "(2)".

Mr. Connealy filed the following amendment to LB 176:
AM1750

(Amendments to E & R amendments, AM7144)

1. Insert the following new sections:

"Sec. 28. Section 81-15,161.01, Revised Statutes Supplement, 1998, is amended to read:

81-15,161.01. (1) The Scrap Tire Reduction and Recycling Incentive Fund is created. The fund shall be administered by the department. The fund shall consist of the proceeds from the fees imposed pursuant to section 81-15,162.01 and, before July 1, ~~1999~~ 2002, proceeds from the fees imposed pursuant to section 81-15,162. The department may receive gifts, bequests, and any other contributions for credit to the fund. 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) Money in the fund may be used for the development of a statewide program to facilitate the elimination of health and safety hazards caused by scrap tires and collection sites, including, but not limited to: Collection site abatement; the collection, management, and cleanup of scrap tires; regulation of permitted tire processors, tire collectors, collection sites, and tire haulers; research and studies to determine the technical and economic feasibility of uses of tire-derived products and to promote the production of such products; market development of tire-derived products, including planning and technical assistance; public education on scrap tire management; and grants to achieve

these goals. It is not the intent of the Legislature that the state bear the responsibility to achieve these goals, but it is the intent of the Legislature that the state provide assistance, financial and otherwise, to political subdivisions and other entities, public, private, and nonprofit, to enable them to achieve these goals.

Sec. 30. Section 81-15,162.02, Revised Statutes Supplement, 1998, is amended to read:

81-15,162.02. (1) The department shall deduct and withhold from the Scrap Tire Reduction and Recycling Incentive Fund an amount sufficient to reimburse itself for its costs of administration of the fund.

(2) The department may disburse (a) to any person up to one hundred percent of costs incurred in cleaning up collection sites existing on June 11, 1997, if such cleanup is complete no later than June 1, ~~1999~~ 2000, or (b) to a political subdivision up to one hundred percent of costs incurred in cleaning up collection sites existing on June 11, 1997, or created on or after such date if such cleanup is complete no later than June 1, ~~1999~~ 2000.

(3) Other eligible categories of disbursement which may be made from the fund to any person who applies to the department under subsection (4) of this section are:

(a) Studies to determine economic and technical feasibility of uses of scrap tire or tire-derived scrap tire product, with disbursements of up to one hundred percent of the cost of the study, depending on factors set out in subsection (4) of this section;

(b) Reimbursement for the purchase of tire-derived products which utilize a minimum of twenty-five percent recycled tire content, with disbursements not exceeding twenty-five percent of the product's retail cost;

(c) Participation in the capital costs of buildings, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived products, with disbursements not exceeding fifty percent of the costs or five hundred thousand dollars, whichever is less;

(d) Participation in the capital costs of equipment, buildings, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not exceeding fifty percent of such costs;

(e) Cost-sharing for the manufacturing of tire-derived products, with disbursements not exceeding twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(f) Cost-sharing for the processing of scrap tires, with disbursements not exceeding twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(g) Cost-sharing for the use of scrap tires for civil

engineering applications for specified projects, with disbursements not exceeding twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually.

(4) The department shall develop an application form to be used by applicants for disbursement for cleanup costs as described in subsection (2) of this section or for disbursement of funds under subsection (3) of this section. The department shall prepare and distribute a schedule of eligible activities, conditions of funding, and application procedures, including any matching requirements, for disbursements made under this section. Decisions by the director on recipients of funding shall be made in a manner which furthers the purposes of recycling and reducing the number of scrap tires in Nebraska. In order to further the purposes of section 81-15,159.01, the director shall give preference to projects which utilize scrap tires generated in Nebraska.

(5) The director may deny any application which he or she determines (a) is not in conformance with this section, (b) does not reflect reasonable costs for the type of project proposed, (c) contains inaccurate, incomplete, or misleading information in the application, or (d) would require the expenditure of funds beyond the fund's unobligated balance or any other reason which the director determines is necessary to properly administer this section.

No disbursements may be made under this section for scrap tire processing related to tire-derived fuel. The director may provide partial funding to any applicant for any of the reasons set out in this subsection.

(6) All disbursements made under this section shall be formalized by a written agreement between the department and all recipients of the disbursement. The agreement may include, but need not be limited to, the following conditions designed to protect the fund and ensure completion of the project: (a) Mechanics of funding disbursement; (b) any bidding requirements; (c) completion timelines for any deliverables; (d) record-keeping and reporting requirements; (e) security interest and insurance requirements on equipment; (f) forfeiture and repayment of funds; and (g) other conditions necessary or desirable to carry out this section.".

2. On page 18, lines 23 and 27, strike "June 30, 1999", show as stricken, and insert "December 1, 2001".

3. On page 19, lines 11 and 12 and 20, strike "section 81-15,160" and insert "sections 81-15,160, 81-15,161.01, and 81-15,162.02"; and in line 23 after "Act" insert "and the Scrap 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. On page 17, line 8, after the period insert "Once the department has determined an application for a class III or class IV livestock waste control facility is complete, the department shall issue a notice soliciting information on the application and providing an opportunity for any interested person, within two weeks after the publication of the notice, to request a hearing under subsection (5) of this section. The notice shall be published in a daily or weekly newspaper or other publication with general circulation in the area of the proposed livestock waste control facility and a copy provided to the applicant."; and strike lines 9 through 27 and show the old matter as stricken.

2. On page 18, lines 1 and 2, strike the new matter and insert:

"(5) If a hearing is requested under subsection (4) of this section, the department shall hold a hearing in the area of the proposed livestock waste control facility, not sooner than thirty days after publication of the initial publication of notice. The department shall provide a minimum of fourteen additional days after a public hearing for submission of written comments to the department. Notice of the hearing shall be published in a daily or weekly newspaper with general circulation in the area of the proposed livestock waste control facility. Receipt of a request for a hearing under subsection (4) of this section shall toll the time period established in such subsection. Upon completion of the public hearing, the department shall have sixty days within which to transmit its written findings, conclusions, and reasons for approval or disapproval to the applicant and any interested person who has requested receipt of the final decision of the department. An appeal may be taken from any final decision of the director, and the appeal shall be in accordance with the Administrative Procedure Act".

Mrs. Bohlke filed the following amendment to LB 870:
AM1849

(Amendments to E & R amendments, AM7143)

1. On page 17, line 18, after the period insert "Upon request of a resident of a county where a class III or class IV livestock waste control facility proposes to be located, the department shall hold a public hearing on the permit application, after proper notice, if such county has not adopted either zoning or interim zoning. The hearing must be held prior to a construction permit for such facility being issued by the department.".

Mr. Wickersham and Ms. Schimek filed the following amendment to LB 881:
AM1850

(Amendments to Standing Committee amendments, AM1744)

1. Insert the following new section:

"Sec. 7. Section 77-1701, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999, is amended to read:

77-1701. (1) The county treasurer shall be ex officio county collector of all taxes levied within the county. The county board shall direct that a statement of the amount of taxes due and a notice that special assessments are due be mailed or otherwise delivered to the last-known address of the person, firm, association, or corporation against whom such taxes or special assessments are assessed or to the lending institution or other party responsible for paying such taxes or special assessments. Such statement shall clearly indicate, for each political subdivision, the levy rate and the amount of taxes due as the result of principal or interest payments on bonds issued by the political subdivision and shall show such rate and amount separate from any other levy. When taxes are delinquent for a prior year, the county treasurer shall indicate this information on the current year tax statement in bold letters. The information provided shall inform the taxpayer that delinquent taxes and interest are due for the prior year or years and shall indicate the specific year or years for which such taxes and interest remain unpaid. The language shall read "Back Taxes and Interest Due For", followed by numbers to indicate each year for which back taxes and interest are due. ~~When taxes are delinquent for a prior year, the county treasurer shall indicate this information on such tax statement in a clearly defined space or in a separate notice. The separate notice shall be on a colored piece of paper and may be enclosed with the tax statement. The separate notice or information on such tax statement shall read: "ATTENTION: Taxes for a prior year are delinquent. Interest is accruing. Please contact the county treasurer's office immediately."~~ Failure to receive such statement or notice shall not relieve the taxpayer from any liability to pay such taxes or special assessments and any interest 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.".

2. On page 5, line 22, strike "9" and insert "10".

3. On page 9, line 9, strike "and"; and in line 10 after the last comma insert "and section 77-1701, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999,".

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

printed on recycled paper

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

Excused and not voting, 5:

Brashear	Hilgert	Jensen	Landis	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 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

Excused and not voting, 2:

Brashear	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 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. In the Standing Committee amendments, AM1724:

a. Renumber sections 6, 7, and 8 as sections 7, 8, and 6, respectively;

b. On page 2, line 5; and page 18, line 12, after "the" insert "Residential";

c. On page 8, line 5, strike "act" and insert "Residential Lead-Based Paint Professions Certification Act";

d. On page 9, line 2, after "stoops" insert an underscored comma;

e. On page 14, lines 25 and 26; and page 19, line 5, strike "business entity", show as stricken, and insert "firm";

f. On page 20, line 15, strike "and (3)", show as stricken, and insert "(3), and (4)"; and

g. On page 21, line 18, strike the last comma and show as stricken.

2. On page 1, line 3, after the fifth comma insert "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. In the Standing Committee amendments, AM1566, on page 1, line 7, strike "Parole Board" and insert "Board of Parole".

2. On page 1, strike beginning with "correctional" in line 1 through line 10 and insert "criminal justice systems; to provide for a substance abuse treatment task force; to provide 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	48,086	37,486
			Total	6,261,538	8,638,049

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:

"Sec. 9. Effective May 1, 2000, a person under sixteen years of age shall not operate a motorboat on the waters of this state. Effective May 1, 2000, a person who is sixteen years of age may operate a motorboat on the waters of this state if such person has successfully completed a boating safety course approved by the commission and has been issued a valid boating safety certificate.

Sec. 10. Effective May 1, 2000, the owner of a boat livery, or his or her agent or employee, shall not lease, hire, or

rent a motorboat to, or for operation by, any person under sixteen years of age. Effective May 1, 2000, the owner of a boat livery, or his or her agent or employee, may lease, hire, or rent a motorboat to any person who is sixteen years of age if the person presents his or her certificate issued under section 9 of this act.".

Mr. Hartnett filed the following amendment to LB 105:
AM1819

(Amendments to E & R amendments, AM7149)

1. On page 79, line 17, strike "housing" through "purposes" and insert "development for housing or commercial purposes, or any combination of such purposes"; and in line 23 strike the last "of".

Mr. Hartnett filed the following amendment to LB 105:
AM1820

(Amendments to E & R amendments, AM7149)

1. On page 78, line 18, strike "a reasonable time" and insert "three months"; and in line 20 strike "generally"; in lines 21 and 22 strike "fairly depicting" and insert "which depict".

2. On page 79, line 15, after the period insert "The audits shall be in conformity with generally accepted auditing standards and government auditing standards. 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.".

Mr. Tyson filed the following amendment to LB 105:
AM1846

(Amendments to E & R amendments, AM7149)

1. On page 2, line 24, strike "acting" through "and" and insert "and local housing agencies acting"; and in line 25 after "enterprises" insert "and failing that, then local housing agencies may act alone".

2. On page 4, line 25, before the first "to" insert "to the private sector of the economy,"; and after the first "agencies" insert an underscored comma; and in line 27 after the first "to" insert "jointly or separately".

3. On page 5, line 9, after "agencies" insert "and private entities".

4. On page 8, line 5, after "section" insert "when local housing agencies have identified through their planning process that the private sector has not fulfilled the housing demand for low and moderate income sectors of the market".

5. On page 39, line 4, after "designees" insert "if the witness or holder of records has consented in writing or as part of a contract agreement with the local housing agency to allow the same".

6. On page 80, line 1, after the period insert "Such

plan shall describe each new mixed-income or mixed-use development by unique name and by the number of units to be created, unit size, and units to be specifically designed for the elderly or handicapped, proposed sources of funds, and those developments which are to have mixed incomes and those which are to have mixed uses. Also, if any supportive services and programs are to provided to persons of eligible income and qualified tenants, such services and programs are to be identified with each associated project. Each mixed-income and mixed-use development shall include a market study of the residential housing of the appropriate area of operation in sufficient detail to justify any such new development or as required by the Nebraska Investment Finance Authority or the Department of Economic Development in providing assistance to such project.".

7. On page 81, line 5, after the period insert "A housing agency shall have no right to restitution for any actions taken by the agency in furtherance of a new development or project without having first complied with sections 72 and 88 of this act.".

8. On page 91, line 12, strike "new housing developments" and insert "specific new mixed-income housing developments or mixed-use developments"; in line 13 strike the first comma through "may" and insert "shall"; and in line 20 after the period insert "In the event that no person or entity from private enterprise responds to the request for proposals or has not commenced performance of such new development within twelve months after such notice, the local housing agency may proceed to implement the project alone or through one of its controlled affiliates. In the event that a person or entity from private enterprise responds to the request for proposals or elects to perform such new development or project, the local housing agency shall provide supportive services and programs for persons of eligible income who are tenants of the new development or project at the same cost as it would have provided had it undertaken the project. In addition, the housing agency shall facilitate the same financial benefits, in so far as allowed by law, for the private developer or public-private partnership, as it would if it were undertaking such development or project, except that the housing agency shall be entitled to equivalent compensation for such financial benefits.".

9. On page 98, after line 22, insert the following new subsection:

"(3) In connection with the limitations to the commencement of a new mixed-income housing project or mixed-use developments pursuant to sections 72 and 88 of this act or to promote cooperation as required by section 88 of this act, a private person or entity may bring an action to enforce such sections in the courts of this state and if it is found that the requirements of such sections have not been met, such private

person or entity may be entitled to relief which may include, without limitation, the award of monetary damages, specific performance, and mandamus and other injunctive relief.".

10. On page 101, line 22, after the period insert "If a claim is denied in whole or in part after a hearing as set forth in this subsection, the claimant may appeal to the district court of the appropriate area of operation. The court may award costs to include attorney's fees to the prevailing party in any such appeal.".

Mr. Bromm filed the following amendment to LB 585:
AM1853

(Amendments to Final Reading copy)

1. On page 23, strike beginning with the period in line 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. On page 2, line 1, strike "$6,630" and insert "$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. On page 2, strike beginning with "residential" in line 3 through line 4 and insert "the land on which"; in line 7 strike the first "the"; and strike beginning with "who" in line 8 through "act" in line 9.

2. On page 3, line 10, strike "real property" and insert "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. On page 4, strike beginning with "Compliant" in line 12 through "(4)" in line 21; in line 26 strike "(5)" and insert "(4)"; and in line 27 strike "(6)" and insert "(5)".

2. On page 5, line 2, strike "(7)" and insert "(6)"; in line 6 strike "(8)" and insert "(7)"; in line 9 strike "(9)" and insert "(8)"; in line 16 strike "(10)" and insert "(9)"; and in line 25 strike "(11)" and insert "(10)".

3. On page 6, line 5, strike "(12)" and insert "(11)"; in line 8 strike "(13)" and insert "(12)"; in line 10 strike "(14)" and insert "(13)"; and in line 13 strike "(15)" and insert "(14)".

4. On page 7, strike beginning with "Permitting" in line 20 through line 27 and insert "The department shall not issue a permit for an existing livestock waste control facility which is

located within one hundred feet of a water well if the water well is under separate ownership and water from the well is used primarily for human consumption.".

5. On page 8, strike lines 1 through 25.

6. On page 10, after line 26 insert:

"(3) Any person required to request an inspection under this section who operates a livestock operation after January 1, 2000, except an exempt livestock operation, without first submitting the request for inspection required under this section shall be assessed, except for good cause shown, a late fee of not less than fifty dollars nor more than five hundred dollars for each offense. Each month a violation continues shall constitute a separate offense.".

7. On page 11, strike beginning with "A" in line 2 through the period in line 5, show the old matter as stricken, and insert "A permit issued under section 54-2404 shall be valid as long as the livestock operation continues to operate. Any livestock waste control facility meeting the requirements of subsection (1) of section 54-2403 may continue to operate as long as such requirements are met."; and in lines 17 through 19 strike the new matter and insert "person holding a permit for a livestock waste control facility issued under section 54-2404".

8. On page 19, strike beginning with "The" in line 2 through the period in line 8 and insert "The department may require an engineering evaluation or assessment performed by a licensed professional engineer for an existing livestock waste control facility if after an inspection: (a) The department determines that the facility has (i) visible signs of structural breakage below the permanent pool, (ii) signs of discharge or proven discharge due to structural weakness, (iii) improper maintenance, or (iv) inadequate capacity; or (b) the department has reason to believe that an existing livestock waste control facility has violated or threatens to violate the Environmental Protection Act, the Livestock Waste Management Act, or any rules or regulations adopted and promulgated under such acts.".

9. On page 20, line 16, after "application" insert "and 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

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

Buchenau; 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. Strike section 5.

2. On page 3, line 1, strike "clearance, replanning," and insert "replanning"; and in line 3 strike "unsafe or".

3. On page 4, line 10, strike "broad" and insert "necessary"; and strike beginning with "in" in line 11 through "law" in line 12.

4. On page 5, line 15, after "All" insert "reasonable and"; in line 19 strike "the maximum" and insert "reasonable"; in line 20 after "all" insert "reasonable" and strike "they deem"; and strike beginning with the first "the" in line 25 through "and" in line 26.

5. On page 6, strike beginning with "Persons" in line 2 through the period in line 5; and strike line 8 and insert "standard rental agreements.".

6. On page 8, line 5, strike "the maximum feasible" and insert "reasonable"; strike beginning with the third comma in line 6 through "entities" in line 8; and strike beginning with "and" in line 24 through "government" in line 26 and insert "an incorporated city or village".

7. On page 9, lines 12 through 14, strike subdivision 9 and renumber the remaining subdivisions and correct internal

references accordingly.

8. On page 13, line 17, strike "or counties of this state" and insert ", two or more counties, or a combination of cities and counties," and in line 26 after the semicolon insert "and".

9. On page 14, strike beginning with the first comma in line 1 through "government" in line 4 and insert "pursuant to an agreement with such agency".

10. On page 15, line 8, strike "or unlawful" and insert ", not authorized, or prohibited".

11. On page 16, line 11, after "Act" insert "shall adopt" and in lines 12 and 13 strike "shall adopt"; in line 21 after "A" insert "duly certified"; in line 22 strike ", duly certified,"; in line 23 strike "circumstance" and insert "proceeding" and strike "serve as" and insert "be"; and in line 27 strike "or counties" and insert ", two or more counties,".

12. On page 17, line 1, strike beginning with the first "one" through "counties" and insert "cities and counties"; in line 17 after "Act" insert "shall adopt"; and in line 19 strike "shall adopt".

13. On page 18, line 1, after "A" insert "duly certified"; in line 2 strike ", duly certified,"; in line 3 strike "circumstance" and insert "proceeding" and strike "serve as" and insert "be".

14. On page 26, line 10, after the semicolon insert "and"; strike beginning with "The" in line 11 through "(3)" in line 14; and in lines 25 and 27, strike "of integrity".

15. On page 29, strike beginning with "Commissioners" in line 20 through the period in line 21.

16. On page 33, strike beginning with "No" in line 13 through the period in line 15; and in line 24 after "require" insert "unless such employment or engagement will result in an ethical or legal violation".

17. On page 34, strike lines 3 and 4.

18. On page 52, line 8, after the semicolon insert "and"; and strike beginning with "and" in line 9 through line 11.

19. On page 55, line 9, after the semicolon insert "and"; and strike beginning with "To" in line 10 through "(45)" in line 13.

20. On page 71, line 15, after "officers" insert ", elected officials,"; and in line 19 after "promulgate" insert "fair and equitable".

21. On page 72, line 5, after the second "any" insert "material"; in lines 5 and 6 and 8 and 9 strike "deemed" through "agency"; in line 7 strike the comma and insert "and" and after the second "any" insert "material"; and strike beginning with the comma in line 11 through "assistance" in line 19.

22. On page 73, line 23, after "characteristics" insert ", except that a housing agency shall not discriminate on the basis

of race, national origin, or religion.".

23. On page 74, line 18, after "such" insert "reasonable"; and strike line 27.

24. On page 75, strike beginning with "activity" in line 1 through "(2)" in line 10 and insert "(1)"; in line 18 strike "(3)" and insert "(2)"; and strike lines 22 through 27.

25. On page 76, line 1, after "promulgate" insert "reasonable"; strike beginning with "if" in line 8 through "law" in line 9; and in line 26 strike "a" and insert "an administrative".

26. On page 77, line 4, strike "or off"; strike beginning with the comma in line 7 through "activity" in line 9; in line 11 strike "wherever" through "occur"; and strike beginning with "A" in line 22 through line 27.

27. On page 78, line 1, after "promulgate" insert "reasonable"; in line 8 after "property" insert "in a secure location"; and in line 15 after the period insert "In no case shall any employee or relative of an employee of the housing agency take ownership of such property.".

28. On page 80, strike beginning with "and" in line 12 through "records" in line 24.

29. On page 84, line 4, strike subdivision (4) and renumber the remaining subdivisions; in line 11 after "occupancy" insert ", if such information is pertinent to such suitability determination"; and strike beginning with the comma in line 19 through "person" in line 23.

30. On page 98, line 6, strike "as" through "or"; and strike beginning with "Except" in line 23 through line 27.

31. On page 99, strike beginning with the first "any" in line 1 through "no" in line 7 and insert "No"; in line 16 strike "meaning" and insert "scope"; in line 19 after "activities" insert "reasonably" and after "grant" insert "which are reasonably related to carrying out the purposes of the act"; and strike beginning with "In" in line 19 through line 26.

32. On page 100, line 2, strike "the maximum" and insert "reasonable"; strike beginning with "Whenever" in line 6 through the period in line 8; in line 22 after "(1)" insert "All tort claims against a public housing agency shall be governed by the Political Subdivisions Tort Claims Act.

(2)"; and in line 23 after "agency" insert ", other than a tort claim under subsection (1) of this section,".

33. On page 101, strike beginning with "If" in line 1 through the period in line 3.

34. Renumber the remaining sections and correct internal references accordingly.

Messrs. Jones and Smith filed the following amendment to LB 105:
AM1870

(Amendments to E & R amendments, AM7149)

1. On page 11, line 27, strike the second "the" and

insert "cities of the metropolitan and primary classes or one hundred twenty-five percent of the median income in all other cities and counties of the state;".

2. On page 12, strike line 1.

3. On page 67, strike beginning with the second "the" in line 9 through "located" in line 10 and insert "cities of the metropolitan and primary classes or one hundred twenty-five percent of the median income in all other cities and counties of the state".

Mr. Hartnett filed the following amendment to LB 105:
AM1875

(Amendments to E & R amendments, AM7149)

1. On page 78, line 18, strike "a reasonable time" and insert "six months"; in line 20 strike "generally describing" and insert "summarizing"; and in line 21 strike "fairly".

2. On page 79, line 15, after the period insert "Each local housing agency audit shall be conducted in accordance with generally accepted accounting principles, except that if the agency is a recipient of federal assistance, the audit shall be conducted in accordance with any accounting principles required by the federal government."; in line 17 strike "housing" through "purposes" and insert "development for housing or commercial purposes, or any combination of such purposes"; and in line 23 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. Insert the following new amendments:

"1. Insert the following new section:

'Sec. 65. A landlord may not refuse to rent or lease to any prospective tenant or lessee solely on the basis of the tenant's participation in federal, state, or local housing rental assistance programs.'.'

12. Renumber the remaining sections and correct internal references accordingly.".

2. Renumber the remaining amendments accordingly.

Mr. Kristensen filed the following amendment to LB 661:
AM1827

(Amendments to Standing Committee amendments, AM1681)

1. On page 1, strike lines 14 through 20 and insert the following new subsection:

"(3) Computer date failure means the present or future failure or inability of a computer, computer network, computer program, computer software, computer chip, embedded chip, or other information system to accurately process, including, but not limited to, calculating, comparing, interpreting, generating, receiving, or sequencing, date or time data in, from, into, and between the years 1999 and 2000 and beyond, the twentieth and twenty-first centuries, and leap-year calculations."; in line 22 strike "shall be those general damages" and insert "or a complying financial institution defendant"; in line 23 strike "and" and "(1)"; and in line 24 strike "and (2) not include" and insert a period.

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. Strike section 100 and insert the following new sections:

"Sec. 99. Section 71-1510, Reissue Revised Statutes of Nebraska, is amended to read:

71-1510. (1) The property of housing ~~authorities~~ agencies created under ~~sections 71-1518 to 71-1554~~ the Nebraska Housing Agency Act and the property of Indian housing authorities created under Indian law shall be exempt from all taxes and special assessments of the state or any city, village, or political subdivision thereof. In lieu of such taxes or special assessments, a housing ~~authority~~ agency may agree to make payments to any city, village, or political subdivision of the state for services, improvements, or facilities furnished by such municipality or political subdivision for the benefit of a housing project owned by the housing ~~authority~~ agency, but in no event shall such payments exceed the estimated cost to such city, village, or political subdivision of the services, improvements, or facilities to be so furnished. All payments made by any such housing project in lieu of taxes, whether such payments are contractually stipulated or gratuitous voluntary payments, shall be distributed by the governing body to the state and governmental subdivision within the state public body creating such housing project, in such proportion that the state and each governmental subdivision will receive from

the total payment the same proportion as its ad valorem tax rate bears to the total ad valorem tax rate which would be levied by the state and each governmental subdivision against the properties of the housing ~~authority~~ agency if the same were not exempt from taxation.

(2) For purposes of this section:

(a) Indian housing authority has the same meaning as in 24 C.F.R. 955.103; and

(b) Indian law means the code of an Indian tribe recognized as eligible for services provided to Indians by the United States Secretary of the Interior.

Sec. 101. Section 101 of this act becomes operative on its effective date. Sections 20 and 105 of this act become operative January 2, 2000. The other sections of this act become operative on January 1, 2000.

Sec. 105. The following section is outright repealed: Section 71-1510, Reissue Revised Statutes of Nebraska, as amended by section 99, Legislative Bill 105, Ninety-sixth Legislature, First Session, 1998.".

2. On page 103, line 8, strike "section" and insert "sections 71-1510 and"; in line 9 strike "is" and insert "are"; and in line 11 strike "to 71-1512" and insert "to 71-1509, 71-1511, 71-1512".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Bromm filed the following amendment to LB 779:
AM1165

1. Insert the following new sections:

"Sec. 4. Section 39-1713, Reissue Revised Statutes of Nebraska, is amended to read:

39-1713. (1) When any person ~~shall present~~ presents to the county board an affidavit satisfying it ~~(1)~~ (a) that he or she is the owner of the real estate described therein located within the county, ~~(2)~~ (b) that such real estate is shut out from all public access, other than a waterway, by being surrounded on all sides by real estate belonging to other persons, or by such real estate and by water, ~~(3)~~ (c) that he or she is unable to purchase from any of such persons the right-of-way over or through the same to a public road or that it cannot be purchased except at an exorbitant price, stating the lowest price for which the same can be purchased by him or her, and ~~(4)~~ (d) asking that ~~a public access~~ an access road be provided in accordance with section 39-1716, the county board shall appoint a time and place for hearing the matter, which hearing shall be not more than thirty days after the receipt of such affidavit. The application for ~~such access~~ an access road may be included in a separate petition instead of in such affidavit.

(2) For purposes of sections 39-1713 to 39-1719:

(a) Access road means a right-of-way open to the general public for ingress to and egress from a tract of isolated land provided in accordance with section 39-1716; and

(b) State of Nebraska includes the Board of Educational Lands and Funds, Board of Regents of the University of Nebraska, Board of Trustees of the Nebraska State Colleges, Department of Roads, Department of Aeronautics, Department of Administrative Services, and Game and Parks Commission and all other state agencies, boards, departments, and commissions.

Sec. 5. Section 39-1714, Reissue Revised Statutes of Nebraska, is amended to read:

39-1714. Whenever all the other conditions prescribed by section 39-1713 are present and, instead of being entirely shut off from all public roads, the only access by any owner of real estate to any public road is by an established private road less than two rods in width, the county board shall, upon the filing of an affidavit or affidavit and petition asking that an access road be provided in accordance with section 39-1716, substantially in the manner set forth in section 39-1713, setting forth such facts, appoint a time and place and hold a hearing thereon in the manner set forth in section 39-1713.

Sec. 6. Section 39-1715, Reissue Revised Statutes of Nebraska, is amended to read:

39-1715. When a hearing is to be held as provided in sections 39-1713 and 39-1714, the county board shall cause notice of the time and place of the hearing to be given by posting notices thereof in three public places in the county at least ten days before the time fixed therefor. At least fifteen days' written notice of the time and place of the hearing shall be given to all of the owners and occupants of the lands through which ~~such access~~ the access road may pass. The notice shall be served personally or by leaving a copy thereof at the usual place of abode of each occupant of such lands and, whenever possible, by either registered or certified mail to the owners of such ~~land~~ lands.

Sec. 7. Section 39-1716, Reissue Revised Statutes of Nebraska, is amended to read:

39-1716. (1) The county board shall, if it finds ~~(1)~~ (a) that the conditions set forth in section 39-1713 or 39-1714 exist, ~~(2)~~ (b) that the isolated land was not isolated at the time it was purchased by the owner or that the owner acquired the land directly from the State of Nebraska, ~~(3)~~ (c) that the isolation of the land was not caused by the owner or by any other person with the knowledge and consent of the owner, and ~~(4)~~ (d) that access is necessary for existing utilization of the isolated land, proceed to provide an access road ~~public access~~ and, if it finds that the amount of use and the number of persons served warrants such action, may lay out a public road ~~of not more than four nor less than two rods in width,~~ to such real estate.

(2) The county board shall appraise the damages to be

suffered by the owner or owners of the real estate over or through which the access ~~shall~~ road will be provided. Such damages shall be paid by the person petitioning that ~~such access~~ the access road be provided. For any real estate purchased or otherwise acquired after January 1, 1982, for which public access is granted pursuant to sections 39-1713 to 39-1719, the person petitioning for such access shall also reimburse the county for all engineering and construction costs incurred in providing such access. ~~In those cases in which public access is granted pursuant to sections 39-1713 to 39-1719, the county shall not be responsible for future maintenance unless a public road was laid out.~~

(3) Notwithstanding any other provisions of law, an access road provided in accordance with this section shall not be subject to Chapter 39, article 20 or 21. The designation of such an access road shall not impose on the State of Nebraska or any political subdivision any obligation of design, construction, or maintenance for the access road nor give rise to any cause of action against the state or any political subdivision with respect to the access road.

Sec. 8. Section 39-1717, Reissue Revised Statutes of Nebraska, is amended to read:

39-1717. Whenever possible, ~~access provided pursuant to sections 39-1713 to 39-1719~~ an access road provided in accordance with section 39-1716 shall be along section lines. When the most practicable route for the ~~public access as provided in section 39-1716 shall be~~ access road is adjacent to a watercourse, the land to be taken for ~~such access~~ the access road shall be measured from the edge of the watercourse.

Sec. 9. Section 39-1718, Reissue Revised Statutes of Nebraska, is amended to read:

39-1718. ~~Upon the providing of public access as provided for by~~ If the county board decides to provide an access road in accordance with section 39-1716, the county board shall make and sign an order describing the same and file it with the county clerk, together with its award of damages which order shall be recorded by the clerk, except that ~~; PROVIDED,~~ the amount assessed as damages to the owner or owners of ~~said~~ the real estate shall be paid to the county treasurer before the order providing ~~such access shall be~~ for the access road is filed.

Sec. 10. Section 39-1718.01, Reissue Revised Statutes of Nebraska, is amended to read:

39-1718.01. Sections 39-1713 ~~and 39-1715 to 39-1718~~ to 39-1719 shall not apply if public access has been granted prior to July 17, 1982.

Sec. 11. Section 39-1719, Reissue Revised Statutes of Nebraska, is amended to read:

39-1719. Any party to an award as provided by section 39-1718 may, within sixty days after the filing thereof, appeal therefrom to the district court of the county where the lands lie.

The appeal shall be taken by serving upon the adverse party a notice of such appeal and filing such notice and proof of service thereof with the clerk of the court within the sixty days. Thereupon the appeal shall be set down for hearing at the next term of the court. It shall be heard and determined in like manner as appeals from awards in condemnations as provided in sections 76-704 to 76-724. Such appeal shall not affect the right or authority of the petitioner to the use of the ~~roadway~~ access road under the award of the appraisers.

The applicant shall in case of appeal file such additional security as may be required by the county board for such costs and damages as may accrue against him or her by reason of such appeal. If on appeal the appellant does not obtain a more favorable judgment and award than was given by the appraisers, such appellant shall pay all the costs of such appeal. Either party to such suit may appeal from the decision of the district court to the Court of Appeals, and the sum deposited as provided in this section shall remain in the hands of the county treasurer until a final decision is had.".

2. Renumber the remaining sections and correct internal references and the repealer accordingly.

Mrs. Thompson filed the following amendment to LB 147A:
AM1858

1. On page 2, line 1, strike "$22,534" and insert "$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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 4 of this act shall be known and may be cited as the Relief to Property Taxpayers Act.

Sec. 2. The purpose of the Relief to Property Taxpayers Act is to provide property tax relief for property taxes levied against real property. The property tax relief will be made to owners of real property in the form of a property tax credit.

Sec. 3. The Relief to Property Taxpayers Cash Fund is created. The fund shall only be used pursuant to the Relief to

Property Taxpayers 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. 4. (1) For tax year 2000, the amount of relief granted under the Relief to Property Taxpayers Act shall be thirty-five million dollars. For tax years after 2001, the amount of relief granted under the act shall be equal to the amount appropriated or transferred to the Relief to Property Taxpayers Cash Fund by August 16. It is the intent of the Legislature to fund the Relief to Property Taxpayers Act for tax years 2001, 2002, and 2003 using available excess revenue. The relief shall be in the form of a property tax credit which appears on the property tax statement.

(2) To determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subsection (4) of this section by the ratio of the real property valuation to the real property valuation in the county. The amount determined shall be the property tax credit for the property.

(3) If the property owner qualifies for a homestead exemption under sections 77-3501 to 77-3529, the homestead owner shall also be qualified for the relief provided in the act to the extent of any remaining liability after calculation of the relief provided by the homestead exemption. If the credit results in a property tax liability on the homestead that is less than zero, the amount of the credit which cannot be used by the taxpayer shall be returned to the State Treasurer by July 1 of the year the amount disbursed to the county was disbursed. The State Treasurer shall credit any funds returned under this section to the Tax Equity and Educational Opportunities Support Act Stabilization Fund until July 1, 2001, and to the Relief to Property Taxpayers Cash Fund on and after such date.

(4) The amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the real property valuation in the county to the real property valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subsection to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit levying taxes on taxable property in the tax district in which the real property is located in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the real property is located.

Sec. 5. On August 16, 2000, the State Treasurer shall transfer to the Tax Equity and Educational Opportunities Support Act Stabilization Fund any money appropriated for purposes of the Tax Equity and Educational Opportunities Support Act which is in excess of the certification made under section 79-1022. The Tax Equity and Educational Opportunities Support Act Stabilization Fund is created. 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. On July 1, 2001, the fund shall terminate and the State Treasurer shall transfer any money in the fund on such date to the General Fund for purposes of funding the Tax Equity and Educational Opportunities Support Act.

Sec. 6. Section 13-518, Revised Statutes Supplement, 1998, is amended to read:

13-518. For purposes of sections 13-518 to 13-522:

(1) Allowable growth means (a) for governmental units other than community colleges, the percentage increase in taxable valuation in excess of the base limitation established under section 77-3446, if any, due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year and (b) for community colleges, the percentage increase in excess of the base limitation, if any, in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined;

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

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

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

(5) Qualified sinking fund means a fund or funds maintained separately from the general fund to pay for acquisition or replacement of tangible personal property with a useful life of five years or more which is to be undertaken in the future but is to be paid for in part or in total in advance using periodic payments into the fund. The term includes sinking funds under subdivision (13) of section 35-508 for firefighting and rescue 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 10 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 77-1701, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 194, Ninety-sixth Legislature, First Session, 1999, is amended to read:

77-1701. (1) The county treasurer shall be ex officio county collector of all taxes levied within the county. The county board shall direct that a statement of the amount of taxes due and a notice that special assessments are due be mailed or otherwise delivered to the last-known address of the person, firm, association, or corporation against whom such taxes or special assessments are assessed or to the lending institution or other party responsible for paying such taxes or special assessments. Such statement shall clearly indicate, for each political subdivision, the levy rate and the amount of taxes due as the result of principal or interest payments on bonds issued by the political subdivision and shall show such rate and amount separate from any other levy. When taxes are delinquent for a prior year, the county treasurer shall indicate this information on the current year tax statement in bold letters. The information provided shall inform the taxpayer that delinquent taxes and interest are due for the prior year or years and shall indicate the specific year or years for which such taxes and interest remain unpaid. The language shall read "Back Taxes and Interest Due For", followed by numbers to indicate each year for which back taxes and interest are due. ~~When taxes are delinquent for a prior year, the county~~

~~treasurer shall indicate this information on such tax statement in a clearly defined space or in a separate notice. The separate notice shall be on a colored piece of paper and may be enclosed with the tax statement. The separate notice or information on such tax statement shall read: "ATTENTION: Taxes for a prior year are delinquent. Interest is accruing. Please contact the county treasurer's office immediately."~~ Failure to receive such statement or notice shall not relieve the taxpayer from any liability to pay such taxes or special assessments and any interest 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.

Sec. 8. Section 77-1704.01, Revised Statutes Supplement, 1998, is amended to read:

77-1704.01. (1) The county treasurer shall include with each tax notice or receipt to every taxpayer the following information:

~~(1)~~ (a) The total amount of aid from state sources appropriated to the county and each city, village, and school district in the county; ~~and~~

~~(2)~~ (b) The net amount of property taxes to be levied by the county and each city, village, and school district in the county; and

(c) 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.

(2) The necessary form for furnishing ~~such~~ the information required by subdivisions (1)(a) and (b) of this section shall be prescribed by the Department of Revenue. The necessary

information required by subdivision (1)(a) 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:

THE AMOUNT OF STATE FUNDS SHOWN ABOVE WOULD HAVE BEEN ADDITIONAL PROPERTY TAXES IF NOT ALLOCATED TO THE COUNTY, CITY, VILLAGE, AND SCHOOL DISTRICT BY THE LEGISLATURE.

Sec. 9. Section 84-612, Revised Statutes Supplement, 1998, is amended to read:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to subsections (2) and (5) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(4) On or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) The State Treasurer shall transfer funds from the Cash Reserve Fund to the Roads Operations Cash Fund upon certification by the Director of Administrative Services that the current cash balance in the Roads Operations Cash Fund is inadequate to meet current obligations as the result of delayed receipt of federal funds. The certification shall include the dollar amount to be transferred. The authority to transfer funds pursuant to this subsection shall be in effect for the period July 1, 1998, through June 30, 1999.

(6) On or before September 1, 1998, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund.

(7) On or before September 1, 1998, the State Treasurer shall transfer two million dollars from the Cash Reserve Fund to the Reorganized School Assistance Fund.

(8) On June 15, 1999, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 30, 1999, the State Treasurer shall transfer eighty million dollars from the Cash Reserve Fund to the General Fund.

(10) On June 15, 2001, the State Treasurer shall transfer twenty-eight million dollars from the Cash Reserve Fund to the

General Fund.

(11) On August 16, 1999, the State Treasurer shall transfer thirty million dollars from the Cash Reserve Fund to the Relief to Property Taxpayers Cash Fund for the purposes of increased aid to community colleges.

(12) On August 16, 2000, the State Treasurer shall transfer thirty-five million dollars from the Cash Reserve Fund to the Relief to Property Taxpayers Cash Fund.

(13) On August 1, 2001, the State Treasurer shall transfer thirty-five million dollars from the Cash Reserve Fund to the General Fund for purposes of funding the Tax Equity and Educational Opportunities Support Act.

Sec. 10. If the Legislature appropriates more money for aid to community colleges than is necessary to fully fund the provisions of sections 85-1536 to 85-1537 for any fiscal year, the excess money shall be allocated to each community college area in the same proportion as the community college area's property valuation is to the state's total property valuation.

Sec. 11. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 12. Original 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, are repealed.

Sec. 13. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike lines 2 through 6 and insert "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;".

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: LRs 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. On page 2, line 18, strike "$2,308,507" and insert "$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. On page 3, line 3, strike "$6,773,700" and insert "$4,773,700"; and in line 5 strike "$5,836,300" and insert "$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)

6. On page 80, line 1, after the period insert "Such plan shall describe each new mixed-income or mixed-use development by unique name and by the number of units to be created, unit size, and units to be specifically designed for the elderly or handicapped, proposed sources of funds, and those developments which are to have mixed incomes and those which are to have mixed uses. Also, if any supportive services and programs are to provided to persons of eligible income and qualified tenants, such services and programs are to be identified with each associated project. Each mixed-income and mixed-use development shall include a market study of the residential housing of the appropriate area of operation in sufficient detail to justify any such new development or as required by the Nebraska Investment Finance Authority or the Department of Economic Development in providing 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)

8. On page 91, line 12, strike "new housing developments" and insert "specific new mixed-income housing developments or mixed-use developments"; in line 13 strike the first comma through "may" and insert "shall"; and in line 20 after the period insert "In the event that no person or entity from private enterprise responds to the request for proposals or has not commenced performance of such new development within twelve months after such notice, the local housing agency may proceed to implement the project alone or through one of its controlled affiliates. In the event that a person or entity from private enterprise responds to the request for proposals or elects to perform such new development or project, the local housing agency shall provide supportive services and programs for persons of eligible income who are tenants of the new development or project at the same cost as it would have provided had it undertaken the project. In addition, the housing agency shall facilitate the same financial benefits, in so far as allowed by law, for the private developer or public-private partnership, as it would if it were undertaking such development or project, except that the housing agency shall be entitled to equivalent compensation for such 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

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. On page 2, line 24, strike "acting" through "and" and insert "and local housing agencies acting"; and in line 25 after "enterprises" insert "and failing that, then local housing agencies may act alone".

2. On page 4, line 25, before the first "to" insert "to the private sector of the economy,"; and after the first "agencies" insert an underscored comma; and in line 27 after the first "to" insert "jointly or separately".

3. On page 5, line 9, after "agencies" insert "and private entities".

4. On page 8, line 5, after "section" insert "when local housing agencies have identified through their planning process that the private sector has not fulfilled the housing demand for 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

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

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)

5. On page 39, line 4, after "designees" insert "if the witness or holder of records has consented in writing or as part of a contract agreement with the local housing agency to allow the same".

7. On page 81, line 5, after the period insert "A housing agency shall have no right to restitution for any actions taken by the agency in furtherance of a new development or project without having first complied with sections 72 and 88 of this act.".

9. On page 98, after line 22, insert the following new subsection:

"(3) In connection with the limitations to the commencement of a new mixed-income housing project or mixed-use developments pursuant to sections 72 and 88 of this act or to promote cooperation as required by section 88 of this act, a private person or entity may bring an action to enforce such sections in the courts of this state and if it is found that the requirements of such sections have not been met, such private person or entity may be entitled to relief which may include, without limitation, the award of monetary damages, specific performance, and mandamus and other injunctive relief.".

10. On page 101, line 22, after the period insert "If a claim is denied in whole or in part after a hearing as set forth in this subsection, the claimant may appeal to the district court of the appropriate area of operation. The court may award costs to include attorney's fees to the prevailing party in any such 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. On page 11, strike lines 24 through 27 and insert the following new subdivision:

"(19) Mixed-income development means a housing development intended to be, and which in fact is, occupied both by persons of eligible income and by other persons, and if such other persons are living in a development constructed or acquired after the operative date of this act, the incomes of such other persons at initial occupancy shall not exceed one hundred percent of the median income in the county in which the development is located;".

2. On page 12, strike line 1.

3. On page 67, line 6, after "is" insert "constructed or 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. On page 5, lines 10 and 16, strike "ten" and insert "thirty".

2. On page 5, line 14, after "objection" insert "unless the objection is by the court on its own motion on the grounds that the applicant is asserting legal positions which are frivolous or malicious. If no hearing is held, the court shall provide a written statement of its reasons, findings, and conclusions for denial of the applicant's application to proceed in forma pauperis which shall become a part of the record of the proceeding"; and in line 16 after "ruling" insert "or issuance of the statement".

3. On page 6, line 2, after "record" insert "based on the transcript of the hearing or the written statement of the court".

Mr. Dw. Pedersen filed the following amendment to LB 865A:
AM1894

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act takes 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. On page 4, line 16, strike "and other services"; and strike beginning with the first "or" in line 17 through "persons" in line 23.

2. On page 6, line 21, strike "mixed-use and"; and in line 27 strike "commercial and".

3. On page 12, lines 2 and 3, strike subdivision (20) and renumber the remaining subdivisions and correct internal references accordingly.

4. On page 41, line 3, strike beginning with the comma through the second "developments".

5. On page 43, line 8, strike the second comma and insert "or"; and strike beginning with the last comma in line 9

through "character" in line 15.

6. On page 53, lines 10 through 25, strike subdivision (38) and renumber the remaining subdivisions and correct internal references accordingly.

7. On page 65, line 22, strike "commercial facilities," 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. On page 2, strike lines 9 through 15 and renumber the remaining subdivisions accordingly.

2. On page 5, line 12, after the semicolon insert "and"; and strike beginning with line 13 through the semicolon in line 22 and renumber the remaining subdivisions and correct internal references accordingly.

3. On page 7, strike beginning with "and" in line 4 through "persons" in line 14.

4. On page 40, strike beginning with the first "and" in line 19 through "persons" in line 20.

5. On page 49, strike lines 2 through 15 and renumber the remaining subdivisions and correct internal references accordingly.

6. Strike beginning on page 54, line 26, through page 55, line 9, and renumber the remaining subdivisions and correct 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.

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. Insert the following new sections:

"Sec. 6. Section 83-183, Reissue Revised Statutes of Nebraska, is amended to read:

83-183. (1) To establish good habits of work and responsibility, to foster vocational training, and to reduce the cost of operating the facilities, persons committed to the department shall be employed, eight hours per day, so far as possible in constructive and diversified activities in the production of goods, services, and foodstuffs to maintain the facilities, for state use, and for other purposes authorized by law. To accomplish these purposes, the director may establish and maintain industries and farms in appropriate facilities and may enter into arrangements with any other department or agency of the state or any natural resources district for the employment of persons committed to the department for state or governmental purposes.

(2) The director shall make rules and regulations

governing the hours, conditions of labor, and the rates of compensation of persons committed to the department. In determining the rates of compensation, such regulations may take into consideration the quantity and quality of the work performed by such person, whether or not such work was performed during regular working hours, the skill required for its performance, and the economic value of similar work outside of correctional facilities.

(3) Except as provided in section 83-183.01, wage payments to a person committed to the department shall be set aside by the chief executive officer of the facility in a separate fund. The fund shall enable such person committed to the department to contribute to the support of his or her dependents, if any, to make necessary purchases from the commissary, and to set aside sums to be paid to him or her at the time of his or her release from the facility.

(4) The director may authorize the chief executive officer to invest the earnings of a person committed to the department. Any accrued interest thereon shall be credited to such person's fund.

(5) The director may authorize the chief executive officer to reimburse the state from the wage fund of a person committed to the department for:

(a) The actual value of property belonging to the state or any other person intentionally or recklessly destroyed by such person committed to the department during his or her commitment;

(b) The actual value of the damage or loss incurred as a result of unauthorized use of property belonging to the state or any other person by such person committed to the department;

(c) The actual cost to the state for injuries or other damages caused by intentional acts of such person committed to the department; and

(d) The reasonable costs incurred in returning such person committed to the department to the facility to which he or she is committed in the event of his or her escape.

(6) No person committed to the department shall be required to engage in excessive labor, and no such person shall be required to perform any work for which he or she is declared unfit by a physician designated by the director.

(7) The director may authorize that a portion of the earnings of a person committed to the department be retained by that person for personal use.

Sec. 7. Original section 83-183, Reissue Revised Statutes of Nebraska, is repealed.".

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. Strike sections 66 to 69.
2. On page 1, line 8, after the last comma insert "and";

and in line 9 strike beginning with "and" through the last comma.

3. On page 2, line 14, strike beginning with "transportation" through the comma.

4. On page 135, line 15, strike "70, and 73" and insert "66, and 69"; and in line 28 before "71-7803" insert "and".

5. On page 136, line 1, strike "and 75-302 to 75-303.02,".

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. Insert the following new sections:

"Sec. 2. Section 77-5017, Reissue Revised Statutes of Nebraska, is amended to read:

77-5017. In resolving a contested case, the commission may make such orders as are appropriate for resolving the dispute but in no case shall the relief be excessive compared to the problems addressed. The commission may make prospective orders requiring changes in assessment practices which will improve assessment practices or affect the general level of assessment or the measures of central tendency in a positive way. If no other relief is adequate to resolve disputes, the commission may order a reappraisal of property within a county, an area within a county, or classes or subclasses of property within a county. No order of the commission requiring reappraisal shall be effective until the commission first makes a finding that all other classes or subclasses of property within the state are within the acceptable range specified in section 77-5023.

Sec. 3. Section 77-5023, Revised Statutes Supplement, 1998, is amended to read:

77-5023. Pursuant to section 77-5022, the commission shall have the power to increase or decrease the value of a class or subclass of real property of any county or tax district or real property valued by the state so that all classes or subclasses of real property in all counties fall within the acceptable range. No order of the commission requiring a decrease or increase in value of a class or subclass of property in any county or tax district shall be effective until the commission first makes a finding that all other classes or subclasses of property within the state are within the acceptable range specified in this section. For agricultural land, the acceptable range shall be from seventy-four percent to eighty percent of actual value of agricultural land; and for nonagricultural real property, the acceptable range shall be

from ninety-two percent to one hundred percent of actual value of nonagricultural real property. Such increase or decrease shall be made by a percentage and shall result in an average level of assessment for the class or subclass adjusted at seventy-seven percent of actual value for agricultural land and ninety-six percent of actual value for nonagricultural real property.

Sec. 5. Sections 1, 4, and 6 of this act become operative three calendar months after adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 7. Original section 77-5017, Reissue Revised Statutes of Nebraska, and section 77-5023, Revised Statutes Supplement, 1998, are repealed.

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

2. On page 1, line 2, before "and" insert ", 77-5017,"; in line 3 before the semicolon insert ", and section 77-5023, Revised Statutes Supplement, 1998"; in line 4 after the semicolon insert "to change provisions relating to commission orders;"; and in line 5 strike "and" and after "sections" insert "; and to declare an emergency".

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. On page 1, strike lines 14 through 20 and insert the following new subsection:

"(3) Computer date failure means the present or future failure or inability of a computer, computer network, computer program, computer software, computer chip, embedded chip, or other information system to accurately process, including, but not limited to, calculating, comparing, interpreting, generating, receiving, or sequencing, date or time data in, from, into, and between the years 1999 and 2000 and beyond, the twentieth and 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 strike "shall be those general damages" and insert "or a complying financial institution defendant"; in line 23 strike "and" and "(1)"; and in line 24 strike "and (2) not include" and insert a period.

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. Insert the following new sections:

"Sec. 21. Sections 1, 21, 23, and 24 of this act become operative on their effective date. The remaining sections of this act become operative on September 1, 1999.

Sec. 23. Original section 85-408, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 24. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 32, line 14, strike "85-408,".

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. On page 8, line 13, strike "and" and insert "or".

2. On page 10, line 5, after "dwelling" and insert "or child-occupied facility" and after "A" insert "certified".

3. On page 15, line 19, strike "persons" and insert "individuals".

4. On page 17, line 2, strike "person" and show as stricken; in line 3 strike "person", show as stricken, and insert "individual"; and in line 10 strike "a person", show as stricken, and insert "an individual".

5. On page 18, line 10; and page 21, lines 8 and 26, strike "person", show as stricken, and insert "individual".

6. On page 19, line 20, strike "A person", show as stricken, and insert "An individual".

7. On page 20, line 19, strike "A person or", show as stricken, and insert "An individual or".

8. On page 22, line 4, strike "person or" and show as stricken; and in line 7 strike "a person", show as stricken, and insert "an individual".

9. On page 23, line 15, strike "person" and insert "individual"; and in line 21 strike "persons" and insert "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

printed on recycled paper

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	

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. On page 6, strike beginning with the comma in line 11 through "board" in line 12, show as stricken, and insert ". The compensation of the secretary and any deputy director or secretary shall be fixed by the Legislature through the appropriations 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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of this act:

(1) Complying financial institution defendant means a federally insured financial institution that has substantially complied with or received a satisfactory rating with regard to examinations, guidelines, rules, or regulations of applicable federal regulatory agencies to protect against a computer date failure;

(2) Complying public defendant means the state or a political subdivision of the state that has made reasonable efforts to protect its computer systems, programs, or software from a computer date failure; and

(3) Computer date failure means the present or future failure or inability of a computer, computer network, computer program, computer software, computer chip, embedded chip, or other information system to accurately process, including, but not limited to, calculating, comparing, interpreting, generating, receiving, or sequencing, date or time data in, from, into, and between the years 1999 and 2000 and beyond, the twentieth and twenty-first centuries, and leap-year calculations.

Sec. 2. Damages recoverable in a civil action against a complying public defendant or a complying financial institution defendant which result from a computer date failure shall only be based on a contract to which the plaintiff is a party.

Sec. 3. No action shall be brought under section 25-319 against a complying public defendant for damages resulting from a computer date failure.

Sec. 4. No action shall be brought under section 25-319 against a complying financial institution defendant for damages resulting from a computer date failure within one hundred eighty days after the cause of action accrues.

Sec. 5. This act does not apply to any cause of action for personal injuries.

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

2. On page 1, strike beginning with "provide" in line 1 through line 3 and insert "restrict certain damages and causes of action for damages resulting from computer date failures; to define 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.

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

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
Coordsen	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	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 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	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.

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

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

Excused and not voting, 2:

Crosby	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 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	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.

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

Present and not voting, 3:

Dickey	Kristensen	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 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

Present and not voting, 5:

Beutler	Dickey	Kristensen	Quandahl	Suttle

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.

Sincerely,
(Signed) 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

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

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

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

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. On page 1, line 3; page 5, line 19; and page 6, line 22, strike "the general election in November 2000" and insert "a special election on May 9, 2000,".

2. On page 6, line 26, strike ", 5, and 7" and insert "and 5".

3. On page 8, strike lines 18 through 28.

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. On page 1, line 1, strike "Board" through "Funds" and insert "land"; in line 2 after the third comma insert "39-1713 to 39-1719,"; in line 9 after "to" insert "obtaining access to isolated land,"; in line 10 strike "board duties" and insert "duties of the Board of Educational Lands and Funds"; and in line 11 after "leases" insert "by the board".

2. On page 8, line 14, strike "schedule" and insert "schedules".

3. On page 11, line 14, after the comma insert "shall".

4. On page 18, lines 21 and 22, strike the commas and show as stricken.

5. On page 19, line 13, after "to" insert "be in".

6. On page 31, line 26, after the third comma insert "39-1713 to 39-1719,".

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

printed on recycled paper

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. On page 2, line 8, strike "$205,000" and insert "$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. Strike the original sections and all amendments

thereto and insert the following new sections:

"Section 1. Section 13-2042, Reissue Revised Statutes of Nebraska, is amended to read:

13-2042. (1) A disposal fee of one dollar and twenty-five cents is imposed for each six cubic yards of uncompacted solid waste, one dollar and twenty-five cents for each three cubic yards of compacted solid waste, or one dollar and twenty-five cents per ton of solid waste disposed of at landfills regulated by the department. Each operator of a landfill disposal facility shall make the fee payment quarterly. The fee shall be paid quarterly to the department on or before the forty-fifth day following the end of each quarter. For purposes of this section, landfill has the same definition as municipal solid waste landfill unit in 40 C.F.R. part 258, subpart A, section 258.2.

(2) ~~The department shall exempt a landfill operator from the disposal fee imposed by this section for solid waste that is disposed pursuant to a contract shown to have been in effect on or before December 15, 1991, if such contract requires the landfill operator to dispose of solid waste without a mechanism for a price increase for a period of not less than one year. Such exemption shall terminate at the earlier of the following dates: (a) The date such contract allows for a price increase; (b) the expiration of such contract; or (c) July 1, 1994.~~

~~(3)~~ Each fee payment shall be accompanied by a form prepared and furnished by the department and completed by the permitholder. The form shall state the total volume of solid waste disposed of at that facility during the payment period and shall provide any other information deemed necessary by the department. The form shall be signed by the permitholder.

~~(4)~~ (3) If a permitholder fails to make a timely payment of the fee, he or she shall pay interest on the unpaid amount at the rate specified in section 45-104.02, as such rate may from time to time be adjusted.

~~(5)~~ (4) This section shall not apply to a site used solely for the reclamation of land through the introduction of landscaping rubble or inert material.

~~(6)~~ (5) Fifty percent of the total of such fees collected in each quarter shall be remitted to the State Treasurer for credit to the Integrated Solid Waste Management Cash Fund and shall be used by the department to cover the direct and indirect costs of regulating and monitoring facilities during and after operation of facilities or performance of regulated activities under the Integrated Solid Waste Management Act. Of the amount credited to the Integrated Solid Waste Management Cash Fund, the department may disburse amounts to political subdivisions for costs incurred in response to and remediation of any solid waste disposed of or abandoned at dump sites or discrete locations along public roadways or ditches and on any contiguous area affected by such disposal or abandonment. Such reimbursement shall be by application to the

department on forms prescribed by the department. The department shall prepare and make available a schedule of eligible costs and application procedures which may include a requirement of a demonstration of preventive measures to be taken to discourage future dumping. The department may not disburse to political subdivisions an amount which in the aggregate exceeds five percent of total revenue from the disposal fees collected pursuant to this section in the preceding fiscal year. These disbursements shall be made on a fiscal-year basis, and applications received after funds for this purpose have been exhausted may be eligible during the next fiscal year but are not an obligation of the state. Any eligible costs incurred by a political subdivision which are not funded due to a lack of funds shall not be considered an obligation of the state. In disbursing funds under this section, the director shall make efforts to ensure equal geographic distribution throughout the state and may deny reimbursements in order to accomplish this goal.

~~(7)~~ (6) The remaining fifty percent of the total of such fees collected per quarter shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. For purposes of determining the total fees collected, any amount of fees rebated pursuant to section 13-2042.01 shall be included as if the fees had not been rebated, and the amount of the fees rebated pursuant to such section shall be deducted from the amount to be credited to the Waste Reduction and Recycling Incentive Fund.

~~(8)~~ (7) The council shall adopt and promulgate rules and regulations for the distribution of grants under subsection ~~(7)~~ (6) of this section from the proceeds of the fees imposed by this section to counties, municipalities, and agencies for the purposes of planning and implementing facilities and systems to further the goals of the Integrated Solid Waste Management Act. The fees collected pursuant to this section shall not be used as grant proceeds to fund landfill closure site assessments, closure, monitoring, or investigative or corrective action costs for existing landfills or landfills already closed prior to July 15, 1992. The rules and regulations shall base the awarding of grants on a project's reflection of the integrated solid waste management policy and hierarchy established in section 13-2018, the proposed amount of local matching funds, and community need.

Sec. 2. Section 81-1558, Reissue Revised Statutes of Nebraska, is amended to read:

81-1558. There is hereby created within the state treasury a fund to be known as the Nebraska Litter Reduction and Recycling Fund. The proceeds of the fee imposed by sections 81-1559 to 81-1560.02, money received by the department as gifts, donations, or contributions toward the goals stated in section 81-1535, and money received by the department for nonprofit activities concerning litter reduction and recycling, including, but not limited to, honoraria, literature furnished by the

department, and funds realized as reimbursement for expenses in conducting educational forums, shall be remitted to the State Treasurer for credit to such fund to be used for the administration and enforcement of the Nebraska Litter Reduction and Recycling 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. ~~On or before December 1, 1994, and each year thereafter, the director shall direct the State Treasurer to transfer all amounts remitted to the department pursuant to section 81-1561, raised in the previous fiscal year from the Nebraska Litter Reduction and Recycling Act, which are in excess of eight hundred thousand dollars to the Waste Reduction and Recycling Incentive Fund. If such transfer occurs, the Waste Reduction and Recycling Incentive Fund shall consist of such transfers in addition to amounts credited pursuant to section 81-15,160.~~

Sec. 3. Section 81-15,160, Revised Statutes Supplement, 1998, is amended to read:

81-15,160. (1) The Waste Reduction and Recycling Incentive Fund is created. The department shall deduct from the fund amounts sufficient to reimburse itself for its costs of administration of the fund. The fund shall be administered by the Department of Environmental Quality. The fund shall consist of proceeds from the fees imposed pursuant to ~~sections 81-15,159 to 81-15,165~~ the Waste Reduction and Recycling Incentive Act.

(2) The fund may be used for purposes which include, but are not limited to:

(a) Technical and financial assistance to political subdivisions for creation of recycling systems and for modification of present recycling systems;

(b) Recycling and waste reduction projects, including public education, planning, and technical assistance;

(c) Market development for recyclable materials separated by generators, including public education, planning, and technical assistance;

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

(e) Programs which develop and implement composting of yard waste and composting with sewage sludge;

(f) Technical assistance for waste reduction and waste exchange for waste generators;

(g) Programs to assist communities and counties to develop and implement household hazardous waste management programs;

(h) Incentive grants to political subdivisions to assist and encourage the closure of landfills operating without a permit, the regional consolidation of solid waste disposal facilities operating with a permit, and the use of transfer stations. Grants

awarded for programs involving land disposal shall include provisions for waste reduction and recycling; and

(i) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources.

(3) No grant shall be made under section 81-15,161 to a political subdivision which operates a landfill operating without a permit unless the grant will be used to meet permit standards and the landfill is issued a permit within two years after the award of the grant.

~~(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction~~

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction, except that on or before June 1, 2002, up to one million dollars will be available for scrap tire projects only, if acceptable scrap tire project applications are received. Eligible categories of disbursement may include:

(a) Studies to determine economic and technical feasibility of uses of scrap tires or tire-derived product, with disbursements of up to one hundred percent of the cost of the study;

(b) Reimbursement for the purchase of crumb rubber generated and used in Nebraska, with disbursements not to exceed fifty percent of the cost of the crumb rubber;

(c) Reimbursement for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content, with disbursements not to exceed twenty-five percent of the product's retail cost;

(d) Participation in the capital costs of building, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived product, with disbursements not to exceed fifty percent of such costs or five hundred thousand dollars, whichever is less;

(e) Participation in the capital costs of building, equipment, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not to exceed fifty percent of such costs;

(f) Cost-sharing for the manufacturing of tire-derived product, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(g) Cost-sharing for the processing of scrap tires, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(h) Cost-sharing for the use of scrap tires for civil

engineering applications for specified projects, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually.

The director shall give preference to projects which utilize scrap tires generated and used in Nebraska.

(5) The department may disburse (a) to any person up to one hundred percent of the costs incurred in cleaning up scrap tire collection sites existing on June 11, 1997, if application for such cleanup is submitted prior to June 1, 1999, and the cleanup is completed by September 1, 2000, or (b) to a political subdivision up to one hundred percent of costs incurred in cleaning up collection sites if application for such cleanup is submitted prior to June 1, 1999, and the cleanup is completed by September 1, 2000.

(6) Priority for grants made under section 81-15,161 shall be given to grant proposals demonstrating a formal public/private partnership except for grants awarded from funds collected under subsection (6) of section 13-2042.

(7) Grants awarded from fees collected under subsection (6) of section 13-2042 may be renewed for up to a five-year grant period. Such applications shall include an updated solid waste management plan pursuant to section 13-2032. Annual disbursements are subject to available funds and the grantee meeting established grant conditions. Priority for such grants shall be given to grant proposals showing regional participation and programs which address the first waste management hierarchy as stated in section 13-2018 which shall include toxicity reduction. Disbursements for any one year shall not exceed fifty percent of the total funds collected after rebates under subsection (6) of section 13-2042 during that year. ~~; except that on or before June 30, 1999, grant proposals that will be used for the recycling of tires or tire waste reduction shall be submitted and considered under section 81-15,162.02 and shall not be funded from the Waste Reduction and Recycling Incentive Fund.~~

~~(5)~~ (8) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the fund. 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. 4. Section 81-15,162, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,162. (1) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on each tire of every new motor vehicle, trailer, or semitrailer sold at retail in this state. Such fee shall be collected by the county treasurer at the time of registration of the motor vehicle, trailer, or semitrailer and remitted to the Department of Revenue.

(2) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on every tire sold at retail in this state, including every farm tractor tire, which tires are not on a motor

vehicle, trailer, or semitrailer pursuant to subsection (1) of this section. Such fee shall be collected from the purchaser by the tire retailer at the time of purchase and shall be remitted to the Department of Revenue.

(3) For purposes of this section, tire shall have the definition found in section 81-15,159.02 and shall include a pneumatic and solid tire but shall not include a recapped or regrooved tire.

(4) Subject to section 81-15,165:

(a) On or before June 30, 1999, the fees remitted to the Department of Revenue under this section shall be remitted to the State Treasurer for credit to the Scrap Tire Reduction and Recycling Incentive Fund; and

(b) After June 30, 1999, the fees remitted to the Department of Revenue under this section along with any unobligated balance in the Scrap Tire Reduction and Recycling Incentive Fund shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. Fees collected in excess of one million dollars shall be available for grants to political subdivisions under rules and regulations adopted pursuant to subsection (7) of section 13-2042.

Sec. 5. Original sections 13-2042, 81-1558, and 81-15,162, Reissue Revised Statutes of Nebraska, and section 81-15,160, Revised Statutes Supplement, 1998, are repealed.

Sec. 6. Since an emergency exists, this act takes effect 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. On page 19, line 18, after "(8)" insert "Any person who operates a scrap tire collection site in violation of state law which is the subject of abatement or cleanup as provided in section 81-15,161.01 shall be liable to the State of Nebraska for the reimbursement of expenses of such abatement or cleanup paid out of the fund.
(9)".

Mr. Kristensen filed the following amendment to LB 637:
AM1921

(Amendments to Final Reading copy)

1. On page 3, line 4, "Any contract entered into by the Title IV-D Division with the designated entity or officer for the administration and operation of the State Disbursement Unit shall 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. Insert the following new section:
"Sec. 10. The State Treasurer shall transfer from the General Fund to the Cash Reserve Fund $18,000,000 on or after June 15, 2000, but before June 30, 2000.".
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. On page 10, strike lines 24 through 27 and insert the following new subsection:

"(13) It is the intent of the Legislature that if sufficient General Funds are not available to fully fund the Tax Equity and Educational Opportunities Support Act for fiscal year 2001-02, then on or before August 1, 2001, all necessary dollars shall be transferred from the Cash Reserve Fund to the General Fund for the purpose of fully funding the Tax Equity and Educational 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

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. On page 2, line 4, after the first "valuation" insert "of the parcel" and after the first "the" insert "total"; in line 7

after "the" insert "real"; in line 15 after "shall" insert "immediately"; and in line 18 strike "1" and insert "15".

2. On page 3, line 18, strike "1" and insert "15".

3. On page 6, line 17, strike "When taxes" and insert "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. On page 2, line 9, before "This" insert "(1)"; in line 10 after "injuries" insert "or wrongful death"; and after line 10 insert the following new subsection:

"(2) This act does not apply to any cause of action 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 72-1268, Reissue Revised Statutes of Nebraska, is amended to read:

72-1268. (1) Notwithstanding any other provision of law, every bank and building and loan association shall be eligible for the maximum investment offered to all banks provided for in section 72-1263. The bank or building and loan association shall give a bond or, in lieu of a bond, may give security for any investment under the Nebraska Capital Expansion Act as provided in sections 72-1268.01 to 72-1268.04. Any bank or building and loan association may apply for the privilege of keeping on deposit such

funds.

(2)(a) Every bank and building and loan association shall, as a condition of accepting state funds, agree to cash free of charge state warrants which are presented by payees of the state without regard to whether or not such payee has an account with such bank or building and loan association, and such bank or building and loan association shall not require such payee to place his or her fingerprint or thumbprint on the state warrant as a condition to cashing such warrant.

(b) The condition of accepting state funds in subdivision (2)(a) of this section shall not preclude any bank or building and loan association from refusing to cash a state warrant presented to the bank or building and loan association if (i) a stop-payment order has been placed on the state warrant, (ii) the state warrant has been reported as unregistered, voided, lost, stolen, destroyed, or that a duplicate state warrant has been issued in its place, (iii) the state warrant is incomplete or is forged or altered in any manner, (iv) the state warrant lacks any necessary indorsement or an indorsement is illegible, unauthorized, or forged, (v) the state warrant is stale-dated, or (vi) the bank or building and loan association has a reasonable belief that the individual presenting the state warrant is not the payee named on the state warrant.

Sec. 2. Section 77-2301, Reissue Revised Statutes of Nebraska, is amended to read:

77-2301. (1) The State Treasurer shall deposit, and at all times keep on deposit for safekeeping, in the state or national banks, or some of them doing business in this state and of approved standing and responsibility, the amount of money in his or her hands belonging to the several current funds in the state treasury. Any bank may apply for the privilege of keeping on deposit such funds or some part thereof.

(2)(a) Every bank shall, as a condition of keeping on deposit state funds, agree to cash free of charge state warrants which are presented by payees of the state without regard to whether or not such payee has an account with such bank, and such bank shall not require such payee to place his or her fingerprint or thumbprint on the state warrant as a condition to cashing such warrant.

(b) The condition of keeping on deposit state funds in subdivision (2)(a) of this section shall not preclude any bank from refusing to cash a state warrant presented to the bank if (i) a stop-payment order has been placed on the state warrant, (ii) the state warrant has been reported as unregistered, voided, lost, stolen, destroyed, or that a duplicate state warrant has been issued in its place, (iii) the state warrant is incomplete or is forged or altered in any manner, (iv) the state warrant lacks any necessary indorsement or an indorsement is illegible, unauthorized, or forged, (v) the state warrant is stale-dated, or (vi) the bank has a reasonable belief that the individual presenting the state

warrant is not the payee named on the state warrant.

(3) All deposits shall be subject to payment when demanded by the State Treasurer on his or her check and shall be subject also to such regulations as are imposed by law and rules adopted by the State Treasurer in receiving and holding such deposits.

Sec. 3. Original sections 72-1268 and 77-2301, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, strike beginning with "the" in line 1 through line 4 and insert "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.".

LEGISLATIVE BILL 592. Placed on Select File as amended.
E & R amendment to LB 592:
AM7158

1. In the Beutler amendment, AM1904:

a. On page 8, line 27, strike "funds" and insert "fees"; and

b. On page 9, line 4, after "updated" insert "integrated"; in line 9 after "first" insert "integrated solid"; and in line 11 strike "funds" and insert "fees".

2. On page 1, strike beginning with "solid" in line 1 through line 7 and insert "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.".

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

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

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

Excused and not voting, 3:

Engel	Hudkins	Stuhr

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

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. Strike sections 1, 26, 27, and 28.
2. On page 19, line 8, strike "13-2042,"; and strike beginning with "37-1291" in line 10 through line 12 and insert "and 37-1291, Reissue Revised Statutes of Nebraska, are repealed.".
3. Renumber the remaining sections and correct internal 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. On page 8, after line 14, insert the following new subsection:

"(4) This section does not apply to persons who are passengers of, but not operators of, a limousine or bus being used in a charter or special party service as defined by Public Service Commission rules and regulations and subject to Chapter 75, article 3, and such persons may possess open alcoholic beverage containers and may consume alcoholic beverages while such vehicle or vehicles 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	Schimek	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

printed on recycled paper

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 Mueler, 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

Excused and not voting, 5:

Brashear	Bromm	Jensen	Kiel	Landis

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. Strike section 1 and insert the following new section:

"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, 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 members of the Legislature 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.

Until changed by the Commission on Legislative Compensation, each ~~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. As soon as the same may be legally paid under the Constitution of Nebraska, each member of the Legislature shall receive 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.".

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. Strike the original sections and all amendments thereto and insert the following new sections:

"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, 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 members of the Legislature 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 two 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 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 for members of the Legislature.

For

Against'.".

Mr. Jones offered the following amendment to the Kristensen amendment: AM1929

(Amendments to AM1926)

1. On page 1, line 22, strike "two thousand" and insert "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

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

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 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

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 585.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-186, 60-601, 60-6,196, and 60-6,197, Reissue Revised Statutes of Nebraska, and section 60-4,118, 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

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 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. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Organic Agriculture Act.

Sec. 2. For purposes of the Organic Agriculture Act:

(1) Advertise means to present a commercial message in any medium, including print, radio, television, computer, sign display, label, tag, or articulation;

(2) Agricultural commodity includes livestock, annual and perennial crops, fiber, or food, such as vegetables, nuts, seeds, honey, eggs, or milk existing in an unprocessed state, which is produced on a farm and marketed for human or livestock consumption;

(3) Agricultural processed product means an agricultural commodity that has been processed;

(4) Agricultural product means an agricultural commodity or an agricultural processed product;

(5) Board means the Organic Standards Board established in section 3 of this act;

(6) Certification agency means an agency that provides independent, impartial, third-party certification of agricultural products and producers, handlers, and processors as organic;

(7) Department means the Department of Agriculture;

(8) Director means the Director of Agriculture;

(9) Farm means a site where agricultural commodities are produced;

(10) Food means an agricultural product which is used or intended for use in whole or in part for human consumption;

(11) Food service establishment means a place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is

on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service and food service operations in schools and summer camps. The term does not include private homes where food is prepared or stored for individual family consumption, the location of food vending machines, supply vehicles, and retail food stores except grocery stores and convenience stores which include delicatessen-type operations or otherwise prepare food which is intended for individual portion service. The term does not include child day care facilities and food service facilities subject to inspection by other agencies of the state and located in nursing homes, health care facilities, or hospitals;

(12) Handler means a person engaged in the business of handling agricultural products, including distributors, wholesalers, brokers, and repackers. Handler does not include a person selling agricultural products to consumers on a retail basis, including a food service establishment, retail grocery, meat market, or bakery, if the person does not process the agricultural product;

(13) Label means a commercial message in a printed medium which is affixed by any method to a product or to a receptacle including a container or package;

(14) Livestock means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; domesticated cervine animals as defined in section 54-701.03; or domesticated fowl;

(15) Processing means turning an agricultural commodity into an agricultural processed product by physical or chemical modification, including baking, brewing, canning, churning, cooking, cutting, dehydrating, drying, eviscerating, extracting, fermenting, freezing, grinding, heating, jarring, mixing, packaging, powdering, preserving, pressing, repacking, separating, or slaughtering;

(16) Processor means a person who processes an agricultural commodity;

(17) Produce means to grow, raise, collect, or harvest an agricultural commodity;

(18) Producer means a person who produces an agricultural commodity;

(19) Retailer means a person, other than an operator of a food service establishment, who is engaged in the business of selling food at retail to the ultimate customer; and

(20) Sale or sell means a commercial transfer or offer for sale and distribution in any manner.

Sec. 3. (1) The Organic Standards Board is created. The board shall consist of eleven members appointed by the Governor. The Governor shall accept nominations from persons or organizations representing persons who qualify for service on the board.

(2) The members shall serve staggered terms of four years. The appointment of the initial members may be for less than four years to ensure members serve staggered terms. The Governor shall appoint the initial members of the board not later than ninety days after the operative date of this act. Members appointed under this section shall have knowledge regarding the production, handling, processing, and retailing of organic agricultural products. Except for the initial appointments under subdivisions (2)(a) through (2)(c) of this section, members appointed under such subdivisions shall be certified under the Organic Agriculture Act. The members of the board shall be appointed as follows:

(a) Five individuals who operate farms producing organic agricultural products, at least one of whom is a producer of livestock, and at least one of whom is a producer of an agricultural commodity other than livestock. To qualify for appointment, an individual must have derived a substantial portion of his or her income, wages, or salary from the production of organic agricultural products for three years prior to appointment;

(b) Two individuals who operate businesses which process organic agricultural products. To qualify for appointment, an individual must have derived a substantial portion of his or her income, wages, or salary from processing organic agricultural products for three years prior to appointment;

(c) One individual who is either:

(i) An individual who operates a business handling organic agricultural products. To qualify for appointment, an individual must have derived a substantial portion of his or her income, wages, or salary from handling organic agricultural products for three years prior to appointment; or

(ii) An individual who operates a business selling organic agricultural products. To qualify for appointment, an individual must have derived a substantial portion of his or her income, wages, or salary from selling organic agricultural products on a retail basis for three years prior to appointment;

(d) Two individuals who have an educational degree and experience in agricultural or food science. To qualify for appointment, an individual must not have a financial interest in the production, handling, processing, or selling of organic agricultural products; and

(e) One individual who represents the public interest, the environment, or consumers. To qualify for appointment, the individual must be a member of an organization representing the public interest, consumers, or the environment. The individual must not have a financial interest in the production, handling, processing, or selling of organic agricultural products.

(3) A vacancy on the board shall be filled in the same manner as an original appointment. An individual appointed to fill a vacancy shall serve only for the unexpired portion of the term.

A member is eligible for reappointment. The Governor may remove a member based on the member's misfeasance, malfeasance, or willful neglect of duty or other just cause, after notice and hearing unless the notice and hearing is expressly waived in writing.

(4) Six members of the board constitute a quorum and the affirmative vote of a majority of the members present is necessary for any substantive action to be taken by the board. The member who has a conflict of interest shall not participate in any action by the board relating to the conflict, and a statement by a member that the member has a conflict of interest is conclusive for this purpose. The fact that a member is regulated under the act does not constitute a conflict of interest. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

(5) The members shall be reimbursed for all actual expenses incurred in the performance of their duties as members as provided in sections 81-1174 to 81-1177.

(6) If a member has an interest, either direct or indirect, in a contract to which the board is or is to be a party, the member shall disclose the interest to the board in writing. The writing stating the conflict shall be set forth in the minutes of the board. The member having the interest shall not participate in any action by the board relating to the contract.

(7) The board shall meet on a regular basis and at the call of the chairperson or upon the written request to the chairperson of two or more members. The department shall provide administrative support to the board.

Sec. 4. The Organic Standards Board shall:

(1) Assist the department in the development and interpretation of requirements of the Organic Agriculture Act;

(2) Designate one or more accreditors to monitor and provide oversight of organic certification agencies. Only certification agencies who are accredited by a designated accreditor will be allowed to certify organic agricultural products, producers, handlers, and processors of organic agricultural products; and

(3) Establish procedures pursuant to rules and regulations adopted and promulgated by the department governing the appeals of decisions made by the accredited certification agencies, the board, or the department under the act. Such appeals shall be according to the Administrative Procedure Act.

Sec. 5. The department, upon approval by the board, shall adopt and promulgate all rules and regulations necessary to administer the Organic Agriculture Act. The rules and regulations shall include requirements for disciplinary action and the issuance of stop-sale orders as provided in the act. The department shall also adopt and promulgate rules and regulations regarding the qualifications of departmental personnel responsible for implementing and administering the act. The rules and regulations

adopted under this section shall be consistent with federal regulations adopted pursuant to the federal Organic Foods Production Act of 1990, 7 U.S.C. 6501 et seq.

Sec. 6. (1) Except as provided in subsection (2) of this section, a person shall not sell or advertise an agricultural product as an organic agricultural product unless the agricultural product or the producer, handler, or processor of the agricultural product is certified by a certification agency accredited under the Organic Agriculture Act and the product is produced and handled in accordance with standards established by such accredited certification agency.

(2) Certification prior to the sale or advertising of an agricultural product as an organic agricultural product is not required for:

(a) A retailer who is not also the producer, handler, or processor of the agricultural commodity being sold or advertised as an organic agricultural product; and

(b) A producer, handler, or processor of an organic agricultural commodity who receives five thousand dollars or less in gross income per year from the sale of agricultural products.

(3) If a retailer who is not required to be certified under subsection (2) of this section sells bulk products or products susceptible to contamination, such retailer shall participate in an annual one-day training session for maintaining the integrity of the organic agricultural product. For purposes of this subsection, the sale of bulk products means the sale of agricultural commodities that are open to selection by the consumer, and products susceptible to contamination means organic agricultural products which are packaged in permeable or semipermeable membranes.

Sec. 7. (1) A person certified by a certification agency accredited under the Organic Agriculture Act shall label or mark organic agricultural products with the label or seal of the accredited certification agency identifying such products as organic agricultural products if such products are produced and handled in accordance with standards established by such accredited certification agency.

(2) The contents of a label advertising an organic agricultural product and the requirements for the seal shall meet the requirements established by the accredited certification agency.

Sec. 8. The department and the Attorney General shall enforce the Organic Agriculture Act. The Attorney General may commence legal proceedings in the district court of the county where the agricultural product is being produced, handled, processed, or sold at the request of the department or the board or upon the Attorney General's own initiative in order to enforce the act and the rules and regulations adopted and promulgated pursuant to the act. The Attorney General and the department are not

required to institute a proceeding for a minor violation if the Attorney General or department concludes that the public interest will be best served by a suitable notice of warning in writing.

Sec. 9. Any person may file a complaint with the department regarding a violation of the Organic Agriculture Act. The department shall adopt procedures for filing complaints and for processing complaints including requiring minimum information to determine the verifiability of a complaint. During the investigation of a complaint the department may conduct:

(1) An investigation to determine if a person is complying with the requirements of the Organic Agriculture Act and the accredited certification agency;

(2) Inspections at times and places and to an extent that the department determines necessary in order to conclude whether an organic agricultural product is being produced, handled, processed, or sold in accordance with the act and the accredited certification agency requirements. The department may inspect records required to be maintained by the accredited certification agency. The department may enter upon any public or private premises during regular business hours in a manner consistent with the laws of this state and the United States; and

(3) Examinations of organic agricultural products in order to determine if the products are produced, handled, processed, and sold in compliance with the act and the accredited certification agency requirements.

Sec. 10. (1) If a person sells an agricultural product as an organic agricultural product in violation of the Organic Agriculture Act or any rule or regulation adopted and promulgated under the act, the department may issue a written order to stop the sale of the agricultural product by a person in control of the agricultural product. The person named in the order shall not sell the item until the department determines that there is compliance with the act.

(2) The department may require that the agricultural product be held at a designated place until released by the department.

(3) The department or the Attorney General may enforce the order by petitioning the district court of the county where the agricultural product is being sold.

(4) The department shall release the agricultural product when the department issues a release order upon satisfaction that legal requirements compelling the issuance of the order are satisfied. The board must approve a delay in issuing a release order within three months after requiring that the agricultural product be held. If the person is found by the court to have violated the act, the person shall pay all expenses incurred by the department in connection with the agricultural product's removal.

Sec. 11. The Attorney General, the department, a political subdivision, or any other person may bring an action in

district court of the county where the agricultural product is being produced, handled, processed, or sold to restrain a producer, processor, handler, or retailer from selling an agricultural product by false or misleading advertising claiming that the agricultural product is organic. A petitioner is not required to allege facts necessary to show, or tending to show, a lack of adequate remedy at law, or that irreparable damage or loss will result if the action is brought at law or that unique or special circumstances exist.

Sec. 12. A person who violates the Organic Agriculture Act or any rule or regulation adopted and promulgated pursuant to the act is subject to a civil penalty of not more than five thousand dollars. Civil penalties shall be assessed by the district court in an action initiated by the Attorney General. Each day that the offense continues constitutes a separate offense. Civil penalties collected under this section shall be remitted to the State Treasurer for credit to the permanent school fund.

Sec. 13. This act becomes operative on January 1, 2000.

Sec. 14. The following sections are outright repealed: Sections 81-2,233 to 81-2,235, Reissue Revised Statutes of 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.

Sincerely,
(Signed) 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

printed on recycled paper

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.

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 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.

Sincerely,
(Signed) 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

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	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.

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. On page 24, after line 21 insert the following new subsection:

"(4) The Public Employees Retirement Board shall not be liable for actions taken or not taken by the entities responsible for remitting contributions, maintaining custody of funds, or 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~~ 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 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

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.

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

Present and not voting, 8:

Beutler	Coordsen	Dierks	Jones	Raikes

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:

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 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.".

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".

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 Wolkmer, 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 term 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.

Sincerely,
(Signed) 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

Excused and not voting, 3:

Cudaback	Hudkins	Landis

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: LRs 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

printed on recycled paper

INDEXES FOR

LEGISLATIVE JOURNAL

NINETY-SIXTH LEGISLATURE

FIRST SESSION

1999

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-99

CHRONOLOGY OF BILLS

NINETY-SIXTH LEGISLATURE
FIRST SESSION
1999

LEGISLATIVE BILL 1. By Executive Board

Jan. 7	Read first time	48
Jan. 11	Placed on General File	99
Jan. 20	Advanced for Review	265
Jan. 22	Placed on Select File	301
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 33-0-16	444
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 2. By Executive Board

Jan. 7	Read first time	49
Jan. 11	Placed on General File	99
Jan. 20	Advanced for Review	265
Jan. 22	Placed on Select File	301
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 37-0-12	444
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 3. By Executive Board

Jan. 7	Read first time	49
Jan. 11	Placed on General File	99
Jan. 20	Advanced for Review	265
Jan. 22	Placed on Select File	301
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 41-0-8	445
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 4. By Executive Board

Jan. 7	Read first time	49
Jan. 11	Placed on General File	99
Jan. 20	Advanced for Review	265
Jan. 22	Placed on Select File	301
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 40-0-9	446
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 5. By Executive Board

Jan. 7	Read first time	49
Jan. 11	Placed on General File	100
Jan. 20	Advanced for Review	265
Jan. 22	Placed on Select File	301
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 41-0-8	446
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 6. By Executive Board

Jan. 7	Read first time	49
Jan. 11	Placed on General File	100
Jan. 20	Advanced for Review	266
Jan. 22	Placed on Select File	301
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 42-0-7	447
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 7. By Executive Board

Jan. 7	Read first time	49
Jan. 11	Placed on General File	100
Jan. 20	Advanced for Review	266
Jan. 22	Placed on Select File	301
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343

Feb. 4	Final Reading 42-0-7	448
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 8. By Executive Board

Jan. 7	Read first time	49
Jan. 11	Placed on General File	100
Jan. 20	Advanced for Review	266
Jan. 22	Placed on Select File - AM7000	302
Jan. 25	AM7000 (E & R) p. 302 adopted. Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 43-0-6	448
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 9. By Executive Board

Jan. 7	Read first time	50
Jan. 11	Placed on General File	100
Jan. 20	Advanced for Review	266
Jan. 22	Placed on Select File	302
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 43-0-6	449
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 10. By Executive Board

Jan. 7	Read first time	50
Jan. 11	Placed on General File	100
Jan. 20	Advanced for Review	266
Jan. 22	Placed on Select File	302
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 45-0-4	450
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 11. By Executive Board

Jan. 7	Read first time	50
Jan. 11	Placed on General File	100
Jan. 20	Advanced for Review	266
Jan. 22	Placed on Select File	302
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 46-0-3	450
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 12. By Executive Board

Jan. 7	Read first time	50
Jan. 11	Placed on General File	100
Jan. 20	Advanced for Review	266
Jan. 22	Placed on Select File	302
Jan. 25	Advanced for Engrossment	334
Jan. 26	Correctly Engrossed. ER9000 change	343
Feb. 4	Final Reading 46-0-3	451
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 13. By Executive Board

Jan. 7	Read first time	50
Jan. 11	Placed on General File	100
Jan. 20	Advanced for Review	266
Jan. 22	Placed on Select File	302
Jan. 25	Advanced for Engrossment	335
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 47-0-2	452
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 14. By Coordsen

Jan. 7	Read first time	50
Jan. 11	Referred to General Affairs Committee	100
Jan. 29	Notice of hearing (2/8)	392
Feb. 12	Indefinitely postponed	558

LEGISLATIVE BILL 15. By Coordsen

Jan. 7	Read first time	51
Jan. 11	Referred to Natural Resources Committee	100
Feb. 16	Notice of hearing (2/24)	578
Apr. 15	Indefinitely postponed	1470

LEGISLATIVE BILL 16. By Coordsen

Jan. 7	Read first time	51
Jan. 11	Referred to Transportation Committee	100
Jan. 29	Notice of hearing (2/8)	397

LEGISLATIVE BILL 17. By Coordsen, Schimek

Jan. 7	Read first time	51
Jan. 11	Referred to Health and Human Services Committee	100
Jan. 13	Notice of hearing (1/20)	176
Feb. 2	Placed on General File - Com AM40	419
Feb. 2	Chambers name added	427
Feb. 8	Com AM40 p. 419 adopted. Advanced for Review	484
Feb. 10	Coordsen AM241 to Com AM40 printed	516
Feb. 10	Placed on Select File - AM7040	518
Feb. 23	AM7040 (E & R) p. 518 adopted. Coordsen pending AM241 p. 516 adopted. Advanced for Engrossment	686
Feb. 26	Correctly Engrossed	752
Mar. 4	Coordsen-Jensen AM617 printed	828
Mar. 4	Jensen name added	850
Mar. 11	Returned to Select File for Coordsen-Jensen specific AM617 p. 828. Coordsen-Jensen specific AM617 p. 828 adopted. Advanced for Reengrossment	931
Mar. 15	Correctly Reengrossed	963
Mar. 19	Final Reading 44-0-5	1100
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

(Provisions/portions of LB 56 amended into LB 17 by Com AM40)
(Provisions/portions of LB 71 amended into LB 17 by Com AM40)

LEGISLATIVE BILL 18. By Landis

Jan. 7	Read first time	51
Jan. 11	Referred to Banking, Commerce and Insurance Committee	100
Feb. 19	Notice of hearing (3/8)	644
Mar. 9	Placed on General File	871
Apr. 1	Advanced for Review	1309
Apr. 9	Placed on Select File	1370

Apr. 15	Advanced for Engrossment	1492
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading 41-0-7	1661
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 19. By Landis

Jan. 7	Read first time	51
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/22)	190
Jan. 26	Placed on General File	349
Jan. 28	Advanced for Review	381
Feb. 1	Placed on Select File	402
Feb. 4	Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading 44-0-5	628
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 20. By Landis

Jan. 7	Read first time	51
Jan. 11	Referred to Transportation Committee	100
Jan. 11	Tyson name added	136
Jan. 12	Notice of hearing (1/19)	140
Jan. 27	Placed on General File	374
Jan. 29	Advanced for Review	395
Feb. 2	Placed on Select File	416
Feb. 10	Advanced for Engrossment	510
Feb. 11	Correctly Engrossed	530
Feb. 26	Final Reading 44-0-5	732
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 20A. By Landis

Feb. 4	Read first time. Placed on General File	470
Feb. 8	Advanced for Review	479
Feb. 9	Placed on Select File	494
Feb. 10	Advanced for Engrossment	510
Feb. 11	Correctly Engrossed	530
Feb. 26	Final Reading 43-0-6	733

Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 21. By Landis

Jan. 7	Read first time	51
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/22)	190
Jan. 26	Indefinitely postponed	350

LEGISLATIVE BILL 22. By Landis

Jan. 7	Read first time	51
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/22)	190
Jan. 26	Indefinitely postponed	350

LEGISLATIVE BILL 23. By Landis

Jan. 7	Read first time	52
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/22)	190
Jan. 26	Placed on General File	350
Jan. 28	Advanced for Review	383
Feb. 1	Placed on Select File	402
Feb. 4	Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading 44-0-5	629
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 24. By Landis

Jan. 7	Read first time	52
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/22)	190
Jan. 26	Placed on General File	350
Jan. 28	Advanced for Review	383
Feb. 1	Placed on Select File	402
Feb. 4	Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading 45-0-4	629
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 25. By Lynch

Jan. 7	Read first time	52
Jan. 11	Referred to Transportation Committee	100
Jan. 12	Notice of hearing (1/19)	140

LEGISLATIVE BILL 26. By Lynch

Jan. 7	Read first time	52
Jan. 11	Referred to Education Committee	100
Jan. 12	Notice of hearing (1/19)	139

LEGISLATIVE BILL 27. By Lynch

Jan. 7	Read first time	52
Jan. 11	Referred to Business and Labor Committee	100
Feb. 1	Notice of hearing (2/8)	403
Feb. 17	Placed on General File	590
Feb. 19	Tyson AM430 printed	661
Feb. 24	Lynch FA36 and AM491 printed	706
Feb. 25	Lynch AM491 p. 706 and Tyson AM430 p. 661 withdrawn. Failed to advance for Review	718

LEGISLATIVE BILL 28. By Coordsen

Jan. 7	Read first time	52
Jan. 11	Referred to Education Committee	100
Jan. 15	Notice of hearing (1/26)	206
Feb. 12	Indefinitely postponed	568

LEGISLATIVE BILL 29. By Coordsen, Bromm, Matzke, Dw. Pedersen, C. Peterson, Thompson

Jan. 7	Read first time	52
Jan. 11	Referred to Transportation Committee	100
Feb. 10	Notice of hearing (3/1)	516
Mar. 3	Placed on General File	823

LEGISLATIVE BILL 30. By Kristensen

Jan. 7	Read first time	53
Jan. 11	Referred to Transportation Committee	100
Jan. 12	Notice of hearing (1/19)	140

LEGISLATIVE BILL 31. By Kristensen

Jan. 7	Read first time	53
Jan. 11	Referred to Judiciary Committee	100
Jan. 21	Notice of hearing (1/28)	299
Feb. 19	Indefinitely postponed	620

LEGISLATIVE BILL 32. By Kristensen

Jan. 7	Read first time	53
Jan. 11	Referred to Revenue Committee	100
Jan. 14	Notice of hearing (1/21)	182
Feb. 1	Placed on General File	407
Feb. 2	Advanced for Review	424
Feb. 4	Placed on Select File - AM7029	441
Feb. 10	AM7029 (E & R) p. 441 adopted. Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
May 19	Quandahl-Bourne-Preister-Dw. Pedersen-Hilgert-Jensen-Brashear-Chambers-Lynch-Brown-Kiel-Suttle-Hudkins-Redfield AM1867 printed	2267
May 20	Motion to return to Select File for Quandahl et al. specific AM1867 p. 2267 failed	2332
May 20	Final Reading 45-1-3	2333
May 20	Speaker signed	2339
May 21	Presented to Governor (5/20)	2343
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 32A. By Kristensen

Feb. 3	Read first time. Placed on General File	430
Feb. 4	Advanced for Review	461
Feb. 8	Placed on Select File	474
Feb. 10	Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
May 20	Final Reading 45-1-3	2333
May 20	Speaker signed	2339
May 21	Presented to Governor (5/20)	2343
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 33. By Wickersham

Jan. 7	Read first time	53
Jan. 11	Referred to Revenue Committee	100
Jan. 13	Notice of hearing (1/20)	177
Jan. 21	Placed on General File	300
Jan. 22	Advanced for Review	321
Jan. 25	Placed on Select File	337
Jan. 27	Advanced for Engrossment	357
Jan. 29	Correctly Engrossed	392
Feb. 4	Final Reading w/E 47-0-2	455
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 34. By Wickersham

Jan. 7	Read first time	53
Jan. 11	Referred to Revenue Committee	100
Jan. 13	Notice of hearing (1/20)	177
Jan. 21	Placed on General File	300
Jan. 22	Advanced for Review	321
Jan. 25	Placed on Select File	337
Jan. 27	Advanced for Engrossment	357
Jan. 29	Correctly Engrossed	392
Feb. 4	Final Reading 44-0-5	456
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 35. By Wickersham

Jan. 7	Read first time	53
Jan. 11	Referred to Revenue Committee	100
Jan. 13	Notice of hearing (1/20)	177
Jan. 21	Placed on General File	300
Jan. 22	Advanced for Review	321
Jan. 25	Placed on Select File	337
Jan. 27	Advanced for Engrossment	357
Jan. 29	Correctly Engrossed	392
Feb. 4	Final Reading 46-0-3	457
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 36. By Wickersham

Jan. 7	Read first time	53
Jan. 11	Referred to Revenue Committee	100
Feb. 3	Notice of hearing (2/24)	435
Mar. 11	Revenue Committee priority bill	914
Mar. 12	Placed on General File - Com AM752	955
Apr. 6	Com AM752 p. 955 adopted. Advanced for Review	1332
Apr. 13	Placed on Select File - AM7114	1414
Apr. 13	Wickersham AM1222 printed	1422
Apr. 14	Wickersham AM1272 printed	1459
Apr. 29	AM7114 (E & R) p. 1414 adopted. Wickersham pending AM1222 p. 1422 adopted. Wickersham pending AM1272 p. 1459 pending	1770

May 3	Quandahl-Jensen-Dw. Pedersen-Hilgert-Tyson-Preister-Kiel-Brown-Redfield AM1595 printed	1811
May 4	Wickersham pending AM1272 p. 1459 adopted. Quandahl et al. AM1595 p. 1811 and Quandahl-Kiel AM1639 withdrawn. Advanced for Engrossment	1842
May 5	Quandahl-Kiel AM1619 printed	1849
May 11	Correctly Engrossed. ER9079 change	1925
May 14	Quandahl-Kiel AM1619 p. 1849 withdrawn. Dispensing of reading at large approved. Failed on Final Reading w/E 28-14-7	2140
May 14	Wickersham motion to reconsider vote prevailed. Final Reading w/E 33-8-8	2141
May 14	Speaker signed	2142
May 17	Presented to Governor (5/14)	2152
May 20	Approved by Governor (5/20)	2307

LEGISLATIVE BILL 37. By Wickersham

Jan. 7	Read first time	54
Jan. 11	Referred to Revenue Committee	100
Jan. 13	Notice of hearing (1/20)	177
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 38. By Coordsen

Jan. 7	Read first time	54
Jan. 11	Referred to Appropriations Committee	100
Jan. 28	Notice of hearing (2/8)	381

LEGISLATIVE BILL 39. By Brashear

Jan. 7	Read first time	54
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/21)	190
Jan. 22	Bruning name added	325

LEGISLATIVE BILL 40. By Brashear

Jan. 7	Read first time	54
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/21)	190
Jan. 22	Bruning name added	325
Feb. 1	Placed on General File - Com AM95	407
Feb. 3	Com AM95 p. 407 adopted. Advanced for Review	436
Feb. 8	Placed on Select File - AM7031	473
Feb. 10	AM7031 (E & R) p. 473 adopted. Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575

Mar. 25	Final Reading 42-1-6	1201
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 41. By Brashear

Jan. 7	Read first time	55
Jan. 11	Referred to Judiciary Committee	100
Jan. 22	Notice of hearing (1/29)	323
Feb. 8	Indefinitely postponed	475

LEGISLATIVE BILL 42. By Brashear

Jan. 7	Read first time	55
Jan. 11	Referred to Judiciary Committee	100
Jan. 13	Notice of hearing (1/20)	176
Jan. 22	Placed on General File	322
Jan. 25	Advanced for Review	336
Jan. 26	Placed on Select File	351

LEGISLATIVE BILL 43. By Brashear

Jan. 7	Read first time	55
Jan. 11	Referred to Judiciary Committee	100
Jan. 13	Notice of hearing (1/20)	176
Jan. 22	Placed on General File	322
Jan. 25	Advanced for Review	336
Jan. 26	Placed on Select File	351
Apr. 7	Brashear AM1118 printed separate	1343
Apr. 15	Brashear pending AM1118 (printed separate) adopted. Advanced for Engrossment	1469
Apr. 19	Correctly Engrossed. ER9055 change	1519
Apr. 23	Final Reading 43-0-5	1653
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

(Provisions/portions of LB 622 amended into LB 43 by AM1118)

LEGISLATIVE BILL 44. By Brashear

Jan. 7	Read first time	55
Jan. 11	Referred to Judiciary Committee	100
Jan. 13	Notice of hearing (1/20)	176
Jan. 22	Placed on General File	322
Jan. 25	Advanced for Review	336
Jan. 26	Placed on Select File	351

Apr. 19	Chambers AM1313 printed	1522
Apr. 26	Chambers name added	1711
May 5	Chambers AM1313 p. 1522 withdrawn. Chair sustained request for division of question on Chambers AM1657. Chambers FA190 (1st) pending. Bromm FA192 to FA190 (1st) pending	1884
May 5	Bromm FA191 to FA189 (2nd) printed	1888
May 11	Bromm FA192 p. 1885 withdrawn. Chambers pending FA190 (1st) p. 1885 adopted. Bromm FA191 p. 1888 withdrawn. Chambers FA189 (2nd) adopted. Advanced for Engrossment	1967
May 13	Correctly Engrossed. ER9082 change	2069

LEGISLATIVE BILL 45. By Brashear

Jan. 7	Read first time	55
Jan. 11	Referred to Judiciary Committee	100
Jan. 13	Notice of hearing (1/20)	176
Jan. 22	Placed on General File	322
Jan. 25	Advanced for Review	336
Jan. 26	Placed on Select File	351

LEGISLATIVE BILL 46. By Brashear

Jan. 7	Read first time	55
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/21)	190
Feb. 1	Placed on General File - Com AM91	408
Feb. 3	Com AM91 p. 408 adopted. Advanced for Review	436
Feb. 8	Placed on Select File - AM7034	474
Feb. 10	AM7034 (E & R) p. 474 adopted. Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
Feb. 26	Final Reading 44-1-4	744
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 47. By Brashear

Jan. 7	Read first time	55
Jan. 11	Referred to Judiciary Committee	100
Jan. 13	Notice of hearing (1/20)	176
Jan. 22	Placed on General File	322
Jan. 25	Advanced for Review	336
Jan. 26	Placed on Select File	351
Jan. 27	Passed over	357

Jan. 27	Beutler FA3 printed	366
Jan. 27	Brashear AM83 printed	368
Jan. 29	Brashear AM131 printed	398
Feb. 4	Beutler FA3 p. 366 and Brashear AM83 p. 368 withdrawn. Brashear pending AM131 p. 398 adopted. Advanced for Engrossment	462
Feb. 8	Correctly Engrossed. ER9006 change	475
Feb. 12	Final Reading 44-0-5	550
Feb. 12	President signed	554
Feb. 12	Presented to Governor (2/12)	570
Feb. 17	Approved by Governor (2/17)	601

LEGISLATIVE BILL 48. By Brashear

Jan. 7	Read first time	56
Jan. 11	Referred to Judiciary Committee	100
Jan. 13	Notice of hearing (1/20)	176
Jan. 26	Placed on General File - Com AM29	350
Jan. 28	Com AM29 p. 350 adopted. Advanced for Review	384
Feb. 1	Placed on Select File	403
Feb. 4	Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 26	Final Reading 46-0-3	732
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 49. By Brashear

Jan. 7	Read first time	56
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/21)	190
Jan. 22	Bruning name added	325
Feb. 1	Placed on General File - Com AM94	408
Feb. 2	Preister name added	426
Feb. 3	Com AM94 p. 408 adopted. Advanced for Review	436
Feb. 8	Placed on Select File - AM7032	474
Feb. 10	AM7032 (E & R) p. 474 adopted. Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
Mar. 25	Final Reading 43-1-5	1202
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 50. By Brashear

Jan. 7	Read first time	56
Jan. 11	Referred to Judiciary Committee	100
Jan. 27	Notice of hearing (2/3)	366
Feb. 9	Dw. Pedersen name added	503
Feb. 16	Indefinitely postponed	583

LEGISLATIVE BILL 51. By Brashear

Jan. 7	Read first time	56
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Notice of hearing (1/21)	190
Feb. 16	Placed on General File - Com AM59	579
Feb. 25	Com AM59 p. 579 adopted. Advanced for Review	718
Mar. 1	Placed on Select File - AM7076	789
Mar. 3	Brashear AM633 printed	819
Mar. 18	AM7076 (E & R) p. 789 adopted. Brashear pending AM633 p. 819 adopted. Advanced for Engrossment	1066
Mar. 19	Correctly Engrossed. ER9033 change	1106
May 20	Final Reading 47-0-2	2281
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 52. By Brashear

Jan. 7	Read first time	56
Jan. 11	Referred to Judiciary Committee	100
Jan. 14	Redfield name added	196
Feb. 16	Notice of hearing (2/24)	586
Mar. 17	Placed on General File - Com AM786	1041

LEGISLATIVE BILL 53. By Brashear

Jan. 7	Read first time	56
Jan. 11	Referred to Revenue Committee	100
Jan. 15	Notice of hearing (1/22)	206
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 54. By Brashear

Jan. 7	Read first time	56
Jan. 11	Referred to Judiciary Committee	101
Jan. 14	Notice of hearing (1/21)	190
Feb. 16	Placed on General File - Com AM340	581
Feb. 22	Com AM340 p. 581 adopted. Advanced for Review	665
Feb. 25	Placed on Select File - AM7072	724

Mar. 4	AM7072 (E & R) p. 724 adopted. Advanced for Engrossment	841
Mar. 12	Correctly Engrossed	941
May 20	Final Reading 45-0-4	2281
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 54A. By Brashear

Mar. 15	Read first time. Placed on General File	982
Mar. 17	Advanced for Review	1039
Mar. 18	Placed on Select File	1051
Apr. 9	Advanced for Engrossment	1360
Apr. 13	Correctly Engrossed	1421
May 20	Final Reading 42-0-7	2282
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor with line-item vetoes (5/26)	2414
May 27	Communication	2450

LEGISLATIVE BILL 55. By Brashear

Jan. 7	Read first time	56
Jan. 11	Referred to Judiciary Committee	101
Jan. 13	Notice of hearing (1/20)	176
Mar. 8	Placed on General File - Com AM668	859

LEGISLATIVE BILL 56. By Brashear

Jan. 7	Read first time	57
Jan. 11	Referred to Health and Human Services Committee	101
Jan. 13	Notice of hearing (1/20)	176
Feb. 2	Indefinitely postponed	421

(Provisions/portions of LB 56 amended into LB 17 by Com AM40)

LEGISLATIVE BILL 57. By Brashear

Jan. 7	Read first time	57
Jan. 11	Referred to Transportation Committee	101
Jan. 12	Notice of hearing (1/19)	140
Jan. 22	Placed on General File - Com AM3	303
Jan. 25	Com AM3 p. 303 adopted. Advanced for Review	335
Jan. 26	Placed on Select File - AM7005	350
Jan. 27	AM7005 (E & R) p. 350 adopted. Advanced for Engrossment	357
Jan. 27	Chambers FA4 printed	367

Jan. 29	Correctly Engrossed	392
Feb. 12	Motion to return to Select File for Chambers specific FA4 p. 367 withdrawn. Final Reading 41-2-6	551
Feb. 12	President signed	554
Feb. 12	Presented to Governor (2/12)	570
Feb. 17	Approved by Governor (2/17)	601

LEGISLATIVE BILL 57A. By Brashear

Jan. 27	Read first time. Placed on General File	370
Jan. 29	Advanced for Review	394
Feb. 2	Placed on Select File	416
Feb. 4	Advanced for Engrossment	462
Feb. 8	Correctly Engrossed	475
Feb. 12	Final Reading 41-1-7	552
Feb. 12	President signed	554
Feb. 12	Presented to Governor (2/12)	570
Feb. 17	Approved by Governor (2/17)	601

LEGISLATIVE BILL 58. By Schimek

Jan. 7	Read first time	57
Jan. 11	Referred to Revenue Committee	101
Jan. 21	Notice of hearing (1/28)	299
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 59. By Schimek

Jan. 7	Read first time	57
Jan. 11	Referred to Natural Resources Committee	101
Jan. 15	Notice of hearing (1/22)	200
Jan. 26	Placed on General File	349
Jan. 27	Janssen AM97 withdrawn. Advanced for Review	372
Jan. 29	Placed on Select File - AM7011	391
Feb. 3	Schimek AM180 printed	437
Feb. 4	AM7011 (E & R) p. 391 adopted. Schimek pending AM180 p. 437 adopted. Baker FA9 lost. Advanced for Engrossment	462
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading w/E 41-4-4	630
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 60. By Schimek

Jan. 7	Read first time	57

Jan. 11	Referred to Government, Military and Veterans Affairs Committee	101
Feb. 3	Notice of hearing (2/10)	437
Feb. 11	Placed on General File	536
Feb. 18	Chambers FA24 adopted. Advanced for Review	609
Feb. 22	Placed on Select File	669
Mar. 4	Advanced for Engrossment	837
Mar. 10	Correctly Engrossed	881
Mar. 19	Final Reading 42-1-6	1088
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 61. By Landis

Jan. 7	Read first time	57
Jan. 11	Referred to Government, Military and Veterans Affairs Committee	101
Jan. 13	Notice of hearing (1/20)	176
Jan. 28	Placed on General File - Com AM103	385
Jan. 29	Com AM103 p. 385 adopted. Advanced for Review	395
Feb. 2	Placed on Select File - AM7023	416
Feb. 10	AM7023 (E & R) p. 416 adopted. Advanced for Engrossment	511
Feb. 11	Correctly Engrossed	530
Feb. 26	Final Reading 44-0-5	734
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 62. By Landis

Jan. 7	Read first time	57
Jan. 11	Referred to Banking, Commerce and Insurance Committee	101
Jan. 12	Notice of hearing (1/19)	157
Jan. 20	Placed on General File	258
Jan. 21	Advanced for Review	298
Jan. 22	Placed on Select File	302
Jan. 25	Advanced for Engrossment	335
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading w/E 46-0-3	453
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 63. By Landis

Jan. 7	Read first time	58
Jan. 11	Referred to Banking, Commerce and Insurance Committee	101
Feb. 1	Notice of hearing (2/16)	403
Feb. 17	Placed on General File	597

LEGISLATIVE BILL 64. By Hilgert

Jan. 7	Read first time	58
Jan. 11	Referred to Judiciary Committee	101
Jan. 13	Notice of hearing (1/20)	176
Feb. 1	Placed on General File	407
Feb. 2	Advanced for Review	424
Feb. 4	Placed on Select File	442
Feb. 10	Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
Feb. 26	Final Reading 45-1-3	745
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 65. By Hilgert, Jensen

Jan. 7	Read first time	58
Jan. 11	Referred to Business and Labor Committee	101
Jan. 15	Notice of hearing (1/25)	200
Jan. 20	Lynch name added	294
Jan. 29	Indefinitely postponed	396

LEGISLATIVE BILL 66. By Hilgert

Jan. 7	Read first time	58
Jan. 11	Referred to Business and Labor Committee	101
Jan. 15	Notice of hearing (1/25)	200
Jan. 20	Lynch name added	294
Jan. 29	Placed on General File	396
Feb. 1	Advanced for Review	405
Feb. 1	Jensen name added	413
Feb. 3	Placed on Select File	430
Feb. 10	Advanced for Engrossment	511
Feb. 11	Correctly Engrossed	530
Feb. 26	Final Reading 47-0-2	735
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 66A. By Hilgert

Feb. 3	Read first time. Placed on General File	430
Feb. 4	Advanced for Review	461
Feb. 8	Placed on Select File - AM7037	474
Feb. 10	AM7037 (E & R) p. 474 adopted. Advanced for Engrossment	511
Feb. 11	Correctly Engrossed	530
Feb. 26	Final Reading 46-0-3	735
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 67. By Kristensen

Jan. 7	Read first time	58
Jan. 11	Referred to Education Committee	101
Jan. 25	Notice of hearing (2/2)	338
Feb. 10	Placed on General File - Com AM86	518
Feb. 17	Com AM86 p. 518 adopted. Advanced for Review	603
Feb. 19	Placed on Select File - AM7061	627
Feb. 23	AM7061 (E & R) p. 627 adopted. Advanced for Engrossment	691
Mar. 1	Correctly Engrossed	780
May 20	Final Reading 44-1-4	2283
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 67A. By Kristensen

Mar. 2	Read first time. Placed on General File	797
Mar. 8	Advanced for Review	854
Mar. 10	Placed on Select File	896
Mar. 15	Advanced for Engrossment	980
Mar. 16	Correctly Engrossed	987
May 20	Final Reading w/E 43-1-5	2284
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 68. By Suttle

Jan. 7	Read first time	58
Jan. 11	Referred to Health and Human Services Committee	101
Jan. 14	Notice of hearing (1/21)	183
Jan. 25	Placed on General File	333

Jan. 26	Advanced for Review	345
Jan. 28	Placed on Select File - AM7009	384
Feb. 4	AM7009 (E & R) p. 384 adopted. Advanced for Engrossment	462
Feb. 9	Correctly Engrossed. ER9005 change	489
Feb. 26	Motion to return to Select File for Chambers specific FA26 withdrawn. Chambers unanimous consent to bracket. No objections	750
Mar. 22	Suttle-Chambers AM909 printed	1130
Mar. 25	Returned to Select File for Suttle-Chambers specific AM909 p. 1130. Suttle-Chambers specific AM909 p. 1130 adopted. Advanced for Reengrossment	1213
Mar. 29	Correctly Reengrossed. ER9040 change	1245
Apr. 23	Dispensing of reading at large approved. Final Reading 42-1-5	1642
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 68A. By Suttle

Feb. 1	Read first time. Placed on General File	406
Feb. 3	Advanced for Review	431
Feb. 4	Placed on Select File	442
Feb. 9	Advanced for Engrossment	491
Feb. 10	Correctly Engrossed	505
Apr. 23	Final Reading 39-1-8	1643
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor with line-item vetoes (4/28)	1752
May 11	Communication	1932

LEGISLATIVE BILL 69. By Chambers

Jan. 7	Read first time	59
Jan. 11	Referred to Judiciary Committee	101
Feb. 16	Notice of hearing (2/26)	586

LEGISLATIVE BILL 70. By Chambers

Jan. 7	Read first time	59
Jan. 11	Referred to Judiciary Committee	101
Feb. 16	Notice of hearing (3/4)	587

LEGISLATIVE BILL 71. By Chambers, Thompson

Jan. 7	Read first time	59
Jan. 12	Referred to Health and Human Services Committee	137

Jan. 13	Notice of hearing (1/20)	176
Feb. 2	Indefinitely postponed	421

(Provisions/portions of LB 71 amended into LB 17 by Com AM40)

LEGISLATIVE BILL 72. By Chambers

Jan. 7	Read first time	60
Jan. 12	Referred to Judiciary Committee	137
Jan. 13	Dw. Pedersen name added	177
Jan. 14	Notice of hearing (1/21)	190
Jan. 26	Placed on General File - Com AM34	350
Jan. 28	Com AM34 p. 350 adopted. Advanced for Review	384
Feb. 1	Placed on Select File - AM7017	403
Feb. 4	AM7017 (E & R) p. 403 adopted. Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 9	Chambers AM243 printed	493
Feb. 19	Returned to Select File for Chambers specific AM243 p. 493. Chambers specific AM243 p. 493 adopted. Advanced for Reengrossment	642
Feb. 22	Correctly Reengrossed	673
Feb. 23	Chambers FA35 printed	693
Mar. 16	Chambers AM808 printed	1024
Mar. 18	Chambers AM852 printed	1064
Mar. 19	Chambers FA35 p. 693 and AM808 p. 1024 withdrawn. Returned to Select File for Chambers specific AM852 p. 1064. Chambers specific AM852 p. 1064 adopted. Advanced for Reengrossment	1101
Mar. 19	Tyson FA56 to AM852 printed	1108
Mar. 22	Correctly Reengrossed. ER9039 change	1126
Mar. 25	Motion to return to Select File for Tyson specific FA56 p. 1108 failed. Final Reading w/E 43-2-4	1216
Mar. 25	President signed	1220
Mar. 25	Presented to Governor (3/25)	1223
Mar. 31	Approved by Governor (3/30)	1289

(Provisions/portions of LB 73 amended into LB 72 by AM733)

LEGISLATIVE BILL 73. By Chambers

Jan. 7	Read first time	60
Jan. 12	Referred to Judiciary Committee	138
Jan. 14	Notice of hearing (1/21)	190
Feb. 26	Placed on General File - Com AM496	759
Mar. 16	Speaker priority bill	1000
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406

May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 73 amended into LB 72 by AM733)

LEGISLATIVE BILL 74. By Chambers

Jan. 7	Read first time	60
Jan. 12	Referred to Transportation Committee	138
Feb. 9	Notice of hearing (3/8)	495
Mar. 12	Placed on General File - Com AM740	950

LEGISLATIVE BILL 75. By Chambers

Jan. 7	Read first time	60
Jan. 12	Referred to Judiciary Committee	138
Feb. 2	Notice of hearing (2/12)	426

LEGISLATIVE BILL 76. By Chambers

Jan. 7	Read first time	60
Jan. 12	Referred to Judiciary Committee	138
Feb. 16	Notice of hearing (2/24)	586
Feb. 23	Crosby name added	693
Mar. 12	Chambers priority bill	948
Mar. 17	Placed on General File - Com AM785	1041
Apr. 7	Chambers FA94 to Com AM785 printed	1344
Apr. 20	Com AM785 p. 1041 pending. Chambers pending FA94 p. 1344 to Com AM785 adopted	1545
Apr. 21	Bruning FA105 to Com AM785 lost	1554
Apr. 21	Com AM785 p. 1041 adopted as amended by Bromm FA106	1560
Apr. 21	Bruning AM1384 printed	1565
Apr. 21	Advanced for Review	1566
Apr. 22	Placed on Select File - AM7128	1604
Apr. 22	Bruning AM1388 to AM7128 printed	1607
May 6	Bruning AM1443 to AM7128 printed	1908
May 6	Bruning AM1442 to AM7128 printed	1909
May 13	AM7128 (E & R) p. 1604 adopted. Bruning AM1384 p. 1565, AM1388 p. 1607, AM1443 p. 1908, and AM1442 p. 1909 withdrawn. Bruning motion to bracket until 4/10/2000 pending	2117
May 13	Bruning pending motion p. 2117 to bracket until 4/10/2000 failed. Advanced for Engrossment	2124
May 17	Correctly Engrossed	2145
May 20	Final Reading 27-21-1	2284
May 20	President signed	2306

May 20	Presented to Governor (5/20)	2331
May 27	Returned by Governor without approval (5/26)	2413
May 27	Brashear-Chambers motion to override veto withdrawn	2447
May 27	Communication	2450

LEGISLATIVE BILL 76A. By Chambers

May 6	Read first time. Placed on General File	1915
May 12	Advanced for Review	1995
May 13	Placed on Select File	2089
May 17	Advanced for Engrossment	2156
May 17	Correctly Engrossed	2176
May 20	Final Reading 33-15-1	2285
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Returned by Governor without approval (5/26)	2413
May 27	Chambers-Brashear motion to override veto passed 43-0-6	2447
May 27	Communication	2452
May 27	Certificate	2453

LEGISLATIVE BILL 77. By Engel

Jan. 7	Read first time	60
Jan. 12	Referred to Revenue Committee	138
Jan. 20	Notice of hearing (1/27)	289
Jan. 28	Placed on General File	385
Jan. 29	Advanced for Review	395
Feb. 2	Placed on Select File	416
Feb. 8	Engel AM159 printed	481
Feb. 10	Engel AM159 p. 481 withdrawn. Advanced for Engrossment	510
Feb. 11	Correctly Engrossed	530
Feb. 26	Final Reading 47-0-2	736
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 78. By Bruning

Jan. 7	Read first time	61
Jan. 12	Referred to Urban Affairs Committee	138
Jan. 29	Notice of hearing (2/9)	397
Mar. 4	Placed on General File - Com AM614	843
Mar. 11	Bruning priority bill	914

Mar. 29	Bruning-Hartnett AM1023 printed	1252
Mar. 30	Bruning-Hartnett AM1069 to Com AM614 printed	1261
Apr. 6	Com AM614 p. 843 pending. Bruning-Hartnett pending AM1069 p. 1261 to Com AM614 adopted	1331
Apr. 6	Com AM614 p. 843 adopted as amended. Bruning-Hartnett AM1023 p. 1252 withdrawn. Advanced for Review	1332
Apr. 13	Placed on Select File - AM7113	1416
Apr. 14	Bruning-Hartnett AM1266 printed	1461
Apr. 23	AM7113 (E & R) p. 1416 adopted. Bruning-Hartnett AM1266 p. 1461 withdrawn. Bruning AM1453 adopted. Advanced for Engrossment	1657
Apr. 27	Correctly Engrossed. ER9063 change	1726
Apr. 29	Final Reading 44-0-5	1782
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 79. By Bruning

Jan. 7	Read first time	61
Jan. 12	Referred to Judiciary Committee	138
Feb. 2	Notice of hearing (2/12)	426

LEGISLATIVE BILL 80. By Bruning

Jan. 7	Read first time	61
Jan. 12	Referred to Transportation Committee	138
Jan. 12	Notice of hearing (1/19)	140
Jan. 12	Dw. Pedersen name added	158
Jan. 22	Cudaback name added	325

LEGISLATIVE BILL 81. By Landis

Jan. 7	Read first time	61
Jan. 12	Referred to Natural Resources Committee	138
Jan. 13	Notice of hearing (1/20)	177
Jan. 21	Placed on General File	300
Jan. 22	Advanced for Review	321
Jan. 25	Placed on Select File	337
Jan. 27	Advanced for Engrossment	357
Jan. 29	Correctly Engrossed. ER9001 change	392
Feb. 4	Final Reading w/E 45-0-4	457
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 82. By Landis

Jan. 7	Read first time	61
Jan. 12	Referred to Nebraska Retirement Systems Committee	138
Feb. 10	Notice of hearing (2/17)	505
Mar. 2	Indefinitely postponed	793

LEGISLATIVE BILL 83. By Wickersham, Preister

Jan. 7	Read first time	61
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	138
Jan. 14	Notice of hearing (1/21)	190
Jan. 22	Placed on General File	322
Jan. 25	Advanced for Review	336
Jan. 27	Placed on Select File	371
Jan. 29	Advanced for Engrossment	394
Feb. 2	Correctly Engrossed	416
Feb. 12	Final Reading 41-0-8	546
Feb. 12	President signed	554
Feb. 12	Presented to Governor (2/12)	570
Feb. 17	Approved by Governor (2/17)	601

LEGISLATIVE BILL 84. By Wickersham, C. Peterson

Jan. 7	Read first time	61
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	138
Jan. 21	Notice of hearing (1/28)	299
Feb. 9	Placed on General File - Com AM206	498
Feb. 16	Com AM206 p. 498 adopted. Advanced for Review	583
Feb. 16	Smith name added	588
Feb. 19	Placed on Select File	626
Feb. 23	Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
May 20	Final Reading 48-0-1	2286
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 84A. By Wickersham

Feb. 16	Read first time. Placed on General File	578
Feb. 18	Advanced for Review	606
Feb. 19	Placed on Select File	628
Feb. 23	Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
May 20	Final Reading 48-0-1	2286

May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 85. By Wickersham

Jan. 7	Read first time	61
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	138
Jan. 14	Notice of hearing (1/21)	190
Jan. 25	Indefinitely postponed	340

LEGISLATIVE BILL 86. By Wickersham

Jan. 7	Read first time	62
Jan. 12	Referred to Revenue Committee	138
Jan. 22	Notice of Hearing (1/29)	307
Feb. 12	Placed on General File - Com AM297	561
Feb. 18	Com AM297 p. 561 adopted. Advanced for Review	614
Feb. 23	Placed on Select File - AM7069	675
Mar. 4	Beutler AM662 to Com AM297 printed	849
Mar. 8	AM7069 (E & R) p. 675 adopted. Beutler pending AM662 p. 849 lost. Beutler motion to indefinitely postpone laid over	867
Apr. 15	Beutler motion p. 867 to indefinitely postpone withdrawn. Advanced for Engrossment	1469
Apr. 19	Correctly Engrossed	1519
Apr. 19	ER9056 change	1520
May 20	Dispensing of reading at large approved. Final Reading w/E 47-0-2	2287
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

(Provisions/portions of LB 381 amended into LB 86 by Com AM297)
(Provisions/portions of LB 694 amended into LB 86 by Com AM297)

LEGISLATIVE BILL 86A. By Wickersham

Feb. 17	Read first time. Placed on General File	599
Feb. 19	Advanced for Review	649
Feb. 25	Placed on Select File	720
Apr. 15	Advanced for Engrossment	1469
Apr. 19	Correctly Engrossed	1519
May 20	Final Reading 44-0-5	2288
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 87. By Wickersham, Schimek

Jan. 7	Read first time	62
Jan. 12	Referred to Revenue Committee	138
Jan. 22	Notice of Hearing (1/29)	307
Feb. 3	Placed on General File - Com AM157 (printed separate)	433
Feb. 9	Com AM157 (printed separate) adopted. Advanced for Review	496
Feb. 16	Placed on Select File - AM7046	573
Feb. 23	AM7046 (E & R) p. 573 adopted. Wickersham AM454 adopted. Advanced for Engrossment	687
Feb. 26	Correctly Engrossed. ER9073 change	768
Mar. 19	Dispensing of reading at large approved. Final Reading 41-0-8	1087
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 87A. By Wickersham

Feb. 22	Read first time. Placed on General File	666
Feb. 24	Advanced for Review	702
Mar. 1	Placed on Select File	780
Apr. 27	Wickersham-Wehrbein AM1511 printed	1732
May 4	Wickersham-Wehrbein AM1643 printed	1844
May 11	Wickersham-Wehrbein AM1511 p. 1732 withdrawn. Wickersham motion to suspend rules to permit consideration of AM1643 p. 1844 prevailed. Wickersham-Wehrbein pending AM1643 p. 1844 adopted. Advanced for Engrossment	1968
May 13	Correctly Engrossed	2069
May 13	ER9083 change	2070
May 18	Final Reading 41-0-8	2187
May 18	President signed	2188
May 18	Presented to Governor (5/18)	2196
May 25	Approved by Governor (5/24)	2384

LEGISLATIVE BILL 88. By Suttle

Jan. 7	Read first time	62
Jan. 12	Referred to Judiciary Committee	138
Jan. 14	Notice of hearing (1/22)	190
Jan. 26	Indefinitely postponed	350

LEGISLATIVE BILL 89. By Brown, Jensen

Jan. 7	Read first time	62
Jan. 12	Referred to General Affairs Committee	138
Jan. 29	Notice of hearing (2/8)	392
Feb. 12	Indefinitely postponed	558

LEGISLATIVE BILL 90. By Cudaback, Schmitt

Jan. 7	Read first time	62
Jan. 12	Referred to Transportation Committee	138
Jan. 19	Notice of hearing (1/26)	221
Jan. 27	Placed on General File - Com AM89	374
Jan. 28	Tyson AM120 to Com AM89 printed	389
Jan. 28	Bromm name added	389
Feb. 2	Tyson pending AM120 p. 389 to Com AM89 lost. Suttle AM110 (on file) ruled not germane to Com AM89. Com AM89 p. 374 adopted as amended by Chambers FA8. Advanced for Review	417
Feb. 4	Placed on Select File - AM7025	441
Feb. 10	AM7025 (E & R) p. 441 adopted. Bromm AM288 to Com AM89 adopted. Advanced for Engrossment	514
Mar. 1	Bromm AM498 to AM288 printed	777
Mar. 24	Bromm-Cudaback AM763 to AM288 printed	1193
Apr. 9	Bromm AM498 p. 777 withdrawn	1357
Apr. 9	Returned to Select File for Bromm-Cudaback specific AM763 p. 1193. Bromm-Cudaback specific AM763 p. 1193 adopted. Advanced for Engrossment	1358
Apr. 13	Correctly Engrossed	1421
May 20	Final Reading 48-0-1	2289
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 90A. By Cudaback

Feb. 25	Read first time. Placed on General File	716
Mar. 1	Advanced for Review	772
Mar. 2	Placed on Select File	792
Mar. 8	Advanced for Engrossment	854
Apr. 13	Correctly Engrossed	1421
May 20	Final Reading 47-0-2	2289
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 91. By Cudaback, Schellpeper

Jan. 7	Read first time	63
Jan. 12	Referred to General Affairs Committee	138
Jan. 25	Notice of hearing (2/1)	333
Feb. 2	Placed on General File	424
Feb. 9	Advanced for Review	494
Feb. 11	Placed on Select File	528
Feb. 19	Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	695
Mar. 3	Final Reading w/E 42-0-7	804
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 92. By C. Peterson, Bruning, Cudaback, Jones, Kremer, Schmitt, Schrock

Jan. 7	Read first time	63
Jan. 12	Referred to Natural Resources Committee	138
Jan. 13	Notice of hearing (1/20)	177
Feb. 4	Placed on General File - Com AM177	471
Feb. 12	Com AM177 p. 471 adopted. Beutler FA19 adopted. Advanced for Review	553
Feb. 17	Placed on Select File - AM7051	589
Feb. 18	Jones AM369 printed	613
Feb. 19	AM7051 (E & R) p. 589 adopted. Jones AM369 p. 613 withdrawn. Advanced for Engrossment	643
Feb. 24	Correctly Engrossed	706
Apr. 9	Schrock-Cudaback AM1172 printed	1380
May 20	Schrock-Cudaback AM1172 p. 1380 withdrawn. Final Reading 47-0-2	2290
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 92A. By Beutler

Feb. 16	Read first time. Placed on General File	586
Feb. 18	Advanced for Review	606
Feb. 19	Placed on Select File	628
Feb. 23	Advanced for Engrossment	678
Feb. 25	Correctly Engrossed	720
May 20	Final Reading 47-0-2	2291
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 93. By Redfield

Jan. 7	Read first time	63
Jan. 12	Referred to Education Committee	138
Feb. 4	Notice of hearing (2/16)	442

LEGISLATIVE BILL 94. By Engel

Jan. 7	Read first time	63
Jan. 12	Referred to Judiciary Committee	138
Jan. 20	Notice of hearing (1/27)	272

LEGISLATIVE BILL 95. By Schellpeper, Vrtiska

Jan. 7	Read first time	63
Jan. 12	Referred to Business and Labor Committee	138
Jan. 25	Notice of hearing (2/1)	337
Feb. 11	Indefinitely postponed	529

LEGISLATIVE BILL 96. By Schellpeper, Cudaback, Vrtiska

Jan. 7	Read first time	63
Jan. 7	Matzke name added	73
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	138
Feb. 17	Notice of hearing (2/24)	601
Mar. 9	Placed on General File - Com AM600	874
Mar. 9	Coordsen name added	878

LEGISLATIVE BILL 97. By Schellpeper

Jan. 7	Read first time	63
Jan. 12	Referred to Natural Resources Committee	138
Jan. 15	Rereferred to General Affairs Committee	197
Jan. 25	Notice of hearing (2/1)	333
Mar. 16	Indefinitely postponed	996

LEGISLATIVE BILL 98. By Schimek, Bohlke, Bromm, Crosby, Dierks, Hilgert, Hudkins, Jones, Matzke, Dw. Pedersen, Preister, Stuhr

Jan. 7	Read first time	64
Jan. 12	Referred to Judiciary Committee	138
Jan. 12	Byars name added	158
Jan. 14	Vrtiska name added	196
Jan. 27	Notice of hearing (2/3)	366

LEGISLATIVE BILL 99. By Schimek, Dierks, Janssen, Matzke, Preister, Suttle, Thompson, Tyson

Jan. 7	Read first time	64

Jan. 12	Referred to Banking, Commerce and Insurance Committee	138
Feb. 1	Notice of hearing (2/22)	403
Feb. 25	Placed on General File - Com AM477	714
Mar. 10	Suttle priority bill	896
Mar. 15	Com AM477 p. 714 adopted. Advanced for Review	967
Mar. 16	Placed on Select File	1010
Apr. 9	Advanced for Engrossment	1360
Apr. 14	Correctly Engrossed	1429
Apr. 23	Final Reading 43-0-5	1649
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 100. By D. Pederson, Engel, Matzke, Schrock

Jan. 7	Read first time	64
Jan. 12	Referred to Judiciary Committee	138
Jan. 22	Notice of hearing (1/29)	323
Feb. 9	Placed on General File - Com AM78	491
Feb. 16	Com AM78 p. 491 adopted. Advanced for Review	583
Feb. 16	Beutler AM356 and AM354 printed	585
Feb. 16	Beutler AM355 printed	586
Feb. 19	Placed on Select File	626
Feb. 25	D. Pederson AM492 printed	716
Mar. 1	D. Pederson AM591 printed	780
Mar. 4	Beutler AM356, AM354 p. 585 and AM355 p. 586 withdrawn. D. Pederson AM492 p. 716 withdrawn. D. Pederson pending AM591 p. 780 adopted. Advanced for Engrossment	827
Mar. 10	Correctly Engrossed. ER9020 change	881
Mar. 19	Final Reading 40-1-8	1089
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 101. By Bromm, Landis, Preister, Raikes, Wickersham

Jan. 7	Read first time	64
Jan. 12	Referred to Natural Resources Committee	138
Jan. 14	Notice of hearing (1/21)	190
Feb. 8	Placed on General File - Com AM213	485
Feb. 16	Com AM213 p. 485 adopted. Advanced for Review	579
Feb. 16	Beutler AM353 to Com AM213 printed	586

Feb. 19	Placed on Select File	625
Mar. 4	Beutler pending AM353 p. 586 adopted. Advanced for Engrossment	827
Mar. 10	Correctly Engrossed	881
Mar. 19	Final Reading 42-0-7	1089
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Bromm motion to request Governor to return bill to Legislature for further consideration printed. Bromm AM976 printed	1193
Mar. 25	Bromm pending motion p. 1193 to request Governor to return bill to Legislature for further consideration prevailed. Communication	1211
Mar. 25	Message from Governor. Bromm motion to reconsider vote on final passage prevailed. Returned to Select File for Bromm specific AM976 p. 1193. Bromm specific AM976 p. 1193 adopted. Advanced for Reengrossment	1212
Mar. 29	Correctly Reengrossed	1245
Apr. 23	Final Reading 42-0-6	1644
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 102. By Bromm

Jan. 7	Read first time	64
Jan. 12	Referred to Judiciary Committee	138
Jan. 13	Robak name added	177
Jan. 14	Notice of hearing (1/22)	190
Jan. 26	Placed on General File	350
Jan. 28	Bromm AM113 adopted. Advanced for Review	383
Feb. 1	Placed on Select File	402
Feb. 4	Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading 44-0-5	631
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 103. By Bromm

Jan. 7	Read first time	64
Jan. 12	Referred to Natural Resources Committee	138
Jan. 13	Notice of hearing (1/20)	177
Jan. 21	Placed on General File	300

Jan. 22	Advanced for Review	321
Jan. 25	Placed on Select File	337
Jan. 27	Advanced for Engrossment	357
Jan. 29	Correctly Engrossed	392
Feb. 4	Final Reading 47-0-2	458
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 104. By Brown, Dw. Pedersen

Jan. 7	Read first time	64
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	138
Jan. 14	Notice of hearing (1/21)	190
Jan. 22	Redfield name added	325
Feb. 9	Indefinitely postponed	499

LEGISLATIVE BILL 105. By Brown, Jones

Jan. 7	Read first time	64
Jan. 13	Referred to Urban Affairs Committee	162
Jan. 19	Notice of hearing (1/26)	222
Mar. 12	Hartnett priority bill	954
Mar. 17	Hartnett name added	1049
Apr. 20	Placed on General File - Com AM1282 (printed separate)	1545
May 5	Brown AM1654 to Com AM1282 printed	1860
May 5	Smith AM1648 to Com AM1282 printed	1879
May 5	Tyson AM1661 to Com AM1282 printed	1890
May 11	Com AM1282 (printed separate) pending. Brown unanimous consent to replace pending AM1654 p. 1860 with substitute amendment. No objections. Brown AM1654 p. 1860 withdrawn. Chair sustained request for division of question on Brown substitute AM1709 to Com AM1282. Brown FA202 (1st) to Com AM1282 pending	1933
May 11	Brown FA202 (1st) p. 1936 to Com AM1282 adopted	1944
May 11	Brown FA201 (2nd) to Com AM1282 adopted. Brown FA200 (3rd) to Com AM1282 lost	1948
May 11	Smith unanimous consent to replace pending AM1648 p. 1879 with substitute amendment. No objections. Smith AM1648 p. 1879 withdrawn. Chair sustained request for division of question on Smith substitute AM1687 to Com AM1282. Smith FA203 (1st) to Com AM1282 adopted	1952

May 11	Smith FA204 (2nd) to Com AM1282 lost. Hartnett-Wickersham AM1722 and Smith AM1727 to Com AM1282 adopted. Com AM1282 (printed separate) adopted as amended. Advanced for Review	1956
May 17	Placed on Select File - AM7149 (printed separate)	2157
May 18	Hartnett AM1819, AM1820, and Tyson AM1846 to AM7149 printed	2200
May 18	Chambers AM1862 to AM7149 printed	2231
May 18	Jones-Smith AM1870 to AM7149 printed	2233
May 18	Hartnett AM1875 and Jensen FA239 to AM7149 printed	2234
May 18	Brown AM1874 to AM1846 printed	2234
May 18	Hartnett-Wickersham AM1877 to AM7149 printed	2235
May 19	AM7149 (E & R) (printed separate) adopted. Tyson unanimous consent to replace pending AM1661 p. 1890 with substitute amendment. No objections. Tyson AM1661 p. 1890 withdrawn. Chair sustained request for division of question on Tyson substitute pending AM1846 p. 2200. Tyson FA244 (1st) to AM7149 lost as amended by Tyson AM242. Tyson FA245 (2nd) to AM7149 lost. Brown AM1874 p. 2234 withdrawn. Tyson FA243 to FA245 (2nd) lost. Tyson FA246 (3rd) to AM7149 lost. Tyson FA247 (4th) withdrawn. Hartnett unanimous consent to replace pending AM1819 p. 2200 with substitute amendment. No objections. Hartnett AM1819 p. 2200 withdrawn. Hartnett substitute pending AM1875 p. 2234 adopted. Hartnett AM1820 p. 2200 withdrawn. Chambers pending AM1862 p. 2231 pending	2250
May 19	Chambers pending AM1862 p. 2231 adopted. Jones-Smith unanimous consent to replace pending AM1870 p. 2233 with substitute amendment. No objections. Jones-Smith AM1870 p. 2233 withdrawn Schimek-Jones-Hartnett substitute AM1895 to AM7149 adopted as amended by Schimek FA248. Jensen pending FA239 p. 2234 lost	2257
May 19	Hartnett-Wickersham pending AM1877 p. 2235 adopted. Beutler AM1898 to AM7149 adopted. Beutler AM1899 to AM7149 lost. Hartnett FA249 adopted. Raikes FA250 to AM7149 adopted. Advanced for Engrossment	2261
May 21	Correctly Engrossed. ER9102 change	2353
May 25	Dispensing of reading at large approved. Final Reading 41-4-4	2388
May 25	President signed	2398

May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 106. By Dw. Pedersen

Jan. 7	Read first time	65
Jan. 12	Referred to Judiciary Committee	138
Jan. 21	Notice of hearing (1/28)	299
Feb. 1	Placed on General File	407
Feb. 2	Advanced for Review	424
Feb. 4	Placed on Select File	442
Feb. 10	Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
Feb. 26	Final Reading w/E 47-0-2	745
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 107. By Dw. Pedersen, Quandahl

Jan. 7	Read first time	65
Jan. 12	Referred to Banking, Commerce and Insurance Committee	138
Jan. 12	Notice of hearing (1/19)	157
Jan. 20	Placed on General File	258
Jan. 21	Advanced for Review	298
Jan. 22	Placed on Select File - AM7001	302
Jan. 25	AM7001 (E & R) p. 302 adopted. Advanced for Engrossment	335
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 47-0-2	453
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 108. By Schimek, Preister, Suttle

Jan. 7	Read first time	65
Jan. 12	Referred to Judiciary Committee	138
Feb. 16	Notice of hearing (3/18)	588

LEGISLATIVE BILL 109. By Coordsen, Baker, Bohlke, Bromm, Cudaback, Dierks, Hudkins, Jones, Kremer, Matzke, Schellpeper, Schmitt, Stuhr, Vrtiska, Wehrbein

Jan. 7	Read first time	65
Jan. 12	Referred to Revenue Committee	138
Jan. 20	Byars name added	294

Feb. 10	Notice of hearing (3/3)	515
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 110. By Dw. Pedersen

Jan. 7	Read first time	65
Jan. 12	Referred to Transportation Committee	138
Jan. 15	Notice of hearing (1/25)	207

LEGISLATIVE BILL 111. By Crosby, Dierks, Engel, Jones, Redfield, Smith

Jan. 7	Read first time	66
Jan. 12	Referred to Judiciary Committee	138
Jan. 19	Bruning name added	247
Feb. 16	Notice of hearing (3/4)	587
Feb. 22	Quandahl name added	673
Mar. 24	Dw. Pedersen name added	1194

LEGISLATIVE BILL 112. By Crosby

Jan. 7	Read first time	66
Jan. 12	Referred to Judiciary Committee	138
Jan. 20	Notice of hearing (1/27)	272
Jan. 26	C. Peterson name added	351
Mar. 17	Placed on General File - Com AM758	1043
Apr. 1	Com AM758 p. 1043 adopted. Advanced for Review	1310
Apr. 9	Placed on Select File - AM7105	1376
Apr. 15	AM7105 (E & R) p. 1376 adopted. Advanced for Engrossment	1495
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading w/E 41-0-7	1662
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 113. By Vrtiska

Jan. 7	Read first time	66
Jan. 8	Cudaback name added. Vrtiska name withdrawn	97
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	138
Jan. 13	Notice of hearing (1/20)	176
Jan. 25	Placed on General File - Com AM5	338
Jan. 26	Com AM5 p. 338 adopted. Advanced for Review	347
Jan. 28	Placed on Select File - AM7008	385
Feb. 22	Cudaback AM156 printed	670

Feb. 23	AM7008 (E & R) p. 385 adopted. Cudaback pending AM156 p. 670 adopted. Advanced for Engrossment	678
Feb. 25	Correctly Engrossed	720
Apr. 21	Schimek AM1364 printed	1590
Apr. 23	Returned to Select File for Schimek specific AM1364 p. 1590. Schimek specific AM1364 p. 1590 adopted. Advanced for Reengrossment	1654
Apr. 26	Correctly Reengrossed. ER9068 change	1707
May 20	Final Reading w/E 46-1-2	2292
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

(Provisions/portions of LB 654 amended into LB 113 by AM1364)

LEGISLATIVE BILL 113A. By Cudaback

Mar. 2	Read first time. Placed on General File	797
Mar. 8	Advanced for Review	854
Mar. 10	Placed on Select File	896
Mar. 15	Advanced for Engrossment	980
Mar. 16	Correctly Engrossed	987
Apr. 21	Schimek AM1361 printed	1590
Apr. 23	Returned to Select File for Schimek specific AM1361 p. 1590. Schimek specific AM1361 p. 1590 adopted. Advanced for Reengrossment	1654
Apr. 26	Correctly Reengrossed	1707
May 20	Final Reading 44-0-5	2293
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 114. By Cudaback, Vrtiska

Jan. 7	Read first time	66
Jan. 12	Referred to Transportation Committee	138
Jan. 22	Notice of hearing (2/1)	323

LEGISLATIVE BILL 115. By Vrtiska, Bromm, Byars, Connealy, Coordsen, Cudaback, Dierks, Jones, Kremer, Schellpeper, Schmitt, Tyson, Wickersham

Jan. 7	Read first time	66
Jan. 8	Correction	81
Jan. 12	Referred to Health and Human Services Committee	138
Jan. 19	Stuhr name added	247
Feb. 3	Notice of hearing (2/17)	434
Feb. 19	Placed on General File - Com AM402	654

Mar. 1	Vrtiska FA40 printed	789
Mar. 16	Speaker priority bill	1000
Apr. 1	Com AM402 p. 654 adopted. Vrtiska FA40 p. 789 withdrawn. Advanced for Review	1306
Apr. 7	Placed on Select File - AM7097	1348
Apr. 15	AM7097 (E & R) p. 1348 adopted. Advanced for Engrossment	1490
Apr. 19	Correctly Engrossed	1519
Apr. 23	Dispensing of reading at large approved. Final Reading w/E 41-0-7	1663
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 116. By Schimek, Bromm, Dierks, Preister

Jan. 7	Read first time	66
Jan. 12	Referred to Natural Resources Committee	138
Feb. 10	Notice of hearing (2/19)	516

LEGISLATIVE BILL 117. By Schimek, Crosby, Kiel, Thompson

Jan. 7	Read first time	67
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	138
Feb. 3	Notice of hearing (2/10)	437
Feb. 11	Indefinitely postponed	536

LEGISLATIVE BILL 118. By Vrtiska

Jan. 7	Read first time	67
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	138
Jan. 13	Notice of hearing (1/20)	176
Feb. 11	Indefinitely postponed	536

LEGISLATIVE BILL 119. By Crosby

Jan. 7	Read first time	67
Jan. 12	Referred to Health and Human Services Committee	138
Jan. 14	Notice of hearing (1/21)	183
Jan. 25	Placed on General File	333
Jan. 26	Advanced for Review	346
Jan. 28	Placed on Select File	385
Jan. 29	Advanced for Engrossment	394
Feb. 2	Correctly Engrossed	416
May 20	Final Reading 47-0-2	2293
May 20	President signed	2306

May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 119A. By Crosby

Feb. 1	Read first time. Placed on General File	406
Feb. 3	Crosby AM167 adopted. Advanced for Review	431
Feb. 4	Placed on Select File - AM7027	442
Feb. 9	AM7027 (E & R) p. 442 adopted. Advanced for Engrossment	491
Feb. 10	Correctly Engrossed	505
May 11	Crosby AM1701 printed	1950
May 14	Returned to Select File for Crosby specific AM1701 p. 1950. Crosby specific AM1701 p. 1950 adopted. Advanced for Reengrossment	2135
May 17	Correctly Reengrossed	2170
May 20	Final Reading 46-0-3	2294
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 120. By Crosby

Jan. 7	Read first time	67
Jan. 12	Referred to Judiciary Committee	138
Jan. 19	Dw. Pedersen name added	247
Jan. 27	Notice of hearing (2/3)	366
Feb. 2	Brown name added	427
Feb. 3	Vrtiska name added	438
Feb. 22	Price name added	673
Mar. 8	Placed on General File - Com AM173	859

LEGISLATIVE BILL 121. By Crosby

Jan. 7	Read first time	67
Jan. 12	Referred to Health and Human Services Committee	138
Jan. 14	Notice of hearing (1/21)	183
Jan. 25	Placed on General File	333
Jan. 26	Advanced for Review	346
Jan. 28	Placed on Select File	385
Jan. 29	Advanced for Engrossment	394
Feb. 2	Correctly Engrossed	416
Feb. 12	Final Reading 43-0-6	546
Feb. 12	President signed	554
Feb. 12	Presented to Governor (2/12)	570
Feb. 17	Approved by Governor (2/17)	601

LEGISLATIVE BILL 122. By Crosby

Jan. 7	Read first time	67
Jan. 12	Referred to Judiciary Committee	139
Jan. 21	Notice of hearing (1/28)	299
Feb. 19	Indefinitely postponed	620

LEGISLATIVE BILL 123. By Schimek

Jan. 7	Read first time	67
Jan. 12	Referred to Revenue Committee	139
Jan. 21	Notice of hearing (1/28)	299
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 124. By Schimek, Wehrbein

Jan. 7	Read first time	68
Jan. 12	Referred to Transportation Committee	139
Feb. 4	Notice of hearing (2/22)	442

LEGISLATIVE BILL 125. By Suttle, Bourne, Chambers, Kiel, Redfield, Tyson

Jan. 7	Read first time	68
Jan. 12	Referred to Revenue Committee	139
Jan. 14	Hilgert name added	196
Feb. 10	Notice of hearing (3/4)	515
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 126. By Schellpeper, Bromm, Brown, Cudaback, Jones, Landis, Dw. Pedersen, Schimek, Suttle, Vrtiska, Wehrbein

Jan. 7	Read first time	68
Jan. 12	Referred to General Affairs Committee	139
Jan. 15	Notice of hearing (1/25)	200
Jan. 19	Jensen name added	247
Feb. 1	Schellpeper priority bill	404
Feb. 1	Placed on General File - Com AM99	411
Mar. 9	Com AM99 p. 411 pending. Chambers FA44 and FA45 to Com AM99 adopted	871
Mar. 9	Chambers FA46 to Com AM99 lost	873
Mar. 10	Schellpeper AM734 to Com AM99 printed	895
Mar. 12	Com AM99 p. 411 pending. Schellpeper AM734 p. 895, Chambers FA48, and Schellpeper AM769 to Com AM99 adopted	950

Mar. 12	Chambers FA49 to Com AM99 lost. Com AM99 p. 411 lost as amended. Janssen motion to indefinitely postpone laid over	951

(Provisions/portions of LB 126 amended into LB 267 by AM1738)

LEGISLATIVE BILL 127. By Schellpeper

Jan. 7	Read first time	68
Jan. 12	Referred to General Affairs Committee	139
Feb. 9	Notice of hearing (3/8)	501
Mar. 9	Placed on General File	872
Mar. 10	General Affairs Committee priority bill	883
Apr. 27	Janssen name added	1741
May 5	Advanced for Review	1893
May 11	Placed on Select File	1937
May 14	Advanced for Engrossment	2137
May 17	Correctly Engrossed	2176
May 20	Final Reading 40-2-7	2295
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 128. By Tyson, Bromm

Jan. 7	Read first time	68
Jan. 12	Referred to Urban Affairs Committee	139
Jan. 12	Notice of hearing (1/19)	157
Jan. 21	Placed on General File - Com AM15	297
Jan. 22	Com AM15 p. 297 adopted. Advanced for Review	320
Jan. 22	Beutler AM33 printed	324
Jan. 25	Placed on Select File - AM7003	337
Jan. 27	AM7003 (E & R) p. 337 adopted. Beutler AM33 p. 324 withdrawn. Beutler AM66 adopted. Advanced for Engrossment	356
Jan. 29	Correctly Engrossed	392
Feb. 4	Final Reading 46-0-3	459
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 129. By Tyson, Hilgert, Schmitt

Jan. 7	Read first time	68
Jan. 12	Referred to Transportation Committee	139
Feb. 9	Notice of hearing (3/9)	495
Mar. 1	Tyson motion to withdraw bill printed	775

Mar. 2	Tyson pending motion p. 775 to withdraw bill prevailed. Withdrawn	798
Mar. 3	Notice of hearing (3/9) (canceled)	821

LEGISLATIVE BILL 130. By Tyson, Suttle

Jan. 7	Read first time	69
Jan. 12	Referred to Judiciary Committee	139
Feb. 9	Notice of hearing (2/17)	497

LEGISLATIVE BILL 131. By Tyson, Hilgert, Schmitt

Jan. 7	Read first time	69
Jan. 12	Referred to Judiciary Committee	139
Feb. 9	Notice of hearing (2/17)	497
Feb. 26	Tyson AM358 printed	752
Feb. 26	Placed on General File	759
Apr. 1	Tyson AM358 p. 752 withdrawn. Advanced for Review	1307
Apr. 7	Placed on Select File	1349
Apr. 9	Tyson AM358 and AM1163 printed	1382
Apr. 15	Tyson reoffered AM358 p. 752 adopted. Tyson pending AM1163 p. 1382 adopted. Advanced for Engrossment	1495
Apr. 19	Correctly Engrossed	1533
May 20	Final Reading 47-0-2	2295
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 131A. By Tyson

Mar. 17	Read first time. Placed on General File	1030
Apr. 1	Advanced for Review	1307
Apr. 7	Placed on Select File	1349
Apr. 15	Advanced for Engrossment	1496
Apr. 19	Correctly Engrossed	1533
May 20	Final Reading 45-0-4	2296
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor with line-item veto (5/26)	2412
May 27	Communication	2450

LEGISLATIVE BILL 132. By Tyson

Jan. 7	Read first time	69
Jan. 12	Referred to Revenue Committee	139

Feb. 3	Notice of hearing (2/25)	435
Mar. 8	Indefinitely postponed	858

LEGISLATIVE BILL 133. By Tyson

Jan. 7	Read first time	69
Jan. 12	Referred to Transportation Committee	139
Feb. 9	Notice of hearing (3/9)	495

LEGISLATIVE BILL 134. By Dw. Pedersen, Crosby, Schimek, Suttle, Thompson

Jan. 7	Read first time	69
Jan. 12	Referred to Judiciary Committee	139
Jan. 22	Notice of hearing (1/29)	323
Feb. 8	Placed on General File	475
Feb. 11	Advanced for Review	534
Feb. 17	Placed on Select File	589
Feb. 19	Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	706
Mar. 3	Final Reading 42-0-7	804
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 135. By Schimek, Hilgert

Jan. 7	Read first time	69
Jan. 12	Referred to Business and Labor Committee	139
Feb. 11	Notice of hearing (3/8)	531
Apr. 9	Indefinitely postponed	1364

LEGISLATIVE BILL 136. By Schimek

Jan. 7	Read first time	69
Jan. 12	Referred to Revenue Committee	139
Jan. 13	Notice of hearing (1/20)	177
Feb. 9	Indefinitely postponed	491

(Provisions/portions of LB 136 amended into LB 194 by Com AM198)

LEGISLATIVE BILL 137. By Bohlke

Jan. 7	Read first time	70
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	139
Jan. 13	Notice of hearing (1/20)	176
Jan. 21	Placed on General File	300
Jan. 22	Advanced for Review	320

Jan. 25	Placed on Select File	337
Jan. 27	Advanced for Engrossment	357
Jan. 29	Correctly Engrossed	392
Feb. 4	Final Reading 46-0-3	460
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 138. By Schimek, Janssen, Lynch, Preister, Suttle, Thompson

Jan. 7	Read first time	70
Jan. 12	Referred to Government, Military and Veterans Affairs Committee	139
Jan. 14	Notice of hearing (1/21)	190
Jan. 22	Placed on General File	322
Jan. 25	Failed to advance for Review	336

LEGISLATIVE BILL 139. By Bourne, Hilgert

Jan. 7	Read first time	70
Jan. 12	Referred to Revenue Committee	139
Jan. 13	Kiel name added	177
Jan. 20	Dw. Pedersen name added	294
Jan. 27	Notice of hearing (2/4)	366
Feb. 19	Indefinitely postponed	659

LEGISLATIVE BILL 140. By Revenue Committee

Jan. 7	Read first time	70
Jan. 12	Referred to Revenue Committee	139
Jan. 14	Notice of hearing (1/21)	182
Jan. 22	Placed on General File	303
Jan. 25	Advanced for Review	335
Jan. 26	Placed on Select File	351
Jan. 27	Advanced for Engrossment	357
Jan. 29	Correctly Engrossed. ER9002 change	392
May 20	Final Reading w/E 45-0-4	2297
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 140A. By Wickersham

Jan. 26	Read first time. Placed on General File	344
Jan. 28	Advanced for Review	380
Feb. 1	Placed on Select File	402

Feb. 4	Advanced for Engrossment	462
Feb. 8	Correctly Engrossed	475
May 20	Final Reading w/E 45-0-4	2298
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 141. By Revenue Committee

Jan. 7	Read first time	70
Jan. 12	Referred to Revenue Committee	139
Jan. 14	Notice of hearing (1/21)	182
Jan. 27	Placed on General File - Com AM88	373
Jan. 28	Com AM88 p. 373 adopted. Advanced for Review	389
Feb. 2	Placed on Select File - AM7021	415
Mar. 8	Wickersham AM667 printed	857
Mar. 8	Wickersham-Bromm AM684 printed	862
Mar. 10	AM7021 (E & R) p. 415 adopted. Wickersham pending AM667 p. 857 and Bromm-Wickersham AM684 p. 862 adopted. Advanced for Engrossment	894
Mar. 15	Correctly Engrossed. ER9026 change	963
Apr. 1	Wickersham-Coordsen-Landis-Raikes-Hartnett-Schellpeper-Redfield AM1107 printed	1313
Apr. 9	Returned to Select File for Wickersham et al. specific AM1107 p. 1313. Wickersham et al. specific AM1107 p. 1313 adopted. Advanced for Reengrossment	1358
Apr. 13	Correctly Reengrossed. ER9047 change	1421
Apr. 23	Dispensing of reading at large approved. Final Reading w/E 43-0-5	1648
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

(Provisions/portions of LB 706 amended into LB 141 by AM684)

LEGISLATIVE BILL 142. By Revenue Committee

Jan. 7	Read first time	71
Jan. 12	Referred to Revenue Committee	139
Jan. 14	Notice of hearing (1/21)	182
Feb. 19	Placed on General File - Com AM404	619
Mar. 1	Beutler AM581 and AM579 printed	782
Mar. 1	Beutler AM582 printed	785
Mar. 1	Beutler AM583 printed	786
Mar. 1	Redfield AM571 printed	788
Mar. 9	Wickersham priority bill	870
Mar. 16	Raikes AM697 printed	1014

Mar. 16	Beutler AM818 printed	1015
Mar. 16	Beutler AM817 printed	1019
Mar. 16	Beutler AM819 printed	1021
Mar. 18	Pending	1074
Mar. 22	Com AM404 p. 619 adopted. Chair ruled Beutler pending AM581 p. 782 not germane to bill. Beutler motion to overrule Chair failed	1112
Mar. 22	Beutler unanimous consent to replace pending AM579 p. 782 with substitute amendment. No objections. Beutler AM579 p. 782 withdrawn. Beutler motion to suspend rules to permit consideration of substitute FA57 failed. Beutler motion to suspend rules to permit consideration of AM582 p. 785 pending	1119
Mar. 22	Beutler motion p. 1121 to suspend rules to permit consideration of AM582 p. 785 withdrawn. Beutler AM582 p. 785 and AM583 p. 786 withdrawn. Redfield pending AM571 p. 788 adopted. Raikes AM697 p. 1014 withdrawn. Beutler motion to suspend rules to permit consideration of AM818 p. 1015 withdrawn. Beutler AM818 p. 1015, AM817 p. 1019, and AM819 p. 1021 withdrawn. Advanced for Review	1128
Mar. 23	Placed on Select File - AM7091	1158
Mar. 29	Beutler AM1011 to AM7091 printed	1228
Mar. 29	Beutler AM1012 to AM7091 printed	1230
Mar. 29	Beutler AM1013 to AM7091 printed	1231
Mar. 29	Beutler AM1014 to AM7091 printed	1232
Mar. 29	Beutler AM1015 to AM7091 printed	1235
Mar. 29	Beutler AM1016 to AM7091 printed	1239
Mar. 29	Beutler AM1017 to AM7091 printed	1241
Apr. 7	Raikes AM950 to AM7091 printed	1351
May 5	Wickersham AM1525 to AM7091 printed	1892
May 12	Raikes AM1765 to AM7091 printed	2066
May 13	AM7091 (E & R) p. 1158 adopted. Raikes unanimous consent to replace reoffered AM697 p. 1014 with substitute amendment. No objections. Raikes AM697 p. 1014 withdrawn. Raikes substitute pending AM1765 p. 2066 adopted. Beutler AM1011 p. 1228, AM1012 p. 1230, AM1013 p. 1231, AM1014 p. 1232, AM1015 p. 1235, AM1016 p. 1239, and AM1017 p. 1241 withdrawn. Raikes AM950 p. 1351 withdrawn. Wickersham pending AM1525 p. 1892 adopted. Advanced for Engrossment	2071
May 17	Correctly Engrossed	2145
May 20	Final Reading w/E 44-0-5	2298

May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 142A. By Wickersham

Feb. 23	Read first time. Placed on General File	678
Feb. 26	Kristensen AM563 printed	763
Mar. 22	Kristensen AM563 p. 763 withdrawn. Advanced for Review	1129
Mar. 23	Placed on Select File	1159
May 13	Advanced for Engrossment	2071
May 17	Correctly Engrossed	2145
May 20	Final Reading w/E 45-0-4	2299
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 143. By Revenue Committee

Jan. 7	Read first time	71
Jan. 12	Referred to Revenue Committee	139
Jan. 13	Notice of hearing (1/20)	177
Jan. 21	Placed on General File	300
Jan. 22	Revenue Com AM31 adopted. Advanced for Review	321
Jan. 25	Placed on Select File - AM7004	337
Jan. 27	AM7004 (E & R) p. 337 adopted. Advanced for Engrossment	357
Jan. 29	Correctly Engrossed	392
Feb. 4	Final Reading w/E 46-0-3	460
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 144. By Bohlke

Jan. 7	Read first time	71
Jan. 12	Referred to Education Committee Notice of hearing (1/19)	139
Jan. 20	Placed on General File	273
Jan. 21	Advanced for Review	298
Jan. 22	Placed on Select File - AM7002	302
Mar. 9	Education Committee priority bill	878
Apr. 9	Bohlke AM880 printed	1381

Apr. 27	AM7002 (E & R) p. 302 adopted. Bohlke pending AM880 p. 1381 ruled not germane to bill. Bohlke motion to suspend rules to permit consideration of AM880 prevailed. Bohlke pending AM880 p. 1381 pending. Beutler AM1508 and Jones AM1507 to AM880 lost. Beutler FA123 to AM880 pending	1714
May 4	Bohlke-Stuhr-Suttle-Price-Wickersham-Raikes-Coordsen AM1626 to AM880 printed	1844
May 11	Beutler AM1739 to AM1626 printed	1978
May 12	Bohlke AM880 p. 1381, Beutler FA123 p. 1717 and AM1739 p. 1978, and Bohlke et al. AM1626 p. 1844 withdrawn. Bohlke AM1757 adopted. Advanced for Engrossment	2037
May 14	Correctly Engrossed. ER9085 change	2132
May 20	Final Reading w/E 47-0-2	2300
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor with line-item vetoes (5/26)	2412
May 27	Communication	2451

(Provisions/portions of LB 144 amended into LB 813)

LEGISLATIVE BILL 145. By Suttle, Hilgert, Preister, Schimek

Jan. 7	Read first time	71
Jan. 12	Referred to Revenue Committee	139
Jan. 27	Notice of hearing (2/4)	366
Mar. 8	Indefinitely postponed	858

LEGISLATIVE BILL 146. By Matzke, Coordsen, Jones

Jan. 7	Read first time	71
Jan. 12	Referred to Transportation Committee	139
Feb. 9	Notice of hearing (3/9)	495
Mar. 18	Indefinitely postponed	1054

(Provisions/portions of LB 146 amended into LB 704 by Com FA76)

LEGISLATIVE BILL 147. By Thompson, Bourne, Bromm, Brown, Connealy, Cudaback, Dierks, Kristensen, Matzke, Dw. Pedersen, C. Peterson, Preister, Price, Robak, Schimek, Schrock, Smith, Suttle, Wehrbein

Jan. 7	Read first time	71
Jan. 12	Referred to Appropriations Committee	139
Jan. 19	Rereferred to Transportation Committee	217
Feb. 4	Notice of hearing (2/23)	442
Feb. 26	Placed on General File - Com AM423	753
Mar. 12	Bourne priority bill	955

Mar. 25	Jensen name added	1225
May 11	Com AM423 p. 753 adopted. Advanced for Review	1964
May 17	Placed on Select File - AM7146 (printed separate)	2157
May 17	Stuhr-Thompson AM1787 printed	2159
May 19	AM7146 (E & R) (printed separate) adopted. Stuhr-Thompson pending AM1787 p. 2159 adopted. Advanced for Engrossment	2263
May 20	Correctly Engrossed	2306
May 20	ER9099 change	2307
May 24	Final Reading 46-1-2	2368
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 147A. By Thompson

Mar. 10	Read first time. Placed on General File	887
May 11	Advanced for Review	1964
May 17	Placed on Select File	2157
May 18	Thompson AM1858 printed	2239
May 19	Thompson pending AM1858 p. 2239 adopted. Advanced for Engrossment	2264
May 20	Correctly Engrossed	2306
May 24	Final Reading 46-1-2	2369
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 148. By Byars

Jan. 7	Read first time	72
Jan. 12	Referred to Health and Human Services Committee	139
Jan. 20	Notice of hearing (1/29)	289
Feb. 2	Thompson name added	426
Feb. 4	Placed on General File - Com AM150	470
Feb. 9	Schimek name added	503
Feb. 11	Com AM150 p. 470 adopted. Advanced for Review	530
Feb. 16	Placed on Select File - AM7048	584
Feb. 19	Beutler-Engel-Wehrbein AM419 printed	646
Feb. 23	AM7048 (E & R) p. 584 adopted. Beutler et al. pending AM419 p. 646 adopted. Advanced for Engrossment	687
Feb. 26	Correctly Engrossed. ER9014 change	768
Mar. 3	Jensen AM530 printed	817

Mar. 11	Returned to Select File for Jensen specific AM530 p. 817. Jensen specific AM530 p. 817 adopted. Advanced for Reengrossment	932
Mar. 11	Wehrbein motion to bracket to 1/10/2000 printed	935
Mar. 15	Correctly Reengrossed	981
May 20	Wehrbein motion p. 935 to bracket withdrawn. Final Reading 44-1-4	2301
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 148A. By Byars

Feb. 11	Read first time. Placed on General File	540
Feb. 16	Advanced for Review	577
Feb. 17	Placed on Select File	598
Feb. 19	Beutler-Engel-Wehrbein AM431 printed	647
Feb. 23	Beutler et al. pending AM431 p. 647 adopted. Advanced for Engrossment	688
Feb. 26	Correctly Engrossed	768
Mar. 3	Jensen AM531 printed	818
Mar. 11	Returned to Select File for Jensen specific AM531 p. 818. Jensen specific AM531 p. 818 adopted. Advanced for Reengrossment	932
Mar. 15	Correctly Reengrossed	981
May 20	Final Reading 41-0-8	2301
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor with line-item vetoes (5/26)	2411
May 27	Communication	2451

LEGISLATIVE BILL 149. By Education Committee

Jan. 7	Read first time	72
Jan. 12	Referred to Education Committee	139
Jan. 12	Notice of hearing (1/19)	139
Jan. 20	Placed on General File - Com AM7	272
Jan. 26	Passed over	344
Feb. 2	Vrtiska name added	427
Feb. 3	Com AM7 p. 272 adopted. Bohlke AM164 adopted. Advanced for Review	432
Feb. 8	Placed on Select File - AM7036	473
Mar. 8	AM7036 (E & R) p. 473 adopted	858
Mar. 8	Quandahl motion to bracket until 3/15/1999 withdrawn	858
Mar. 8	Brown AM597 withdrawn. Wickersham motion to indefinitely postpone laid over	866

Mar. 9	Kristensen AM715 printed	878
Mar. 10	Wickersham motion p. 867 to indefinitely postpone withdrawn. Kristensen pending AM715 p. 878 lost as amended by Wickersham AM728	883
Mar. 10	Advanced for Engrossment	893
Mar. 12	Correctly Engrossed. ER9024 change	959
Mar. 17	Bohlke motion to suspend rules to permit consideration of bill on Final Reading prevailed	1031
Mar. 17	Dispensing of reading at large approved. Final Reading w/E 43-3-3	1031
Mar. 17	President signed	1039
Mar. 17	Presented to Governor (3/17)	1048
Mar. 18	Returned by Governor without approval (3/18)	1067
Mar. 18	Bohlke motion to override veto printed	1068
Mar. 22	Bohlke pending motion p. 1068 to override veto passed 39-7-3	1125
Mar. 22	Communication. Certificate	1127

LEGISLATIVE BILL 150. By C. Peterson, Bromm, Matzke, Dw. Pedersen, Suttle, Thompson

Jan. 7	Read first time	72
Jan. 12	Referred to Transportation Committee	139
Jan. 25	Notice of hearing (2/2)	338
Jan. 29	Hudkins, Baker, Janssen and Jones names added	399
Feb. 23	D. Pederson name added	693
Feb. 25	Brown name added	726
Feb. 26	Placed on General File - Com AM437	753
Mar. 2	Redfield name added	798
Mar. 11	C. Peterson priority bill	915
Mar. 15	Com AM437 p. 753 pending	981
Mar. 15	Landis AM789 printed	982
Mar. 15	Landis name added	985
Mar. 16	Com AM437 p. 753 adopted as amended by Landis AM816. Landis AM789 p. 982 withdrawn. Advanced for Review	992
Mar. 16	Schimek and Bruning names added	1026
Mar. 17	Placed on Select File - AM7087	1036
Mar. 17	Smith name added	1049
Apr. 21	Bromm AM1128 printed	1561
Apr. 22	AM7087 (E & R) p. 1036 adopted	1610
Apr. 22	Bromm pending AM1128 p. 1561 adopted. Bruning AM942 withdrawn. Advanced for Engrossment	1610
Apr. 26	Correctly Engrossed	1683
Apr. 26	ER9061 change	1684

Apr. 29	Final Reading w/E 44-0-5	1779
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

(Provisions/portions of LB 261 amended into LB 150 by Com AM437)

LEGISLATIVE BILL 151. By Thompson

Jan. 7	Read first time	72
Jan. 12	Referred to Judiciary Committee	139
Feb. 16	Notice of hearing (3/3)	586
Mar. 8	Placed on General File	859

LEGISLATIVE BILL 152. By Thompson, Price, Suttle

Jan. 7	Read first time	72
Jan. 12	Referred to Education Committee Notice of hearing (1/19)	139
Feb. 4	Placed on General File - Com AM123	470
Feb. 11	Com AM123 p. 470 adopted. Advanced for Review	534
Feb. 16	Placed on Select File	584
Feb. 19	Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	695
Mar. 3	Final Reading 41-1-7	805
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 153. By Thompson

Jan. 7	Read first time	72
Jan. 12	Referred to Judiciary Committee	139
Jan. 20	Notice of hearing (1/27)	272
Feb. 26	Placed on General File - Com AM449	759

LEGISLATIVE BILL 153A. By Thompson

Mar. 16	Read first time. Placed on General File	1026

LEGISLATIVE BILL 154. By Kristensen

Jan. 8	Read first time	89
Jan. 13	Referred to Executive Board	162
Feb. 10	Notice of hearing (2/18)	515

LEGISLATIVE BILL 155. By Lynch

Jan. 8	Read first time	89
Jan. 13	Referred to Nebraska Retirement Systems Committee	162
Feb. 16	Notice of hearing (2/24)	576

LEGISLATIVE BILL 156. By Tyson

Jan. 8	Read first time	89
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	162
Feb. 17	Notice of hearing (3/11)	602
Mar. 17	Placed on General File	1032

LEGISLATIVE BILL 157. By Schimek

Jan. 8	Read first time	90
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	162
Feb. 17	Notice of hearing (2/24)	601
Mar. 2	Indefinitely postponed	793

LEGISLATIVE BILL 158. By Schimek

Jan. 8	Read first time	90
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	162
Feb. 3	Notice of hearing (2/10)	437
Feb. 24	Indefinitely postponed	708

LEGISLATIVE BILL 159. By Bruning

Jan. 8	Read first time	90
Jan. 13	Referred to Judiciary Committee	162
Feb. 2	Notice of hearing (2/12)	426

LEGISLATIVE BILL 160. By Brown, Brashear, Bromm, Coordsen, Raikes, Wehrbein

Jan. 8	Read first time	90
Jan. 13	Referred to Judiciary Committee	162
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 161. By Transportation Committee

Jan. 8	Read first time	90
Jan. 13	Referred to Transportation Committee	162
Jan. 15	Notice of hearing (1/25)	207
Feb. 4	Placed on General File - Com AM135	439
Feb. 9	Com AM135 p. 439 adopted. Advanced for Review	498
Feb. 16	Placed on Select File	575
Feb. 19	Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	695
Mar. 3	Final Reading w/E 46-0-3	806
Mar. 3	Speaker signed	820

Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 162. By Landis

Jan. 8	Read first time	90
Jan. 13	Referred to Banking, Commerce and Insurance Committee	162
Jan. 25	Notice of hearing (2/2)	334
Feb. 3	Indefinitely postponed	433

LEGISLATIVE BILL 163. By Hilgert

Jan. 8	Read first time	90
Jan. 13	Referred to Judiciary Committee	162
Jan. 22	Notice of hearing (1/29)	323
Feb. 8	Placed on General File	475
Feb. 11	Advanced for Review	534
Feb. 17	Placed on Select File - AM7050	589
Feb. 19	AM7050 (E & R) p. 589 adopted. Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	706
Mar. 3	Final Reading 45-0-4	806
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 163A. By Hilgert

Feb. 10	Read first time. Placed on General File	517
Feb. 11	Advanced for Review	535
Feb. 17	Placed on Select File	589
Feb. 19	Advanced for Engrossment	643
Feb. 24	Correctly Engrossed	706
Mar. 3	Final Reading 44-0-5	807
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 164. By Hilgert

Jan. 8	Read first time	91
Jan. 13	Referred to Business and Labor Committee	162
Feb. 11	Notice of hearing (3/1)	531
Mar. 3	Placed on General File - Com AM609	802
Mar. 10	Business and Labor Committee priority bill	886
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406

May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 164 amended into LB 608 by AM1174)

LEGISLATIVE BILL 165. By Hilgert

Jan. 8	Read first time	91
Jan. 13	Referred to Revenue Committee	162
Jan. 13	Notice of hearing (1/20)	177
Jan. 22	Placed on General File - Com AM23	322
Jan. 25	Com AM23 p. 322 adopted. Advanced for Review	336
Jan. 27	Placed on Select File - AM7006	371
Jan. 29	AM7006 (E & R) p. 371 adopted. Wickersham-Beutler-Hilgert AM128 adopted. Advanced for Engrossment	394
Feb. 2	Correctly Engrossed. ER9003 change	416
Feb. 12	Dispensing of reading at large approved. Final Reading w/E 44-0-5	547
Feb. 12	President signed	554
Feb. 12	Presented to Governor (2/12)	570
Feb. 17	Approved by Governor (2/17)	601

LEGISLATIVE BILL 166. By Kiel, Thompson

Jan. 8	Read first time	91
Jan. 13	Referred to Revenue Committee	162
Feb. 3	Notice of hearing (2/24)	435
Mar. 18	Indefinitely postponed	1074

LEGISLATIVE BILL 167. By Hilgert

Jan. 8	Read first time	91
Jan. 13	Referred to Judiciary Committee	162
Jan. 26	Hilgert motion to withdraw bill printed	348
Jan. 27	Hilgert pending motion p. 348 to withdraw bill prevailed. Withdrawn	354

LEGISLATIVE BILL 168. By Hilgert

Jan. 8	Read first time	91
Jan. 13	Referred to Business and Labor Committee	162
Jan. 15	Notice of hearing (1/25)	200
Jan. 29	Placed on General File - Com AM81	396
Feb. 1	Com AM81 p. 396 adopted. Advanced for Review	405
Feb. 3	Placed on Select File	430
Feb. 10	Advanced for Engrossment	511
Feb. 11	Correctly Engrossed	530

Feb. 26	Dispensing of reading at large approved. Final Reading 45-0-4	737
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 169. By Wickersham

Jan. 8	Read first time	91
Jan. 13	Referred to Education Committee	162
Feb. 4	Notice of hearing (2/23)	443

LEGISLATIVE BILL 170. By Landis

Jan. 8	Read first time	91
Jan. 13	Referred to Banking, Commerce and Insurance Committee	162
Jan. 15	Notice of hearing (1/26)	206
Jan. 27	Placed on General File	371
Jan. 28	Advanced for Review	388
Feb. 1	Placed on Select File	411
Feb. 4	Advanced for Engrossment	465
Feb. 9	Correctly Engrossed	494
Feb. 19	Final Reading 46-0-3	632
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 171. By Kristensen

Jan. 8	Read first time	92
Jan. 13	Referred to Revenue Committee	162
Feb. 3	Notice of hearing (2/11)	434
Mar. 16	Speaker priority bill	1000

LEGISLATIVE BILL 172. By Agriculture Committee

Jan. 8	Read first time	92
Jan. 13	Referred to Agriculture Committee	162
Jan. 13	Dierks motion to suspend rules to permit scheduling of hearing prevailed	166
Jan. 13	Notice of Hearing (1/19)	177
Jan. 20	Placed on General File	273
Jan. 21	Advanced for Review	298
Jan. 22	Placed on Select File	302
Jan. 25	Advanced for Engrossment	335
Jan. 26	Correctly Engrossed	343

Feb. 4	Final Reading w/E 46-0-3	454
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 173. By Dierks, Cudaback, Hudkins, Jones, Schellpeper, Schmitt, Stuhr, Tyson, Vrtiska

Jan. 8	Read first time	92
Jan. 13	Referred to Education Committee	162
Jan. 15	Notice of hearing (1/26)	206

(Provisions/portions of LB 173 amended into LB 813 by AM481)

LEGISLATIVE BILL 174. By Hilgert

Jan. 8	Read first time	92
Jan. 13	Referred to Business and Labor Committee	162
Feb. 11	Notice of hearing (3/8)	531
Mar. 16	Placed on General File	996

LEGISLATIVE BILL 174A. By Hilgert

Mar. 30	Read first time. Placed on General File	1260

LEGISLATIVE BILL 175. By Hilgert

Jan. 8	Read first time	92
Jan. 13	Referred to Judiciary Committee	162
Jan. 22	Notice of hearing (1/29)	323
Mar. 8	Placed on General File - Com AM648	860
Mar. 16	Speaker priority bill	1000
Mar. 23	Bourne AM859 printed	1152

LEGISLATIVE BILL 176. By Hilgert, Matzke

Jan. 8	Read first time	92
Jan. 13	Referred to Natural Resources Committee	162
Jan. 20	Bohlke name added	294
Jan. 22	Notice of hearing (1/29)	307
Mar. 12	Hilgert priority bill	951
Mar. 17	Placed on General File - Com AM756	1030
Apr. 14	Bohlke AM1275 printed	1461
Apr. 14	Schrock AM1145 printed separate	1464
Apr. 19	Bohlke AM1320 and Tyson AM1293 printed	1532
May 5	Com AM756 p. 1030 adopted. Bohlke unanimous consent to replace pending AM1275 p. 1461 with substitute amendment. No objections. Bohlke AM1275 p. 1461 withdrawn. Bohlke substitute pending AM1320 p. 1532 pending	1859

May 5	Bromm AM1335 printed. Beutler-Schrock AM1649 printed	1873
May 6	Bohlke unanimous consent to replace pending AM1320 p. 1532 with substitute amendment. No objections. Bohlke AM1320 p. 1532 withdrawn. Smith substitute AM1682 adopted. Schrock AM1145 (printed separate), Tyson AM1293 p. 1532, and Bromm AM1335 p. 1873 withdrawn. Beutler-Schrock AM1649 p. 1873 withdrawn. Hilgert AM1686 adopted. Beutler motion to suspend rules to permit consideration of AM1688 prevailed. Beutler-Schrock-Connealy AM1688 adopted. C. Peterson motion to reconsider vote on Hilgert AM1686 p. 1916 prevailed. Hilgert reconsidered AM1686 p. 1916 withdrawn. Advanced for Review	1915
May 12	Placed on Select File - AM7144 (printed separate)	2009
May 12	Preister AM1728 to AM7144 printed	2016
May 13	Lynch AM1713 to AM7144 printed	2080
May 17	Bromm AM1817 to AM7144 printed	2160
May 17	Hilgert AM1693 and Connealy AM1750 to AM7144 printed	2179
May 18	Bohlke-Matzke AM1847 to AM7144 printed	2199
May 18	AM7144 (E & R) p. 2009 adopted. Schrock unanimous consent to replace reoffered AM1145 (printed separate) with substitute amendment. No objections. Schrock AM1145 (printed separate) withdrawn. Schrock substitute AM1855 (on file) adopted. Tyson reoffered AM1293 p. 1532 ruled not germane to bill. Tyson motion to suspend rules to permit consideration of AM1293 withdrawn. Chair ruling on Tyson AM1293 not germane to bill withdrawn. Chair ruled Tyson AM1293 germane to bill. Tyson AM1293 p. 1532 withdrawn. Bromm unanimous consent to replace reoffered AM1335 p. 1873 with substitute amendment. No objections. Bromm AM1335 p. 1873 withdrawn. Bromm substitute pending AM1817 p. 2160 adopted. Preister pending AM1728 p. 2016 lost. Lynch AM1713 p. 2080 withdrawn. Hilgert pending AM1693 p. 2179 adopted. Connealy AM1750 p. 2179 withdrawn. Bohlke-Matzke pending AM1847 p. 2199 lost as amended by Bohlke FA240. Hilgert FA238 to AM7144 adopted. Advanced for Engrossment	2226

May 24	Returned to Select File for Beutler specific AM1906 to AM7144. Beutler specific AM1906 to AM7144 adopted. Advanced for Engrossment	2367
May 24	Correctly Engrossed. ER9108 change	2379
May 27	Correction	2409
May 27	Dispensing of reading at large approved. Final Reading w/E 48-0-1	2422
May 27	President signed	2445
May 27	Presented to Governor (5/27)	2446
May 27	Approved by Governor (5/27)	2447

(Provisions/portions of LB 793 amended into LB 176 by AM1855)

LEGISLATIVE BILL 176A. By Hilgert

Mar. 22	Read first time. Placed on General File	1119
May 6	Advanced for Review	1922
May 12	Placed on Select File	2009
May 18	Advanced for Engrossment	2229
May 24	Correctly Engrossed	2379
May 27	Final Reading 48-0-1	2423
May 27	President signed	2445
May 27	Presented to Governor (5/27)	2446
May 27	Approved by Governor (5/27)	2447

LEGISLATIVE BILL 177. By Jensen

Jan. 8	Read first time	93
Jan. 13	Referred to Transportation Committee	162
Feb. 10	Notice of hearing (3/1)	516
Feb. 22	Hilgert name added	673

LEGISLATIVE BILL 178. By Jensen, Thompson

Jan. 8	Read first time	93
Jan. 13	Referred to Health and Human Services Committee	162
Jan. 14	Notice of hearing (1/21)	183
Jan. 25	Placed on General File - Com AM36	333
Jan. 26	Com AM36 p. 333 adopted. Advanced for Review	346
Jan. 28	Placed on Select File	385
Jan. 29	Advanced for Engrossment	394
Feb. 2	Correctly Engrossed	416
Feb. 12	Final Reading 43-0-6	548
Feb. 12	President signed	554
Feb. 12	Presented to Governor (2/12)	570
Feb. 17	Approved by Governor (2/17)	601

LEGISLATIVE BILL 179. By Preister, Bohlke, Bourne, Bromm, Hilgert, Lynch, Redfield, Schimek, Suttle

Jan. 8	Read first time	93
Jan. 11	Preister priority bill	101
Jan. 13	Referred to Revenue Committee	162
Jan. 19	Dw. Pedersen name added	247
Jan. 27	Notice of hearing (2/4)	366
Mar. 8	Placed on General File - Com AM659 (printed separate)	858
Mar. 16	Chair sustained division of question on Com AM659 (printed separate). FA53 (1st) and FA54 (2nd) adopted. Advanced for Review	1001
Mar. 16	Landis name added	1026
Mar. 17	Placed on Select File - AM7088	1037
Mar. 25	Wehrbein AM952 to AM659 printed	1223
Mar. 30	Robak AM1064 to AM659 printed	1287
Apr. 9	AM7088 (E & R) p. 1037 adopted. Wehrbein pending AM952 p. 1223 adopted. Chair ruled Robak pending AM1064 p. 1287 was substantially same as LB 492. Robak motion to overrule Chair failed. Robak pending AM1064 p. 1287 withdrawn. Advanced for Engrossment	1382
Apr. 9	Kiel name added	1390
Apr. 14	Correctly Engrossed. ER9046 change	1435
Apr. 22	Hilgert AM1427 printed	1636
Apr. 28	Hilgert AM1514 printed	1750
May 4	Hilgert-Quandahl AM1553 printed	1843
May 12	C. Peterson name added	2066
May 14	Hilgert AM1427 p. 1636 and AM1514 p. 1750 withdrawn. Motion to return to Select File for Hilgert-Quandahl specific AM1553 p. 1843 failed	2135
May 20	Final Reading 47-0-2	2302
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

(Provisions/portions of LB 301 amended into LB 179 by Com FA54)
(Provisions/portions of LB 745 amended into LB 179 by Com FA53)

LEGISLATIVE BILL 179A. By Preister

Mar. 18	Read first time. Placed on General File	1058
Mar. 23	Advanced for Review	1166
Mar. 24	Placed on Select File	1183
Mar. 30	Wehrbein AM1025 printed	1260

Apr. 9	Wehrbein pending AM1025 p. 1260 adopted. Advanced for Engrossment	1385
Apr. 14	Correctly Engrossed	1435
May 11	Hilgert AM1700 printed	1963
May 14	Hilgert AM1700 p. 1963 withdrawn	2136
May 20	Final Reading 46-0-3	2303
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 180. By Preister, Hilgert, Lynch, Suttle

Jan. 8	Read first time	93
Jan. 13	Referred to Revenue Committee	162
Jan. 19	Dw. Pedersen name added	247
Jan. 27	Notice of hearing (2/3)	355
Feb. 19	Indefinitely postponed	659

LEGISLATIVE BILL 181. By Preister, Hilgert

Jan. 8	Read first time	93
Jan. 13	Referred to Banking, Commerce and Insurance Committee	162
Feb. 19	Notice of hearing (3/2)	644
Mar. 3	Indefinitely postponed	819

LEGISLATIVE BILL 182. By Beutler, Bohlke, Preister, Schimek, Suttle, Wickersham

Jan. 8	Read first time	94
Jan. 13	Referred to Education Committee	162
Jan. 15	Notice of hearing (1/25)	206
Mar. 8	Placed on General File - Com AM671	855

LEGISLATIVE BILL 183. By Cudaback, Baker

Jan. 8	Read first time	94
Jan. 13	Referred to Revenue Committee	162
Feb. 10	Notice of hearing (3/4)	515

LEGISLATIVE BILL 184. By Baker, Hilgert, Dw. Pedersen

Jan. 8	Read first time	94
Jan. 13	Referred to General Affairs Committee	162
Jan. 13	Lynch name added	177
Feb. 9	Notice of hearing (2/22)	501
Feb. 12	Baker AM176 printed	554
Mar. 16	Indefinitely postponed	996

LEGISLATIVE BILL 185. By Bromm, Engel, Jensen, Jones, Tyson, at the request of the Governor

Jan. 8	Read first time	94
Jan. 13	Referred to Judiciary Committee	162
Jan. 21	Notice of hearing (1/28)	299

LEGISLATIVE BILL 186. By Bromm, Engel, Jensen, Jones, C. Peterson, Tyson, at the request of the Governor

Jan. 8	Read first time	94
Jan. 13	Referred to Judiciary Committee	162
Jan. 21	Notice of hearing (1/28)	299

LEGISLATIVE BILL 187. By Kristensen, Cudaback, Hartnett, Lynch, Smith, Wehrbein

Jan. 8	Read first time	94
Jan. 13	Referred to General Affairs Committee	162
Jan. 28	Smith name withdrawn	389
Jan. 29	Notice of hearing (2/8)	392

LEGISLATIVE BILL 188. By Thompson, Bromm, Dw. Pedersen, C. Peterson

Jan. 8	Read first time	95
Jan. 13	Referred to Transportation Committee	162
Feb. 9	Notice of hearing (3/2)	496
Mar. 12	Transportation Committee priority bill -	955

LEGISLATIVE BILL 189. By Thompson

Jan. 8	Read first time	95
Jan. 13	Referred to Judiciary Committee	162
Feb. 16	Notice of hearing (3/3)	587

LEGISLATIVE BILL 190. By Dw. Pedersen

Jan. 8	Read first time	95
Jan. 13	Referred to Judiciary Committee	162
Jan. 21	Notice of hearing (1/28)	299

LEGISLATIVE BILL 191. By Brown, Hilgert, Jensen, Dw. Pedersen, Quandahl

Jan. 8	Read first time	95
Jan. 13	Referred to Banking, Commerce and Insurance Committee	162
Jan. 15	Notice of hearing (1/26)	206
Jan. 27	Placed on General File	371
Jan. 28	Advanced for Review	388

Feb. 1	Placed on Select File - AM7018	411
Feb. 4	AM7018 (E & R) p. 411 adopted. Advanced for Engrossment	465
Feb. 9	Correctly Engrossed	494
Feb. 19	Final Reading w/E 42-0-7	632
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 192. By Brown, Hilgert, Dw. Pedersen, Preister, Schmitt, Thompson

Jan. 8	Read first time	95
Jan. 13	Referred to Judiciary Committee	162
Jan. 20	Notice of hearing (1/27)	272
Mar. 17	Indefinitely postponed	1045

LEGISLATIVE BILL 193. By C. Peterson, Dierks, Kremer, Dw. Pedersen, Schmitt, Tyson

Jan. 8	Read first time	96
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	162
Jan. 21	Notice of hearing (1/28)	299

LEGISLATIVE BILL 194. By Revenue Committee

Jan. 8	Read first time	96
Jan. 13	Referred to Revenue Committee	162
Jan. 14	Notice of hearing (1/21)	182
Feb. 8	Placed on General File - Com AM198	476
Feb. 11	Byars AM304 to Com AM198 printed	540
Feb. 16	Com AM198 p. 476 adopted as amended by Byars pending AM304 p. 540. Advanced for Review	577
Feb. 19	Placed on Select File - AM7057	624
Feb. 23	Schimek AM460 printed	692
Mar. 1	Wickersham-Coordsen-Hartnett-Schellpeper-Raikes-C. Peterson-Redfield AM570 printed	781
Mar. 1	Wickersham AM595 to AM570 printed	789
Mar. 3	AM7057 (E & R) p. 624 adopted. Schimek unanimous consent to replace pending AM460 p. 692 with substitute amendment. No objections. Schimek AM460 p. 692 withdrawn. Schimek substitute AM641 adopted	820
Mar. 4	Wickersham et al. pending AM570 p. 781 adopted as amended by Wickersham pending AM595 p. 789. Advanced for Engrossment	826

Mar. 10	Correctly Engrossed	881
Mar. 10	ER9018 change	882
Mar. 19	Wickersham AM869 printed	1103
Mar. 25	Returned to Select File for Wickersham specific AM869 p. 1103. Wickersham specific AM869 p. 1103 adopted. Advanced for Reengrossment. Returned to Select File for Wickersham specific AM1007. Wickersham specific AM1007 adopted. Advanced for Reengrossment	1217
Mar. 29	Correctly Reengrossed. ER9043 change	1255
Apr. 23	Dispensing of reading at large approved. Final Reading w/E 42-0-6	1645
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

(Provisions/portions of LB 136 amended into LB 194 by Com AM198)
(Provisions/portions of LB 194 amended into LB 881 by AM1850)

LEGISLATIVE BILL 195. By Suttle

Jan. 8	Read first time	96
Jan. 13	Referred to Education Committee	162
Jan. 15	Notice of hearing (1/25)	206
Jan. 28	Placed on General File - Com AM79	381
Feb. 1	Com AM79 p. 381 adopted as amended by Suttle AM138. Advanced for Review	404
Feb. 3	Placed on Select File	430
Feb. 10	Advanced for Engrossment	511
Feb. 11	Correctly Engrossed	530
Feb. 26	Final Reading 47-0-2	738
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 196. By Janssen, Schmitt

Jan. 8	Read first time	96
Jan. 13	Referred to General Affairs Committee	162
Feb. 9	Notice of hearing (3/8)	501
Mar. 9	Indefinitely postponed	872

LEGISLATIVE BILL 197. By Hudkins

Jan. 11	Read first time	113
Jan. 13	Referred to Judiciary Committee	162
Jan. 22	Hudkins motion to withdraw bill printed	319

Jan. 25	Hudkins pending motion p. 319 to withdraw bill prevailed. Withdrawn	334

LEGISLATIVE BILL 198. By Dierks, Baker

Jan. 11	Read first time	113
Jan. 13	Referred to Agriculture Committee	162
Jan. 13	Dierks motion to suspend rules to permit scheduling of hearing prevailed	166
Jan. 13	Notice of Hearing (1/19)	177
Jan. 20	Placed on General File	273
Jan. 21	Advanced for Review	298
Jan. 22	Placed on Select File	302
Jan. 25	Advanced for Engrossment	335
Jan. 26	Correctly Engrossed	343
Feb. 4	Final Reading 47-0-2	455
Feb. 4	President signed	461
Feb. 4	Presented to Governor (2/4)	467
Feb. 11	Approved by Governor (2/10)	528

LEGISLATIVE BILL 199. By Wickersham, Connealy, Dierks, Matzke

Jan. 11	Read first time	113
Jan. 13	Referred to Health and Human Services Committee	162
Feb. 3	Notice of hearing (2/17)	434
Feb. 18	Placed on General File - Com AM294	615
Mar. 1	Com AM294 p. 615 adopted. Advanced for Review	782
Mar. 2	Placed on Select File - AM7077	792
Mar. 18	AM7077 (E & R) p. 792 adopted. Advanced for Engrossment	1067
Mar. 22	Correctly Engrossed	1121
Mar. 25	Final Reading 43-0-6	1207
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 200. By Dw. Pedersen

Jan. 11	Read first time	113
Jan. 13	Referred to Judiciary Committee	162
Jan. 22	Notice of hearing (1/29)	323
Mar. 4	Indefinitely postponed	847

LEGISLATIVE BILL 201. By Dw. Pedersen

Jan. 11	Read first time	113
Jan. 13	Referred to Judiciary Committee	163
Feb. 16	Notice of hearing (3/18)	587

LEGISLATIVE BILL 202. By Vrtiska

Jan. 11	Read first time	113
Jan. 13	Referred to Banking, Commerce and Insurance Committee	163
Jan. 15	Notice of hearing (1/26)	206
Jan. 27	Placed on General File	371
Jan. 28	Advanced for Review	388
Jan. 28	Smith name added	389
Feb. 1	Placed on Select File	411
Feb. 4	Beutler FA11 pending. Passed over	465
Feb. 10	Beutler FA11 p. 465 withdrawn. Kiel AM223 lost. Advanced for Engrossment	507
Feb. 11	Correctly Engrossed	530
May 20	Final Reading w/E 40-5-4	2304
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Returned by Governor without approval (5/26)	2411
May 27	Communication	2451

LEGISLATIVE BILL 202A. By Vrtiska

Feb. 4	Read first time. Placed on General File	470
Feb. 8	Advanced for Review	479
Feb. 9	Placed on Select File	494
Feb. 10	Advanced for Engrossment	510
Feb. 11	Correctly Engrossed	530
Mar. 2	Hilgert AM573 printed	797
Mar. 3	Vrtiska AM643 printed	823
Apr. 9	Hilgert AM573 p. 797 withdrawn. Returned to Select File for Vrtiska specific AM643 p. 823. Vrtiska specific AM643 p. 823 adopted. Advanced for Reengrossment	1358
Apr. 13	Correctly Reengrossed	1421
May 20	Final Reading w/E 38-5-6	2304
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 27	Returned by Governor without approval (5/26)	2411
May 27	Communication	2451

LEGISLATIVE BILL 203. By Schmitt

Jan. 11	Read first time	113
Jan. 13	Referred to Judiciary Committee	163
Jan. 14	Notice of hearing (1/22)	190
Jan. 20	Robak name added	294
Feb. 16	Indefinitely postponed	583

LEGISLATIVE BILL 204. By Schmitt, Chambers

Jan. 11	Read first time	114
Jan. 13	Referred to Judiciary Committee	163
Jan. 15	Rereferred to Government, Military & Veterans Affairs Committee	197
Feb. 17	Notice of hearing (3/4)	602
Mar. 11	Placed on General File	939

LEGISLATIVE BILL 205. By Schmitt

Jan. 11	Read first time	114
Jan. 13	Referred to Judiciary Committee	163
Jan. 20	Notice of hearing (1/27)	272
Feb. 19	Placed on General File - Com AM201	619
Mar. 11	Schmitt priority bill	937
Apr. 7	Com AM201 p. 619 adopted. Advanced for Review	1340
Apr. 13	Placed on Select File - AM7118	1420
Apr. 23	AM7118 (E & R) p. 1420 adopted. Advanced for Engrossment	1660
Apr. 27	Correctly Engrossed	1726
Apr. 29	Final Reading 45-0-4	1782
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 206. By Schmitt

Jan. 11	Read first time	114
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	163
Feb. 17	Notice of hearing (3/3)	602

LEGISLATIVE BILL 207. By Schmitt

Jan. 11	Read first time	114
Jan. 13	Referred to Transportation Committee	163
Feb. 10	Notice of hearing (3/1)	516

LEGISLATIVE BILL 208. By Schmitt

Jan. 11	Read first time	114
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	163
Jan. 27	Notice of hearing (2/3)	354
Feb. 9	Indefinitely postponed	499

LEGISLATIVE BILL 209. By Schmitt, Dierks

Jan. 11	Read first time	114

Jan. 13	Referred to Health and Human Services Committee	163
Jan. 20	Notice of hearing (1/27)	271

LEGISLATIVE BILL 210. By Schmitt

Jan. 11	Read first time	114
Jan. 13	Referred to Judiciary Committee	163
Jan. 20	Notice of hearing (1/27)	272

LEGISLATIVE BILL 211. By Schmitt

Jan. 11	Read first time	115
Jan. 13	Referred to Health and Human Services Committee	163
Jan. 20	Notice of hearing (1/29)	289
Feb. 2	Placed on General File	419
Feb. 4	Landis FA10 printed	469
Feb. 8	Landis pending FA10 p. 469 lost. Tyson FA12 adopted. Beutler FA13 lost. Advanced for Review	479
Feb. 9	Placed on Select File - AM7038	498
Feb. 10	C. Peterson-Hilgert-Schmitt AM279 printed	525
Feb. 23	AM7038 (E & R) p. 498 adopted. C. Peterson et al. AM279 p. 525 withdrawn. Beutler FA34 adopted	679
Feb. 23	Preister AM462 withdrawn. Bohlke unanimous consent to bracket until 2/26/1999. No objections	686
Feb. 25	Preister AM537 printed	725
Mar. 4	Preister pending AM537 p. 725 lost	841
Mar. 9	Preister AM692 printed	877
Mar. 18	Preister pending AM692 p. 877 adopted. Advanced for Engrossment	1059
Mar. 19	Correctly Engrossed. ER9031 change	1106
Mar. 25	Final Reading 43-0-6	1205
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 212. By Schmitt

Jan. 11	Read first time	115
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	163
Jan. 22	Notice of hearing (1/29)	323
Feb. 1	Placed on General File	407
Feb. 2	Advanced for Review	424
Feb. 4	Placed on Select File	441
Feb. 10	Advanced for Engrossment	513
Feb. 12	Correctly Engrossed	543

Feb. 26	Final Reading 47-0-2	740
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 213. By Schmitt

Jan. 11	Read first time	115
Jan. 13	Referred to Agriculture Committee	163
Feb. 23	Notice of hearing (3/9)	692

LEGISLATIVE BILL 214. By Landis

Jan. 11	Read first time	115
Jan. 13	Referred to Revenue Committee	163
Feb. 3	Notice of hearing (2/11)	434
Feb. 12	Placed on General File	561
Feb. 18	Advanced for Review	614
Feb. 23	Placed on Select File	675
Mar. 4	Advanced for Engrossment	838
Mar. 10	Correctly Engrossed	881
Mar. 10	ER9022 change	882
Mar. 19	Final Reading 38-0-11	1090
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 215. By Vrtiska, Hilgert

Jan. 11	Read first time	115
Jan. 13	Referred to Business and Labor Committee	163
Feb. 11	Notice of hearing (3/1)	531
Mar. 3	Placed on General File - Com AM457	802
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 215 amended into LB 216 by AM721)

LEGISLATIVE BILL 216. By Vrtiska, Hilgert

Jan. 11	Read first time	115
Jan. 13	Referred to Business and Labor Committee	163
Feb. 11	Notice of hearing (3/1)	531
Mar. 3	Placed on General File	802
Mar. 10	Business and Labor Committee priority bill	886

Mar. 23	Vrtiska AM721 printed	1148
Mar. 31	Vrtiska pending AM721 p. 1148 adopted. Advanced for Review	1301
Mar. 31	Vrtiska AM836 printed separate	1303
Apr. 7	Placed on Select File - AM7098	1347
Apr. 29	AM7098 (E & R) p. 1347 adopted	1769
Apr. 29	Vrtiska pending AM836 (printed separate) adopted. Landis AM1577 adopted. Advanced for Engrossment	1769
May 4	Correctly Engrossed. ER9071 change	1836
May 13	Landis AM1796 printed	2113
May 14	Returned to Select File for Landis specific AM1796 p. 2113 prevailed. Landis specific AM1796 p. 2113 adopted. Advanced for Reengrossment	2136
May 17	Correctly Reengrossed	2176
May 20	Dispensing of reading at large approved. Final Reading w/E 48-0-1	2305
May 20	President signed	2306
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

(Provisions/portions of LB 215 amended into LB 216 by AM721)
(Provisions/portions of LB 693 amended into LB 216 by AM836)

LEGISLATIVE BILL 217. By Chambers

Jan. 11	Read first time	115
Jan. 13	Referred to Banking, Commerce and Insurance Committee	163
Jan. 25	Notice of hearing (2/2)	334
Feb. 22	Placed on General File - Com AM438	666
Mar. 16	Speaker priority bill	1000
May 21	Com AM438 p. 666 adopted. Advanced for Review	2344
May 24	Placed on Select File - AM7157	2357
May 24	AM7157 (E & R) p. 2357 adopted. Advanced for Engrossment	2365
May 24	Correctly Engrossed	2367
May 27	Final Reading 46-0-3	2423
May 27	President signed	2445
May 27	Presented to Governor (5/27)	2446
May 27	Approved by Governor (5/27)	2447

(Provisions/portions of LB 306 amended into LB 217 by Com AM438)

LEGISLATIVE BILL 218. By Crosby

Jan. 11	Read first time	116

Jan. 13	Referred to Judiciary Committee	163
Feb. 2	Notice of hearing (2/11)	426
Feb. 16	Indefinitely postponed	583

LEGISLATIVE BILL 219. By Suttle

Jan. 11	Read first time	116
Jan. 13	Referred to Judiciary Committee	163
Jan. 13	Lynch name added	177
Jan. 22	Notice of hearing (1/29)	323

LEGISLATIVE BILL 220. By Suttle

Jan. 11	Read first time	116
Jan. 13	Referred to Health and Human Services Committee	163
Jan. 26	Notice of hearing (2/3)	347
Jan. 29	Jensen motion to suspend rules to permit cancellation of hearing prevailed	395
Jan. 29	Notice of hearing (2/3) (canceled)	397
Feb. 3	Notice of hearing (2/26) (rescheduled)	434

LEGISLATIVE BILL 221. By Suttle

Jan. 11	Read first time	116
Jan. 13	Referred to Revenue Committee	163
Jan. 15	Notice of hearing (1/22)	206
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 222. By Suttle

Jan. 11	Read first time	116
Jan. 14	Referred to Judiciary Committee	179
Feb. 16	Notice of hearing (3/10)	587

LEGISLATIVE BILL 223. By Suttle, Connealy, Crosby, Kiel, Dw. Pedersen, C. Peterson, Thompson

Jan. 11	Read first time	116
Jan. 13	Referred to Judiciary Committee	163
Feb. 2	Notice of hearing (2/11)	426

LEGISLATIVE BILL 224. By Hilgert

Jan. 11	Read first time	117
Jan. 13	Referred to Judiciary Committee	163
Jan. 20	Notice of hearing (1/27)	272
Mar. 17	Placed on General File - Com AM738	1043
Mar. 19	Hilgert AM56 printed	1104

LEGISLATIVE BILL 225. By Hilgert

Jan. 11	Read first time	117
Jan. 13	Referred to Judiciary Committee	163
Jan. 22	Notice of hearing (1/29)	323

LEGISLATIVE BILL 226. By Hilgert, Dw. Pedersen

Jan. 11	Read first time	117
Jan. 13	Referred to Health and Human Services Committee	163
Jan. 20	Notice of hearing (1/27)	271
Feb. 16	Placed on General File - Com AM335	575
Feb. 17	Corrected Com AM365	593
Feb. 19	Corrected Com AM365 p. 593 adopted as amended by Byars-Hilgert AM421. Advanced for Review	653
Feb. 19	Chambers name added	662
Feb. 22	Jensen name added	673
Feb. 25	Placed on Select File - AM7070	724
Mar. 4	AM7070 (E & R) p. 724 adopted. Hilgert AM656 adopted. Advanced for Engrossment	840
Mar. 12	Correctly Engrossed. ER9023 change	941
Mar. 25	Final Reading 44-0-5	1202
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 227. By Hilgert

Jan. 11	Read first time	117
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	163
Jan. 21	Notice of hearing (1/28)	299
Jan. 29	Placed on General File	396
Feb. 1	Advanced for Review	410
Feb. 3	Placed on Select File	430
Feb. 10	Advanced for Engrossment	511
Feb. 11	Correctly Engrossed	530
Feb. 26	Final Reading w/E 45-0-4	738
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 228. By Bromm

Jan. 11	Read first time	117
Jan. 13	Referred to Judiciary Committee	163
Jan. 14	Notice of hearing (1/22)	190

Jan. 26	Placed on General File	350
Jan. 28	Advanced for Review	384
Feb. 1	Placed on Select File	402
Feb. 4	Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading w/E 45-0-4	633
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 229. By Bromm, Janssen, Dw. Pedersen

Jan. 11	Read first time	117
Jan. 13	Referred to Transportation Committee	163
Feb. 2	Engel name added	427
Feb. 9	Notice of hearing (3/16)	495
Feb. 9	Connealy name added	503
Feb. 19	Notice of hearing (3/16) (canceled) Notice of hearing (3/15) (rescheduled)	660
Mar. 16	Speaker priority bill	1000
Mar. 18	Placed on General File - Com AM412	1051
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 229 amended into LB 632 by AM413)

LEGISLATIVE BILL 230. By Bromm

Jan. 11	Read first time	117
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	163
Feb. 17	Notice of hearing (3/12)	602
Mar. 25	Placed on General File - Com AM971	1222

LEGISLATIVE BILL 231. By Beutler, Schrock

Jan. 11	Read first time	118
Jan. 13	Referred to Revenue Committee	163
Jan. 20	Notice of hearing (1/27)	289
Jan. 28	Indefinitely postponed	385
Feb. 2	Beutler motion to place on General File printed	417
Feb. 10	Beutler motion p. 417 to place on General File withdrawn	524

LEGISLATIVE BILL 232. By Beutler

Jan. 11	Read first time	118
Jan. 13	Referred to Revenue Committee	163
Jan. 15	Notice of hearing (1/22)	206
Feb. 1	Placed on General File	407
Feb. 2	Advanced for Review	424
Feb. 4	Placed on Select File	442
Feb. 10	Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
May 20	Final Reading 45-0-4	2308
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 233. By Beutler

Jan. 11	Read first time	118
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	163
Jan. 27	Notice of hearing (2/3)	354

LEGISLATIVE BILL 234. By Suttle, Schimek

Jan. 11	Read first time	118
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	163
Feb. 3	Notice of hearing (2/10)	437
Feb. 12	Placed on General File - Com AM249 (printed separate)	560
Feb. 18	Com AM249 (printed separate) adopted. Advanced for Review	614
Feb. 22	Placed on Select File - AM7065	670
Mar. 9	Beutler AM709 to Com AM249 printed	877
Mar. 10	AM7065 (E & R) p. 670 adopted. Beutler pending AM709 p. 877 adopted. Advanced for Engrossment	895
Mar. 15	Correctly Engrossed	963
Mar. 15	ER9025 change	964
Mar. 19	Final Reading 44-0-5	1100
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 235. By Crosby, Chambers, Dierks, Hudkins, Jensen, Preister, Schrock, Vrtiska, Wehrbein

Jan. 11	Read first time	118
Jan. 12	Suttle name added	158

Jan. 13	Referred to Transportation Committee	163
Jan. 20	Redfield name added	294
Feb. 1	Notice of hearing (2/9)	407
Feb. 9	Bromm and Jones names added	503

LEGISLATIVE BILL 236. By Jensen

Jan. 11	Read first time	118
Jan. 13	Referred to Natural Resources Committee	163
Feb. 8	Notice of hearing (2/18)	484
Feb. 19	Placed on General File	643
Apr. 1	Advanced for Review	1306
Apr. 7	Placed on Select File	1348
Apr. 15	Advanced for Engrossment	1490
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 40-0-8	1663
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 237. By Jensen, Bruning

Jan. 11	Read first time	118
Jan. 13	Referred to Natural Resources Committee	163
Jan. 20	Rereferred to Urban Affairs Committee	249
Jan. 29	Notice of hearing (2/9)	397

LEGISLATIVE BILL 238. By Wehrbein

Jan. 11	Read first time	119
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	163
Jan. 27	Notice of hearing (2/4)	354
Feb. 9	Placed on General File	498
Feb. 16	Advanced for Review	583
Feb. 19	Placed on Select File	626
Feb. 23	Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
Mar. 11	Final Reading 39-0-10	923
Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 239. By Wehrbein

Jan. 11	Read first time	119
Jan. 13	Referred to Appropriations Committee	163
Feb. 19	Notice of hearing (3/17)	645

LEGISLATIVE BILL 240. By Bromm, Coordsen, Kristensen, Wehrbein

Jan. 11	Read first time	119
Jan. 13	Referred to Health and Human Services Committee	163
Jan. 20	Raikes and Engel names added	293
Feb. 4	Notice of hearing (3/10)	465
Feb. 26	Engel-Raikes-Coordsen-Wehrbein-Kristensen AM487 printed	761
Mar. 12	Placed on General File - Com AM487	942
Mar. 16	Speaker priority bill	1000
May 5	Com AM487 p. 942 adopted as amended by Jensen AM1662. Engel et al. AM487 p. 761 withdrawn. Advanced for Review	1893
May 12	Placed on Select File - AM7145	2006
May 14	AM7145 (E & R) p. 2006 adopted. Raikes-Jensen AM1732 to AM7145 adopted. Advanced for Engrossment	2134
May 17	Correctly Engrossed	2170
May 17	ER9092 change	2171
May 20	Final Reading 47-0-2	2309
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 241. By Bromm, Coordsen, Kristensen, Wehrbein

Jan. 11	Read first time	119
Jan. 13	Referred to Health and Human Services Committee	163
Jan. 20	Raikes and Engel names added	293
Feb. 3	Notice of hearing (2/18)	434
Feb. 22	Placed on General File	668
Mar. 16	Speaker priority bill	1000
Apr. 1	Advanced for Review	1306
Apr. 7	Placed on Select File	1348
Apr. 15	Advanced for Engrossment	1490
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 40-0-8	1664
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 242. By Bromm, Coordsen, Kristensen, Wehrbein

Jan. 11	Read first time	119

Jan. 13	Referred to Health and Human Services Committee	163
Jan. 20	Raikes and Engel names added	293
Feb. 3	Notice of hearing (2/18)	434
Mar. 4	Placed on General File - Com AM516	829
Mar. 16	Speaker priority bill	1000
Mar. 31	Jensen AM1066 to Com AM516 printed	1296
Apr. 1	Com AM516 p. 829 adopted as amended by Jensen pending AM1066 p. 1296. Advanced for Review	1309
Apr. 1	Byars name added	1317
Apr. 6	Schellpeper name added	1336
Apr. 9	Placed on Select File - AM7102	1367
Apr. 15	AM7102 (E & R) p. 1367 adopted. Byars AM1229 to AM7102 adopted. Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed. ER9054 change	1533
Apr. 29	Final Reading 45-0-4	1780
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 242A. By Engel, Bromm, Coordsen, Kristensen, Raikes, Wehrbein

Apr. 19	Read first time. Placed on General File	1528
Apr. 21	Advanced for Review	1554
Apr. 21	Placed on Select File	1568
Apr. 23	Advanced for Engrossment	1656
Apr. 26	Correctly Engrossed	1683
Apr. 29	Final Reading 44-0-5	1781
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 243. By Janssen, Cudaback, Hudkins, Schimek, Schmitt, Tyson, Vrtiska

Jan. 11	Read first time	119
Jan. 13	Referred to Government, Military and Veterans Affairs Committee	163
Jan. 21	Notice of hearing (1/28)	299
Jan. 29	Placed on General File	396
Feb. 1	Beutler FA6 lost. C. Peterson FA7 withdrawn. Advanced for Review	405
Feb. 1	Wickersham name added	413
Feb. 2	Stuhr explanation of vote	417
Feb. 3	Placed on Select File	430

Feb. 4	Beutler AM160 printed	467
Feb. 12	Wehrbein AM312, AM314, and AM316 printed	568
Feb. 18	Wehrbein AM397 printed	612
Feb. 23	Wehrbein AM312, AM314, and AM316 p. 568 withdrawn. Wehrbein pending AM397 p. 612 adopted. Beutler AM160 p. 467 withdrawn. Advanced for Engrossment	679
Feb. 25	Correctly Engrossed	720
May 20	Final Reading w/E 45-1-3	2310
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 243A. By Janssen

Feb. 2	Read first time. Placed on General File	425
Feb. 3	Advanced for Review	432
Feb. 4	Placed on Select File	442
Feb. 12	Wehrbein AM313, AM315, and AM317 printed	569
Feb. 23	Wehrbein pending AM313 p. 569 adopted. Wehrbein AM315 and AM317 p. 569 withdrawn. Advanced for Engrossment	679
Feb. 25	Correctly Engrossed	720
May 20	Final Reading w/E 44-0-5	2310
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 244. By Janssen

Jan. 11	Read first time	120
Jan. 13	Referred to Revenue Committee	163
Jan. 15	Notice of hearing (1/22)	206
Feb. 1	Indefinitely postponed	407

LEGISLATIVE BILL 245. By Janssen, Tyson

Jan. 11	Read first time	120
Jan. 13	Referred to Revenue Committee	163
Jan. 15	Notice of hearing (1/22)	206

LEGISLATIVE BILL 246. By Janssen, Stuhr, Tyson

Jan. 11	Read first time	120
Jan. 12	Stuhr name withdrawn	158
Jan. 14	Referred to Nebraska Retirement Systems Committee	179
Feb. 16	Notice of hearing (2/24)	576
Mar. 11	Indefinitely postponed	938

LEGISLATIVE BILL 247. By Janssen

Jan. 11	Read first time	120
Jan. 14	Referred to General Affairs Committee	179
Jan. 25	Notice of hearing (2/1)	333
Feb. 23	Indefinitely postponed	693

LEGISLATIVE BILL 248. By Schimek

Jan. 11	Read first time	120
Jan. 14	Referred to Judiciary Committee	179
Feb. 16	Notice of hearing (2/25)	586
Feb. 26	Placed on General File	759
Apr. 1	Advanced for Review	1307
Apr. 7	Placed on Select File	1349
Apr. 15	Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 40-0-8	1665
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 249. By Wehrbein

Jan. 11	Read first time	120
Jan. 14	Referred to Revenue Committee	179
Jan. 20	Notice of hearing (1/27)	289

LEGISLATIVE BILL 250. By Wehrbein

Jan. 11	Read first time	121
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	179
Feb. 10	Notice of hearing (2/17)	514
Feb. 18	Placed on General File	615
Mar. 1	Advanced for Review	772
Mar. 2	Placed on Select File	792
Mar. 15	Advanced for Engrossment	980
Mar. 17	Correctly Engrossed	1027
Mar. 25	Final Reading 45-0-4	1204
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 251. By Wehrbein

Jan. 11	Read first time	121
Jan. 14	Referred to Judiciary Committee	179

Jan. 28	Notice of hearing (2/4)	381
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 252. By Wehrbein

Jan. 11	Read first time	121
Jan. 14	Referred to Transportation Committee	179
Feb. 4	Notice of hearing (2/22)	442
Feb. 16	Cudaback name added	588

LEGISLATIVE BILL 253. By Wehrbein, Vrtiska

Jan. 11	Read first time	121
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	179
Jan. 27	Notice of hearing (2/3)	354
Feb. 4	Placed on General File	471
Feb. 11	Advanced for Review	534
Feb. 16	Placed on Select File	585
Feb. 16	Cudaback name added	588
Feb. 19	Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	706
Mar. 3	Final Reading 39-8-2	808
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 254. By Kristensen

Jan. 11	Read first time	121
Jan. 14	Referred to Judiciary Committee	180
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 255. By Stuhr, Crosby, Hudkins, Jensen, Jones, Kiel, C. Peterson, Price

Jan. 11	Read first time	121
Jan. 12	Tyson and Suttle names added	158
Jan. 14	Referred to Judiciary Committee	180
Feb. 2	Notice of hearing (2/11)	426
Feb. 16	Indefinitely postponed	583

LEGISLATIVE BILL 256. By Kiel

Jan. 11	Read first time	121
Jan. 14	Referred to Judiciary Committee	180
Jan. 28	Notice of hearing (2/4)	381

LEGISLATIVE BILL 257. By Kiel

Jan. 11	Read first time	122
Jan. 14	Referred to Business and Labor Committee	180
Jan. 25	Notice of hearing (2/1)	337
Feb. 11	Indefinitely postponed	530

LEGISLATIVE BILL 258. By Landis

Jan. 11	Read first time	122
Jan. 14	Referred to Banking, Commerce and Insurance Committee	180
Jan. 15	Notice of hearing (1/25)	206
Jan. 26	Placed on General File	349
Jan. 28	Advanced for Review	380
Feb. 1	Placed on Select File - AM7015	402
Feb. 4	AM7015 (E & R) p. 402 adopted. Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 9	ER9007 change	490
Feb. 19	Dispensing of reading at large approved. Final Reading 45-0-4	634
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 259. By Landis

Jan. 11	Read first time	122
Jan. 14	Referred to Banking, Commerce and Insurance Committee	180
Jan. 15	Notice of hearing (1/25)	206
Jan. 27	Placed on General File - Com AM65	355
Jan. 28	Com AM65 p. 355 adopted. Advanced for Review	388
Feb. 1	Placed on Select File - AM7020	411
Feb. 4	AM7020 (E & R) p. 411 adopted. Advanced for Engrossment	465
Feb. 9	Correctly Engrossed	494
Feb. 19	Dispensing of reading at large approved. Final Reading 46-0-3	635
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 260. By Landis

Jan. 11	Read first time	122

Jan. 14	Referred to Banking, Commerce and Insurance Committee	180
Jan. 15	Notice of hearing (1/25)	206
Jan. 26	Placed on General File	349
Jan. 28	Advanced for Review	380
Feb. 1	Placed on Select File - AM7016	402
Feb. 4	AM7016 (E & R) p. 402 adopted. Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 19	Dispensing of reading at large approved. Final Reading 46-0-3	636
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 261. By Landis, Beutler, Brown, D. Pederson, Schimek

Jan. 11	Read first time	122
Jan. 12	Redfield name added	158
Jan. 14	Referred to Transportation Committee	180
Jan. 25	Notice of hearing (2/2)	338
Mar. 3	Indefinitely postponed	823

(Provisions/portions of LB 261 amended into LB 150 by Com AM437)

LEGISLATIVE BILL 262. By Robak

Jan. 11	Read first time	122
Jan. 14	Referred to General Affairs Committee	180
Jan. 15	Notice of hearing (1/25)	200
Mar. 16	Indefinitely postponed	996

LEGISLATIVE BILL 263. By Dw. Pedersen, Byars, Crosby, Dierks, Engel, Hilgert, Jensen, Jones, Quandahl, Smith, Tyson, Vrtiska, Wehrbein

Jan. 11	Read first time	123
Jan. 14	Referred to Judiciary Committee	180
Feb. 16	Notice of hearing (3/4)	587
Feb. 19	Bruning name added	662

LEGISLATIVE BILL 264. By Cudaback

Jan. 11	Read first time	123
Jan. 14	Referred to Transportation Committee	180
Feb. 9	Notice of hearing (3/2)	496

LEGISLATIVE BILL 265. By Wickersham, Janssen, Jones, Matzke, Vrtiska

Jan. 11	Read first time	123
Jan. 14	Referred to Judiciary Committee	180
Feb. 16	Notice of hearing (3/18)	588

LEGISLATIVE BILL 266. By Wickersham, Chambers, Engel, Schellpeper, Vrtiska

Jan. 11	Read first time	124
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	180
Feb. 3	Notice of hearing (2/10)	437
Feb. 24	Indefinitely postponed	708

LEGISLATIVE BILL 267. By General Affairs Committee

Jan. 11	Read first time	124
Jan. 14	Referred to General Affairs Committee	180
Feb. 9	Notice of hearing (3/1)	501
Mar. 2	Placed on General File	798
Mar. 10	General Affairs Committee priority bill	883
Mar. 31	Advanced for Review	1301
Apr. 7	Placed on Select File	1347
Apr. 14	Janssen AM1073 printed	1446
Apr. 15	Janssen AM1295 printed	1503
Apr. 19	Janssen AM1342 printed	1529
Apr. 26	Bourne AM1431 printed	1708
Apr. 27	Landis AM1466 printed	1720
May 3	Janssen pending AM1073 p. 1446 adopted. Janssen AM1295 p. 1503 withdrawn. Janssen pending AM1342 p. 1529 and Bourne pending AM1431 p. 1708 lost	1812
May 4	Landis pending AM1466 p. 1720 withdrawn	1848
May 5	Landis AM1646 printed	1855
May 11	Landis AM1684 printed (on file)	1979
May 11	Hartnett motion to indefinitely postpone printed. Hilgert AM1719 printed	1980
May 11	Landis AM1738 printed	1983
May 12	Landis AM1646 p. 1855 withdrawn. Landis unanimous consent to replace pending AM1684 (on file) with substitute amendment. No objections. Landis AM1684 (on file) withdrawn. Landis substitute pending AM1738 p. 1983 adopted	2013

May 12	Hartnett motion p. 1980 to indefinitely postpone withdrawn. Brashear AM1752 to AM1738 lost	2017
May 12	Hilgert pending AM1719 p. 1980 withdrawn. Chambers FA206 to AM1719 withdrawn. Advanced for Engrossment	2029
May 14	Correctly Engrossed. ER9084 change	2132
May 18	Dispensing of reading at large approved. Final Reading w/E 43-4-2	2187
May 18	President signed	2188
May 18	Presented to Governor (5/18)	2196
May 25	Approved by Governor (5/24)	2384

(Provisions/portions of LB 126 amended into LB 267 by AM1738)
(Provisions/portions of LB 719 amended into LB 267 by AM1738)

LEGISLATIVE BILL 268. By Bohlke

Jan. 11	Read first time	124
Jan. 14	Referred to Education Committee	180
Jan. 14	Redfield name added	196
Jan. 15	Notice of hearing (1/25)	206
Jan. 28	Placed on General File - Com AM47	382
Feb. 2	Com AM47 p. 382 lost. Advanced for Review	423
Feb. 4	Placed on Select File - AM7030	441
Feb. 10	AM7030 (E & R) p. 441 adopted. Advanced for Engrossment	513
Feb. 12	Correctly Engrossed	543
Feb. 26	Final Reading 44-0-5	740
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 269. By Cudaback

Jan. 11	Read first time	124
Jan. 14	Referred to Revenue Committee	180
Jan. 15	Notice of hearing (1/22)	206
Feb. 1	Indefinitely postponed	407

LEGISLATIVE BILL 270. By Bromm, Bohlke, Bruning, Hudkins, Jones, Preister, Schrock, Stuhr

Jan. 11	Read first time	124
Jan. 14	Referred to Natural Resources Committee	180
Jan. 14	Notice of hearing (1/21)	190
Jan. 25	Placed on General File - Com AM35	338
Jan. 26	Com AM35 p. 338 adopted. Advanced for Review	346
Jan. 27	Beutler AM71 printed	353

Jan. 28	Placed on Select File	385
Jan. 29	Beutler AM71 p. 353 withdrawn. Advanced for Engrossment	394
Feb. 2	Correctly Engrossed	416
Feb. 4	Bromm-Beutler AM151 printed	467
Feb. 12	Returned to Select File for Bromm-Beutler specific AM151 p. 467. Bromm-Beutler specific AM151 p. 467 adopted. Advanced for Reengrossment	553
Feb. 17	Correctly Reengrossed. ER9010 change	590
Feb. 26	Final Reading w/E 47-0-2	749
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 271. By Revenue Committee

Jan. 11	Read first time	124
Jan. 14	Referred to Revenue Committee	180
Feb. 3	Notice of hearing (2/10)	434
Mar. 12	Raikes priority bill	947
Mar. 18	Placed on General File - Com AM853 (printed separate)	1063
Apr. 7	Com AM853 (printed separate) pending. Wickersham-Raikes AM1159 to Com AM853 adopted	1352
Apr. 7	Wickersham-Raikes AM1162 to Com AM853 printed	1352
Apr. 9	Smith-Landis-C. Peterson AM1084 to Com AM853 printed	1385
Apr. 9	Smith AM1198 to Com AM853 printed	1385
Apr. 9	Smith AM1199 to Com AM853 printed	1386
Apr. 12	Com AM853 (printed separate) pending. Wickersham unanimous consent to replace Wickersham-Raikes pending AM1162 p. 1352 with substitute amendment. No objections. Wickersham-Raikes AM1162 p. 1352 withdrawn. Wickersham substitute AM1204 to Com AM853 adopted	1396
Apr. 12	Smith et al. AM1084 p. 1385 withdrawn. Smith AM1198 p. 1385 and AM1199 p. 1386 withdrawn. Com AM853 (printed separate) adopted as amended. Smith AM1205 to Com AM853 lost. Advanced for Review	1397
Apr. 15	Placed on Select File - AM7122 (printed separate)	1486
Apr. 20	Beutler AM1326 to AM7122 printed	1540
Apr. 22	Wickersham AM1415 to AM7122 printed	1622
Apr. 23	Coordsen-Wickersham AM1257 printed	1679

Apr. 26	AM7122 (E & R) (printed separate) adopted. Beutler AM1326 p. 1540 withdrawn. Wickersham pending AM1415 p. 1622 adopted. Coordsen-Wickersham AM1257 p. 1679 withdrawn. Wickersham AM1465 adopted as amended by Kristensen FA114. Tyson FA115 to AM1465 lost. Wickersham AM1485 to AM7122 adopted. Bromm-Hudkins AM1488 to AM7122 pending	1685
Apr. 26	Bromm-Hudkins pending AM1488 p. 1687 withdrawn. Landis motion to indefinitely postpone laid over	1698
May 5	Landis-D. Pederson-Byars-Kristensen-Smith-Schrock-Dierks-Cudaback-C. Peterson AM1492 to AM7122 printed	1888
May 5	Bromm AM1656 to AM7122 printed	1891
May 12	Landis motion p. 1698 to indefinitely postpone withdrawn. Landis et al. pending AM1492 p. 1888 pending. C. Peterson FA208 to AM1492 lost	2061
May 12	Landis et al. AM1492 p. 1888 and Bromm AM1656 p. 1891 withdrawn. Advanced for Engrossment	2066
May 17	Correctly Engrossed. ER9087 change	2145
May 20	Motion to return to Select File for Wickersham specific FA253 withdrawn. Final Reading 43-5-1	2311
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 272. By Stuhr, Bohlke, Connealy, Hartnett, Hudkins, Kremer, Price, Raikes, Redfield, Suttle, Vrtiska, Wehrbein

Jan. 11	Read first time	125
Jan. 14	Referred to Education Committee	180
Jan. 15	Notice of hearing (1/25)	206
Feb. 12	Placed on General File - Com AM228	566
Feb. 19	Com AM228 p. 566 adopted. Advanced for Review	649
Feb. 25	Placed on Select File - AM7073	720
Mar. 4	AM7073 (E & R) p. 720 adopted. Stuhr AM601 adopted. Advanced for Engrossment	838
Mar. 11	Correctly Engrossed	932
Mar. 11	ER9027 change	933
May 20	Dispensing of reading at large approved. Final Reading 46-0-3	2312
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 272A. By Stuhr

Feb. 18	Read first time. Placed on General File	615
Feb. 19	Advanced for Review	649
Feb. 25	Placed on Select File	722
Mar. 4	Advanced for Engrossment	839
Mar. 11	Correctly Engrossed	932
May 20	Final Reading 45-0-4	2313
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 273. By Jones, Baker, Connealy, Coordsen, Dierks, Kremer, Matzke, Tyson, Wickersham

Jan. 11	Read first time	125
Jan. 14	Referred to Natural Resources Committee	180
Jan. 14	Notice of hearing (1/21)	190
Feb. 19	Indefinitely postponed	643

LEGISLATIVE BILL 274. By Jones, Baker, Bourne, Byars, Coordsen, Hudkins, Kremer, Landis, C. Peterson, Schellpeper, Schmitt, Stuhr, Vrtiska, Wickersham

Jan. 11	Read first time	125
Jan. 13	Jensen, Kremer, Tyson, and Bruning names added	177
Jan. 14	Referred to Banking, Commerce and Insurance Committee	180
Jan. 28	Stuhr name withdrawn	389
Feb. 1	Notice of hearing (2/8)	403
Mar. 1	Vrtiska name withdrawn	790
Mar. 9	Schmitt name withdrawn	878
Mar. 10	Attorney General's Opinion #99007 to Jones	897

LEGISLATIVE BILL 275. By Jones

Jan. 11	Read first time	126
Jan. 14	Referred to Transportation Committee	180
Feb. 10	Notice of hearing (3/1)	516

LEGISLATIVE BILL 276. By Jones

Jan. 11	Read first time	126
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	180
Feb. 17	Notice of hearing (3/10)	602
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 277. By D. Pederson

Jan. 11	Read first time	126
Jan. 14	Referred to Judiciary Committee	180
Feb. 16	Notice of hearing (2/25)	586
Mar. 1	Placed on General File - Com AM514	779
Apr. 1	Com AM514 p. 779 adopted. Advanced for Review	1308
Apr. 9	Placed on Select File - AM7100	1364
Apr. 15	AM7100 (E & R) p. 1364 adopted. Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 39-0-9	1666
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 278. By Hudkins

Jan. 11	Read first time	126
Jan. 14	Referred to Banking, Commerce and Insurance Committee	180
Jan. 15	Notice of hearing (1/26)	206
Jan. 27	Placed on General File	371
Jan. 28	Advanced for Review	388
Feb. 1	Placed on Select File	411
Feb. 4	Advanced for Engrossment	465
Feb. 9	Correctly Engrossed	494
Feb. 19	Final Reading w/E 45-0-4	636
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 279. By Stuhr

Jan. 11	Read first time	126
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	180
Feb. 10	Notice of hearing (2/19)	515
Feb. 24	Indefinitely postponed	708

LEGISLATIVE BILL 280. By Cudaback

Jan. 11	Read first time	126
Jan. 13	Lynch name added	177
Jan. 14	Referred to Revenue Committee	180
Jan. 15	Notice of hearing (1/22)	206
Feb. 1	Placed on General File - Com AM144	408
Feb. 3	Com AM144 p. 408 adopted. Advanced for Review	437

Feb. 8	Placed on Select File - AM7035	474
Feb. 10	AM7035 (E & R) p. 474 adopted. Advanced for Engrossment	514
Feb. 16	Correctly Engrossed	575
Apr. 21	Wickersham-Cudaback AM1281 printed	1570
Apr. 23	Returned to Select File for Wickersham-Cudaback specific AM1281 p. 1570. Wickersham-Cudaback specific AM1281 p. 1570 adopted. Advanced for Reengrossment	1655
Apr. 26	Correctly Reengrossed. ER9067 change	1707
May 20	Final Reading 45-1-3	2314
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 281. By Schellpeper

Jan. 11	Read first time	126
Jan. 14	Referred to General Affairs Committee	180
Feb. 9	Notice of hearing (3/8)	501

LEGISLATIVE BILL 282. By Stuhr, Bromm, Coordsen, Raikes, Wehrbein

Jan. 11	Read first time	127
Jan. 14	Referred to Judiciary Committee	180
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 283. By Jones

Jan. 11	Read first time	127
Jan. 14	Referred to Natural Resources Committee	180
Feb. 1	Notice of hearing (2/11)	407

LEGISLATIVE BILL 284. By Jones

Jan. 11	Read first time	127
Jan. 14	Referred to Judiciary Committee	180
Feb. 9	Notice of hearing (2/17)	497
Feb. 26	Placed on General File	759
Apr. 1	Advanced for Review	1307
Apr. 7	Placed on Select File	1349
Apr. 15	Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 40-0-8	1666
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 285. By Jones

Jan. 11	Read first time	127
Jan. 14	Referred to Revenue Committee	180
Feb. 3	Notice of hearing (2/26)	435
Mar. 18	Indefinitely postponed	1074

LEGISLATIVE BILL 286. By Jones

Jan. 11	Read first time	129
Jan. 14	Referred to Natural Resources Committee	180
Jan. 15	Notice of hearing (1/22)	200
Feb. 2	Placed on General File - Com AM112	421
Feb. 8	Beutler AM233 printed	481

LEGISLATIVE BILL 287. By Wickersham

Jan. 11	Read first time	129
Jan. 14	Referred to Revenue Committee	180
Jan. 14	Notice of hearing (1/21)	183
Jan. 26	Placed on General File - Com AM51	349
Jan. 28	Com AM51 p. 349 adopted. Advanced for Review	381
Feb. 1	Placed on Select File - AM7014	402
Feb. 4	AM7014 (E & R) p. 402 adopted. Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading 42-0-7	637
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 288. By Engel, Bromm, Matzke, Dw. Pedersen, D. Pederson

Jan. 11	Read first time	129
Jan. 14	Referred to Judiciary Committee	180
Jan. 21	Notice of hearing (1/28)	299
Feb. 26	Placed on General File - Com AM169	760

LEGISLATIVE BILL 289. By Schellpeper, Cudaback, Vrtiska

Jan. 11	Read first time	129
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	180
Feb. 3	Notice of hearing (2/11)	437
Mar. 2	Placed on General File - Com AM501	793

LEGISLATIVE BILL 289A. By Schellpeper

Mar. 8	Read first time. Placed on General File	866

LEGISLATIVE BILL 290. By Bourne

Jan. 11	Read first time	130
Jan. 14	Referred to Banking, Commerce and Insurance Committee	180
Jan. 25	Notice of hearing (2/2)	334
Feb. 3	Indefinitely postponed	433

LEGISLATIVE BILL 291. By C. Peterson, Hartnett, Kremer, Dw. Pedersen, Schellpeper, Schmitt

Jan. 11	Read first time	130
Jan. 14	Referred to Transportation Committee	180
Jan. 15	Notice of hearing (1/25)	207
Jan. 26	Placed on General File - Com AM68	350
Jan. 28	Com AM68 p. 350 adopted. Advanced for Review	387
Feb. 1	Placed on Select File - AM7019	410
Feb. 4	AM7019 (E & R) p. 410 adopted. Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading 44-0-5	640
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 291A. By C. Peterson

Feb. 3	Read first time. Placed on General File	436
Feb. 4	Advanced for Review	461
Feb. 8	Placed on Select File	474
Feb. 9	Advanced for Engrossment	491
Feb. 10	Correctly Engrossed	505
Feb. 19	Final Reading w/E 44-0-5	641
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 292. By C. Peterson, Dierks, Hartnett, Janssen, Kremer, Dw. Pedersen, Schellpeper, Schmitt, Stuhr, Vrtiska

Jan. 11	Read first time	130
Jan. 14	Referred to Transportation Committee	180
Feb. 9	Notice of hearing (3/2)	496
Mar. 8	Placed on General File	861
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406

May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 292 amended into LB 704 by AM1254)

LEGISLATIVE BILL 293. By Matzke, Baker, D. Pederson, Wickersham

Jan. 11	Read first time	130
Jan. 14	Referred to Natural Resources Committee	180
Jan. 14	Notice of hearing (1/21)	189
Jan. 22	Placed on General File	304
Jan. 26	Beutler AM67 withdrawn. Advanced for Review	345
Jan. 27	Placed on Select File - AM7007	372
Jan. 29	AM7007 (E & R) p. 372 adopted. Advanced for Engrossment	394
Feb. 2	Correctly Engrossed. ER9004 change	416
Feb. 12	Final Reading 45-0-4	549
Feb. 12	President signed	554
Feb. 12	Presented to Governor (2/12)	570
Feb. 17	Approved by Governor (2/17)	601

LEGISLATIVE BILL 293A. By Matzke, Baker

Feb. 3	Read first time. Placed on General File	435
Feb. 4	Advanced for Review	462
Feb. 8	Placed on Select File	474
Feb. 9	Advanced for Engrossment	491
Feb. 10	Correctly Engrossed	505
Feb. 12	Motion to return to Select File for Matzke specific FA18 withdrawn	549
Feb. 12	Final Reading 0-44-5	550

LEGISLATIVE BILL 294. By Hartnett

Jan. 11	Read first time	130
Jan. 14	Referred to Revenue Committee	180
Feb. 3	Notice of hearing (2/25)	435
Mar. 8	Indefinitely postponed	858

LEGISLATIVE BILL 295. By Hudkins

Jan. 11	Read first time	130
Jan. 14	Referred to Judiciary Committee	180
Feb. 16	Notice of hearing (3/10)	587
Mar. 17	Placed on General File	1041
Apr. 1	Advanced for Review	1310
Apr. 9	Placed on Select File	1376

Apr. 15	Advanced for Engrossment	1494
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading 40-0-8	1667
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 296. By Cudaback

Jan. 11	Read first time	130
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	180
Jan. 27	Notice of hearing (2/3)	354
Feb. 9	Indefinitely postponed	499

LEGISLATIVE BILL 297. By Schimek, Crosby

Jan. 11	Read first time	131
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	180
Jan. 22	Notice of hearing (1/29)	323
Feb. 9	Placed on General File - Com AM221	499
Feb. 16	Com AM221 p. 499 adopted. Schimek AM108 adopted. Advanced for Review	584
Feb. 19	Placed on Select File - AM7058	626
Feb. 23	AM7058 (E & R) p. 626 adopted. Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
Apr. 23	Motion to return to Select File for Schimek specific FA113 withdrawn. Final Reading 39-0-9	1640
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 298. By Schimek

Jan. 11	Read first time	131
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	180
Jan. 15	Notice of hearing (1/22)	215
Jan. 20	Brown, Crosby, Kiel, Lynch, D. Pederson, Matzke, Beutler, and Wehrbein names added	294
Jan. 25	Placed on General File - Com AM27	339
Jan. 25	Engel name added	341
Jan. 26	Hartnett, Tyson, and Smith names added. Tyson FA1 printed	351

Jan. 27	Tyson pending FA1 p. 351 to Com AM27 lost. Com AM27 p. 339 adopted	357
Jan. 27	Advanced for Review	372
Jan. 29	Placed on Select File - AM7012	392
Feb. 1	Coordsen AM140 printed	413
Feb. 4	AM7012 (E & R) p. 392 adopted. Coordsen pending AM140 p. 413 lost. Beutler AM139 adopted. Advanced for Engrossment	463
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading 35-9-5	638
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 299. By C. Peterson, Bohlke, Crosby, Cudaback, Engel, Hudkins, Janssen, Jensen, Jones, Kremer, Kiel, Matzke, D. Pederson, Price, Schellpeper, Schmitt, Smith, Stuhr, Suttle, Vrtiska, Wehrbein

Jan. 11	Read first time	131
Jan. 14	Referred to Judiciary Committee	180
Feb. 9	Notice of hearing (2/17)	497
Feb. 17	Redfield name added	603
Mar. 12	Brashear priority bill	951
Mar. 15	Brashear name added	985
Mar. 17	Placed on General File	1041
Apr. 14	Pending	1445
Apr. 14	Chambers motion to indefinitely postpone withdrawn. Brashear-Chambers-C. Peterson AM1269 adopted. Advanced for Review	1451
Apr. 15	Placed on Select File	1509
Apr. 26	Advanced for Engrossment	1706
Apr. 27	Correctly Engrossed	1737
Apr. 29	Final Reading 45-0-4	1783
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 300. By C. Peterson, Dierks, Hudkins, Suttle, Thompson

Jan. 11	Read first time	131
Jan. 14	Referred to Transportation Committee	180
Feb. 9	Notice of hearing (3/2)	496

LEGISLATIVE BILL 301. By C. Peterson, Jones, Kremer, Raikes, Stuhr, Thompson, Wickersham

Jan. 11	Read first time	131
Jan. 14	Referred to Revenue Committee	180
Jan. 27	Notice of hearing (2/3)	355
Mar. 8	Indefinitely postponed	858

(Provisions/portions of LB 301 amended into LB 179 by Com FA54)

LEGISLATIVE BILL 302. By C. Peterson, Dierks, Hudkins, Suttle, Thompson, Tyson

Jan. 11	Read first time	132
Jan. 14	Referred to Transportation Committee	180
Feb. 9	Notice of hearing (3/8)	495
Mar. 12	Placed on General File - Com AM741	951

LEGISLATIVE BILL 302A. By C. Peterson

Mar. 18	Read first time. Placed on General File	1074

LEGISLATIVE BILL 303. By Coordsen, Bromm, Raikes

Jan. 12	Read first time	140
Jan. 14	Referred to Transportation Committee	181
Feb. 9	Notice of hearing (3/9)	495
Mar. 18	Indefinitely postponed	1054

(Provisions/portions of LB 303 amended into LB 704 by Com FA77)

LEGISLATIVE BILL 304. By Coordsen

Jan. 12	Read first time	140
Jan. 14	Referred to Education Committee	181
Feb. 4	Notice of hearing (2/23)	443

LEGISLATIVE BILL 305. By Beutler

Jan. 12	Read first time	140
Jan. 14	Referred to Judiciary Committee	181
Jan. 22	Notice of hearing (1/29)	323

LEGISLATIVE BILL 306. By Chambers

Jan. 12	Read first time	140
Jan. 14	Referred to Banking, Commerce and Insurance Committee	181
Jan. 25	Notice of hearing (2/2)	334
Feb. 25	Indefinitely postponed	714

(Provisions/portions of LB 306 amended into LB 217 by Com AM438)

LEGISLATIVE BILL 307. By Suttle

Jan. 12	Read first time	140
Jan. 14	Referred to Health and Human Services Committee	181
Jan. 20	Notice of hearing (1/27)	271
Feb. 2	Placed on General File - Com AM149	422
Feb. 2	Thompson name added	426
Feb. 8	Com AM149 p. 422 adopted. Advanced for Review	485
Feb. 10	Placed on Select File	518
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 307 amended into LB 880 by Com AM1258)

LEGISLATIVE BILL 308. By Suttle

Jan. 12	Read first time	141
Jan. 14	Referred to Health and Human Services Committee	181
Jan. 20	Notice of hearing (1/28)	289
Feb. 11	Indefinitely postponed	540

LEGISLATIVE BILL 309. By Hudkins

Jan. 12	Read first time	141
Jan. 14	Referred to Judiciary Committee	181
Feb. 2	Notice of hearing (2/12)	426

LEGISLATIVE BILL 310. By Hudkins

Jan. 12	Read first time	141
Jan. 14	Referred to Transportation Committee	181
Feb. 1	Notice of hearing (2/9)	407
Feb. 10	Dw. Pedersen name added	525
Mar. 8	Placed on General File - Com AM650	861

LEGISLATIVE BILL 311. By Wickersham

Jan. 12	Read first time	141
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	181
Feb. 17	Notice of hearing (2/26)	602
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 312. By Suttle, Brown, Hilgert, Jensen, Kiel, Lynch, Dw. Pedersen, Preister

Jan. 12	Read first time	141

Jan. 14	Referred to Judiciary Committee	181
Feb. 16	Notice of hearing (2/25)	586

LEGISLATIVE BILL 313. By Redfield, Preister, Quandahl, Smith, Suttle, Thompson

Jan. 12	Read first time	141
Jan. 14	Referred to Judiciary Committee	181
Feb. 2	Notice of hearing (2/10)	425

LEGISLATIVE BILL 314. By Bohlke

Jan. 12	Read first time	141
Jan. 14	Referred to Education Committee	181
Jan. 15	Notice of hearing (1/26)	206
Feb. 17	Cudaback priority bill	590
Feb. 17	Placed on General File - Com AM328	599
Feb. 17	Cudaback name added	604
Mar. 9	Bohlke AM710 printed separate	878
Mar. 12	Com AM328 p. 599 adopted as amended by Bohlke pending AM710 (printed separate). Advanced for Review	953
Mar. 16	Placed on Select File - AM7084 (printed separate)	987
Mar. 22	Beutler AM860, AM861, AM862, AM863 and AM864 to AM7084 printed	1113
Mar. 22	Beutler AM865, AM866 and AM867 to AM7084 printed	1114
Apr. 14	Bohlke AM1259 to AM7084 printed	1457
Apr. 15	AM7084 (E & R) (printed separate) adopted. Beutler AM860, AM861, AM862, AM863, and AM864 p. 1113 withdrawn. Beutler AM865, AM866, and AM867 p. 1114 withdrawn. Bohlke pending AM1259 p. 1457 adopted. Advanced for Engrossment	1470
Apr. 19	Correctly Engrossed	1519
Apr. 19	ER9051 change	1520
May 25	Final Reading w/E 43-2-4	2389
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 314A. By Bohlke

Feb. 26	Read first time. Placed on General File	760
Mar. 12	Advanced for Review	954
Mar. 16	Placed on Select File	987
Apr. 15	Advanced for Engrossment	1470
Apr. 19	Correctly Engrossed	1519

Apr. 22	Bohlke AM1413 printed	1616
May 20	Returned to Select File for Bohlke specific AM1413 p. 1616. Bohlke specific AM1413 p. 1616 adopted. Advanced for Reengrossment	2334
May 21	Correctly Reengrossed	2351
May 25	Final Reading w/E 43-2-4	2390
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 315. By Brashear

Jan. 12	Read first time	142
Jan. 14	Referred to Judiciary Committee	181
Jan. 22	Notice of hearing (1/29)	323
Feb. 8	Placed on General File	475
Feb. 12	Advanced for Review	559
Feb. 12	Quandahl name added	570
Feb. 17	Placed on Select File	590
Mar. 2	Advanced for Engrossment	795
Mar. 3	Correctly Engrossed	801
Mar. 11	Final Reading 30-9-10	929
Mar. 11	Speaker signed	932
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 316. By Brashear

Jan. 12	Read first time	142
Jan. 14	Referred to Judiciary Committee	181
Feb. 16	Notice of hearing (3/11)	587

LEGISLATIVE BILL 317. By Brashear

Jan. 12	Read first time	142
Jan. 14	Referred to Urban Affairs Committee	181
Jan. 19	Notice of hearing (1/26)	222
Jan. 28	Placed on General File - Com AM96	379
Jan. 29	Com AM96 p. 379 adopted. Advanced for Review	395
Feb. 2	Placed on Select File - AM7022	416
Feb. 10	AM7022 (E & R) p. 416 adopted. Advanced for Engrossment	510
Feb. 11	Correctly Engrossed. ER9008 change	530
Feb. 26	Final Reading 47-0-2	739
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 318. By Brashear

Jan. 12	Read first time	142
Jan. 14	Referred to Judiciary Committee	181
Jan. 22	Notice of hearing (1/29)	323
Feb. 26	Placed on General File	759
Apr. 1	Advanced for Review	1307
Apr. 7	Placed on Select File	1349
Apr. 15	Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 42-0-6	1668
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 319. By Brashear

Jan. 12	Read first time	142
Jan. 14	Referred to Judiciary Committee	181
Jan. 22	Notice of hearing (1/29)	323
Feb. 19	Placed on General File - Com AM192	620
Apr. 1	Com AM192 p. 620 adopted. Advanced for Review	1306
Apr. 7	Placed on Select File	1348
Apr. 15	Brashear AM1290 adopted. Advanced for Engrossment	1490
Apr. 19	Correctly Engrossed	1519
Apr. 19	ER9052 change	1520
Apr. 23	Final Reading 43-0-5	1668
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 320. By Brashear

Jan. 12	Read first time	143
Jan. 14	Referred to Judiciary Committee	181
Jan. 22	Notice of hearing (1/29)	323
Feb. 19	Placed on General File - Com AM202	620
Apr. 1	Com AM202 p. 620 adopted. Advanced for Review	1306
Apr. 7	Placed on Select File	1348
Apr. 15	Advanced for Engrossment	1490
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 43-0-5	1669
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 321. By Brashear

Jan. 12	Read first time	143
Jan. 14	Referred to Judiciary Committee	181
Jan. 21	Notice of hearing (1/28)	299

LEGISLATIVE BILL 322. By Brashear

Jan. 12	Read first time	143
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	181
Jan. 15	Notice of hearing (1/22)	215
Mar. 29	Indefinitely postponed	1256

LEGISLATIVE BILL 323. By Jensen

Jan. 12	Read first time	143
Jan. 14	Referred to Banking, Commerce and Insurance Committee	181
Jan. 25	Notice of hearing (2/1)	334
Feb. 3	Placed on General File	433
Feb. 4	Bourne AM175 printed	468
Feb. 8	Bourne AM220 printed	485
Feb. 9	Bourne AM175 p. 468 withdrawn. Bourne pending AM220 p. 485 adopted. Advanced for Review	497
Feb. 16	Placed on Select File - AM7043	575
Feb. 19	AM7043 (E & R) p. 575 adopted. Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	695
Mar. 3	Final Reading 47-0-2	809
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 324. By Jensen

Jan. 12	Read first time	143
Jan. 14	Referred to Health and Human Services Committee	181
Feb. 3	Notice of hearing (2/17)	434
Feb. 18	Placed on General File	607
Feb. 22	Advanced for Review	668
Feb. 26	Placed on Select File - AM7075	727
Mar. 11	Jensen AM705 printed	936
Mar. 18	AM7075 (E & R) p. 727 adopted. Jensen pending AM705 p. 936 adopted. Advanced for Engrossment	1065
Mar. 19	Correctly Engrossed	1106
Mar. 19	ER9034 change	1107

Mar. 25	Returned to Select File for Jensen specific AM997. Jensen specific AM997 adopted. Advanced for Reengrossment	1213
Mar. 29	Correctly Reengrossed	1245
Apr. 23	Final Reading w/E 45-0-3	1646
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 325. By Jensen

Jan. 12	Read first time	143
Jan. 14	Referred to Revenue Committee	181
Jan. 21	Notice of hearing (1/28)	299
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 326. By Landis

Jan. 12	Read first time	143
Jan. 14	Referred to Banking, Commerce and Insurance Committee	181
Jan. 15	Notice of hearing (1/25)	206
Jan. 26	Placed on General File - Com AM25	349
Jan. 28	Com AM25 p. 349 adopted. Advanced for Review	380
Feb. 1	Placed on Select File - AM7013	402
Feb. 4	AM7013 (E & R) p. 402 adopted. Advanced for Engrossment	464
Feb. 9	Correctly Engrossed	489
Feb. 19	Dispensing of reading at large approved. Final Reading 44-0-5	639
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 327. By Stuhr

Jan. 12	Read first time	144
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	181
Feb. 10	Notice of hearing (2/17)	515
Feb. 26	Placed on General File - Com AM382	765
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406

May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 327 amended into LB 571 by AM1521)

LEGISLATIVE BILL 328. By Bohlke

Jan. 12	Read first time	144
Jan. 14	Referred to Agriculture Committee	181
Jan. 19	Notice of hearing (1/26)	247
May 12	Placed on General File - Com AM1729	2052
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 328 amended into LB 870 by AM1730)

LEGISLATIVE BILL 329. By Bohlke

Jan. 12	Read first time	144
Jan. 14	Referred to Education Committee	181
Feb. 4	Notice of hearing (3/1)	443
Mar. 8	Indefinitely postponed	851

LEGISLATIVE BILL 330. By Bohlke

Jan. 12	Read first time	144
Jan. 14	Referred to Revenue Committee	181
Jan. 27	Notice of hearing (2/3)	355
Mar. 8	Indefinitely postponed	859

LEGISLATIVE BILL 331. By Landis, Schimek

Jan. 12	Read first time	145
Jan. 14	Referred to Business and Labor Committee	181
Feb. 1	Notice of hearing (2/8)	403
Feb. 11	Placed on General File	529
Feb. 18	Advanced for Review	606
Feb. 19	Placed on Select File - AM7063	628
Mar. 10	Landis AM725 printed	887
Mar. 17	AM7063 (E & R) p. 628 adopted. Landis pending AM725 p. 887 and AM833 adopted. Advanced for Engrossment	1040
Mar. 18	Correctly Engrossed. ER9030 change	1063
Apr. 26	Attorney General's Opinion #99017 to Quandahl	1690
Apr. 28	Landis AM1540 printed	1755

May 6	Returned to Select File for Landis specific AM1540 p. 1755. Landis specific AM1540 p. 1755 adopted. Advanced for Reengrossment	1906
May 11	Correctly Reengrossed	1925
May 14	Final Reading 39-1-9	2137
May 14	Speaker signed	2142
May 17	Presented to Governor (5/14)	2152
May 20	Approved by Governor (5/20)	2307

LEGISLATIVE BILL 332. By Landis, Matzke

Jan. 12	Read first time	145
Jan. 14	Referred to Judiciary Committee	181
Jan. 27	Notice of hearing (2/3)	366
Feb. 26	Placed on General File	759
Mar. 16	Speaker priority bill	1000
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 332 amended into LB 594 by AM1640

LEGISLATIVE BILL 333. By Jensen

Jan. 12	Read first time	145
Jan. 15	Referred to Health and Human Services Committee	197
Jan. 20	Notice of hearing (1/28)	289
Jan. 28	Smith name added	389
Feb. 2	Placed on General File - Com AM148	421
Feb. 8	Com AM148 p. 421 adopted. Advanced for Review	484
Feb. 10	Placed on Select File - AM7042	518
Feb. 17	Jensen AM359 printed	590
Feb. 22	Jensen AM436 printed	664
Feb. 22	Bruning name added	673
Feb. 23	AM7042 (E & R) p. 518 adopted. Jensen AM359 p. 590 withdrawn. Jensen pending AM436 p. 664 adopted. Advanced for Engrossment	687
Feb. 26	Correctly Engrossed	752
Feb. 26	ER9012 change	753
Mar. 11	Final Reading 39-1-9	930
Mar. 11	Speaker signed	932
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 333A. By Jensen

Feb. 18	Read first time. Placed on General File	610
Feb. 22	Advanced for Review	664
Feb. 25	Placed on Select File	724
Mar. 3	Advanced for Engrossment	820
Mar. 4	Correctly Engrossed	825
Mar. 11	Final Reading 39-1-9	930
Mar. 11	Speaker signed	932
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 334. By Suttle

Jan. 12	Read first time	145
Jan. 15	Referred to Education Committee	197
Feb. 2	Notice of hearing (2/9)	417
Mar. 8	Indefinitely postponed	851

LEGISLATIVE BILL 335. By Schrock, Bruning

Jan. 12	Read first time	145
Jan. 15	Referred to Natural Resources Committee	197
Feb. 1	Notice of hearing (2/11)	407

LEGISLATIVE BILL 336. By Schrock, Bromm, Bruning, Cudaback

Jan. 12	Read first time	145
Jan. 15	Referred to Revenue Committee	197
Feb. 10	Notice of hearing (3/3)	515
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 337. By Schrock, Bromm, Cudaback, Hilgert, Robak, Schellpeper

Jan. 12	Read first time	145
Jan. 15	Referred to Agriculture Committee	197
Feb. 24	Notice of hearing (3/16)	702
Mar. 16	Speaker priority bill	1000
Mar. 17	Correction	1027

LEGISLATIVE BILL 338. By C. Peterson, Bohlke, Bruning, Cudaback, Jones, Kremer, Kristensen, Raikes, Schmitt

Jan. 12	Read first time	146
Jan. 15	Referred to Natural Resources Committee	197
Jan. 20	Notice of hearing (1/27)	289

LEGISLATIVE BILL 339. By Preister, Kiel, Thompson

Jan. 12	Read first time	146

Jan. 15	Referred to Natural Resources Committee	197
Feb. 10	Notice of hearing (2/19)	516

LEGISLATIVE BILL 340. By Bruning

Jan. 12	Read first time	146
Jan. 15	Referred to Transportation Committee	197
Jan. 25	Notice of hearing (2/2)	338
Feb. 4	Placed on General File	439
Feb. 8	Bruning AM235 printed	485
Feb. 9	Bruning pending AM235 p. 485 adopted. Advanced for Review	497
Feb. 16	Placed on Select File	575
Feb. 19	Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	695
Mar. 3	Final Reading 48-0-1	809
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 341. By Wehrbein, Baker, Connealy, Cudaback, Dierks, Hudkins, Janssen, Jones, Kremer, Schellpeper, Schrock, Vrtiska

Jan. 12	Read first time	146
Jan. 15	Referred to Judiciary Committee	198
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 342. By Brown, Bromm, Bruning, Byars, Coordsen, Engel, Jensen, Jones, Kiel, Lynch, Robak, Schmitt, Stuhr, Tyson, Vrtiska, Wehrbein

Jan. 12	Read first time	146
Jan. 13	Hudkins and Janssen names added	177
Jan. 15	Referred to Business and Labor Committee	198
Jan. 25	Notice of hearing (2/1)	337
Feb. 11	Indefinitely postponed	530

LEGISLATIVE BILL 343. By Brown

Jan. 12	Read first time	146
Jan. 15	Referred to Judiciary Committee	198
Feb. 2	Notice of hearing (2/12)	426

LEGISLATIVE BILL 344. By Kiel, Bourne, Bromm, Bruning, Hilgert, Janssen, C. Peterson, Preister, Price, Schrock, Smith, Stuhr, Suttle, Thompson

Jan. 12	Read first time	147

Jan. 15	Referred to Transportation Committee	198
Feb. 9	Notice of hearing (3/8)	495

LEGISLATIVE BILL 345. By Cudaback

Jan. 12	Read first time	147
Jan. 15	Referred to Transportation Committee	198
Feb. 4	Notice of hearing (2/23)	442
Feb. 25	Indefinitely postponed	720

LEGISLATIVE BILL 346. By Byars

Jan. 12	Read first time	147
Jan. 15	Referred to Banking, Commerce and Insurance Committee	198
Feb. 1	Notice of hearing (2/8)	403
Feb. 17	Placed on General File	597
Feb. 22	Advanced for Review	666
Feb. 22	Landis motion to indefinitely postpone printed	668
Feb. 26	Placed on Select File	727
Mar. 18	Landis motion p. 668 to indefinitely postpone withdrawn. Advanced for Engrossment	1062
Mar. 19	Correctly Engrossed	1106
Mar. 25	Final Reading w/E 41-0-8	1206
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 347. By Byars, Crosby, Dierks, Engel, Hudkins, Jones, Lynch, Schellpeper, Schrock, Stuhr

Jan. 12	Read first time	147
Jan. 15	Referred to Appropriations Committee	198
Feb. 19	Notice of hearing (3/15)	645

LEGISLATIVE BILL 348. By Bromm, Baker, Brown, Bruning, Cudaback, Quandahl, Schrock

Jan. 12	Read first time	147
Jan. 15	Referred to Judiciary Committee	198
Jan. 21	Notice of hearing (1/28)	299
Feb. 8	Indefinitely postponed	475

LEGISLATIVE BILL 349. By Bromm

Jan. 12	Read first time	148
Jan. 15	Referred to Government, Military and Veterans Affairs Committee	198
Feb. 17	Notice of hearing (3/12)	602

LEGISLATIVE BILL 350. By Brashear, Bourne, Bruning, Hilgert, Matzke, D. Pederson, Wickersham

Jan. 12	Read first time	148
Jan. 15	Referred to Judiciary Committee	198
Jan. 22	Notice of hearing (1/29)	323
Jan. 22	Chambers name added	325
Jan. 28	Dw. Pedersen name added	389
Feb. 8	Placed on General File	475
Feb. 12	Advanced for Review	559
Feb. 12	Quandahl name added	570
Feb. 17	Placed on Select File	590
Mar. 2	Advanced for Engrossment	795
Mar. 3	Correctly Engrossed	801
May 20	Returned to Select File for Brashear specific FA255. Brashear specific FA255 adopted. Advanced for Reengrossment	2315
May 20	Correctly Reengrossed	2340
May 24	Final Reading w/E 41-0-8	2370
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 350A. By Brashear

Feb. 10	Read first time. Placed on General File	525
Feb. 12	Advanced for Review	559
Feb. 16	Brashear AM344 printed	585
Feb. 17	Placed on Select File	590
Mar. 2	Brashear pending AM344 p. 585 adopted. Advanced for Engrossment	795
Mar. 3	Correctly Engrossed	801
May 20	Returned to Select File for Brashear specific FA256 prevailed. Brashear specific FA256 adopted. Advanced for Reengrossment	2315
May 20	Correctly Reengrossed	2340
May 24	Final Reading w/E 41-0-8	2370
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor with line-item veto (5/26)	2411
May 27	Communication	2452

LEGISLATIVE BILL 351. By Connealy, Bohlke, Bourne, Cudaback, Janssen, Kiel, Preister, Price, Schellpeper, Schimek, Wickersham

Jan. 12	Read first time	148
Jan. 15	Referred to Transportation Committee	198

Jan. 22	Notice of hearing (2/1)	323
Mar. 3	Indefinitely postponed	823

LEGISLATIVE BILL 352. By Crosby, Lynch, Dw. Pedersen

Jan. 12	Read first time	156
Jan. 13	Bourne name added	177
Jan. 15	Referred to Health and Human Services Committee	198
Jan. 19	Bruning name added	247
Jan. 26	Notice of hearing (2/12)	348
Mar. 16	Speaker priority bill	1000

LEGISLATIVE BILL 353. By Price

Jan. 12	Read first time	156
Jan. 15	Referred to Education Committee	198
Feb. 2	Notice of hearing (2/9)	417

LEGISLATIVE BILL 354. By Price

Jan. 12	Read first time	156
Jan. 15	Referred to Education Committee	198
Feb. 2	Notice of hearing (2/9)	417
Mar. 17	Placed on General File	1028

LEGISLATIVE BILL 355. By Robak, Bohlke, Brashear, Brown, Byars, Chambers, Crosby, Cudaback, Dierks, Hartnett, Janssen, Kiel, Lynch, Dw. Pedersen, Preister, Price, Schimek, Schmitt, Suttle, Thompson

Jan. 12	Read first time	159
Jan. 15	Referred to Banking, Commerce and Insurance Committee	198
Feb. 1	Notice of hearing (2/23)	403
Feb. 17	Robak priority bill	599
Apr. 19	Placed on General File - Com AM1291	1523
May 3	Com AM1291 p. 1523 adopted. Advanced for Review	1803
May 4	Placed on Select File - AM7140 change	1836
May 17	AM7140 (E & R) p. 1836 adopted. Tyson AM1823 to Com AM1291 adopted. Advanced for Engrossment	2176
May 18	Correctly Engrossed. ER9096 change	2204
May 20	Final Reading 49-0-0	2316
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 356. By Byars

Jan. 13	Read first time	164
Jan. 15	Referred to Transportation Committee	198
Jan. 29	Notice of hearing (2/8)	397
Feb. 18	Placed on General File	607
Feb. 22	Chambers motion to indefinitely postpone pending	668
Feb. 22	Chambers FA29, FA30, and FA31 printed	672
Feb. 22	Chambers FA32 and FA33 printed	673
Feb. 24	Chambers motion p. 668 to indefinitely postpone withdrawn. Chambers pending FA29 p. 672 lost. Chambers motion to reconsider vote on FA29 withdrawn. Chambers FA30 and FA31 p. 672, and FA32 and FA33 p. 673 withdrawn	704
Feb. 24	Chambers motion to bracket until 3/30/1999 pending	710
Feb. 25	Chambers pending motion p. 710 to bracket until 3/30/1999 prevailed	715
Feb. 25	Wehrbein-Bromm AM508 printed	717
Mar. 11	Byars priority bill	914
Mar. 31	Byars AM1003 printed	1293
Apr. 12	Chambers reoffered FA30 p. 672 pending	1399
Apr. 12	Chambers pending FA30 p. 672 adopted. Kristensen unanimous consent to bracket until 1/5/2000. No objections	1399

LEGISLATIVE BILL 357. By Byars

Jan. 13	Read first time	164
Jan. 15	Referred to Revenue Committee	198
Feb. 10	Notice of hearing (3/10)	515
Mar. 18	Indefinitely postponed	1074

LEGISLATIVE BILL 358. By Coordsen

Jan. 13	Read first time	164
Jan. 15	Referred to Transportation Committee	198
Feb. 9	Notice of hearing (3/8)	495

LEGISLATIVE BILL 359. By Dw. Pedersen

Jan. 13	Read first time	164
Jan. 15	Referred to Transportation Committee	198
Jan. 19	Notice of hearing (1/26)	221
Feb. 4	Placed on General File	471
Feb. 4	Suttle name added	471
Feb. 11	Advanced for Review	534
Feb. 16	Placed on Select File - AM7049	585
Feb. 19	Wehrbein AM409 printed	647

Feb. 23	AM7049 (E & R) p. 585 adopted. Wehrbein AM409 p. 647 withdrawn. Wehrbein AM453 adopted. Advanced for Engrossment	688
Feb. 26	Correctly Engrossed. ER9015 change	768
Mar. 11	Final Reading w/E 38-1-10	919
Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 359A. By Dw. Pedersen

Feb. 8	Read first time. Placed on General File	483
Feb. 11	Advanced for Review	534
Feb. 16	Placed on Select File	585
Feb. 23	Advanced for Engrossment	690
Feb. 26	Correctly Engrossed	768
Mar. 11	Final Reading 38-0-11	920
Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 360. By Dw. Pedersen

Jan. 13	Read first time	165
Jan. 15	Referred to Health and Human Services Committee	198
Jan. 26	Notice of hearing (2/4)	348
Feb. 12	Indefinitely postponed	544

LEGISLATIVE BILL 361. By Bohlke

Jan. 13	Read first time	165
Jan. 15	Referred to Transportation Committee	198
Feb. 9	Notice of hearing (3/2)	496

LEGISLATIVE BILL 362. By Hartnett

Jan. 13	Read first time	165
Jan. 15	Referred to General Affairs Committee	198
Jan. 25	Notice of hearing (2/1)	333
Feb. 2	Placed on General File	424
Feb. 8	Hartnett FA15 printed	485
Feb. 9	Hartnett pending FA15 p. 485 adopted. Advanced for Review	496
Feb. 10	Hartnett AM289 printed	525
Feb. 11	Placed on Select File	528
Feb. 23	Hartnett pending AM289 p. 525 adopted. Advanced for Engrossment	687
Feb. 26	Correctly Engrossed	752

Mar. 11	Final Reading 39-0-10	920
Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 363. By Hartnett, Stuhr

Jan. 13	Read first time	165
Jan. 15	Referred to Education Committee	198
Jan. 15	Notice of hearing (2/1)	206
Feb. 2	Placed on General File	418
Feb. 4	Advanced for Review	465
Feb. 9	Placed on Select File	494
Feb. 10	Advanced for Engrossment	514
Feb. 16	Correctly Engrossed	575
Feb. 26	Final Reading 45-0-4	746
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 364. By Schellpeper, Coordsen, Hartnett, Wickersham

Jan. 13	Read first time	166
Jan. 15	Referred to Urban Affairs Committee	198
Jan. 26	Notice of hearing (2/2)	347

LEGISLATIVE BILL 365. By Wickersham, Coordsen, Hartnett, Schellpeper

Jan. 13	Read first time	166
Jan. 15	Referred to Revenue Committee	198
Jan. 20	Notice of hearing (1/27)	289

LEGISLATIVE BILL 366. By Suttle

Jan. 13	Read first time	167
Jan. 15	Referred to Health and Human Services Committee	198
Jan. 20	Notice of hearing (1/28)	289
Feb. 2	Placed on General File	419
Feb. 8	Advanced for Review	484
Feb. 10	Placed on Select File	517
Feb. 18	Suttle AM405 printed	617
Feb. 23	Suttle pending AM405 p. 617 adopted. Advanced for Engrossment	686
Feb. 26	Correctly Engrossed	752
Mar. 11	Dispensing of reading at large approved. Final Reading 39-0-10	921

Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 367. By Schimek

Jan. 13	Read first time	167
Jan. 15	Referred to Urban Affairs Committee	198
Jan. 19	Notice of hearing (1/26)	222
Mar. 4	Placed on General File - Com AM615	843

LEGISLATIVE BILL 368. By Schimek

Jan. 13	Read first time	167
Jan. 15	Referred to Transportation Committee	198
Feb. 1	Notice of hearing (2/9)	407
Feb. 16	Indefinitely postponed	577

LEGISLATIVE BILL 369. By Lynch, Cudaback, Janssen, Schmitt, Vrtiska, Wehrbein

Jan. 13	Read first time	167
Jan. 15	Referred to Government, Military and Veterans Affairs Committee	198
Jan. 27	Notice of hearing (2/3)	354
Feb. 4	Placed on General File	471
Feb. 11	Advanced for Review	534
Feb. 16	Placed on Select File	585
Feb. 19	Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	706
Mar. 3	Final Reading 48-0-1	810
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 370. By Lynch

Jan. 13	Read first time	167
Jan. 15	Referred to Urban Affairs Committee	198
Jan. 29	Notice of hearing (2/16)	397

LEGISLATIVE BILL 371. By Lynch

Jan. 13	Read first time	167
Jan. 15	Referred to Urban Affairs Committee	198
Jan. 29	Notice of hearing (2/16)	397

LEGISLATIVE BILL 372. By Beutler

Jan. 13	Read first time	168

Jan. 15	Referred to Education Committee	198
Jan. 25	Notice of hearing (2/2)	338
Feb. 4	Indefinitely postponed	441

LEGISLATIVE BILL 373. By Beutler

Jan. 13	Read first time	168
Jan. 15	Referred to Education Committee	198
Jan. 25	Notice of hearing (2/2)	338
Feb. 4	Indefinitely postponed	441

LEGISLATIVE BILL 374. By Thompson

Jan. 13	Read first time	168
Jan. 15	Referred to Judiciary Committee	198
Feb. 2	Notice of hearing (2/10)	425

LEGISLATIVE BILL 375. By Thompson

Jan. 13	Read first time	168
Jan. 15	Referred to Judiciary Committee	198
Jan. 27	Notice of hearing (2/3)	366
Feb. 16	Placed on General File	579
Feb. 19	Advanced for Review	653
Feb. 25	Placed on Select File	724
Mar. 4	Advanced for Engrossment	840
Mar. 12	Correctly Engrossed	941
Mar. 19	Final Reading 45-0-4	1099
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 376. By Thompson

Jan. 13	Read first time	168
Jan. 15	Referred to Judiciary Committee	198
Feb. 2	Notice of hearing (2/10)	425

LEGISLATIVE BILL 377. By Matzke

Jan. 13	Read first time	168
Jan. 15	Referred to Government, Military and Veterans Affairs Committee	198
Feb. 17	Notice of hearing (2/24)	601
Mar. 2	Indefinitely postponed	793

LEGISLATIVE BILL 378. By Dierks, Hartnett

Jan. 13	Read first time	168
Jan. 15	Referred to Education Committee	198

Jan. 15	Notice of hearing (1/26)	206
Feb. 2	Indefinitely postponed	418

LEGISLATIVE BILL 379. By Dierks

Jan. 13	Read first time	168
Jan. 15	Referred to Health and Human Services Committee	198
Jan. 20	Notice of hearing (1/28)	289
Feb. 2	Placed on General File	419
Feb. 8	Advanced for Review	484
Feb. 10	Placed on Select File - AM7041	518
Feb. 17	Dierks AM264 printed	594
Feb. 23	AM7041 (E & R) p. 518 adopted. Dierks pending AM264 p. 594 adopted. Advanced for Engrossment	686
Feb. 26	Correctly Engrossed	752
Feb. 26	ER9011 change	753
Mar. 11	Final Reading w/E 39-0-10	922
Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 380. By Bromm, Byars, Price, Stuhr, Vrtiska

Jan. 13	Read first time	169
Jan. 15	Referred to Health and Human Services Committee	198
Jan. 26	Notice of hearing (2/4)	348
Feb. 11	Placed on General File - Com AM246	536
Feb. 18	Com AM246 p. 536 adopted. Advanced for Review	609
Feb. 22	Placed on Select File - AM7062	669
Mar. 4	AM7062 (E & R) p. 669 adopted. Advanced for Engrossment	837
Mar. 10	Correctly Engrossed	881
Mar. 10	ER9021 change	882
Mar. 19	Final Reading 42-0-7	1091
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 381. By Wickersham

Jan. 13	Read first time	169
Jan. 15	Referred to Revenue Committee	198
Jan. 22	Notice of Hearing (1/29)	307
Feb. 12	Indefinitely postponed	566

(Provisions/portions of LB 381 amended into LB 86 by Com AM297)

LEGISLATIVE BILL 382. By Lynch, Bourne, Brashear, Brown, Bruning, Hartnett, Hilgert, Jensen, Kiel, Dw. Pedersen, Quandahl, Redfield, Robak, Suttle, Thompson

Jan. 13	Read first time	169
Jan. 14	Lynch priority bill	182
Jan. 14	Schrock name added	196
Jan. 15	Referred to Revenue Committee	198
Feb. 3	Notice of hearing (2/17)	435
Apr. 21	Placed on General File - Com AM1377	1572
Apr. 28	Chair sustained request for division of question on Com AM1377 p. 1572. Com FA147 (1st) pending. Chambers FA133 to Com FA147 (1st) lost. Chambers motion to reconsider vote on FA133 failed.	1757
Apr. 28	Chambers FA135 to Com FA147 (1st) lost. Chambers motion to reconsider vote on FA135 failed. Chambers FA136 to Com FA147 (1st) lost. Chambers motion to reconsider vote on FA136 pending	1759
Apr. 29	Chambers FA137, FA138, and FA142 to Com FA147 (1st) printed. Chambers FA132 and FA143 to FA148 and FA134 to FA149 printed. Lynch FA153 to FA149 printed. Chambers FA144 to FA150 printed	1764
Apr. 29	Chambers FA145 and FA146 to FA150 printed	1765
May 3	Chambers pending motion p. 1762 to reconsider vote on FA136 failed	1792
May 3	Chambers pending FA137 p. 1764 to Com FA147 (1st) lost. Chambers motion to reconsider vote on FA137 failed. Chambers pending FA138 p. 1764 to Com FA147 (1st) lost. Chambers motion to reconsider vote on FA138 failed Chambers pending FA142 p. 1764 to Com FA147 (1st) lost	1795
May 3	Chambers motion to reconsider vote on FA142 failed. Chambers FA155 to Com FA147 lost. Chambers motion to reconsider vote on FA155 failed. Chambers FA156 to Com FA147 (1st) adopted. Lynch motion to invoke cloture prevailed. Com AM1377 p. 1572 adopted as amended. Advanced for Review	1800
May 3	Chambers FA157, FA158, FA159, FA160, FA161, FA162, FA163, FA164, FA165, and FA166 to FA147 (1st) printed	1804
May 3	Chambers FA167 to FA147 (1st) & Landis AM1587 to Com AM1377 printed	1805
May 4	Chambers FA168, FA169, FA170, FA171, FA172, FA173, FA174, FA175, FA176, and FA177 to Com AM1377 printed	1822

May 4	Placed on Select File - AM7139	1836
May 17	AM7139 (E & R) p. 1836 adopted. Chambers pending FA157 to FA147 (1st) p. 1804 lost. Chambers motion to reconsider vote on FA157 failed	2157
May 17	Chambers pending FA158 p. 1804 to FA147 (1st) lost. Chambers motion to reconsider vote on FA158 pending	2159
May 17	Chambers pending motion p. 2160 to reconsider vote on FA158 failed. Chambers unanimous consent to replace pending FA159 p. 1804 with substitute amendment. No objections. Chambers FA159 p. 1804 withdrawn. Landis substitute AM1830 to Com AM1377 adopted as amended by Landis FA226. Chambers unanimous consent to replace pending FA160 p. 1804 with substitute amendment. No objections. Chambers FA160 p. 1804 withdrawn. Chair sustained request for division of question on Landis substitute AM1805 to Com AM1377. Landis FA227 (1st) to Com AM1377 adopted as amended by Raikes FA230. Landis FA228 (2nd) adopted as amended by Chambers FA229. Chambers FA161 through FA166 p. 1804, FA167 p. 1805, and FA132, FA143, FA134, and FA144 p. 1764 withdrawn. Chambers FA145, FA146 p. 1765 and FA168 through FA177 p. 1822 withdrawn. Landis AM1587 p. 1805 and Lynch FA153 p. 1764 withdrawn. Chambers FA232 and Raikes AM1843 to Com AM1377 adopted. Advanced for Engrossment	2165
May 18	Correctly Engrossed. ER9095 change	2204
May 20	Final Reading w/E 42-6-1	2316
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 21	Correction	2343
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 383. By Wickersham, Coordsen, Landis, C. Peterson, Schellpeper

Jan. 13	Read first time	169
Jan. 15	Referred to Revenue Committee	198
Feb. 3	Notice of hearing (2/12)	434
Feb. 19	Placed on General File - Com AM428	658

LEGISLATIVE BILL 384. By Wickersham, Coordsen, Schellpeper

Jan. 13	Read first time	169

Jan. 15	Referred to Revenue Committee	198
Feb. 3	Notice of hearing (2/12)	434
Feb. 19	Indefinitely postponed	659

LEGISLATIVE BILL 385. By Bohlke

Jan. 13	Read first time	170
Jan. 15	Referred to Education Committee	198
Feb. 4	Notice of hearing (3/9)	443

LEGISLATIVE BILL 386. By Bohlke, Hartnett, D. Pederson, Wehrbein, Wickersham

Jan. 13	Read first time	170
Jan. 14	Price priority bill	182
Jan. 15	Referred to Education Committee	198
Jan. 15	Notice of hearing (2/1)	206
Feb. 2	Placed on General File	418
Mar. 9	Advanced for Review	870
Mar. 11	Placed on Select File - AM7083	937
Apr. 9	AM7083 (E & R) p. 937 adopted. Advanced for Engrossment	1360
Apr. 14	Correctly Engrossed	1429
May 20	Final Reading 48-0-1	2317
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 386A. By Bohlke, Price, Wehrbein

Feb. 8	Read first time. Placed on General File	483
Mar. 9	Advanced for Review	870
Mar. 11	Placed on Select File	937
Apr. 9	Advanced for Engrossment	1360
Apr. 14	Correctly Engrossed	1429
May 20	Final Reading 46-0-3	2318
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 387. By Bohlke

Jan. 13	Read first time	170
Jan. 15	Referred to Education Committee	198
Jan. 25	Notice of hearing (2/1)	332

LEGISLATIVE BILL 388. By Bohlke

Jan. 13	Read first time	170

Jan. 15	Referred to Education Committee	198
Feb. 4	Notice of hearing (2/23)	443

LEGISLATIVE BILL 389. By Schrock, Beutler

Jan. 13	Read first time	170
Jan. 15	Referred to Natural Resources Committee	198
Jan. 20	Notice of hearing (1/27)	289
Mar. 10	Attorney General's Opinion #99008 to Schrock	907
Mar. 15	Placed on General File - Com AM755	974

LEGISLATIVE BILL 390. By Natural Resources Committee

Jan. 13	Read first time	170
Jan. 15	Referred to Natural Resources Committee	199
Jan. 21	Notice of hearing (1/28)	299

LEGISLATIVE BILL 391. By Landis

Jan. 13	Read first time	171
Jan. 15	Referred to Judiciary Committee	199
Feb. 16	Notice of hearing (2/24)	586

LEGISLATIVE BILL 392. By Landis

Jan. 13	Read first time	171
Jan. 15	Referred to Revenue Committee	199
Feb. 3	Notice of hearing (2/10)	434
Feb. 19	Indefinitely postponed	659

LEGISLATIVE BILL 393. By Landis

Jan. 13	Read first time	171
Jan. 15	Referred to Transportation Committee	199
Feb. 9	Notice of hearing (3/16)	495
Mar. 18	Placed on General File - Com AM827	1054
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 393 amended into LB 704 by AM1394)

LEGISLATIVE BILL 394. By C. Peterson, Kristensen, Robak, Wehrbein

Jan. 13	Read first time	171
Jan. 15	Referred to Education Committee	199
Jan. 28	Notice of hearing (2/8)	387
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 395. By Wickersham, Coordsen, Landis, Schellpeper

Jan. 13	Read first time	171
Jan. 15	Referred to Revenue Committee	199
Feb. 3	Notice of hearing (2/12)	434
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 396. By Landis

Jan. 13	Read first time	171
Jan. 15	Referred to Banking, Commerce and Insurance Committee	199
Jan. 25	Notice of hearing (2/1)	334
Feb. 2	Placed on General File - Com AM155	422
Feb. 9	Com AM155 p. 422 adopted. Advanced for Review	493
Feb. 11	Placed on Select File - AM7045	527
Feb. 19	AM7045 (E & R) p. 527 adopted. Advanced for Engrossment	642
Feb. 24	Correctly Engrossed	695
Mar. 3	Dispensing of reading at large approved. Final Reading w/E 48-0-1	811
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 397. By Landis

Jan. 13	Read first time	172
Jan. 15	Referred to Banking, Commerce and Insurance Committee	199
Feb. 19	Notice of hearing (3/2)	644

LEGISLATIVE BILL 398. By Cudaback

Jan. 13	Read first time	172
Jan. 15	Referred to Transportation Committee	199
Feb. 9	Notice of hearing (3/9)	495
Mar. 19	Placed on General File	1077

LEGISLATIVE BILL 398A. By Cudaback

Apr. 1	Read first time. Placed on General File	1316

LEGISLATIVE BILL 399. By Cudaback

Jan. 13	Read first time	172
Jan. 15	Referred to Judiciary Committee	199
Feb. 16	Notice of hearing (2/26)	586

LEGISLATIVE BILL 400. By Wickersham, Coordsen, Landis, Schellpeper

Jan. 13	Read first time	172
Jan. 15	Referred to Revenue Committee	199
Feb. 3	Notice of hearing (2/12)	435

LEGISLATIVE BILL 401. By Dierks

Jan. 13	Read first time	172
Jan. 15	Referred to Government, Military and Veterans Affairs Committee	199
Feb. 3	Notice of hearing (2/11)	437
Mar. 29	Indefinitely postponed	1256

LEGISLATIVE BILL 402. By Dierks

Jan. 13	Read first time	172
Jan. 14	Vrtiska name added	196
Jan. 15	Referred to Agriculture Committee	199
Feb. 9	Notice of hearing (2/16)	501

LEGISLATIVE BILL 403. By Dierks

Jan. 13	Read first time	173
Jan. 15	Referred to Natural Resources Committee	199
Jan. 15	Notice of hearing (1/22)	200
Jan. 26	Placed on General File	349
Jan. 27	Advanced for Review	373
Jan. 29	Placed on Select File - AM7010	391
Feb. 4	AM7010 (E & R) p. 391 adopted. Advanced for Engrossment	463
Feb. 9	Correctly Engrossed	489
Feb. 19	Final Reading 45-0-4	640
Feb. 19	Speaker signed	649
Feb. 19	Presented to Governor (2/19)	661
Feb. 25	Approved by Governor (2/24)	713

LEGISLATIVE BILL 404. By Dierks

Jan. 13	Read first time	173
Jan. 15	Referred to Agriculture Committee	199
Feb. 9	Notice of hearing (2/16)	501
Feb. 24	Placed on General File - Com AM378	708
Mar. 11	Agriculture Committee priority bill	937
Apr. 6	Com AM378 p. 708 adopted as amended by Dierks AM1130. Advanced for Review	1332
Apr. 13	Placed on Select File - AM7111 (printed separate)	1416
Apr. 15	Dierks AM1289 to AM7111 printed	1504

Apr. 26	Dierks AM1479 to AM7111 printed	1708
Apr. 29	AM7111 (E & R) (printed separate) adopted. Dierks AM1289 p. 1504 withdrawn. Dierks pending AM1479 p. 1708 adopted. Advanced for Engrossment	1770
May 4	Correctly Engrossed	1836
May 4	ER9075 change	1837
May 6	Motion to return to Select File for Beutler specific FA193 withdrawn. Dispensing of reading at large approved. Final Reading w/E 41-0-8	1906
May 6	President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Approved by Governor (5/12)	2014

LEGISLATIVE BILL 404A. By Dierks

Mar. 17	Read first time. Placed on General File	1049
Apr. 6	Advanced for Review	1332
Apr. 13	Placed on Select File	1416
Apr. 29	Advanced for Engrossment	1770
May 4	Correctly Engrossed	1836
May 6	Final Reading w/E 40-0-9	1907
May 6	President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Approved by Governor (5/12)	2014

LEGISLATIVE BILL 405. By Dierks

Jan. 13	Read first time	173
Jan. 15	Referred to Agriculture Committee	199
Feb. 2	Notice of hearing (2/9)	426
Feb. 22	Placed on General File	670
Apr. 1	Advanced for Review	1306
Apr. 7	Placed on Select File	1348
Apr. 15	Advanced for Engrossment	1490
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 43-0-5	1669
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 406. By Crosby

Jan. 13	Read first time	173
Jan. 15	Referred to Judiciary Committee	199
Feb. 16	Notice of hearing (2/25)	586

LEGISLATIVE BILL 407. By Crosby

Jan. 13	Read first time	173
Jan. 14	Dw. Pedersen name added	196
Jan. 15	Referred to Judiciary Committee	199
Jan. 27	Notice of hearing (2/3)	366
Feb. 3	Vrtiska name added	438
Feb. 16	Placed on General File	579
Feb. 19	Advanced for Review	654
Feb. 19	Kristensen FA27 printed	662
Feb. 22	Bromm name added	673
Feb. 25	Placed on Select File - AM7071	724
Mar. 4	AM7071 (E & R) p. 724 adopted. Advanced for Engrossment	840
Mar. 12	Correctly Engrossed	941
Mar. 19	Attorney General's Opinion #99012 to Coordsen	1080
May 20	Kristensen FA27 p. 662 withdrawn	2334
May 25	Final Reading w/E 44-0-5	2390
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 407A. By Crosby

Feb. 25	Read first time. Placed on General File	716
Mar. 1	Advanced for Review	772
Mar. 2	Placed on Select File	792
Mar. 4	Advanced for Engrossment	840
Mar. 12	Correctly Engrossed	941
May 18	Crosby AM1857 printed	2221
May 20	Returned to Select File for Crosby specific AM1857 p. 2221. Crosby specific AM1857 p. 2221 adopted. Advanced for Reengrossment	2334
May 21	Correctly Reengrossed	2351
May 25	Final Reading w/E 44-0-5	2391
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 408. By Vrtiska, Byars, Cudaback, Hartnett, Janssen, Matzke, Dw. Pedersen, D. Pederson, Raikes, Schimek

Jan. 13	Read first time	173
Jan. 15	Referred to Judiciary Committee	199
Feb. 16	Notice of hearing (2/25)	586

LEGISLATIVE BILL 409. By Vrtiska, Cudaback

Jan. 13	Read first time	173
Jan. 15	Referred to Government, Military and Veterans Affairs Committee	199
Feb. 17	Notice of hearing (2/24)	601
Mar. 29	Placed on General File - Com AM972	1255

LEGISLATIVE BILL 410. By Baker, Hudkins, Schmitt

Jan. 13	Read first time	174
Jan. 15	Referred to Transportation Committee	199
Jan. 29	Notice of hearing (2/8)	397
Feb. 26	Placed on General File - Com AM366	756

LEGISLATIVE BILL 411. By Coordsen

Jan. 13	Read first time	174
Jan. 15	Referred to Health and Human Services Committee	199
Jan. 26	Notice of hearing (2/3)	348
Feb. 11	Placed on General File - Com AM272 (printed separate)	536
Feb. 18	Com AM272 (printed separate) adopted. Advanced for Review	609
Feb. 22	Placed on Select File - AM7068	669
Mar. 4	AM7068 (E & R) p. 669 adopted. Advanced for Engrossment	837
Mar. 10	Correctly Engrossed	881
Mar. 19	Dispensing of reading at large approved. Final Reading 43-0-6	1092
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 412. By Hilgert

Jan. 13	Read first time	174
Jan. 15	Referred to Judiciary Committee	199
Jan. 22	Notice of hearing (1/29)	323

LEGISLATIVE BILL 413. By Bruning

Jan. 13	Read first time	174
Jan. 15	Referred to Education Committee	199
Feb. 4	Notice of hearing (2/16)	443
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 414. By Beutler

Jan. 13	Read first time	174

Jan. 15	Referred to Judiciary Committee	199
Jan. 22	Notice of hearing (1/29)	323
Mar. 16	Speaker priority bill	1000

LEGISLATIVE BILL 415. By Bohlke

Jan. 14	Read first time	183
Jan. 19	Referred to Education Committee	217
Feb. 4	Notice of hearing (3/8)	443

LEGISLATIVE BILL 416. By Janssen

Jan. 14	Read first time	183
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	217
Feb. 3	Notice of hearing (2/12)	437
Feb. 18	Placed on General File	615
Mar. 1	Advanced for Review	773
Mar. 2	Placed on Select File	792
Mar. 10	Beutler AM727 printed separate	896
Mar. 17	Beutler-D. Pederson AM835 printed separate	1049
Mar. 18	Beutler AM727 (printed separate) withdrawn. Beutler-D. Pederson pending AM835 (printed separate) adopted. Advanced for Engrossment	1066
Mar. 22	Correctly Engrossed. ER9037 change	1121
Mar. 25	Dispensing of reading at large approved. Final Reading 45-1-3	1208
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 417. By Janssen

Jan. 14	Read first time	183
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	217
Feb. 3	Notice of hearing (2/12)	437
Feb. 18	Placed on General File	615
Mar. 1	Beutler FA37 lost	773
Mar. 1	Chambers FA38 lost. Advanced for Review	778
Mar. 2	Placed on Select File	792
Mar. 11	Beutler AM751 printed	935
Mar. 12	D. Pederson AM792 printed	959
Mar. 18	Beutler pending AM751 p. 935 adopted. D. Pederson AM792 p. 959 withdrawn. Advanced for Engrossment	1066
Mar. 22	Correctly Engrossed. ER9038 change	1121

Mar. 25	Final Reading 42-5-2	1209
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 418. By Coordsen, Baker, Bohlke, Bromm, Connealy, Cudaback, Dierks, Hudkins, Janssen, Jones, Kremer, Kristensen, Matzke, Raikes, Schellpeper, Schmitt, Schrock, Stuhr, Vrtiska, Wehrbein

Jan. 14	Read first time	183
Jan. 19	Referred to Revenue Committee	217
Feb. 3	Notice of hearing (2/19)	435
Mar. 12	Indefinitely postponed	955

LEGISLATIVE BILL 419. By Coordsen, Baker, Bohlke, Cudaback, Dierks, Hudkins, Jones, Kremer, Matzke, Raikes, Schellpeper, Schmitt, Schrock, Stuhr, Vrtiska, Wehrbein

Jan. 14	Read first time	184
Jan. 19	Referred to Revenue Committee	217
Feb. 3	Notice of hearing (2/19)	435
Mar. 11	Coordsen priority bill	914
May 12	Placed on General File - Com AM1677	2020
May 18	Coordsen AM1814 to Com AM1677 printed	2223
May 19	Com AM1677 p. 2020 adopted as amended by Coordsen pending AM1814 p. 2223. Passed over	2266

LEGISLATIVE BILL 420. By Coordsen, Baker, Bohlke, Connealy, Cudaback, Dierks, Hudkins, Jones, Kremer, Matzke, Raikes, Schellpeper, Schrock, Stuhr, Vrtiska, Wehrbein

Jan. 14	Read first time	184
Jan. 19	Referred to Revenue Committee	217
Feb. 3	Notice of hearing (2/19)	435
Mar. 18	Indefinitely postponed	1074

LEGISLATIVE BILL 421. By Coordsen

Jan. 14	Read first time	184
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	217
Feb. 17	Notice of hearing (2/24)	601
Mar. 9	Indefinitely postponed	875

LEGISLATIVE BILL 422. By Kristensen

Jan. 14	Read first time	184
Jan. 19	Referred to Banking, Commerce and Insurance Committee	217

Jan. 25	Notice of hearing (2/1)	334
Feb. 2	Placed on General File	419
Feb. 8	Advanced for Review	479
Feb. 9	Placed on Select File - AM7039	498
Feb. 10	AM7039 (E & R) p. 498 adopted. Advanced for Engrossment	514
Feb. 16	Correctly Engrossed	585
Feb. 26	Final Reading w/E 47-0-2	747
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 423. By Kristensen, Baker, Bromm, Bruning, Hudkins, Jensen, Dw. Pedersen

Jan. 14	Read first time	184
Jan. 19	Referred to Judiciary Committee	217
Jan. 28	Notice of hearing (2/4)	381

LEGISLATIVE BILL 424. By Lynch

Jan. 14	Read first time	184
Jan. 19	Referred to Banking, Commerce and Insurance Committee	217
Feb. 1	Notice of hearing (2/9)	403
Feb. 18	Placed on General File - Com AM379	605
Feb. 22	Com AM379 p. 605 adopted. Advanced for Review	668
Feb. 26	Placed on Select File	727
Mar. 15	Advanced for Engrossment	980
Mar. 17	Correctly Engrossed. ER9028 change	1027
Mar. 25	Final Reading w/E 45-0-4	1204
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 425. By Lynch

Jan. 14	Read first time	185
Jan. 19	Referred to Education Committee	217
Feb. 2	Notice of hearing (2/9)	417

LEGISLATIVE BILL 426. By Beutler

Jan. 14	Read first time	185
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	218
Feb. 17	Notice of hearing (3/12)	602
Mar. 29	Indefinitely postponed	1256

LEGISLATIVE BILL 427. By Beutler

Jan. 14	Read first time	185
Jan. 19	Referred to Transportation Committee	218
Jan. 25	Notice of hearing (2/2)	338
Mar. 4	Placed on General File - Com AM447	847
Mar. 12	Beutler priority bill	947
Mar. 22	Bromm-Dw. Pedersen AM845 printed	1127
Apr. 7	Com AM447 p. 847 adopted. Bromm-Dw. Pedersen pending AM845 p. 1127 adopted. Failed to advance for Review	1344

LEGISLATIVE BILL 427A. By Beutler

Mar. 10	Read first time. Placed on General File	897

LEGISLATIVE BILL 428. By Schellpeper

Jan. 14	Read first time	185
Jan. 19	Referred to Urban Affairs Committee	218
Jan. 29	Notice of hearing (2/16)	397

LEGISLATIVE BILL 429. By Bruning

Jan. 14	Read first time	185
Jan. 19	Referred to Revenue Committee	218
Jan. 27	Notice of hearing (2/4)	366
Mar. 8	Indefinitely postponed	859

LEGISLATIVE BILL 430. By Dw. Pedersen

Jan. 14	Read first time	185
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	218
Feb. 17	Notice of hearing (3/4)	602

LEGISLATIVE BILL 431. By Janssen

Jan. 14	Read first time	185
Jan. 19	Referred to General Affairs Committee	218
Feb. 9	Notice of hearing (3/1)	501

LEGISLATIVE BILL 432. By Janssen

Jan. 14	Read first time	186
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	218
Jan. 27	Notice of hearing (2/4)	354
Feb. 9	Placed on General File	498
Feb. 16	Advanced for Review	583
Feb. 19	Placed on Select File	626

Feb. 23	Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
Apr. 23	Final Reading 41-0-7	1641
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 432A. By Janssen

Mar. 30	Read first time. Placed on General File	1260
Apr. 9	Janssen motion to indefinitely postpone prevailed	1360

LEGISLATIVE BILL 433. By Janssen

Jan. 14	Read first time	186
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	218
Feb. 17	Notice of hearing (2/26)	602
Mar. 25	Placed on General File	1222

LEGISLATIVE BILL 433A. By Janssen

Mar. 30	Read first time. Placed on General File	1260

LEGISLATIVE BILL 434. By Janssen

Jan. 14	Read first time	186
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	218
Feb. 10	Notice of hearing (2/19)	515
Mar. 2	Indefinitely postponed	793

(Provisions/portions of LB 434 amended into LB 571 by Com AM555)

LEGISLATIVE BILL 435. By Hudkins

Jan. 14	Read first time	186
Jan. 19	Referred to Judiciary Committee	218
Jan. 22	Bruning name added	325
Feb. 16	Notice of hearing (3/3)	587

LEGISLATIVE BILL 436. By Natural Resources Committee

Jan. 14	Read first time	186
Jan. 19	Referred to Natural Resources Committee	218
Jan. 21	Notice of hearing (1/28)	299
Feb. 9	Placed on General File - Com AM196	499
Feb. 17	Com AM196 p. 499 adopted. Advanced for Review	603
Feb. 19	Placed on Select File - AM7064	627
Feb. 23	AM7064 (E & R) p. 627 adopted. Advanced for Engrossment	691

Mar. 1	Correctly Engrossed	780
Mar. 11	Dispensing of reading at large approved	923
Mar. 11	Final Reading 40-0-9	924
Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 437. By Wickersham, Schellpeper, Vrtiska

Jan. 14	Read first time	187
Jan. 19	Referred to Revenue Committee	218
Jan. 20	Notice of hearing (1/27)	289
Jan. 29	Placed on General File - Com AM129 (printed separate)	396
Feb. 1	Com AM129 (printed separate) adopted as amended by Wickersham FA5. Advanced for Review	410
Feb. 3	Placed on Select File - AM7024	430
Feb. 4	Wickersham AM194 to Com AM129 printed	469
Feb. 10	AM7024 (E & R) p. 430 adopted. Wickersham AM194 p. 469 withdrawn. Wickersham AM273 to Com AM129 adopted. Advanced for Engrossment	511
Feb. 12	Correctly Engrossed. ER9009 change	543
Feb. 26	Dispensing of reading at large approved. Final Reading 42-0-7	741
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 438. By Schimek

Jan. 14	Read first time	187
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	218
Feb. 3	Notice of hearing (2/12)	437
Mar. 9	Placed on General File - Com AM557	874

LEGISLATIVE BILL 439. By Schimek, Vrtiska

Jan. 14	Read first time	187
Jan. 19	Referred to Judiciary Committee	218
Jan. 28	Notice of hearing (2/4)	381
Feb. 16	Indefinitely postponed	583

LEGISLATIVE BILL 440. By Health and Human Services Committee, Matzke, Dw. Pedersen, D. Pederson, Robak, Wickersham

Jan. 14	Read first time	187
Jan. 19	Referred to Health and Human Services Committee	218

Jan. 26	Notice of hearing (2/4)	348
Feb. 11	Placed on General File - Com AM301	536
Feb. 18	Com AM301 p. 536 adopted. Advanced for Review	613
Feb. 22	Placed on Select File	670
Mar. 4	Advanced for Engrossment	837
Mar. 10	Correctly Engrossed	881
Mar. 19	Final Reading 39-4-6	1093
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 440A. By Jensen

Feb. 19	Read first time. Placed on General File	643
Feb. 22	Advanced for Review	664
Feb. 25	Placed on Select File	724
Mar. 4	Advanced for Engrossment	837
Mar. 10	Correctly Engrossed	881
Mar. 19	Final Reading 36-6-7	1093
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Returned by Governor without approval (3/24)	1186
Apr. 20	Communication	1537

LEGISLATIVE BILL 441. By Vrtiska

Jan. 14	Read first time	187
Jan. 19	Referred to Banking, Commerce and Insurance Committee	218
Jan. 25	Notice of hearing (2/1)	334
Feb. 2	Indefinitely postponed	419

LEGISLATIVE BILL 442. By Beutler

Jan. 14	Read first time	188
Jan. 19	Referred to Banking, Commerce and Insurance Committee	218
Feb. 1	Notice of hearing (2/22)	403
Feb. 23	Indefinitely postponed	685

LEGISLATIVE BILL 443. By Jones

Jan. 14	Read first time	188
Jan. 19	Referred to Education Committee	218
Jan. 25	Notice of hearing (2/1)	332
Feb. 2	Indefinitely postponed	418

LEGISLATIVE BILL 444. By Tyson

Jan. 14	Read first time	188
Jan. 19	Referred to Business and Labor Committee	218
Feb. 11	Notice of hearing (2/22)	530
Mar. 12	Tyson priority bill	947
Mar. 16	Indefinitely postponed	996
Mar. 19	Tyson motion to place on General File printed	1084
Mar. 19	Tyson AM874 printed	1102
Mar. 24	Tyson motion p. 1084 to place on General File withdrawn	1194

LEGISLATIVE BILL 445. By Transportation Committee, Crosby, Engel

Jan. 14	Read first time	188
Jan. 19	Referred to Transportation Committee	218
Jan. 29	Notice of hearing (2/8)	397
Feb. 19	Bruning AM306 printed	622

(Provisions/portions of LB 445 amended into LB 585 by Com FA82)

LEGISLATIVE BILL 446. By Transportation Committee, Tyson

Jan. 14	Read first time	188
Jan. 19	Referred to Transportation Committee	218
Feb. 4	Notice of hearing (2/16)	442
Feb. 18	Placed on General File	607
Feb. 25	Wehrbein AM515 printed	719
Feb. 26	Wehrbein pending AM515 p. 719 adopted. Advanced for Review	760
Mar. 2	Placed on Select File - AM7080	792
Mar. 10	Bromm AM590 printed	895
Apr. 15	AM7080 (E & R) p. 792 adopted. Bromm pending AM590 p. 895 adopted. Advanced for Engrossment	1469
Apr. 19	Correctly Engrossed	1519
Apr. 19	ER9049 change	1521
May 20	Final Reading w/E 46-1-2	2318
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 446A. By Bromm

Mar. 1	Read first time. Placed on General File	775
Mar. 8	Advanced for Review	854
Mar. 10	Placed on Select File	896
Apr. 12	Bromm-Tyson-Wickersham-Wehrbein AM1006 printed	1397
Apr. 15	Bromm et al. pending AM1006 p. 1397 adopted. Advanced for Engrossment	1470

Apr. 19	Correctly Engrossed	1519
Apr. 19	ER9050 change	1521
May 20	Final Reading w/E 44-1-4	2319
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 447. By Thompson

Jan. 14	Read first time	189
Jan. 19	Referred to Judiciary Committee	218
Feb. 2	Notice of hearing (2/10)	425
Mar. 4	Indefinitely postponed	847

LEGISLATIVE BILL 448. By Thompson, Dw. Pedersen, Suttle

Jan. 14	Read first time	189
Jan. 19	Referred to Judiciary Committee	218
Feb. 2	Notice of hearing (2/10)	425
Mar. 4	Indefinitely postponed	848

LEGISLATIVE BILL 449. By Thompson

Jan. 14	Read first time	189
Jan. 19	Referred to Education Committee	218
Feb. 4	Notice of hearing (3/2)	443
Apr. 7	Placed on General File - Com AM1009	1347

LEGISLATIVE BILL 450. By Thompson

Jan. 14	Read first time	189
Jan. 19	Referred to Judiciary Committee	218
Feb. 16	Notice of hearing (3/12)	587
Feb. 24	Notice of hearing (3/12) (canceled) Notice of hearing (3/19) (rescheduled)	707

LEGISLATIVE BILL 451. By Landis

Jan. 14	Read first time	189
Jan. 19	Referred to Judiciary Committee	218
Feb. 4	Notice of hearing (3/9)	443
Feb. 8	Notice of hearing (3/9) (canceled)	478
Feb. 16	Notice of hearing (2/25) (rescheduled)	586
Feb. 16	Hilgert name added	588
Mar. 16	Speaker priority bill	1000

LEGISLATIVE BILL 452. By Landis

Jan. 14	Read first time	189
Jan. 19	Referred to Education Committee	218

Jan. 22	Lynch name added	324
Feb. 4	Notice of hearing (2/23)	443

LEGISLATIVE BILL 453. By Landis

Jan. 14	Read first time	190
Jan. 19	Referred to Revenue Committee	218
Feb. 10	Notice of hearing (3/3)	515

LEGISLATIVE BILL 454. By Crosby, Bohlke

Jan. 14	Read first time	191
Jan. 19	Referred to Banking, Commerce and Insurance Committee	218
Jan. 19	Byars name added	247
Feb. 1	Notice of hearing (2/22)	403
Feb. 23	Indefinitely postponed	685

LEGISLATIVE BILL 455. By Wickersham, Schimek

Jan. 14	Read first time	191
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	218
Feb. 17	Notice of hearing (3/11)	602
Mar. 8	Schimek motion to suspend rules to permit canceling and rescheduling of hearing printed	866
Mar. 9	Schimek pending motion p. 866 to suspend rules to permit canceling and rescheduling of hearing prevailed. Notice of hearing (3/11) (canceled) Notice of hearing (3/17) (rescheduled)	870

LEGISLATIVE BILL 456. By Wickersham

Jan. 14	Read first time	191
Jan. 19	Referred to Revenue Committee	218
Feb. 3	Notice of hearing (2/11)	434
Feb. 19	Indefinitely postponed	659

LEGISLATIVE BILL 457. By Robak, Brashear, Bromm, Coordsen, Cudaback, Dierks, Engel, Hudkins, Janssen, Jones, Kremer, Matzke, Dw. Pedersen, Schellpeper, Schmitt, Schrock, Smith, Stuhr, Vrtiska

Jan. 14	Read first time	191
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	218
Feb. 17	Notice of hearing (3/3)	602
Mar. 25	Placed on General File	1222

LEGISLATIVE BILL 457A. By Robak

Mar. 29	Read first time. Placed on General File	1255

LEGISLATIVE BILL 458. By Cudaback

Jan. 14	Read first time	191
Jan. 19	Referred to Judiciary Committee	218
Jan. 20	Notice of hearing (1/27)	272
Feb. 26	Indefinitely postponed	760

LEGISLATIVE BILL 459. By Beutler

Jan. 14	Read first time	191
Jan. 19	Referred to Natural Resources Committee	218
Jan. 20	Notice of hearing (1/27)	289

LEGISLATIVE BILL 460. By Schrock, Baker, Coordsen, Wickersham

Jan. 14	Read first time	192
Jan. 19	Referred to Transportation Committee	218
Feb. 4	Notice of hearing (2/23)	442
Feb. 25	Indefinitely postponed	720

LEGISLATIVE BILL 461. By Cudaback, Janssen, Kremer, Quandahl, Schmitt, Smith, Vrtiska

Jan. 14	Read first time	192
Jan. 19	Referred to Government, Military and Veterans Affairs Committee	218
Jan. 27	Notice of hearing (2/4)	354
Feb. 9	Placed on General File - Com AM222	499
Feb. 17	Com AM222 p. 499 adopted as amended by Chambers FA22. Advanced for Review	592
Feb. 19	Placed on Select File - AM7056	627
Feb. 23	AM7056 (E & R) p. 627 adopted. Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
Mar. 11	Final Reading w/E 40-1-8	924
Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 462. By Stuhr

Jan. 14	Read first time	192
Jan. 19	Referred to Urban Affairs Committee	218
Feb. 1	Notice of hearing (2/23)	404

LEGISLATIVE BILL 463. By Stuhr, Dierks

Jan. 14	Read first time	192
Jan. 19	Referred to Agriculture Committee	218
Feb. 9	Notice of hearing (2/16)	501
May 25	Placed on General File - Com AM602	2399

LEGISLATIVE BILL 464. By Wehrbein

Jan. 14	Read first time	192
Jan. 19	Referred to Appropriations Committee	218
Jan. 28	Notice of hearing (2/8)	381

LEGISLATIVE BILL 465. By Wehrbein

Jan. 14	Read first time	192
Jan. 19	Referred to Appropriations Committee	218
Jan. 22	Notice of hearing (1/29)	323
Feb. 8	Placed on General File	476
Feb. 16	Advanced for Review	577
Feb. 17	Placed on Select File	598
Feb. 19	Advanced for Engrossment	643
Feb. 25	Correctly Engrossed	715
Mar. 3	Final Reading w/E 48-0-1	812
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 466. By Brown

Jan. 14	Read first time	192
Jan. 19	Referred to Judiciary Committee	218
Feb. 2	Notice of hearing (2/12)	426

LEGISLATIVE BILL 467. By Suttle, Beutler, Hilgert, Hudkins, Jensen, Jones, Dw. Pedersen, Schimek

Jan. 14	Read first time	193
Jan. 19	Referred to Judiciary Committee	218
Jan. 22	Bruning name added	325
Feb. 16	Notice of hearing (3/3)	587

LEGISLATIVE BILL 468. By Crosby

Jan. 14	Read first time	193
Jan. 19	Referred to Judiciary Committee	218
Feb. 16	Crosby motion to withdraw bill printed	585
Feb. 18	Crosby pending motion p. 585 to withdraw bill prevailed. Withdrawn	606

LEGISLATIVE BILL 469. By Crosby, Hudkins, Janssen, Jones, Dw. Pedersen, C. Peterson, Preister, Thompson

Jan. 14	Read first time	193
Jan. 19	Referred to Transportation Committee	218
Jan. 25	Notice of hearing (2/2)	338
Mar. 3	Crosby priority bill	802
Mar. 4	Placed on General File - Com AM576	847
Mar. 15	Com AM576 p. 847 adopted. Beutler AM805 withdrawn. Advanced for Review	966
Mar. 16	Placed on Select File - AM7086	1010
Apr. 9	AM7086 (E & R) p. 1010 adopted. Advanced for Engrossment	1360
Apr. 14	Correctly Engrossed	1429
Apr. 23	Final Reading 44-0-4	1650
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 470. By Wickersham, Coordsen

Jan. 14	Read first time	193
Jan. 19	Referred to Education Committee	218
Jan. 25	Notice of hearing (2/1)	332
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 471. By Coordsen, Wickersham

Jan. 14	Read first time	193
Jan. 19	Referred to Revenue Committee	218
Feb. 3	Notice of hearing (2/17)	435
Feb. 19	Indefinitely postponed	659

LEGISLATIVE BILL 472. By Dw. Pedersen, Cudaback, Hilgert, Janssen, Jensen, Jones, Lynch, C. Peterson, Robak, Schmitt, Suttle, Thompson

Jan. 14	Read first time	193
Jan. 19	Referred to Judiciary Committee	218
Jan. 21	Notice of hearing (1/28)	299
Mar. 17	Indefinitely postponed	1045

LEGISLATIVE BILL 473. By Agriculture Committee

Jan. 14	Read first time	194
Jan. 19	Referred to Agriculture Committee	218
Jan. 19	Notice of hearing (1/26)	247
Jan. 29	Placed on General File - Com AM106	396
Feb. 2	Com AM106 p. 396 adopted. Advanced for Review	423

Feb. 4	Placed on Select File - AM7026	441
Feb. 10	AM7026 (E & R) p. 441 adopted. Advanced for Engrossment	513
Feb. 12	Correctly Engrossed	543
Feb. 26	Dispensing of reading at large approved. Final Reading 46-0-3	742
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 474. By Agriculture Committee

Jan. 14	Read first time	194
Jan. 19	Referred to Agriculture Committee	218
Jan. 19	Notice of hearing (1/26)	247
Jan. 29	Placed on General File - Com AM107	397
Feb. 2	Com AM107 p. 397 adopted. Advanced for Review	423
Feb. 4	Placed on Select File - AM7028	441
Feb. 10	AM7028 (E & R) p. 441 adopted. Advanced for Engrossment	513
Feb. 12	Correctly Engrossed	543
Feb. 26	Final Reading 47-0-2	743
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 475. By Bohlke

Jan. 14	Read first time	194
Jan. 19	Referred to Health and Human Services Committee	219
Jan. 26	Notice of hearing (2/11)	348
Feb. 12	Placed on General File	544
Feb. 18	Advanced for Review	613
Feb. 22	Placed on Select File	670
Mar. 4	Bohlke-Beutler AM647 adopted. Advanced for Engrossment	838
Mar. 10	Correctly Engrossed	881
Mar. 16	Bohlke AM813 printed	1011
Mar. 19	Bohlke AM873 printed	1103
Mar. 25	Returned to Select File for Bohlke specific AM813 p. 1011. Bohlke specific AM813 p. 1011 adopted. Advanced for Reengrossment	1220
Mar. 25	Returned to Select File for Bohlke specific AM873 p. 1103. Bohlke specific AM873 p. 1103 adopted. Advanced for Reengrossment	1221
Mar. 30	Correctly Reengrossed. ER 9041 change	1285

Apr. 23	Final Reading 42-1-5	1646
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

(Provisions/portions of LB 810 amended into LB 475 by AM873)
(Provisions/portions of LB 821 amended into LB 475 by AM813)

LEGISLATIVE BILL 476. By Janssen, Schellpeper

Jan. 14	Read first time	194
Jan. 15	Hudkins name added	215
Jan. 19	Referred to Judiciary Committee	219
Jan. 19	Tyson, Dw. Pedersen, Schmitt, Smith, and Bruning names added	247
Jan. 25	Wickersham name added	341
Jan. 29	Engel name added	400
Feb. 9	Notice of hearing (2/17)	497
Feb. 12	Robak name added	570
Feb. 22	Quandahl name added	673
Mar. 4	Janssen priority bill	829
Mar. 17	Placed on General File - Com AM761	1044
Mar. 19	Brashear AM888 printed	1104
Mar. 22	Kiel AM923, AM922, AM921, AM920, AM919, and AM918 printed	1122
Mar. 22	Kiel AM917, AM913, AM914, AM915, and AM916 printed. Thompson AM907, AM925, and AM906 printed	1123
Mar. 22	Kiel AM928 and AM936 printed	1132
Mar. 22	Kiel AM935, AM934, AM933, AM932, and AM931 printed	1133
Mar. 22	Kiel AM930 printed	1134
Mar. 24	Chair sustained request for division of question on Com AM761 p. 1044. Com FA58 (1st) pending. Chambers FA71 to Com FA58 (1st) pending	1182
Mar. 24	Brashear AM978 to Com FA60 (3rd) printed. Thompson AM979 printed	1183
Mar. 24	Kiel AM987 printed	1184
Mar. 24	Chambers pending FA71 p. 1183 to Com FA58 (1st) lost	1185
Mar. 24	Kiel AM984 printed	1187
Mar. 24	Kiel AM985, AM986, AM988, AM989, AM991, AM992, and AM993 to AM987 printed. Chambers FA72 to Com FA58 (1st) lost	1188
Mar. 24	Chambers FA74 to Com FA58 (1st) pending	1193
Mar. 24	Tyson FA73 printed	1194

Mar. 25	Chambers pending FA74 p. 1193 to Com FA58 (1st) pending	1222
Mar. 25	Thompson AM1022 printed. Chambers pending FA74 p. 1193 to Com FA58 (1st) lost. Kiel AM1001 to Com FA58 (1st) lost	1223
Mar. 25	Chambers FA75 to Com FA58 (1st) printed	1225
Mar. 29	Chambers pending FA75 p. 1225 to Com FA58 (1st) pending	1228
Mar. 29	Chambers pending FA75 p. 1225 to Com FA58 (1st) pending. Janssen motion to invoke cloture failed	1245

LEGISLATIVE BILL 477. By Hudkins, Schellpeper, Vrtiska, Wickersham

Jan. 14	Read first time	194
Jan. 19	Referred to General Affairs Committee	219
Jan. 25	Notice of hearing (2/1)	333
Jan. 25	Wehrbein name added	341
Mar. 4	Placed on General File - Com AM642	832

LEGISLATIVE BILL 478. By Preister, Hilgert

Jan. 14	Read first time	194
Jan. 19	Referred to Banking, Commerce and Insurance Committee	219
Feb. 19	Notice of hearing (3/2)	644
Mar. 3	Indefinitely postponed	819

LEGISLATIVE BILL 479. By Schellpeper

Jan. 14	Read first time	195
Jan. 19	Referred to General Affairs Committee	219
Jan. 29	Notice of hearing (2/8)	392
Feb. 12	Placed on General File	558
Feb. 18	Advanced for Review	614
Feb. 22	Placed on Select File	670
Mar. 4	Advanced for Engrossment	838
Mar. 10	Correctly Engrossed	881
Mar. 19	Final Reading 36-5-8	1094
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 480. By Schimek, Beutler, Dierks, Hudkins, Preister, Robak, Stuhr, Suttle, Thompson

Jan. 14	Read first time	195
Jan. 14	Price name added	196

Jan. 19	Referred to Health and Human Services Committee	219
Jan. 26	Notice of hearing (2/11)	348
Mar. 11	Schimek priority bill	914
Mar. 15	Placed on General File	964
Mar. 30	Tyson AM1055 printed	1264
Mar. 31	Chambers name added	1301
Apr. 6	Tyson AM1055 p. 1264 withdrawn. Stuhr FA93 lost. Failed to advance for Review	1323
Apr. 28	Schimek AM1503 printed	1747
May 3	Tyson AM1597 to AM1503 printed	1811
May 12	Schimek AM1749 printed	2026

LEGISLATIVE BILL 480A. By Schimek

Mar. 30	Read first time. Placed on General File	1287

LEGISLATIVE BILL 481. By Baker, Schmitt, Tyson

Jan. 14	Read first time	195
Jan. 19	Referred to Judiciary Committee	219
Feb. 16	Notice of hearing (3/18)	588

LEGISLATIVE BILL 482. By Matzke, Baker, Engel, Jensen, Landis, Schimek, Smith, at the request of the Governor

Jan. 14	Read first time	195
Jan. 19	Referred to Revenue Committee	219
Jan. 21	Notice of hearing (1/28)	299
Feb. 25	Placed on General File - Com AM506	717
Mar. 3	Matzke AM620 to Com AM506 printed	821
Mar. 16	Speaker priority bill	1000

LEGISLATIVE BILL 483. By Tyson, Dierks, Robak

Jan. 14	Read first time	195
Jan. 19	Referred to Education Committee	219
Feb. 4	Notice of hearing (3/9)	443

LEGISLATIVE BILL 484. By Tyson, Crosby, Dierks, Hartnett, Robak

Jan. 14	Read first time	195
Jan. 19	Referred to Revenue Committee	219
Jan. 21	Notice of hearing (1/28)	299

LEGISLATIVE BILL 485. By Lynch

Jan. 15	Read first time	201
Jan. 20	Referred to Transportation Committee	249
Feb. 2	Thompson name added	426
Feb. 10	Notice of hearing (3/1)	516

Mar. 22	Placed on General File - Com AM605	1134
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 485 amended into LB 556 by AM1248)

LEGISLATIVE BILL 486. By Bruning, Hartnett

Jan. 15	Read first time	201
Jan. 20	Referred to Education Committee	249
Feb. 4	Notice of hearing (3/2)	443

LEGISLATIVE BILL 487. By Bruning, Hartnett

Jan. 15	Read first time	201
Jan. 20	Referred to Education Committee	249
Feb. 4	Notice of hearing (3/8)	443

LEGISLATIVE BILL 488. By Schrock

Jan. 15	Read first time	201
Jan. 20	Referred to Natural Resources Committee	249
Jan. 21	Notice of hearing (1/28)	299

LEGISLATIVE BILL 489. By Appropriations Committee

Jan. 15	Read first time	202
Jan. 20	Referred to Appropriations Committee	249
Feb. 18	Notice of hearing (3/2)	608
Apr. 22	Placed on General File - Com AM1234	1628
Apr. 27	Com AM1234 p. 1628 adopted. Advanced for Review	1739
May 3	Placed on Select File - AM7132	1794
May 4	AM7132 (E & R) p. 1794 adopted. Advanced for Engrossment	1841
May 6	Correctly Engrossed	1913
May 6	ER9078 change	1914
May 12	Final Reading w/E 47-0-2	2002
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor (5/18)	2190

LEGISLATIVE BILL 490. By Bohlke

Jan. 15	Read first time	202
Jan. 20	Referred to Judiciary Committee	249
Jan. 20	Notice of hearing (1/27)	272
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 491. By Bohlke

Jan. 15	Read first time	202
Jan. 20	Referred to Revenue Committee	249
Jan. 21	Notice of hearing (1/28)	299
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 492. By Bohlke

Jan. 15	Read first time	202
Jan. 20	Referred to Revenue Committee	249
Jan. 27	Notice of hearing (2/3)	355
Mar. 8	Indefinitely postponed	859

LEGISLATIVE BILL 493. By Dw. Pedersen

Jan. 15	Read first time	202
Jan. 20	Referred to Judiciary Committee	249
Jan. 21	Notice of hearing (1/28)	299
Mar. 17	Placed on General File	1041
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 493 amended into LB 865 by AM1588)

LEGISLATIVE BILL 494. By Suttle

Jan. 15	Read first time	202
Jan. 20	Referred to Health and Human Services Committee	249
Feb. 3	Notice of hearing (2/24)	434
Mar. 12	Indefinitely postponed	947

(Provisions/portions of LB 494 amended into LB 594 by AM1589)

LEGISLATIVE BILL 495. By Stuhr, Baker, Bohlke, Brashear, Bromm, Connealy, Coordsen, Dierks, Engel, Hartnett, Hudkins, Jones, Kremer, Matzke, D. Pederson, C. Peterson, Price, Raikes, Robak, Schellpeper, Schimek, Schmitt, Schrock, Suttle, Thompson, Vrtiska, Wickersham

Jan. 15	Read first time	203
Jan. 20	Referred to Education Committee	250
Jan. 25	Notice of hearing (2/2)	338
Feb. 18	Placed on General File - Com AM390	609
Feb. 18	Stuhr priority bill	615
Mar. 19	Stuhr AM875 printed separate	1104

Mar. 22	Com AM390 p. 609 pending. Stuhr pending AM875 (printed separate) to Com AM390 pending. Chambers motion to bracket until 1/15/2000 failed	1129
Mar. 22	Bruning AM951 printed	1141
Mar. 23	Stuhr pending AM875 (printed separate) to Com AM390 adopted. Chambers motion to bracket until 4/15/1999 withdrawn. Wehrbein AM958 to AM875 pending	1146
Mar. 23	Wehrbein pending AM958 p. 1147 to AM875 adopted. Beutler FA63 to AM875 adopted. Beutler FA64 to AM875 pending	1157
Mar. 23	Beutler pending FA64 p. 1158 to AM875 adopted. Chair ruled Bruning AM962 to AM875 not germane to bill. Bruning motion to overrule Chair failed. Chambers FA68 and Kiel AM965 to AM875 lost. Chambers FA70 to AM875 adopted. Com AM390 p. 609 lost as amended. Bruning AM951 p. 1141 withdrawn. Jones motion to indefinitely postpone laid over	1160

LEGISLATIVE BILL 496. By Kristensen

Jan. 15	Read first time	203
Jan. 20	Referred to Transportation Committee	250
Jan. 22	Notice of hearing (2/1)	323
Mar. 11	Kristensen priority bill	937
Mar. 23	Placed on General File - Com AM826	1153
Apr. 7	Com AM826 p. 1153 adopted. Beutler FA95 withdrawn. Advanced for Review	1341
Apr. 13	Placed on Select File - AM7117	1420
Apr. 23	Kristensen AM1440 to AM826 printed	1679
Apr. 26	AM7117 (E & R) p. 1420 adopted. Kristensen pending AM1440 p. 1679 adopted. Advanced for Engrossment	1685
Apr. 27	Correctly Engrossed	1726
Apr. 29	Final Reading 43-0-6	1784
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 497. By Wickersham

Jan. 15	Read first time	203
Jan. 20	Referred to Nebraska Retirement Systems Committee	250
Feb. 3	Notice of hearing (2/10)	430
Feb. 19	Indefinitely postponed	659

(Provisions/portions of LB 497 amended into LB 703 by AM401)

LEGISLATIVE BILL 498. By Wickersham, Jensen

Jan. 15	Read first time	203
Jan. 20	Referred to Health and Human Services Committee	250
Jan. 26	Notice of hearing (2/11)	348
Feb. 18	Placed on General File - Com AM343	616
Mar. 1	Com AM343 p. 616 pending	782
Mar. 8	Com AM343 p. 616 adopted. Advanced for Review	855
Mar. 11	Placed on Select File - AM7081	937
Mar. 18	AM7081 (E & R) p. 937 adopted. Advanced for Engrossment	1067
Mar. 22	Correctly Engrossed	1121
Mar. 25	Final Reading w/E 47-0-2	1210
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 499. By Hudkins

Jan. 15	Read first time	203
Jan. 20	Referred to Government, Military and Veterans Affairs Committee	250
Feb. 17	Notice of hearing (3/11)	602
Mar. 25	Placed on General File - Com AM716	1222
Apr. 1	Com AM716 p. 1222 adopted. Advanced for Review	1311
Apr. 9	Hudkins AM1195 to AM7106 printed	1386
Apr. 13	Placed on Select File - AM7106	1406
Apr. 15	AM7106 (E & R) p. 1406 adopted. Hudkins pending AM1195 p. 1386 adopted. Advanced for Engrossment	1496
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading 42-0-6	1670
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 500. By Hudkins

Jan. 15	Read first time	203
Jan. 20	Referred to Judiciary Committee	250
Feb. 2	Notice of hearing (2/12)	426

LEGISLATIVE BILL 501. By Hilgert

Jan. 15	Read first time	204
Jan. 20	Referred to General Affairs Committee	250
Feb. 9	Notice of hearing (3/1)	501
Mar. 2	Indefinitely postponed	798

LEGISLATIVE BILL 502. By Hartnett

Jan. 15	Read first time	204
Jan. 20	Referred to Revenue Committee	250
Feb. 3	Notice of hearing (2/19)	435

LEGISLATIVE BILL 503. By Bromm

Jan. 15	Read first time	204
Jan. 20	Referred to Banking, Commerce and Insurance Committee	250
Feb. 1	Notice of hearing (2/8)	403

LEGISLATIVE BILL 504. By Connealy

Jan. 15	Read first time	204
Jan. 20	Referred to Transportation Committee	250
Feb. 9	Notice of hearing (3/2)	496
Mar. 8	Placed on General File	861

LEGISLATIVE BILL 505. By Landis, Matzke, Schimek, Suttle, Thompson

Jan. 15	Read first time	204
Jan. 20	Referred to Revenue Committee	250
Jan. 26	C. Peterson name added	351
Feb. 3	Notice of hearing (2/24)	435
Mar. 11	Landis priority bill	914
Mar. 15	Placed on General File - Com AM793	968
Apr. 12	Landis AM1211 printed	1401
Apr. 12	Landis AM1210 printed	1402
Apr. 13	Com AM793 p. 968 pending. Landis AM1211 p. 1401 and AM1210 p. 1402 withdrawn. Landis AM1224 to Com AM793 pending	1409
Apr. 13	Landis pending AM1224 p. 1409 to Com AM793 pending	1421
Apr. 13	Landis pending AM1224 p. 1409 to Com AM793 lost. Com AM793 p. 968 adopted. Thompson motion to indefinitely postpone laid over	1424
Apr. 19	Landis unanimous consent to bracket until 5/14/1999. Chambers objected. Landis motion to bracket until 5/14/1999. Chambers objection withdrawn. Landis unanimous consent to bracket until 5/14/1999. No objections	1519

LEGISLATIVE BILL 506. By Wehrbein, Smith

Jan. 15	Read first time	204

Jan. 20	Referred to Government, Military and Veterans Affairs Committee	250
Feb. 17	Notice of hearing (3/10)	602
Mar. 12	Placed on General File	955
Apr. 1	Advanced for Review	1310
Apr. 9	Placed on Select File	1370
Apr. 15	Advanced for Engrossment	1492
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading 42-0-6	1671
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 507. By Lynch, Crosby, Engel, Hartnett, Kiel

Jan. 15	Read first time	205
Jan. 20	Referred to Appropriations Committee	250
Feb. 19	Notice of hearing (3/8)	644

LEGISLATIVE BILL 508. By Brashear, Brown, Bruning, Coordsen, Hartnett, Hilgert, Jensen, Lynch, Dw. Pedersen, Preister, Redfield, Thompson

Jan. 15	Read first time	205
Jan. 20	Referred to Appropriations Committee	250
Jan. 28	Notice of hearing (2/8)	381

LEGISLATIVE BILL 509. By Chambers

Jan. 15	Read first time	207
Jan. 20	Referred to Judiciary Committee	250
Feb. 2	Notice of hearing (2/12)	426
Mar. 8	Placed on General File	859

LEGISLATIVE BILL 510. By Chambers

Jan. 15	Read first time	207
Jan. 20	Referred to Government, Military and Veterans Affairs Committee	250
Feb. 17	Notice of hearing (3/3)	602
Mar. 9	Placed on General File	874

LEGISLATIVE BILL 511. By Chambers

Jan. 15	Read first time	207
Jan. 20	Referred to Judiciary Committee	250
Jan. 21	Notice of hearing (1/28)	299
Feb. 1	Placed on General File - Com AM132	408
Feb. 3	Com AM132 p. 408 adopted. Advanced for Review	436

Feb. 8	Placed on Select File - AM7033	474
Feb. 10	AM7033 (E & R) p. 474 adopted. Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
Mar. 25	Final Reading 44-0-5	1203
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 512. By Dw. Pedersen, Bourne, Hilgert, Hudkins, Kiel, Lynch, Robak

Jan. 15	Read first time	207
Jan. 20	Referred to Judiciary Committee	250
Feb. 2	Notice of hearing (2/11)	426
Mar. 17	Indefinitely postponed	1045

LEGISLATIVE BILL 513. By Jones, Baker, Bruning, Coordsen, Cudaback, Engel, Hudkins, Jensen, Kremer, Dw. Pedersen, D. Pederson, C. Peterson, Quandahl, Redfield, Schellpeper, Schrock, Smith, Stuhr, Tyson, Vrtiska, Wehrbein

Jan. 15	Read first time	207
Jan. 19	Dierks and Schmitt name added	247
Jan. 20	Referred to Judiciary Committee	250
Feb. 2	Preister name added	426
Feb. 2	Byars name added	427
Feb. 16	Notice of hearing (2/26)	586
Feb. 26	Price and Schmitt names added	769

LEGISLATIVE BILL 514. By Transportation Committee, Kristensen, Landis

Jan. 15	Read first time	208
Jan. 20	Referred to Transportation Committee	250
Jan. 22	Notice of hearing (2/1)	323
Feb. 4	Placed on General File - Com AM172	440
Feb. 10	Chambers motion to bracket until 4/2/2000 withdrawn. Com AM172 p. 440 lost. Bromm FA17 adopted	523
Feb. 11	Advanced for Review	528
Feb. 16	Placed on Select File - AM7047	584
Feb. 23	Chambers AM302 printed	691
Mar. 2	AM7047 (E & R) p. 584 adopted. Chambers pending AM302 p. 691 adopted. Advanced for Engrossment	795
Mar. 3	Correctly Engrossed. ER9016 change	801
Mar. 11	Motion to return to Select File for Kristensen specific FA47 withdrawn. Final Reading w/E 38-1-10	917

Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 514A. By Bromm

Feb. 8	Read first time. Placed on General File	483
Feb. 11	Advanced for Review	528
Feb. 16	Placed on Select File	584
Mar. 2	Advanced for Engrossment	795
Mar. 3	Correctly Engrossed	801
Mar. 11	Final Reading w/E 38-0-11	918
Mar. 11	President signed	928
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 515. By Bromm, Byars, Jones, Schellpeper, Schmitt, Stuhr

Jan. 15	Read first time	208
Jan. 20	Referred to Government, Military and Veterans Affairs Committee	250
Jan. 22	Rereferred to Executive Board	304
Feb. 10	Notice of hearing (2/18)	515

LEGISLATIVE BILL 516. By Bromm, Dw. Pedersen, Tyson

Jan. 15	Read first time	208
Jan. 20	Referred to Judiciary Committee	250
Feb. 9	Notice of hearing (2/17)	497

LEGISLATIVE BILL 517. By Kristensen

Jan. 19	Read first time	219
Jan. 21	Referred to Transportation Committee	295
Feb. 1	Notice of hearing (2/9)	407
Feb. 16	Indefinitely postponed	578

LEGISLATIVE BILL 518. By Lynch

Jan. 19	Read first time	219
Jan. 21	Referred to Health and Human Services Committee	295
Jan. 26	Notice of hearing (2/12)	348
Feb. 23	Placed on General File - Com AM259	676
Feb. 26	Schrock name added	769
Mar. 16	Speaker priority bill	1000
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406

May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 518 amended into LB 594 by AM1093)

LEGISLATIVE BILL 518A. By Lynch

Mar. 4	Read first time. Placed on General File	829
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

LEGISLATIVE BILL 519. By Lynch

Jan. 19	Read first time	219
Jan. 21	Referred to Health and Human Services Committee	295
Jan. 26	Notice of hearing (2/3)	348
Feb. 1	Landis name added	413
Feb. 11	Placed on General File - Com AM126	537
Feb. 18	Com AM126 p. 537 adopted as amended by Chambers FA25. Advanced for Review	613
Feb. 18	Chambers name added	617
Feb. 22	Placed on Select File - AM7066	670
Mar. 4	AM7066 (E & R) p. 670 adopted. Advanced for Engrossment	837
Mar. 10	Correctly Engrossed	881
May 20	Final Reading w/E 46-0-3	2320
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 519A. By Lynch

Feb. 22	Read first time. Placed on General File	666
Feb. 24	Advanced for Review	702
Mar. 1	Placed on Select File	780
Mar. 4	Advanced for Engrossment	838
Mar. 10	Correctly Engrossed	881
May 20	Final Reading w/E 46-0-3	2321
May 20	President signed	2322
May 20	Presented to Governor (5/20)	2331
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 520. By Hartnett

Jan. 19	Read first time	219

Jan. 21	Referred to Revenue Committee	295
Feb. 3	Notice of hearing (2/25)	435
Mar. 8	Indefinitely postponed	859

LEGISLATIVE BILL 521. By Bruning, Coordsen, Cudaback

Jan. 19	Read first time	220
Jan. 21	Referred to Natural Resources Committee	295
Feb. 24	Notice of hearing (3/11)	703
Mar. 16	Speaker priority bill	1000

LEGISLATIVE BILL 522. By Suttle

Jan. 19	Read first time	220
Jan. 21	Referred to Health and Human Services Committee	295
Feb. 4	Notice of hearing (3/4)	465
Mar. 9	Placed on General File - Com AM529	875
Apr. 1	Com AM529 p. 875 adopted. Advanced for Review	1309
Apr. 9	Placed on Select File	1370
Apr. 15	Advanced for Engrossment	1492
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading 43-0-5	1671
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 523. By Suttle

Jan. 19	Read first time	220
Jan. 21	Referred to Health and Human Services Committee	295
Feb. 3	Notice of hearing (2/24)	434
Feb. 25	Placed on General File	714
Feb. 26	Suttle AM559 printed	761
Apr. 9	Attorney General's Opinion #99014 to Suttle	1356

LEGISLATIVE BILL 524. By Hilgert

Jan. 19	Read first time	220
Jan. 21	Referred to Judiciary Committee	295
Feb. 16	Notice of hearing (3/11)	587
Mar. 17	Placed on General File - Com AM655	1045

LEGISLATIVE BILL 525. By Hilgert

Jan. 19	Read first time	220
Jan. 21	Referred to Transportation Committee	295
Feb. 9	Notice of hearing (3/9)	495

LEGISLATIVE BILL 526. By Hilgert

Jan. 19	Read first time	220
Jan. 21	Referred to Government, Military and Veterans Affairs Committee	295
Feb. 10	Notice of hearing (2/17)	514
Apr. 1	Indefinitely postponed	1313

LEGISLATIVE BILL 527. By Hilgert

Jan. 19	Read first time	220
Jan. 21	Referred to Judiciary Committee	295
Feb. 16	Notice of hearing (3/11)	587
May 11	Placed on General File	1938

LEGISLATIVE BILL 528. By Hilgert

Jan. 19	Read first time	220
Jan. 21	Referred to Education Committee	296
Feb. 4	Notice of hearing (2/16)	443
Mar. 8	Indefinitely postponed	851

LEGISLATIVE BILL 529. By Hilgert

Jan. 19	Read first time	221
Jan. 21	Referred to General Affairs Committee	296
Feb. 9	Notice of hearing (3/1)	501

LEGISLATIVE BILL 530. By Dierks

Jan. 19	Read first time	221
Jan. 21	Referred to Natural Resources Committee	296
Feb. 8	Notice of hearing (2/17)	484
Feb. 18	Natural Resources Committee priority bill	608
Feb. 18	Placed on General File	609
Mar. 30	Beutler AM1063 adopted. Advanced for Review	1286
Apr. 7	Placed on Select File	1347
Apr. 23	Matzke AM1424 printed	1679
Apr. 29	Matzke AM1424 p. 1679 withdrawn. Chambers motion to bracket withdrawn. Advanced for Engrossment	1767
May 4	Correctly Engrossed	1836
May 6	Motion to return to Select File for Chambers specific FA194 withdrawn	1901
May 6	Failed on Final Reading w/E 32-12-5 Final Reading w/E stricken 33-11-5	1902
May 6	Correctly Enrolled. President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Approved by Governor (5/12)	2026

LEGISLATIVE BILL 531. By Dierks

Jan. 19	Read first time	221
Jan. 21	Referred to Agriculture Committee	296
Feb. 16	Notice of hearing (2/23)	578
May 11	Indefinitely postponed	1967

LEGISLATIVE BILL 532. By Dierks

Jan. 19	Read first time	221
Jan. 21	Referred to Agriculture Committee	296
Feb. 16	Notice of hearing (2/23)	578
Mar. 1	Placed on General File	789
Apr. 1	Advanced for Review	1308
Apr. 9	Placed on Select File	1365
Apr. 15	Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 43-0-5	1672
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 533. By Dierks

Jan. 19	Read first time	221
Jan. 21	Referred to Agriculture Committee	296
Feb. 16	Notice of hearing (2/23)	578
Mar. 1	Placed on General File	789
Apr. 1	Advanced for Review	1308
Apr. 9	Placed on Select File	1365
Apr. 15	Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 42-0-6	1673
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 534. By Kristensen

Jan. 19	Read first time	221
Jan. 21	Referred to Executive Board	296
Feb. 10	Notice of hearing (2/19)	515
Feb. 24	Placed on General File - Com AM442	696

LEGISLATIVE BILL 535. By Kristensen

Jan. 19	Read first time	222
Jan. 21	Referred to Revenue Committee	296

Feb. 3	Notice of hearing (2/26)	435
Feb. 8	Dw. Pedersen name added	487

LEGISLATIVE BILL 536. By Bruning

Jan. 19	Read first time	222
Jan. 21	Referred to Urban Affairs Committee	296
Feb. 1	Notice of hearing (2/23)	404

(Provisions/portions of LB 536 amended into LB 740 by Com AM820)

LEGISLATIVE BILL 537. By Nebraska Retirement Systems Committee

Jan. 19	Read first time	222
Jan. 21	Referred to Nebraska Retirement Systems Committee	296
Feb. 3	Notice of hearing (2/10)	430
Feb. 19	Indefinitely postponed	659

LEGISLATIVE BILL 538. By Nebraska Retirement Systems Committee

Jan. 19	Read first time	222
Jan. 21	Referred to Nebraska Retirement Systems Committee	296
Feb. 10	Notice of hearing (2/17)	505
Mar. 2	Placed on General File	793
Mar. 11	Nebraska Retirement Systems Committee priority bill	937
May 5	Advanced for Review	1893
May 11	Placed on Select File - AM7142	1937
May 12	Stuhr-Wickersham AM1756 printed	2063
May 14	AM7142 (E & R) p. 1937 adopted. Stuhr-Wickersham pending AM1756 p. 2063 adopted. Advanced for Engrossment	2137
May 17	Correctly Engrossed. ER9093 change	2176
May 20	Final Reading w/E 48-0-1	2321
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 539. By Bohlke, Wickersham

Jan. 19	Read first time	223
Jan. 21	Referred to Revenue Committee	296
Feb. 3	Notice of hearing (2/17)	435
Feb. 19	Placed on General File - Com AM427	658
Feb. 24	Wickersham AM488 to Com AM427 printed	706
Mar. 12	Engel priority bill	951
Apr. 7	Bohlke AM1114 to Com AM427 printed	1350

Apr. 14	Com AM427 p. 658 adopted as amended by Bohlke pending AM1114 p. 1350. Wickersham AM488 p. 706 withdrawn. Advanced for Review	1452
Apr. 19	Placed on Select File - AM7125	1511
Apr. 26	Bohlke AM1483 to AM7125 printed	1710
Apr. 27	AM7125 (E & R) p. 1511 adopted. Bohlke AM1483 p. 1710 withdrawn. Advanced for Engrossment	1714
Apr. 27	Correctly Engrossed	1737
Apr. 29	Final Reading 44-0-5	1784
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 540. By Bohlke

Jan. 19	Read first time	223
Jan. 21	Referred to Education Committee	296
Jan. 25	Notice of hearing (2/1)	333

LEGISLATIVE BILL 541. By Bohlke

Jan. 19	Read first time	223
Jan. 21	Referred to Education Committee	296
Jan. 25	Notice of hearing (2/2)	338
Jan. 27	Bohlke motion to suspend rules to allow cancellation of hearing prevailed	358
Jan. 28	Notice of hearing (2/2) (canceled)	387
Feb. 8	Notice of hearing (3/9) (rescheduled)	478

LEGISLATIVE BILL 542. By Bohlke

Jan. 19	Read first time	223
Jan. 21	Referred to Education Committee	296
Feb. 4	Notice of hearing (2/22)	443
Feb. 26	Placed on General File	764
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 542 amended into LB 816 by AM1317

LEGISLATIVE BILL 543. By Bohlke

Jan. 19	Read first time	223
Jan. 21	Referred to Education Committee	296
Feb. 4	Notice of hearing (2/22)	443
Feb. 26	Placed on General File - Com AM451	764

Mar. 16	Speaker priority bill	1000
Mar. 30	Bohlke AM1004 to Com AM451 printed	1266
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 543 amended into LB 816 by AM1317)

LEGISLATIVE BILL 544. By Bohlke

Jan. 19	Read first time	223
Jan. 21	Referred to Education Committee	296
Feb. 4	Notice of hearing (3/2)	443

LEGISLATIVE BILL 545. By Bohlke

Jan. 19	Read first time	223
Jan. 21	Referred to Nebraska Retirement Systems Committee	296
Feb. 10	Notice of hearing (2/17)	505

LEGISLATIVE BILL 546. By Bohlke

Jan. 19	Read first time	224
Jan. 21	Referred to Transportation Committee	296
Feb. 9	Notice of hearing (3/9)	495

LEGISLATIVE BILL 547. By Coordsen

Jan. 19	Read first time	224
Jan. 21	Referred to Transportation Committee	296
Feb. 4	Notice of hearing (2/23)	442
Feb. 25	Indefinitely postponed	720

LEGISLATIVE BILL 548. By D. Pederson, Bohlke, Price, Suttle

Jan. 19	Read first time	224
Jan. 21	Referred to Health and Human Services Committee	296
Jan. 26	Notice of hearing (2/3)	348
Mar. 11	D. Pederson priority bill	937
Mar. 15	Placed on General File - Com AM699	964
Apr. 1	D. Pederson AM1079 to Com AM699 printed	1314
Apr. 7	Com AM699 p. 964 adopted as amended by D. Pederson pending AM1079 p. 1314. Advanced for Review	1340
Apr. 13	Placed on Select File - AM7112	1420
Apr. 21	D. Pederson AM1344 printed	1593
Apr. 23	AM7112 (E & R) p. 1420 adopted. D. Pederson pending AM1344 p. 1593 adopted. Advanced for Engrossment	1661

Apr. 27	Correctly Engrossed	1726
Apr. 27	ER9064 change	1727
May 6	Final Reading 45-0-4	1900
May 6	President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Approved by Governor (5/12)	2014

LEGISLATIVE BILL 548A. By D. Pederson

Apr. 21	Read first time. Placed on General File	1568
Apr. 26	Advanced for Review	1685
Apr. 26	Placed on Select File	1706
Apr. 29	Advanced for Engrossment	1766
May 3	Correctly Engrossed	1795
May 6	Final Reading 44-0-5	1901
May 6	President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Returned by Governor without approval (5/12)	2014
May 20	Communication	2279

LEGISLATIVE BILL 549. By Hartnett

Jan. 19	Read first time	224
Jan. 21	Referred to Urban Affairs Committee	296
Jan. 26	Notice of hearing (2/2)	347

LEGISLATIVE BILL 550. By Landis

Jan. 19	Read first time	224
Jan. 21	Referred to Banking, Commerce and Insurance Committee	296
Feb. 1	Notice of hearing (2/16)	403
Feb. 17	Placed on General File - Com AM364	597
Feb. 17	Banking, Commerce and Insurance Committee priority bill	599
Mar. 29	Com AM364 p. 597 adopted. Coordsen AM1056 lost. Advanced for Review	1251
Apr. 6	Placed on Select File - AM7095	1324
Apr. 21	Landis-Bromm AM1121 printed separate	1570
Apr. 23	Landis AM1452 printed separate	1681
Apr. 26	Bromm name added	1711
Apr. 29	AM7095 (E & R) p. 1324 adopted. Landis-Bromm AM1121 (printed separate) withdrawn. Landis pending AM1452 (printed separate) adopted. Advanced for Engrossment	1766
May 11	Correctly Engrossed. ER9072 change	1973

May 14	Dispensing of reading at large approved. Final Reading w/E 40-0-9	2138
May 14	Speaker signed	2142
May 17	Presented to Governor (5/14)	2152
May 20	Approved by Governor (5/20)	2307

(Provisions/portions of LB 827 amended into LB 550 by AM1452)

LEGISLATIVE BILL 551. By Landis

Jan. 19	Read first time	225
Jan. 21	Referred to Banking, Commerce and Insurance Committee	296
Feb. 19	Notice of hearing (3/2)	644

LEGISLATIVE BILL 552. By Landis

Jan. 19	Read first time	225
Jan. 21	Referred to Banking, Commerce and Insurance Committee	296
Feb. 1	Notice of hearing (2/16)	403
Feb. 17	Placed on General File	597
Feb. 26	Advanced for Review	750
Mar. 2	Placed on Select File - AM7079	791
Mar. 15	AM7079 (E & R) p. 791 adopted. Advanced for Engrossment	980
Mar. 17	Correctly Engrossed	1027
Mar. 17	ER9029 change	1028
Apr. 23	Dispensing of reading at large approved. Final Reading w/E 43-0-5	1641
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 553. By Landis

Jan. 19	Read first time	225
Jan. 21	Referred to Banking, Commerce and Insurance Committee	296
Feb. 19	Notice of hearing (3/1)	644

LEGISLATIVE BILL 554. By Landis

Jan. 19	Read first time	225
Jan. 21	Referred to Banking, Commerce and Insurance Committee	296
Feb. 19	Notice of hearing (3/1)	644

LEGISLATIVE BILL 555. By Landis

Jan. 19	Read first time	225
Jan. 21	Referred to Banking, Commerce and Insurance Committee	296
Feb. 1	Notice of hearing (2/23)	403

LEGISLATIVE BILL 556. By Kristensen

Jan. 19	Read first time	226
Jan. 21	Referred to Transportation Committee	296
Feb. 10	Notice of hearing (3/1)	516
Mar. 4	Placed on General File	847
Mar. 12	Transportation Committee priority bill	955
Apr. 13	Advanced for Review	1425
Apr. 15	Placed on Select File	1506
Apr. 20	Lynch AM1248 printed	1540
Apr. 22	Kristensen AM1402 printed	1616
May 11	Kiel AM1718 printed	1986
May 12	Lynch pending AM1248 p. 1540 adopted. Kristensen unanimous consent to replace AM1402 p. 1616 with substitute amendment. No objections. Kristensen AM1402 p. 1616 withdrawn. Kristensen substitute AM1403 to AM1248 adopted. Kiel AM1718 p. 1986 withdrawn. Advanced for Engrossment	2049
May 14	Correctly Engrossed. ER9086 change	2132
May 25	Final Reading 36-7-6	2392
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Returned by Governor without approval (5/26)	2410
May 27	Kristensen motion to override veto passed 32-13-4	2435
May 27	Communication	2445
May 27	Certificate	2446

(Provisions/portions of LB 485 amended into LB 556 by AM1248)

LEGISLATIVE BILL 556A. By Kristensen

May 14	Read first time. Placed on General File	2142
May 18	Advanced for Review	2185
May 18	Placed on Select File - AM7153	2199
May 21	AM7153 (E & R) p. 2199 adopted. Advanced for Engrossment	2344
May 21	Correctly Engrossed	2353
May 21	ER9104 change	2354
May 25	Final Reading 36-6-7	2393
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406

May 27	Returned by Governor without approval (5/26)	2410
May 27	Kristensen motion to override veto passed 36-3-10	2436
May 27	Communication	2445
May 27	Certificate	2446

LEGISLATIVE BILL 557. By Jones

Jan. 19	Read first time	226
Jan. 21	Referred to Revenue Committee	296
Feb. 3	Notice of hearing (2/11)	434
Mar. 18	Placed on General File - Com AM855	1064

LEGISLATIVE BILL 558. By Schimek, Chambers, Landis, Wehrbein

Jan. 19	Read first time	226
Jan. 21	Referred to Judiciary Committee	296
Feb. 16	Notice of hearing (2/26)	586

LEGISLATIVE BILL 559. By Kristensen, Thompson

Jan. 19	Read first time	226
Jan. 21	Referred to Transportation Committee	296
Jan. 25	Rereferred to Health and Human Services Committee	327
Feb. 3	Notice of hearing (2/19)	434
Mar. 1	Placed on General File - Com AM418	774
Mar. 12	Jensen priority bill	947
Mar. 17	Jensen name added	1049
Apr. 6	Jensen-Kristensen AM1129 printed	1334
Apr. 7	Com AM418 p. 774 adopted as amended by Jensen-Kristensen pending AM1129 p. 1334. Advanced for Review	1341
Apr. 7	Byars and Jones names added	1352
Apr. 13	Placed on Select File - AM7115	1420
Apr. 21	Kristensen-Jensen AM1383 printed	1587
Apr. 22	Kristensen-Jensen AM1416 printed	1620
Apr. 23	AM7115 (E & R) p. 1420 adopted. Kristensen-Jensen AM1383 p. 1587 withdrawn. Kristensen-Jensen pending AM1416 p. 1620 adopted. Advanced for Engrossment	1661
Apr. 27	Correctly Engrossed	1726
Apr. 27	ER9065 change	1727
Apr. 29	Final Reading 45-0-4	1785
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 560. By Robak

Jan. 19	Read first time	226
Jan. 21	Referred to General Affairs Committee	296
Feb. 9	Notice of hearing (2/22)	501
Feb. 23	Placed on General File	693

LEGISLATIVE BILL 561. By Brown

Jan. 19	Read first time	226
Jan. 21	Referred to Education Committee	296
Jan. 28	Notice of hearing (2/8)	387
Feb. 26	Indefinitely postponed	765

LEGISLATIVE BILL 562. By Brown

Jan. 19	Read first time	227
Jan. 21	Referred to Education Committee	296
Jan. 25	Rereferred to Revenue Committee	327
Feb. 3	Notice of hearing (2/25)	435
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 563. By Brown, Jensen, D. Pederson

Jan. 19	Read first time	227
Jan. 21	Referred to Government, Military and Veterans Affairs Committee	296
Feb. 17	Notice of hearing (3/18)	602
Mar. 29	Indefinitely postponed	1256

LEGISLATIVE BILL 564. By Schmitt, Bohlke

Jan. 19	Read first time	227
Jan. 21	Referred to Education Committee	296
Feb. 4	Notice of hearing (2/23)	443

LEGISLATIVE BILL 565. By Schmitt

Jan. 19	Read first time	227
Jan. 20	Robak name added	294
Jan. 21	Referred to Judiciary Committee	296
Feb. 16	Notice of hearing (3/10)	587

LEGISLATIVE BILL 566. By Schrock, Bruning, Tyson

Jan. 19	Read first time	227
Jan. 21	Referred to Natural Resources Committee	296
Jan. 21	Notice of hearing (1/28)	299
Feb. 9	Placed on General File - Com AM161	499
Feb. 17	Com AM161 p. 499 adopted. Advanced for Review	603

Feb. 19	Placed on Select File - AM7059	627
Feb. 23	AM7059 (E & R) p. 627 adopted. Advanced for Engrossment	691
Mar. 1	Correctly Engrossed	780
Mar. 11	Final Reading 40-1-8	925
Mar. 11	Speaker signed	932
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 567. By Landis

Jan. 19	Read first time	227
Jan. 21	Referred to Judiciary Committee	296
Feb. 16	Notice of hearing (2/25)	586

LEGISLATIVE BILL 568. By Connealy, Hartnett, Janssen, Jones, Raikes, Redfield, Schmitt, Smith

Jan. 19	Read first time	228
Jan. 21	Referred to Natural Resources Committee	296
Feb. 1	Notice of hearing (2/10)	407
Feb. 17	Indefinitely postponed	594

LEGISLATIVE BILL 569. By Hudkins, Crosby, Dw. Pedersen

Jan. 19	Read first time	228
Jan. 21	Referred to Health and Human Services Committee	296
Jan. 21	Hudkins motion to withdraw bill printed	300
Jan. 22	Hudkins pending motion p. 300 to withdraw bill prevailed. Withdrawn	320

LEGISLATIVE BILL 570. By Engel, Vrtiska

Jan. 19	Read first time	228
Jan. 21	Referred to Transportation Committee	296
Jan. 22	Notice of hearing (2/1)	323

LEGISLATIVE BILL 571. By Government, Military and Veterans Affairs Committee

Jan. 19	Read first time	228
Jan. 21	Referred to Government, Military and Veterans Affairs Committee	296
Feb. 10	Notice of hearing (2/19)	515
Feb. 26	Placed on General File - Com AM555	765
Mar. 12	Government, Military and Veterans Affairs Committee priority bill	955
Apr. 28	Robak AM1537 printed	1748
Apr. 28	Bromm-Robak AM1142 printed	1759

May 11	Com AM555 p. 765 adopted. Robak pending AM1537 p. 1748 pending	1967
May 11	Robak pending AM1537 p. 1748 withdrawn. Bromm-Robak pending AM1142 p. 1759 adopted. Stuhr AM1521 adopted. Advanced for Review	1968
May 14	Brashear AM1762 to AM7148 printed	2142
May 17	Placed on Select File - AM7148 (printed separate)	2164
May 19	AM7148 (E & R) (printed separate) adopted. Brashear pending AM1762 p. 2142 adopted. Advanced for Engrossment	2272
May 20	Correctly Engrossed	2340
May 24	Final Reading 47-1-1	2371
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

(Provisions/portions of LB 327 amended into LB 571 by AM1521)
(Provisions/portions of LB 434 amended into LB 571 by Com AM555)
(Provisions/portions of LB 858 amended into LB 571 by Com AM555)

LEGISLATIVE BILL 572. By Government, Military and Veterans Affairs Committee

Jan. 19	Read first time	228
Jan. 21	Referred to Government, Military and Veterans Affairs Committee	296
Feb. 10	Notice of hearing (2/17)	514
Apr. 1	Placed on General File	1313

LEGISLATIVE BILL 573. By Landis

Jan. 19	Read first time	229
Jan. 21	Referred to Agriculture Committee	296
Feb. 19	Notice of hearing (3/2)	660
Mar. 17	Placed on General File - Com AM540	1046
Apr. 1	Com AM540 p. 1046 adopted. Advanced for Review	1311
Apr. 12	Placed on Select File - AM7108	1396
Apr. 15	AM7108 (E & R) p. 1396 adopted. Beutler AM1306 to Com AM540 adopted. Advanced for Engrossment	1495
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading 41-1-6	1673
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 574. By Jensen

Jan. 19	Read first time	229

Jan. 21	Referred to Health and Human Services Committee	296
Feb. 3	Notice of hearing (2/17)	434
Feb. 18	Placed on General File - Com AM386	617
Mar. 3	Jensen AM619 to Com AM386 printed	817
Mar. 8	Com AM386 p. 617 adopted as amended by Jensen pending AM619 p. 817. Advanced for Review	855
Mar. 11	Placed on Select File - AM7082	937
Mar. 17	Jensen FA55 printed	1049
Mar. 18	AM7082 (E & R) p. 937 adopted. Jensen pending FA55 p. 1049 adopted. Advanced for Engrossment	1067
Mar. 22	Correctly Engrossed. ER9035 change	1121
Mar. 24	Chambers-Jensen AM924 printed	1182
Mar. 25	Returned to Select File for Chambers-Jensen specific AM924 p. 1182. Chambers-Jensen specific AM924 p. 1182 adopted. Advanced for Reengrossment	1221
Mar. 30	Correctly Reengrossed	1285
Mar. 30	ER9042 change	1286
Apr. 23	Final Reading w/E 43-0-5	1647
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 575. By Jensen

Jan. 19	Read first time	229
Jan. 21	Referred to Health and Human Services Committee	296
Jan. 26	Notice of hearing (2/10)	348
Feb. 23	Placed on General File - Com AM387	676
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 575 amended into LB 828 by AM1893)

LEGISLATIVE BILL 576. By Schellpeper, Janssen

Jan. 19	Read first time	229
Jan. 21	Referred to General Affairs Committee	296
Jan. 29	Notice of hearing (2/8)	392

LEGISLATIVE BILL 577. By Janssen, Robak

Jan. 19	Read first time	229
Jan. 21	Referred to Judiciary Committee	297
Feb. 2	Notice of hearing (2/10)	425

LEGISLATIVE BILL 578. By Janssen, Schimek

Jan. 19	Read first time	229
Jan. 21	Referred to Government, Military and Veterans Affairs Committee	297
Feb. 3	Notice of hearing (2/12)	437
Feb. 18	Placed on General File	615
Mar. 1	Chambers FA39 adopted. Advanced for Review	779
Mar. 2	Placed on Select File - AM7078	792
Mar. 2	Dw. Pederson name added	798
Mar. 4	Janssen AM661 printed	848
Mar. 18	AM7078 (E & R) p. 792 adopted. Janssen pending AM661 p. 848 adopted. Advanced for Engrossment	1066
Mar. 22	Correctly Engrossed. ER9036 change	1121
Mar. 25	Final Reading 47-0-2	1210
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

LEGISLATIVE BILL 579. By Janssen, Schimek

Jan. 19	Read first time	229
Jan. 21	Referred to Government, Military and Veterans Affairs Committee	297
Feb. 17	Notice of hearing (2/25)	602

LEGISLATIVE BILL 580. By Schimek, Janssen

Jan. 19	Read first time	230
Jan. 21	Referred to Government, Military and Veterans Affairs Committee	297
Feb. 17	Notice of hearing (2/25)	602
Mar. 2	Indefinitely postponed	793

LEGISLATIVE BILL 581. By Janssen, Schimek

Jan. 19	Read first time	230
Jan. 21	Referred to Government, Military and Veterans Affairs Committee	297
Feb. 17	Notice of hearing (2/25)	602
Mar. 2	Placed on General File	793
Apr. 1	Advanced for Review	1308
Apr. 9	Placed on Select File	1367
Apr. 15	Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading 42-0-6	1674
Apr. 23	Speaker signed	1677

Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 582. By Schimek, Janssen

Jan. 19	Read first time	230
Jan. 21	Referred to Government, Military and Veterans Affairs Committee	297
Feb. 17	Notice of hearing (2/25)	602
Mar. 2	Placed on General File - Com AM560	793

LEGISLATIVE BILL 583. By Bromm

Jan. 19	Read first time	230
Jan. 21	Referred to Transportation Committee	297
Jan. 29	Notice of hearing (2/8)	397

LEGISLATIVE BILL 584. By Bromm

Jan. 19	Read first time	230
Jan. 21	Referred to Transportation Committee	297
Feb. 9	Notice of hearing (3/2)	496
Mar. 19	Placed on General File - Com AM854	1077

LEGISLATIVE BILL 585. By Bromm

Jan. 19	Read first time	230
Jan. 21	Referred to Transportation Committee	297
Jan. 29	Notice of hearing (2/8)	397
Mar. 10	Bromm priority bill	886
Mar. 22	Placed on General File - Com AM858	1134
Mar. 23	Hudkins AM955 printed	1166
Mar. 30	Chair sustained request for division of question on Com AM858 p. 1134. Com FA82 (1st) pending	1287
Mar. 31	Com FA82 (1st) p. 1288 adopted as amended by Chambers FA86 and Bromm FA87. Beutler FA88 to Com FA82 (1st) withdrawn. Com FA83 (2nd) pending. Chambers FA89 to Com FA83 (2nd) adopted	1290
Mar. 31	Com FA83 (2nd) p. 1291 adopted as amended. Com FA84 (3rd) pending. Chambers FA91 to Com FA84 (3rd) lost	1294
Mar. 31	Chambers FA92 to Com FA84 (3rd) withdrawn. Com FA84 (3rd) p. 1294 lost. Com FA85 (4th) pending	1298
Mar. 31	Hilgert AM1088 to Com FA85 (4th) printed	1299
Mar. 31	Chambers FA90 to Com FA85 (4th) printed	1300
Mar. 31	Com FA85 (4th) p. 1298 pending. Chambers pending FA90 p. 1300 to Com FA85 (4th) pending	1301

Apr. 1	Chambers FA90 p. 1300 and Hilgert AM1088 p. 1299 to Com FA85 (4th) withdrawn. Com FA85 (4th) p. 1298 lost. Advanced for Review	1317
Apr. 13	Placed on Select File - AM7094 (printed separate)	1407
Apr. 22	Tyson AM1389 to AM7094 printed	1633
Apr. 23	Bromm AM1430 to AM7094 printed	1680
Apr. 27	Bromm-Beutler AM1489 to AM7094 printed	1728
May 13	AM7094 (E & R) (printed separate) adopted. Hudkins pending AM955 p. 1166 pending	2072
May 13	Hudkins FA209 withdrawn. Hudkins AM955 p. 1166 withdrawn. Bromm pending AM1430 p. 1680 adopted	2081
May 13	Bromm-Beutler pending AM1489 p. 1728 adopted. Tyson pending AM1389 p. 1633 lost. Advanced for Engrossment	2089
May 17	Correctly Engrossed	2145
May 17	ER9088 change	2149
May 18	Bromm AM1853 printed	2202
May 20	Returned to Select File for Bromm specific AM1853 p. 2202. Bromm specific AM1853 p. 2202 adopted. Advanced for Reengrossment	2335
May 21	Correctly Reengrossed	2351
May 24	Motion to return to Select File for Schimek specific AM1924 withdrawn	2368
May 25	Final Reading 46-0-3	2393
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

(Provisions/portions of LB 445 amended into LB 585 by Com FA82)
(Provisions/portions of LB 586 amended into LB 585 by Com FA83)

LEGISLATIVE BILL 586. By Bromm

Jan. 19	Read first time	230
Jan. 21	Referred to Transportation Committee	297
Jan. 29	Notice of hearing (2/8)	397

(Provisions/portions of LB 586 amended into LB 585 by Com FA83)

LEGISLATIVE BILL 587. By Bromm

Jan. 19	Read first time	231
Jan. 21	Referred to Transportation Committee	297
Feb. 9	Notice of hearing (3/16)	495

LEGISLATIVE BILL 588. By Bromm

Jan. 19	Read first time	231
Jan. 21	Referred to Transportation Committee	297

Feb. 4	Notice of hearing (2/23)	442
Mar. 18	Indefinitely postponed	1054

(Provisions/portions of LB 588 amended into LB 704 by Com FA78)

LEGISLATIVE BILL 589. By Bromm

Jan. 19	Read first time	231
Jan. 21	Referred to Transportation Committee	297
Feb. 4	Notice of hearing (2/23)	442
Mar. 18	Indefinitely postponed	1054

(Provisions/portions of LB 589 amended into LB 704 by Com FA78)
(Provisions/portions of LB 589 amended into LB 704 by Com FA79)
(Provisions/portions of LB 589 amended into LB 704 by Com FA80)

LEGISLATIVE BILL 590. By Bromm, Preister

Jan. 19	Read first time	231
Jan. 22	Referred to Urban Affairs Committee	304
Jan. 29	Notice of hearing (2/9)	397

LEGISLATIVE BILL 591. By Bromm, Kristensen

Jan. 19	Read first time	231
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 592. By Beutler, Bruning, Kiel

Jan. 19	Read first time	232
Jan. 22	Referred to Natural Resources Committee	304
Jan. 27	Notice of hearing (2/4)	366
Mar. 16	Speaker priority bill	1000
Mar. 24	Placed on General File - Com AM970	1189
May 21	Com AM970 p. 1189 lost. Beutler-Connealy-Schrock AM1904 adopted. Advanced for Review	2344
May 21	Preister AM1905 to AM1904 printed	2351
May 24	Placed on Select File - AM7158	2359
May 24	AM7158 (E & R) p. 2359 adopted. Preister pending AM1905 p. 2351 adopted. Advanced for Engrossment	2365
May 24	Correctly Engrossed. ER9107 change	2367
May 24	Preister name added	2381
May 27	Final Reading w/E 48-0-1	2424
May 27	President signed	2445
May 27	Presented to Governor (5/27)	2446
May 27	Approved by Governor (5/27)	2447

LEGISLATIVE BILL 593. By Robak, Bourne, Byars, Cudaback, Dierks, Matzke, D. Pederson, Schmitt, Suttle, Vrtiska

Jan. 19	Read first time	232
Jan. 22	Referred to Judiciary Committee	304
Jan. 27	Robak AM39 printed	367
Feb. 16	Notice of hearing (3/10)	587

LEGISLATIVE BILL 594. By Health and Human Services Committee

Jan. 19	Read first time	232
Jan. 22	Referred to Health and Human Services Committee	304
Jan. 26	Notice of hearing (2/10)	348
Feb. 23	Placed on General File - Com AM455	677
Mar. 12	Health and Human Services Committee priority bill	947
Mar. 31	Lynch AM1093 printed	1297
Apr. 6	Engel AM1110 printed	1328
Apr. 7	Com AM455 p. 677 adopted. Lynch pending AM1093 p. 1297 adopted. Engel pending AM1110 p. 1328 adopted. Advanced for Review	1350
Apr. 15	Placed on Select File - AM7120 (printed separate)	1486
Apr. 22	Bohlke AM1277 to AM7120 printed	1612
Apr. 23	Dierks AM1366 printed separate	1679
Apr. 26	Jensen AM1475 to AM7120 printed	1709
Apr. 27	Jensen AM1490 printed separate. Suttle-Jensen AM1506 printed separate	1720
May 4	Suttle-Jensen AM1589 to AM7120 printed	1815
May 4	Jensen AM1603 printed separate	1821
May 5	AM7120 (E & R) (printed separate) adopted. Bohlke pending AM1277 p. 1612 adopted. Dierks AM1366 (printed separate) and Jensen AM1475 p. 1709 withdrawn. Jensen unanimous consent to replace pending AM1490 (printed separate) with substitute amendment. No objections. Jensen AM1490 (printed separate) withdrawn. Jensen substitute pending AM1603 (printed separate) adopted. Suttle-Jensen AM1506 (printed separate) withdrawn. Suttle-Jensen AM1589 p. 1815 adopted. Landis AM1640 (on file) adopted. Advanced for Engrossment	1879
May 12	Correctly Engrossed. ER9081 change	2050
May 19	Wehrbein-Byars AM1903 printed	2266
May 20	Wehrbein motion to return to Select File for Wehrbein-Byars specific AM1903 p. 2266 withdrawn. Dispensing of reading at large approved	2335
May 20	Final Reading w/E 44-3-2	2336
May 20	Speaker signed	2339

May 21	Presented to Governor (5/20)	2343
May 25	Approved by Governor (5/25)	2405

(Provisions/portions of LB 332 amended into LB 594 by AM1640)
(Provisions/portions of LB 494 amended into LB 594 by AM1589)
(Provisions/portions of LB 518 amended into LB 594 by AM1093)
(Provisions/portions of LB 616 amended into LB 594 by AM1110)
(Provisions/portions of LB 698 amended into LB 594 by AM1589)
(Provisions/portions of LB 757 amended into LB 594 by AM1589)
(Provisions/portions of LB 797 amended into LB 594 by AM1603)
(Provisions/portions of LB 799 amended into LB 594)
(Provisions/portions of LB 820 amended into LB 594 by AM1277)

LEGISLATIVE BILL 594A. By Jensen

Mar. 24	Read first time. Placed on General File	1187
Apr. 7	Advanced for Review	1350
Apr. 15	Placed on Select File	1486
Apr. 22	Lynch AM1270 printed	1633
May 5	Lynch pending AM1270 p. 1633 adopted. Jensen-Bohlke AM1486 adopted. Advanced for Engrossment	1880
May 11	Wehrbein AM1694 printed	1950
May 12	Correctly Engrossed	2050
May 12	ER9080 change	2052
May 14	Returned to Select File for Wehrbein specific AM1694 p. 1950. Wehrbein specific AM1694 p. 1950 adopted. Advanced for Reengrossment	2137
May 17	Correctly Reengrossed	2176
May 20	Final Reading w/E 43-0-6	2337
May 20	Speaker signed	2339
May 21	Presented to Governor (5/20)	2343
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 595. By Wehrbein, Coordsen

Jan. 19	Read first time	232
Jan. 22	Referred to Transportation Committee	304
Feb. 4	Notice of hearing (2/22)	442
Feb. 16	Cudaback name added	588

LEGISLATIVE BILL 596. By Bohlke

Jan. 19	Read first time	233
Jan. 22	Referred to Education Committee	304
Jan. 25	Notice of hearing (2/2)	338
Feb. 10	Placed on General File - Com AM282	523
Feb. 17	Com AM282 p. 523 adopted. Advanced for Review	603
Feb. 19	Placed on Select File - AM7060	628

Feb. 23	AM7060 (E & R) p. 628 adopted. Advanced for Engrossment	691
Mar. 1	Correctly Engrossed	780
Mar. 11	Final Reading 39-0-10	926
Mar. 11	Speaker signed	932
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 597. By Chambers

Jan. 19	Read first time	233
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (2/24)	586

LEGISLATIVE BILL 598. By Chambers

Jan. 19	Read first time	233
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (3/10)	587

LEGISLATIVE BILL 599. By Chambers

Jan. 19	Read first time	233
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (2/24)	586

LEGISLATIVE BILL 600. By Raikes, Jensen

Jan. 19	Read first time	233
Jan. 22	Referred to Revenue Committee	304
Feb. 3	Notice of hearing (2/18)	435
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 601. By Raikes, Jensen, D. Pederson

Jan. 19	Read first time	233
Jan. 22	Referred to Revenue Committee	304
Feb. 3	Notice of hearing (2/18)	435
Feb. 23	Dw. Pedersen name added	693
Feb. 25	Smith name added	726

LEGISLATIVE BILL 602. By Raikes

Jan. 19	Read first time	233
Jan. 22	Referred to Education Committee	304
Feb. 4	Notice of hearing (2/16)	443

LEGISLATIVE BILL 603. By Beutler, Schimek

Jan. 19	Read first time	233
Jan. 22	Referred to Natural Resources Committee	304

Feb. 24	Notice of hearing (3/11)	703
Mar. 19	Indefinitely postponed	1107

LEGISLATIVE BILL 604. By Dierks

Jan. 19	Read first time	234
Jan. 22	Referred to Government, Military and Veterans Affairs Committee	304
Feb. 17	Notice of hearing (3/4)	602
Mar. 12	Placed on General File	955

LEGISLATIVE BILL 605. By Stuhr

Jan. 19	Read first time	234
Jan. 22	Referred to Revenue Committee	304
Feb. 10	Notice of hearing (3/4)	515
Mar. 12	Schrock priority bill	951
Mar. 15	Placed on General File - Com AM771	971
Apr. 15	Stuhr AM1280 to Com AM771 printed	1471
Apr. 20	Stuhr AM1362 printed	1546
Apr. 21	Com AM771 p. 971 lost	1567
Apr. 21	Stuhr AM1280 p. 1471 and AM1362 p. 1546 withdrawn. Stuhr - D. Pederson - Schrock - Wehrbein AM1380 adopted. Beutler AM1386 and AM1387 to AM1380 lost. Chair ruled Beutler AM1370 to AM1380 not germane. Beutler AM1372 to AM1380 withdrawn. Advanced for Review	1578
Apr. 21	D. Pederson name added	1601
Apr. 22	Placed on Select File - AM7129	1618
Apr. 26	Attorney General's Opinion #99018 to Schrock	1696
Apr. 27	Schrock AM1504 to AM1380 printed	1719
Apr. 28	Schrock AM1526 to AM1380 printed	1747
May 5	Stuhr AM1586 to AM1380 printed	1887
May 6	Wickersham AM1628 to AM1380 printed	1911
May 11	Raikes-Beutler AM1630 to AM1380 printed	1979
May 12	Stuhr AM1734 to AM1380 printed	2056
May 12	Beutler-Raikes AM1753 to AM1380 printed	2057
May 13	AM7129 (E & R) p. 1618 adopted. Schrock AM1504 p. 1719 and AM1526 p. 1747 withdrawn. Stuhr unanimous consent to replace pending AM1586 p. 1887 with substitute amendment. No objections. Stuhr AM1586 p. 1887 withdrawn. Stuhr substitute pending AM1734 p. 2056 adopted. Wickersham pending AM1628 p. 1911 lost. Raikes-Beutler pending AM1630 p. 1979 adopted. Beutler-Raikes pending AM1753 p. 2057 adopted. Advanced for Engrossment	2126

May 17	Correctly Engrossed	2170
May 17	ER9091 change	2171
May 20	Final Reading 47-1-1	2322
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 606. By Stuhr

Jan. 19	Read first time	234
Jan. 22	Referred to Natural Resources Committee	304
Feb. 8	Notice of hearing (2/17)	484
Mar. 2	Placed on General File	795

LEGISLATIVE BILL 607. By Kiel, Beutler, Bourne, Bruning, Connealy, Crosby, Hartnett, Hilgert, Hudkins, Jensen, Preister, Price, Robak, Schimek, Smith, Suttle, Thompson, Vrtiska

Jan. 19	Read first time	234
Jan. 22	Referred to Urban Affairs Committee	304
Jan. 26	Notice of hearing (2/2)	347

LEGISLATIVE BILL 608. By Matzke, Dierks, Hilgert, Kristensen, D. Pederson, Preister, Redfield, Vrtiska, Wehrbein

Jan. 19	Read first time	234
Jan. 22	Referred to Business and Labor Committee	304
Jan. 25	Notice of hearing (2/1)	337
Feb. 16	Bruning name added	588
Mar. 10	Quandahl name added	897
Mar. 11	Placed on General File - Com AM744	913
Mar. 11	Matzke priority bill	914
Mar. 15	Chair sustained request for division of question on Com AM744 p. 913. Com FA50 (1st) adopted. Com FA51 (2nd) lost. Beutler motion to indefinitely postpone withdrawn	978
Mar. 15	Beutler FA52 withdrawn. Advanced for Review	980
Mar. 16	Placed on Select File - AM7085	1010
Apr. 9	AM7085 (E & R) p. 1010 adopted. Hilgert AM1174 adopted. Advanced for Engrossment	1360
Apr. 14	Correctly Engrossed	1435
Apr. 14	ER9045 change	1436
Apr. 23	Dispensing of reading at large approved. Final Reading w/E 39-2-7	1650
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679

Apr. 28	Approved by Governor (4/28)	1752

(Provisions/portions of LB 164 amended into LB 608 by AM1174)

LEGISLATIVE BILL 609. By Thompson

Jan. 19	Read first time	234
Jan. 22	Referred to Judiciary Committee	304
Feb. 2	Notice of hearing (2/10)	425

LEGISLATIVE BILL 610. By Thompson

Jan. 19	Read first time	235
Jan. 22	Referred to Judiciary Committee	304
Feb. 2	Notice of hearing (2/10)	425
Mar. 17	Indefinitely postponed	1045

LEGISLATIVE BILL 611. By Thompson

Jan. 19	Read first time	235
Jan. 22	Referred to Judiciary Committee	304
Feb. 2	Notice of hearing (2/10)	425
Mar. 4	Indefinitely postponed	848

LEGISLATIVE BILL 612. By Baker, Coordsen

Jan. 19	Read first time	235
Jan. 22	Referred to Judiciary Committee	304
Jan. 27	Notice of hearing (2/3)	366
Feb. 16	Placed on General File	579
Feb. 22	Advanced for Review	664
Feb. 22	Beutler FA28 printed	668
Feb. 25	Placed on Select File	724
Mar. 4	Beutler FA28 p. 668 withdrawn. Beutler motion to indefinitely postpone laid over	840
Mar. 4	Kristensen AM658 printed	849
Mar. 10	Beutler motion p. 841 to indefinitely postpone and Kristensen AM658 p. 849 withdrawn	895
Mar. 11	Bromm motion to bracket to 1/10/2000 printed	935
Mar. 17	Bromm pending motion p. 935 to bracket until 1/10/2000 prevailed	1040

LEGISLATIVE BILL 613. By Baker

Jan. 19	Read first time	235
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (3/10)	587

LEGISLATIVE BILL 614. By Beutler

Jan. 19	Read first time	235

Jan. 20	Hilgert name added	294
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 615. By Beutler

Jan. 19	Read first time	235
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 616. By Engel, Connealy, Dierks, Schellpeper

Jan. 19	Read first time	235
Jan. 22	Referred to Health and Human Services Committee	304
Feb. 3	Notice of hearing (2/19)	434
Feb. 22	Placed on General File	668
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 616 amended into LB 594 by AM1110)

LEGISLATIVE BILL 617. By Kristensen

Jan. 19	Read first time	235
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (3/12)	587
Feb. 24	Notice of hearing (3/12) (canceled) Notice of hearing (3/19) (rescheduled)	707

LEGISLATIVE BILL 618. By Schimek

Jan. 19	Read first time	236
Jan. 22	Referred to Banking, Commerce and Insurance Committee	304
Feb. 1	Notice of hearing (2/9)	403
Mar. 4	Placed on General File - Com AM349	832
Apr. 1	Com AM349 p. 832 adopted. Advanced for Review	1309
Apr. 9	Placed on Select File - AM7103	1370
Apr. 15	AM7103 (E & R) p. 1370 adopted. Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading 41-0-7	1675
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 619. By Bruning

Jan. 19	Read first time	236
Jan. 22	Referred to Business and Labor Committee	304
Jan. 25	Notice of hearing (2/1)	337
Jan. 27	Wehrbein name added	378
Feb. 11	Indefinitely postponed	530

LEGISLATIVE BILL 620. By Bruning

Jan. 19	Read first time	236
Jan. 22	Referred to Nebraska Retirement Systems Committee	304
Mar. 1	Notice of hearing (3/9)	771
Mar. 29	Indefinitely postponed	1249

LEGISLATIVE BILL 621. By Smith, Baker, Bruning, Byars, Connealy, Coordsen, Crosby, Cudaback, Dierks, Hartnett, Hudkins, Kremer, Kiel, Kristensen, Matzke, Dw. Pedersen, D. Pederson, Price, Quandahl, Redfield, Robak, Schellpeper, Schimek, Schmitt, Stuhr, Tyson, Vrtiska

Jan. 19	Read first time	236
Jan. 22	Referred to Judiciary Committee	304
Feb. 2	Notice of hearing (2/12)	426
Feb. 26	Placed on General File	759
Mar. 16	Speaker priority bill	1000
Apr. 1	Advanced for Review	1308
Apr. 7	Placed on Select File	1349
Apr. 15	Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 41-0-7	1675
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 621A. By Smith

Mar. 2	Read first time. Placed on General File	795
Apr. 1	Advanced for Review	1308
Apr. 7	Placed on Select File	1349
Apr. 15	Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 41-0-7	1676
Apr. 23	Speaker signed	1677
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 622. By Brashear

Jan. 19	Read first time	237
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (3/12)	587
Feb. 24	Notice of hearing (3/12) (canceled)	707
Feb. 24	Notice of hearing (3/19) (rescheduled)	708
Mar. 29	Placed on General File	1249
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 622 amended into LB 43 by AM1118)

LEGISLATIVE BILL 623. By Brashear

Jan. 19	Read first time	237
Jan. 22	Referred to Judiciary Committee	304
Feb. 16	Notice of hearing (3/10)	587
Mar. 12	Judiciary Committee priority bill	954
Mar. 17	Placed on General File - Com AM760	1045
Apr. 12	Com AM760 p. 1045 adopted. Advanced for Review	1400
Apr. 15	Placed on Select File - AM7121	1486
Apr. 29	AM7121 (E & R) p. 1486 adopted. Advanced for Engrossment	1770
May 4	Correctly Engrossed	1836
May 6	Final Reading 42-0-7	1904
May 6	President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Approved by Governor (5/12)	2014

LEGISLATIVE BILL 624. By Brashear

Jan. 19	Read first time	237
Jan. 22	Referred to Judiciary Committee	304
Jan. 22	Notice of hearing (1/29)	323

LEGISLATIVE BILL 625. By Brashear

Jan. 19	Read first time	237
Jan. 22	Referred to Judiciary Committee	305
Jan. 22	Notice of hearing (1/29)	323

LEGISLATIVE BILL 626. By Brashear

Jan. 19	Read first time	237
Jan. 22	Referred to Banking, Commerce and Insurance Committee	305

Feb. 19	Notice of hearing (3/1)	644
Mar. 3	Placed on General File	819

LEGISLATIVE BILL 627. By Brashear

Jan. 19	Read first time	237
Jan. 22	Referred to Judiciary Committee	305
Jan. 22	Notice of hearing (1/29)	323

LEGISLATIVE BILL 628. By Brashear

Jan. 19	Read first time	237
Jan. 22	Referred to Government, Military and Veterans Affairs Committee	305
Jan. 27	Notice of hearing (2/4)	354

LEGISLATIVE BILL 629. By Crosby

Jan. 19	Read first time	237
Jan. 22	Referred to Health and Human Services Committee	305
Feb. 3	Notice of hearing (2/26)	434
Apr. 12	Placed on General File - Com AM1122	1393

LEGISLATIVE BILL 629A. By Crosby

Apr. 27	Read first time. Placed on General File	1717

LEGISLATIVE BILL 630. By Wehrbein, Dierks, Jones, Schellpeper

Jan. 19	Read first time	238
Jan. 22	Referred to Revenue Committee	305
Feb. 3	Notice of hearing (2/17)	435
Mar. 11	Wehrbein priority bill	937
Apr. 1	Placed on General File - Com AM1108	1312
Apr. 12	Com AM1108 p. 1312 pending	1400
Apr. 12	Com AM1108 p. 1312 adopted as amended by Brashear AM1213. Advanced for Review	1403
Apr. 15	Placed on Select File - AM7123 (printed separate)	1506
Apr. 21	Wehrbein AM1369 printed	1594
Apr. 23	Wehrbein AM1455 printed separate	1681
Apr. 26	AM7123 (E & R) (printed separate) adopted. Wehrbein AM1369 p. 1594 and AM1455 (printed separate) withdrawn. Wehrbein AM1477 (printed separate) adopted as amended by Wehrbein FA118. Wickersham AM1478 lost as amended by Wickersham FA119 and FA121. Redfield FA120 lost. Wehrbein FA122 adopted. Advanced for Engrossment	1698
Apr. 27	Correctly Engrossed. ER9069 change	1737
May 20	Final Reading 30-6-13	2323

May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 630A. By Wehrbein

Apr. 28	Read first time. Placed on General File	1762
May 3	Advanced for Review	1791
May 3	Placed on Select File	1803
May 5	Advanced for Engrossment	1852
May 6	Correctly Engrossed	1913
May 20	Final Reading 35-7-7	2324
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 631. By Kristensen, Chambers

Jan. 19	Read first time	238
Jan. 22	Referred to Education Committee	305
Jan. 28	Notice of hearing (2/8)	387

LEGISLATIVE BILL 632. By Dw. Pedersen

Jan. 19	Read first time	238
Jan. 22	Referred to Transportation Committee	305
Jan. 25	Notice of hearing (2/2)	338
Feb. 4	Placed on General File	439
Feb. 9	Advanced for Review	498
Feb. 16	Placed on Select File - AM7044	575
Mar. 18	AM7044 (E & R) p. 575 adopted. Bromm-Dw. Pedersen AM413 adopted. Advanced for Engrossment	1059
Mar. 19	Correctly Engrossed	1106
Mar. 19	ER9032 change	1107
Mar. 25	Dispensing of reading at large approved. Final Reading 46-0-3	1206
Mar. 25	President signed	1211
Mar. 25	Presented to Governor (3/25)	1222
Mar. 31	Approved by Governor (3/30)	1289

(Provisions/portions of LB 229 amended into LB 632 by AM413)

LEGISLATIVE BILL 633. By Kiel, Bourne, Brown, Bruning, Hudkins, Janssen, Jensen, Lynch, Dw. Pedersen, C. Peterson, Preister, Price, Quandahl, Redfield, Robak, Schimek, Schrock, Smith, Stuhr, Suttle, Thompson

Jan. 19	Read first time	238

Jan. 22	Referred to Judiciary Committee	305
Feb. 2	Notice of hearing (2/12)	426

LEGISLATIVE BILL 634. By Kiel, Beutler, Bruning, Hudkins, Jensen, Dw. Pedersen, Raikes, Redfield, Robak, Schimek, Schrock, Smith, Stuhr, Suttle, Thompson

Jan. 19	Read first time	238
Jan. 22	Referred to Education Committee	305
Feb. 4	Notice of hearing (3/8)	443
Feb. 22	Kiel motion to withdraw bill printed	666
Feb. 23	Kiel pending motion p. 666 to withdraw bill prevailed. Withdrawn	678
Feb. 23	Notice of hearing (3/8) (canceled)	685

LEGISLATIVE BILL 635. By Stuhr

Jan. 19	Read first time	239
Jan. 22	Referred to Revenue Committee	305
Feb. 3	Notice of hearing (2/10)	434
Feb. 19	Indefinitely postponed	659

LEGISLATIVE BILL 636. By Raikes, Kiel, Price, Schimek

Jan. 19	Read first time	239
Jan. 22	Referred to Revenue Committee	305
Feb. 3	Notice of hearing (2/18)	435
Mar. 12	Indefinitely postponed	955

LEGISLATIVE BILL 637. By Brown, Beutler, Jensen, Wehrbein

Jan. 19	Read first time	239
Jan. 22	Referred to Judiciary Committee	305
Jan. 27	Notice of hearing (2/3)	366
Mar. 11	Brown priority bill	914
Apr. 12	Placed on General File	1399
Apr. 13	Brown AM1021 printed	1422
Apr. 19	Brown pending AM1021 p. 1422 pending. Chambers motion to bracket until 1/5/2000 pending	1519
Apr. 19	Chambers pending motion p. 1519 to bracket until 1/5/2000 pending	1523
Apr. 19	Chambers pending motion p. 1519 to bracket until 1/5/2000 failed	1527
Apr. 19	Brown pending AM1021 p. 1422 withdrawn. Beutler AM1347 adopted	1529
Apr. 19	Beutler AM1343 adopted. Beutler AM1329 lost	1531
Apr. 19	Beutler AM1327, Bohlke FA102, and Baker AM1325 printed	1535

Apr. 20	Bohlke FA102 p. 1535 withdrawn. Brown request for division of question on Baker pending AM1325 p. 1535 pending. Chambers motion to bracket until 5/24/1999 withdrawn. Baker unanimous consent to replace pending AM1325 p. 1535 with substitute amendment. Brown objected. Baker motion to replace pending AM1325 p. 1535 with substitute amendment. Brown objection withdrawn. Baker unanimous consent to replace pending AM1325 p. 1535 with substitute amendment. No objections. Baker AM1325 p. 1535 withdrawn. Bohlke substitute reoffered FA102 p. 1535 adopted. Brown AM1353 to FA102 withdrawn. Beutler AM1327 p. 1535 withdrawn. Advanced for Review	1538
Apr. 20	Brown AM1363 printed separate	1545
Apr. 21	Placed on Select File - AM7126	1553
Apr. 27	Brown AM1502 printed separate	1720
May 12	Kristensen-Janssen-Jensen-Baker-Bohlke AM1770 to AM1363 printed	2063
May 13	AM7126 (E & R) p. 1553 adopted. Kristensen et al. AM1770 p. 2063 withdrawn. Brown unanimous consent to replace pending AM1363 (printed separate) with substitute amendment. No objections. Brown AM1363 (printed separate) withdrawn. Brown substitute AM1775 (on file) pending	2095
May 13	Brown pending AM1775 (on file) pending. Kristensen-Janssen-Baker-Jensen-Bohlke AM1786 to AM1775 pending	2102
May 13	Kristensen et al. AM1786 p. 2102 withdrawn	2110
May 13	Kristensen-Janssen-Baker-Jensen-Brown-Bohlke AM1797 to AM1775 adopted. Beutler FA222 to AM1797 withdrawn. Chambers FA224 to AM1797 adopted. Brown pending AM1775 (on file) adopted as amended. Brown pending AM1502 (printed separate) withdrawn. Advanced for Engrossment	2111
May 17	Correctly Engrossed	2145
May 17	ER9090 change	2151
May 21	Kristensen AM1921 printed	2351
May 24	Motion to return to Select File for Kristensen specific AM1921 p. 2351 withdrawn	2366
May 25	Final Reading w/E 40-2-7	2394
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 637A. By Brown

May 18	Read first time. Placed on General File	2196
May 19	Baker AM1885 adopted. Baker AM1886 withdrawn. Advanced for Review	2250
May 19	Placed on Select File	2259
May 21	Wehrbein-Brown AM1918 adopted. Advanced for Engrossment	2344
May 21	Correctly Engrossed	2353
May 25	Final Reading w/E 37-1-11	2395
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 638. By Thompson, Dw. Pedersen

Jan. 19	Read first time	239
Jan. 22	Referred to Judiciary Committee	305
Feb. 9	Notice of hearing (2/17)	497

(Provisions/portions of LB 638 amended into LB 865 by Com AM1566)

LEGISLATIVE BILL 639. By Thompson, Robak

Jan. 19	Read first time	239
Jan. 22	Referred to Natural Resources Committee	305
Feb. 24	Notice of hearing (3/12)	703

LEGISLATIVE BILL 640. By Thompson

Jan. 19	Read first time	239
Jan. 22	Referred to Urban Affairs Committee	305
Feb. 1	Notice of hearing (3/2)	404
Mar. 22	Placed on General File	1140
Apr. 1	Advanced for Review	1311
Apr. 13	Placed on Select File	1405
Apr. 15	Advanced for Engrossment	1495
Apr. 19	Correctly Engrossed	1533
Apr. 23	Final Reading w/E 40-0-8	1677
Apr. 23	Speaker signed	1679
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 641. By Thompson, Bromm, Jensen, Schrock

Jan. 19	Read first time	240
Jan. 22	Referred to Transportation Committee	305
Feb. 9	Notice of hearing (3/9)	495

LEGISLATIVE BILL 642. By Kiel

Jan. 19	Read first time	240
Jan. 22	Referred to Government, Military and Veterans Affairs Committee	305
Feb. 17	Notice of hearing (3/12)	602
Mar. 29	Indefinitely postponed	1256

LEGISLATIVE BILL 643. By Kiel

Jan. 19	Read first time	240
Jan. 22	Referred to Transportation Committee	305
Feb. 10	Notice of hearing (3/1)	516
Mar. 4	Placed on General File	847

LEGISLATIVE BILL 644. By Kiel

Jan. 19	Read first time	240
Jan. 22	Referred to Health and Human Services Committee	305
Feb. 3	Notice of hearing (2/25)	434
Mar. 1	Placed on General File - Com AM499	774

LEGISLATIVE BILL 645. By Raikes, Connealy, Hartnett

Jan. 19	Read first time	240
Jan. 22	Referred to Revenue Committee	305
Feb. 3	Notice of hearing (2/25)	435
Mar. 8	Indefinitely postponed	859

LEGISLATIVE BILL 646. By Raikes, Price

Jan. 19	Read first time	240
Jan. 22	Referred to Education Committee	305
Feb. 4	Notice of hearing (3/1)	443
Mar. 8	Indefinitely postponed	857

LEGISLATIVE BILL 647. By Schellpeper

Jan. 19	Read first time	241
Jan. 22	Referred to General Affairs Committee	305
Feb. 9	Notice of hearing (2/22)	501
Feb. 23	Placed on General File	693

LEGISLATIVE BILL 648. By Raikes, Engel

Jan. 19	Read first time	241
Jan. 22	Referred to Revenue Committee	305
Feb. 3	Notice of hearing (2/11)	434

LEGISLATIVE BILL 649. By Kiel

Jan. 19	Read first time	241

Jan. 22	Referred to Judiciary Committee	305
Feb. 2	Notice of hearing (2/11)	426
Feb. 16	Indefinitely postponed	583

LEGISLATIVE BILL 650. By Vrtiska, Brown, Bruning, Byars, Coordsen, Crosby, Cudaback, Dierks, Engel, Hartnett, Hilgert, Hudkins, Janssen, Jones, Kremer, C. Peterson, Price, Robak, Schellpeper, Schimek, Schmitt, Smith, Stuhr, Tyson, Wehrbein

Jan. 19	Read first time	241
Jan. 22	Referred to Appropriations Committee	305
Feb. 19	Notice of hearing (3/8)	644
Feb. 19	Vrtiska priority bill	661
Mar. 4	Vrtiska AM660 printed	849

LEGISLATIVE BILL 651. By Tyson, Baker, Bromm, Byars, Connealy, Coordsen, Crosby, Cudaback, Engel, Hartnett, Hudkins, Janssen, Jones, Price, Raikes, Robak, Schellpeper, Schmitt, Smith, Stuhr, Vrtiska

Jan. 19	Read first time	241
Jan. 22	Referred to Judiciary Committee	305
Feb. 16	Notice of hearing (3/12)	587
Feb. 24	Notice of hearing (3/12) (canceled)	707
Feb. 24	Notice of hearing (3/19) (rescheduled)	708

LEGISLATIVE BILL 652. By Thompson, Lynch

Jan. 19	Read first time	242
Jan. 22	Referred to Judiciary Committee	305
Feb. 2	Notice of hearing (2/10)	425
Mar. 12	Thompson priority bill	948
Mar. 17	Placed on General File - Com AM717 (printed separate)	1045
Apr. 7	Thompson AM949 to Com AM717 printed	1351
Apr. 13	Com AM717 (printed separate) pending	1425
Apr. 13	Thompson AM1238 and AM1239 to Com AM717 printed	1426
Apr. 14	Com AM717 (printed separate) pending. Thompson pending AM949 p. 1351 to Com AM717 adopted. Thompson AM1238 and AM1239 p. 1426 withdrawn. Thompson AM1250 to Com AM717 pending	1430
Apr. 14	Thompson AM1250 p. 1430 withdrawn. Thompson AM1261 to Com AM717 withdrawn. Thompson AM1263 to Com AM717 pending. Thompson unanimous consent to bracket until 4/20/1999. No objections	1436

Apr. 14	Wickersham AM1265 printed	1453
May 11	Thompson AM1690 to Com AM717 printed	1958
May 14	Thompson pending AM1263 p. 1441 to Com AM717 pending. Thompson unanimous consent to bracket until 1/5/2000. No objections	2134

LEGISLATIVE BILL 652A. By Thompson

Apr. 27	Read first time. Placed on General File	1717

LEGISLATIVE BILL 653. By Bruning

Jan. 19	Read first time	242
Jan. 22	Referred to Education Committee	305
Jan. 25	Bohlke name added	341
Feb. 4	Notice of hearing (2/16)	443
Feb. 17	Crosby, Robak, and Dw. Pedersen names added	604

LEGISLATIVE BILL 654. By Schimek

Jan. 20	Read first time	250
Jan. 22	Referred to Government, Military and Veterans Affairs Committee	305
Feb. 10	Notice of hearing (2/17)	514
Mar. 9	Placed on General File - Com AM711	875
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn	2453

(Provisions/portions of LB 654 amended into LB 113 by AM1364)

LEGISLATIVE BILL 654A. By Schimek

Mar. 12	Read first time. Placed on General File	959
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn	2453

LEGISLATIVE BILL 655. By Byars

Jan. 20	Read first time	251
Jan. 22	Referred to Judiciary Committee	305
Feb. 16	Notice of hearing (3/18)	588

LEGISLATIVE BILL 656. By Natural Resources Committee

Jan. 20	Read first time	251
Jan. 22	Referred to Natural Resources Committee	305
Feb. 16	Notice of hearing (2/24)	578
Mar. 10	Placed on General File - Com AM681	889

May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 656 amended into LB 870 by Com AM1312)

LEGISLATIVE BILL 657. By Schrock

Jan. 20	Read first time	251
Jan. 22	Referred to Revenue Committee	305
Jan. 22	Notice of Hearing (1/29)	307

LEGISLATIVE BILL 658. By Lynch

Jan. 20	Read first time	251
Jan. 22	Referred to General Affairs Committee	305
Feb. 9	Notice of hearing (2/22)	501
Mar. 2	Placed on General File	798
Mar. 3	Lynch AM444 printed	818

LEGISLATIVE BILL 659. By Lynch

Jan. 20	Read first time	251
Jan. 22	Referred to General Affairs Committee	305
Feb. 9	Notice of hearing (2/22)	501
Mar. 16	Placed on General File. Lynch AM445 printed	996

LEGISLATIVE BILL 660. By Kristensen

Jan. 20	Read first time	252
Jan. 22	Referred to Education Committee	305
Jan. 28	Notice of hearing (2/8)	387

LEGISLATIVE BILL 661. By Kristensen

Jan. 20	Read first time	252
Jan. 22	Referred to Judiciary Committee	305
Feb. 16	Notice of hearing (3/17)	587
Mar. 10	Hudkins priority bill	883
Mar. 31	Bohlke AM1028 printed	1293
May 11	Placed on General File - Com AM1681	1938
May 18	Kristensen AM1827 to Com AM1681 printed	2235
May 19	Com AM1681 p. 1938 adopted	2269
May 19	Bohlke pending AM1028 p. 1293 withdrawn. Chair sustained request for division of question on Kristensen pending AM1827 p. 2235. Kristensen FA251 (1st) and FA252 (2nd) to Com AM1681 adopted. Advanced for Review	2269

May 20	Placed on Select File - AM7155	2278
May 21	AM7155 (E & R) p. 2278 adopted. Kristensen AM1919 to AM7155 adopted. Advanced for Engrossment	2353
May 24	Correctly Engrossed	2359
May 27	Final Reading w/E 45-0-4	2425
May 27	President signed	2445
May 27	Presented to Governor (5/27)	2446
May 27	Approved by Governor (5/27)	2447

LEGISLATIVE BILL 662. By Kristensen

Jan. 20	Read first time	252
Jan. 22	Referred to Transportation Committee	305
Feb. 4	Notice of hearing (2/22)	442
Mar. 15	Placed on General File - Com AM731	964

LEGISLATIVE BILL 663. By Wickersham

Jan. 20	Read first time	252
Jan. 22	Referred to Appropriations Committee	305
Feb. 19	Notice of hearing (3/16)	645
Apr. 14	Placed on General File	1435
Apr. 27	Dw. Pedersen-Wickersham AM1516 printed	1736
Apr. 27	Dw. Pedersen-Wickersham pending AM1516 p. 1736 adopted. Advanced for Review	1739
May 3	Placed on Select File	1794
May 3	Wehrbein AM1571 printed	1803
May 4	Wehrbein pending AM1571 p. 1803 adopted. Advanced for Engrossment	1841
May 6	Correctly Engrossed	1913
May 12	Final Reading 47-0-2	2003
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor (5/18)	2190

LEGISLATIVE BILL 664. By Wickersham

Jan. 20	Read first time	252
Jan. 22	Referred to Appropriations Committee	305
Feb. 19	Notice of hearing (3/16)	645
Apr. 22	Placed on General File - Com AM1303	1629
Apr. 27	Com AM1303 p. 1629 adopted. Advanced for Review	1740
May 3	Placed on Select File - AM7134	1794
May 3	Wehrbein AM1572 printed	1803
May 4	AM7134 (E & R) p. 1794 adopted. Wehrbein pending AM1572 p. 1803 adopted. Advanced for Engrossment	1842

May 6	Correctly Engrossed	1913
May 12	Final Reading 46-0-3	2004
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor (5/18)	2190

LEGISLATIVE BILL 665. By Wickersham

Jan. 20	Read first time	252
Jan. 22	Referred to Appropriations Committee	305
Feb. 19	Notice of hearing (3/16)	645

LEGISLATIVE BILL 666. By Wickersham

Jan. 20	Read first time	252
Jan. 22	Referred to Revenue Committee	305
Feb. 3	Notice of hearing (2/26)	435
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 667. By Wickersham

Jan. 20	Read first time	252
Jan. 22	Referred to Revenue Committee	305
Feb. 3	Notice of hearing (2/12)	435

LEGISLATIVE BILL 668. By Wickersham

Jan. 20	Read first time	253
Jan. 22	Referred to Education Committee	305
Feb. 8	Notice of hearing (3/1)	486

LEGISLATIVE BILL 669. By Wickersham

Jan. 20	Read first time	253
Jan. 22	Referred to Revenue Committee	305
Jan. 22	Notice of hearing (1/29)	307
Feb. 1	Placed on General File	407
Feb. 2	Advanced for Review	424
Feb. 4	Placed on Select File	442
Feb. 10	Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
Feb. 26	Final Reading w/E 46-0-3	747
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 669A. By Wickersham

Feb. 3	Read first time. Placed on General File	430

Feb. 4	Advanced for Review	461
Feb. 8	Placed on Select File	474
Feb. 10	Advanced for Engrossment	513
Feb. 16	Correctly Engrossed	575
Feb. 26	Final Reading 45-0-4	748
Feb. 26	President signed	749
Feb. 26	Presented to Governor (2/26)	760
Mar. 4	Approved by Governor (3/3)	826

LEGISLATIVE BILL 670. By Wickersham

Jan. 20	Read first time	253
Jan. 22	Referred to Revenue Committee	305
Feb. 10	Notice of hearing (3/4)	515
Mar. 11	Revenue Committee priority bill	914

LEGISLATIVE BILL 671. By Wickersham

Jan. 20	Read first time	253
Jan. 22	Referred to Natural Resources Committee	305
Feb. 24	Notice of hearing (3/10)	703

LEGISLATIVE BILL 672. By Wickersham

Jan. 20	Read first time	253
Jan. 22	Referred to Natural Resources Committee	305
Feb. 24	Notice of hearing (3/10)	703

LEGISLATIVE BILL 673. By Wickersham

Jan. 20	Read first time	254
Jan. 22	Referred to Nebraska Retirement Systems Committee	305
Mar. 1	Notice of hearing (3/9)	771
Mar. 29	Indefinitely postponed	1249

(Provisions/portions of LB 673 amended into LB 674 by Com AM852)

LEGISLATIVE BILL 674. By Wickersham

Jan. 20	Read first time	254
Jan. 22	Referred to Nebraska Retirement Systems Committee	306
Feb. 24	Notice of hearing (3/3)	696
Mar. 8	Connealy priority bill	852
Mar. 8	Bruning name added	868
Mar. 12	Placed on General File - Com AM733 (printed separate)	942
Mar. 18	Com AM733 (printed separate) adopted. Advanced for Review	1073
Mar. 22	Placed on Select File - AM7089	1122

Mar. 31	Wickersham-Wehrbein-Stuhr AM1094 to Com AM733 printed	1297
Apr. 9	AM7089 (E & R) p. 1122 adopted. Wickersham et al. pending AM1094 p. 1297 adopted. Advanced for Engrossment	1385
Apr. 14	Correctly Engrossed. ER9048 change	1452
Apr. 23	Dispensing of reading at large approved. Final Reading w/E 42-0-6	1651
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

(Provisions/portions of LB 673 amended into LB 674 by Com AM852)
(Provisions/portions of LB 675 amended into LB 674 by Com AM733)

LEGISLATIVE BILL 674A. By Wickersham

Mar. 18	Read first time. Placed on General File	1074
Mar. 23	Advanced for Review	1146
Mar. 23	Placed on Select File	1159
Apr. 9	Advanced for Engrossment	1385
Apr. 14	Correctly Engrossed	1452
Apr. 23	Final Reading w/E 42-0-6	1652
Apr. 23	President signed	1655
Apr. 23	Presented to Governor (4/23)	1679
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 675. By Wickersham

Jan. 20	Read first time	254
Jan. 22	Referred to Nebraska Retirement Systems Committee	306
Mar. 1	Notice of hearing (3/9)	771
Mar. 29	Indefinitely postponed	1249

(Provisions/portions of LB 675 amended into LB 674 by Com AM733)

LEGISLATIVE BILL 676. By Wickersham

Jan. 20	Read first time	254
Jan. 22	Referred to Nebraska Retirement Systems Committee	306
Feb. 24	Notice of hearing (3/3)	696

LEGISLATIVE BILL 677. By Hudkins

Jan. 20	Read first time	254
Jan. 22	Referred to Revenue Committee	306
Feb. 3	Notice of hearing (2/25)	435

LEGISLATIVE BILL 678. By Janssen

Jan. 20	Read first time	255

Jan. 22	Referred to General Affairs Committee	306
Feb. 9	Notice of hearing (3/8)	501

LEGISLATIVE BILL 679. By Hilgert

Jan. 20	Read first time	255
Jan. 22	Referred to Agriculture Committee	306
Feb. 23	Notice of hearing (3/9)	692
Mar. 17	Indefinitely postponed	1047

LEGISLATIVE BILL 680. By Hilgert

Jan. 20	Read first time	255
Jan. 22	Referred to Banking, Commerce and Insurance Committee	306
Feb. 1	Notice of hearing (2/9)	403
Feb. 25	Indefinitely postponed	714

LEGISLATIVE BILL 681. By Hilgert

Jan. 20	Read first time	255
Jan. 22	Referred to Banking, Commerce and Insurance Committee	306
Feb. 1	Notice of hearing (2/9)	403
Feb. 25	Placed on General File	714
Apr. 1	Advanced for Review	1307
Apr. 7	Placed on Select File	1348
Apr. 15	Advanced for Engrossment	1490
Apr. 19	Correctly Engrossed	1519
Apr. 23	Final Reading 41-0-7	1678
Apr. 23	Speaker signed	1679
Apr. 26	Presented to Governor (4/23)	1683
Apr. 28	Approved by Governor (4/28)	1752

LEGISLATIVE BILL 682. By Kremer, Baker, Hudkins, Jones, C. Peterson, Price, Quandahl, Redfield, Schmitt, Stuhr, Tyson, Vrtiska, Wehrbein

Jan. 20	Read first time	255
Jan. 22	Referred to Banking, Commerce and Insurance Committee	306
Feb. 1	Notice of hearing (2/8)	403
Feb. 9	Placed on General File	496
Feb. 16	Advanced for Review	583
Feb. 19	Placed on Select File	626
Feb. 23	Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
Mar. 11	Final Reading 39-0-10	926

Mar. 11	Speaker signed	932
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 683. By Wehrbein

Jan. 20	Read first time	255
Jan. 22	Referred to Appropriations Committee	306
Feb. 19	Notice of hearing (3/17)	645
Mar. 12	Appropriations Committee priority bill	955
Apr. 29	Placed on General File	1772
May 5	Thompson AM1651 withdrawn. Hilgert AM1664 to AM1651 withdrawn. Advanced for Review	1888
May 11	Placed on Select File	1937
May 14	Advanced for Engrossment	2137
May 17	Correctly Engrossed	2176
May 20	Final Reading w/E 49-0-0	2324
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 684. By Wehrbein

Jan. 20	Read first time	255
Jan. 22	Referred to Education Committee	306
Feb. 4	Notice of hearing (3/2)	443
Mar. 17	Correction	1027
Mar. 22	Indefinitely postponed	1111

LEGISLATIVE BILL 685. By Wehrbein

Jan. 20	Read first time	255
Jan. 22	Referred to Appropriations Committee	306
Feb. 19	Notice of hearing (3/11)	645
Mar. 12	Appropriations Committee priority bill	955

LEGISLATIVE BILL 686. By Stuhr

Jan. 20	Read first time	256
Jan. 20	Bromm name added	293
Jan. 22	Referred to Transportation Committee	306
Jan. 29	Notice of hearing (2/8)	397

LEGISLATIVE BILL 687. By Stuhr

Jan. 20	Read first time	256
Jan. 22	Referred to Nebraska Retirement Systems Committee	306
Feb. 3	Notice of hearing (2/10)	430

Feb. 19	Placed on General File - Com AM230	659
Mar. 11	Nebraska Retirement Systems Committee priority bill	937
Apr. 7	Com AM230 p. 659 adopted. Advanced for Review	1349
Apr. 13	Placed on Select File	1420
Apr. 29	Advanced for Engrossment	1770
May 4	Correctly Engrossed	1836
May 4	ER9074 change	1837
May 6	Final Reading w/E 44-0-5	1903
May 6	President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Approved by Governor (5/12)	2014

LEGISLATIVE BILL 687A. By Stuhr

Feb. 25	Read first time. Placed on General File	719
Apr. 7	Advanced for Review	1349
Apr. 13	Placed on Select File	1420
Apr. 29	Advanced for Engrossment	1770
May 4	Correctly Engrossed	1836
May 6	Final Reading w/E 45-0-4	1904
May 6	President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Approved by Governor (5/12)	2014

LEGISLATIVE BILL 688. By Robak

Jan. 20	Read first time	256
Jan. 22	Referred to Transportation Committee	306
Feb. 4	Notice of hearing (3/1)	443
Feb. 8	Notice of hearing (3/1) (canceled)	486
Feb. 9	Notice of hearing (3/16) (rescheduled)	495

LEGISLATIVE BILL 689. By Robak

Jan. 20	Read first time	256
Jan. 22	Referred to Judiciary Committee	306
Jan. 28	Notice of hearing (2/4)	381
Feb. 9	Placed on General File	491
Feb. 16	Advanced for Review	583
Feb. 19	Placed on Select File - AM7054	625
Feb. 23	AM7054 (E & R) p. 625 adopted. Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
Apr. 21	Robak AM1141 printed	1568
Apr. 29	Motion to return to Select File for Robak specific AM1141 p. 1568. Robak specific AM1141 p. 1568 adopted. Advanced for Reengrossment	1766

May 3	Correctly Reengrossed. ER9070 change	1795
May 19	Brashear AM1873 printed	2260
May 20	Returned to Select File for Brashear specific AM1873 p. 2260. Brashear specific AM1873 p. 2260 adopted. Advanced for Reengrossment	2338
May 21	Correctly Reengrossed	2351
May 25	Final Reading 45-0-4	2396
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 689A. By Robak

Feb. 22	Read first time. Placed on General File	666
Feb. 24	Robak motion to indefinitely postpone bill prevailed.	702

LEGISLATIVE BILL 690. By Robak

Jan. 20	Read first time	256
Jan. 22	Referred to Judiciary Committee	306
Feb. 16	Notice of hearing (3/10)	587

LEGISLATIVE BILL 691. By Schrock

Jan. 20	Read first time	256
Jan. 22	Referred to Business and Labor Committee	306
Feb. 11	Notice of hearing (2/22)	530
Mar. 2	Indefinitely postponed	793

LEGISLATIVE BILL 692. By Vrtiska

Jan. 20	Read first time	257
Jan. 22	Referred to Government, Military and Veterans Affairs Committee	306
Feb. 17	Notice of hearing (3/3)	602
Mar. 9	Placed on General File	874

LEGISLATIVE BILL 693. By Vrtiska, Lynch, Thompson

Jan. 20	Read first time	257
Jan. 22	Referred to Business and Labor Committee	306
Feb. 1	Notice of hearing (2/8)	403
Feb. 23	Placed on General File - Com AM227	680
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 693 amended into LB 216 by AM836)

LEGISLATIVE BILL 694. By Bruning

Jan. 20	Read first time	257
Jan. 22	Referred to Revenue Committee	306
Jan. 22	Notice of hearing (1/29)	307
Jan. 22	Wickersham motion to suspend the rules to cancel and reschedule hearing prevailed	321
Jan. 22	Notice of hearing (1/28) (rescheduled)	322
Feb. 12	Indefinitely postponed	566

(Provisions/portions of LB 694 amended into LB 86 by Com AM297)

LEGISLATIVE BILL 695. By Bruning, Quandahl, Smith

Jan. 20	Read first time	257
Jan. 22	Referred to Government, Military and Veterans Affairs Committee	306
Feb. 17	Notice of hearing (2/26)	602
Mar. 25	Placed on General File	1222

LEGISLATIVE BILL 696. By Bruning, Byars, Coordsen, Lynch, Smith, Suttle, Vrtiska

Jan. 20	Read first time	257
Jan. 20	Price name added	294
Jan. 22	Referred to Government, Military and Veterans Affairs Committee	306
Feb. 17	Notice of hearing (3/17)	602
Apr. 1	Placed on General File - Com AM1082	1313

LEGISLATIVE BILL 697. By Hudkins, Janssen, Dw. Pedersen, Schmitt

Jan. 20	Read first time	257
Jan. 22	Referred to Transportation Committee	306
Feb. 10	Notice of hearing (3/1)	516
Mar. 3	Indefinitely postponed	823

LEGISLATIVE BILL 698. By Suttle

Jan. 20	Read first time	258
Jan. 22	Referred to Health and Human Services Committee	306
Feb. 3	Notice of hearing (2/24)	434
Mar. 12	Placed on General File - Com AM696	944
Mar. 16	Speaker priority bill	1000
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 698 amended into LB 594 by AM1589)

LEGISLATIVE BILL 699. By Tyson

Jan. 20	Read first time	258
Jan. 22	Referred to Judiciary Committee	306
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 700. By Tyson, Smith

Jan. 20	Read first time	258
Jan. 22	Referred to Judiciary Committee	306
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 701. By Tyson

Jan. 20	Read first time	259
Jan. 25	Referred to Natural Resources Committee	327
Feb. 2	Notice of hearing (2/12)	423
Feb. 3	Notice of hearing (2/12) (canceled) Notice of hearing (2/11) (rescheduled)	433
Mar. 11	Placed on General File - Com AM719	938

LEGISLATIVE BILL 702. By Tyson

Jan. 20	Read first time	259
Jan. 25	Referred to Urban Affairs Committee	327
Jan. 29	Notice of hearing (2/9)	397

LEGISLATIVE BILL 703. By Nebraska Retirement Systems Committee

Jan. 20	Read first time	259
Jan. 25	Referred to Nebraska Retirement Systems Committee	327
Jan. 27	Notice of hearing (2/3)	353
Feb. 11	Placed on General File - Com AM193	535
Feb. 18	Com AM193 p. 535 adopted. Wickersham-Stuhr AM401 adopted. Advanced for Review	606
Feb. 22	Placed on Select File - AM7067	669
Mar. 4	AM7067 (E & R) p. 669 adopted. Advanced for Engrossment	837
Mar. 10	Correctly Engrossed	881
Mar. 19	Dispensing of reading at large approved. Final Reading 44-0-5	1095
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

(Provisions/portions of LB 497 amended into LB 703 by AM401)

LEGISLATIVE BILL 703A. By Wickersham

Feb. 25	Read first time. Placed on General File	719

Mar. 1	Advanced for Review	772
Mar. 2	Placed on Select File	792
Mar. 3	Wickersham AM640 printed	822
Mar. 4	Wickersham pending AM640 p. 822 adopted. Advanced for Engrossment	837
Mar. 10	Correctly Engrossed	881
Mar. 19	Final Reading 41-0-8	1096
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 704. By Transportation Committee

Jan. 20	Read first time	259
Jan. 25	Referred to Transportation Committee	327
Feb. 4	Notice of hearing (2/23)	442
Mar. 9	Jones priority bill. Coordsen name added	878
Mar. 16	Placed on General File - Com AM742 (printed separate)	1011
Mar. 19	Bohlke AM885 printed separate	1104
Mar. 30	Chair sustained request for division of question on Com AM742 (printed separate). Com FA76 (1st) adopted	1260
Mar. 30	Com FA77 (2nd) and Com FA78 (3rd) adopted. Com FA79 (4th) adopted as amended by Chambers-Bromm FA81. Com FA80 (5th) adopted. Advanced for Review	1266
Apr. 1	Hartnett AM1112 printed	1316
Apr. 7	Placed on Select File - AM7096 (printed separate)	1347
Apr. 14	C. Peterson AM1254 to AM7096 printed	1453
Apr. 15	Bohlke AM1147 printed separate. Bromm AM1292 to AM7096 printed	1496
Apr. 15	C. Peterson AM1302 printed	1502
Apr. 15	C. Peterson-Bromm AM1305 to AM7096 printed	1504
Apr. 22	Landis AM1394 to AM7096 printed	1634
Apr. 23	AM7096 (E & R) (printed separate) adopted. Bromm unanimous consent to replace Bohlke pending AM885 (printed separate) with substitute amendment. No objections. Bohlke AM885 (printed separate) withdrawn. Bohlke substitute pending AM1147 (printed separate) adopted. Hartnett AM1112 p. 1316 withdrawn. C. Peterson pending AM1254 p. 1453 adopted. Bromm pending AM1292 p. 1496 adopted. C. Peterson AM1302 p. 1502 and C. Peterson-Bromm AM1305 p. 1504 withdrawn. Landis AM1394 p. 1634 adopted. Advanced for Engrossment	1656
Apr. 27	Correctly Engrossed	1726

Apr. 27	ER9066 change	1727
Apr. 29	Dispensing of reading at large approved. Final Reading w/E 44-0-5	1786
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

(Provisions/portions of LB 146 amended into LB 704 by Com FA76)
(Provisions/portions of LB 292 amended into LB 704 by AM1254)
(Provisions/portions of LB 303 amended into LB 704 by Com FA77)
(Provisions/portions of LB 393 amended into LB 704 by AM1394)
(Provisions/portions of LB 588 amended into LB 704 by Com FA78)
(Provisions/portions of LB 589 amended into LB 704 by Com FA78)
(Provisions/portions of LB 589 amended into LB 704 by Com FA79)
(Provisions/portions of LB 589 amended into LB 704 by Com FA80)
(Provisions/portions of LB 809 amended into LB 704 by AM1147)

LEGISLATIVE BILL 704A. By Bromm

Mar. 22	Read first time. Placed on General File	1143
Mar. 30	Advanced for Review	1284
Apr. 7	Placed on Select File	1347
Apr. 15	C. Peterson AM1297 printed	1503
Apr. 23	C. Peterson AM1297 p. 1503 withdrawn. Advanced for Engrossment	1657
Apr. 27	Correctly Engrossed	1726
Apr. 29	Final Reading w/E 43-0-6	1787
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 705. By Bromm

Jan. 20	Read first time	259
Jan. 25	Referred to Transportation Committee	327
Jan. 25	Notice of hearing (2/2)	338
Mar. 9	Placed on General File - Com AM708	872

(Provisions/portions of LB 705 amended into LB 779 by AM1165)

LEGISLATIVE BILL 706. By Bromm

Jan. 20	Read first time	260
Jan. 25	Referred to Revenue Committee	327
Feb. 3	Notice of hearing (2/25)	435
Mar. 8	Placed on General File - Com AM665 (printed separate)	858
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406

May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 706 amended into LB 141 by AM684)

LEGISLATIVE BILL 707. By Bromm

Jan. 20	Read first time	260
Jan. 25	Referred to Transportation Committee	327
Feb. 4	Notice of hearing (2/16)	442

LEGISLATIVE BILL 708. By Hudkins

Jan. 20	Read first time	260
Jan. 25	Referred to Health and Human Services Committee	327
Feb. 4	Notice of hearing (3/4)	465

LEGISLATIVE BILL 709. By Hudkins

Jan. 20	Read first time	260
Jan. 25	Referred to Banking, Commerce and Insurance Committee	328
Feb. 19	Notice of hearing (3/8)	644
Apr. 19	Placed on General File - Com AM1062 (printed separate)	1526

LEGISLATIVE BILL 710. By Raikes, Redfield

Jan. 20	Read first time	260
Jan. 25	Referred to Revenue Committee	328
Feb. 3	Notice of hearing (2/18)	435

LEGISLATIVE BILL 711. By Raikes, Schellpeper, Wehrbein

Jan. 20	Read first time	261
Jan. 25	Referred to Agriculture Committee	328
Feb. 24	Notice of hearing (3/16)	703
May 11	Indefinitely postponed	1967

LEGISLATIVE BILL 712. By Raikes, Engel, Schrock

Jan. 20	Read first time	261
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	328
Feb. 3	Notice of hearing (2/11)	437
Mar. 16	Speaker priority bill	1000
Mar. 17	Placed on General File - Com AM750	1032
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406

May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 712 amended into LB 822 by AM1171)

LEGISLATIVE BILL 713. By Raikes, Bohlke

Jan. 20	Read first time	261
Jan. 25	Referred to Education Committee	328
Feb. 4	Notice of hearing (3/1)	443
Mar. 12	Indefinitely postponed	951

LEGISLATIVE BILL 714. By Raikes, D. Pederson

Jan. 20	Read first time	261
Jan. 25	Referred to Education Committee	328
Feb. 4	Notice of hearing (2/22)	443

LEGISLATIVE BILL 715. By Raikes, Bohlke

Jan. 20	Read first time	261
Jan. 25	Referred to Education Committee	328
Feb. 4	Notice of hearing (3/1)	443
Mar. 17	Placed on General File - Com AM834 (printed separate)	1028

LEGISLATIVE BILL 716. By Raikes, Bohlke

Jan. 20	Read first time	261
Jan. 25	Referred to Education Committee	328
Feb. 4	Notice of hearing (3/1)	443
Mar. 12	Indefinitely postponed	951

LEGISLATIVE BILL 717. By Preister

Jan. 20	Read first time	261
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	328
Feb. 17	Notice of hearing (3/17)	602

LEGISLATIVE BILL 718. By Preister, Bourne, Connealy, Hilgert, Lynch

Jan. 20	Read first time	262
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	328
Feb. 17	Notice of hearing (3/11)	602

LEGISLATIVE BILL 719. By Bourne

Jan. 20	Read first time	262

Jan. 25	Referred to General Affairs Committee	328
Feb. 9	Notice of hearing (3/1)	501
Mar. 16	Placed on General File	996
Apr. 1	Advanced for Review	1310
Apr. 9	Placed on Select File	1376
Apr. 15	Landis motion to suspend rules and consider AM1308 pending. Chair ruled not sufficient debate. Bourne challenge of Chair pending	1493
May 25	Kristensen motion to suspend rules to indefinitely postpone	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 719 amended into LB 267 by AM1738)

LEGISLATIVE BILL 720. By Crosby

Jan. 20	Read first time	262
Jan. 20	Crosby motion to withdraw bill printed	294
Jan. 22	Crosby pending motion p. 294 to withdraw bill prevailed. Withdrawn	320

LEGISLATIVE BILL 721. By Crosby

Jan. 20	Read first time	262
Jan. 25	Referred to Appropriations Committee	328
Feb. 19	Notice of hearing (3/15)	645

LEGISLATIVE BILL 722. By Crosby

Jan. 20	Read first time	262
Jan. 25	Referred to Judiciary Committee	328
Feb. 16	Notice of hearing (3/18)	588
Mar. 29	Placed on General File	1249
Apr. 1	Advanced for Review	1312
Apr. 6	Crosby-Byars AM1117 printed	1333
Apr. 13	Placed on Select File - AM7109	1406
Apr. 15	AM7109 (E & R) p. 1406 adopted. Crosby-Byars pending AM1117 p. 1333 adopted. Advanced for Engrossment	1496
Apr. 19	Correctly Engrossed	1533
Apr. 29	Final Reading 42-0-7	1772
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 723. By Thompson, Raikes

Jan. 20	Read first time	262

Jan. 25	Referred to Government, Military and Veterans Affairs Committee	328
Feb. 10	Notice of hearing (2/18)	515
Apr. 1	Indefinitely postponed	1313

LEGISLATIVE BILL 724. By Thompson

Jan. 20	Read first time	262
Jan. 25	Referred to Judiciary Committee	328
Feb. 16	Notice of hearing (3/10)	587
Feb. 25	Thompson motion to withdraw bill printed	724
Feb. 26	Thompson pending motion p. 724 to withdraw bill prevailed. Withdrawn. Notice of hearing (3/10) (canceled)	731

LEGISLATIVE BILL 725. By Thompson

Jan. 20	Read first time	263
Jan. 25	Referred to Urban Affairs Committee	328
Jan. 29	Notice of hearing (2/9)	397
Mar. 4	Placed on General File - Com AM613	845

LEGISLATIVE BILL 726. By Thompson, Bohlke

Jan. 20	Read first time	263
Jan. 25	Referred to Education Committee	328
Feb. 4	Notice of hearing (2/16)	443
Mar. 8	Indefinitely postponed	857

LEGISLATIVE BILL 727. By Thompson, Bohlke

Jan. 20	Read first time	263
Jan. 25	Referred to Education Committee	328
Feb. 4	Notice of hearing (2/16)	443

LEGISLATIVE BILL 728. By Schimek

Jan. 20	Read first time	263
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	328
Feb. 17	Notice of hearing (3/18)	602

LEGISLATIVE BILL 729. By Schimek

Jan. 20	Read first time	263
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	328
Feb. 10	Notice of hearing (2/18)	515
Mar. 11	Placed on General File - Com AM513	939
Mar. 12	Government, Military and Veterans Affairs Committee priority bill	955

Apr. 13	Com AM513 p. 939 adopted. Advanced for Review	1425
Apr. 15	Placed on Select File - AM7124	1506
Apr. 26	Quandahl AM1446 to AM7124 printed	1709
May 5	Attorney General's Opinion #99020 to Quandahl	1863
May 12	AM7124 (E & R) p. 1506 adopted. Quandahl AM1446 p. 1709 withdrawn. Redfield motion to bracket pending. Schimek unanimous consent to bracket bill until 1/15/2000. Quandahl objected. Schimek motion to bracket until 1/15/2000. Quandahl objection withdrawn. Schimek unanimous consent to bracket bill until 1/15/2000. No objections	2060

LEGISLATIVE BILL 730. By Wehrbein

Jan. 20	Read first time	263
Jan. 25	Referred to Agriculture Committee	328
Feb. 2	Notice of hearing (2/9)	426
Mar. 11	Agriculture Committee priority bill	937
Mar. 17	Placed on General File - Com AM753	1047
Apr. 28	Wehrbein AM1515 printed	1747
May 11	Com AM753 p. 1047 adopted. Wehrbein pending AM1515 p. 1747 adopted. Advanced for Review	1964
May 17	Placed on Select File - AM7147	2157
May 19	AM7147 (E & R) p. 2157 adopted. Advanced for Engrossment	2271
May 20	Correctly Engrossed	2340
May 24	Final Reading w/E 46-0-3	2372
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 730A. By Wehrbein

Apr. 12	Read first time. Placed on General File	1397
May 11	Advanced for Review	1965
May 17	Placed on Select File	2159
May 19	Advanced for Engrossment	2271
May 20	Correctly Engrossed	2340
May 24	Final Reading w/E 44-0-5	2373
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 731. By Wehrbein

Jan. 20	Read first time	263

Jan. 25	Referred to Government, Military and Veterans Affairs Committee	328
Feb. 17	Notice of hearing (3/17)	602
Apr. 7	Placed on General File - Com AM1083	1346

LEGISLATIVE BILL 732. By Raikes

Jan. 20	Read first time	263
Jan. 25	Referred to Natural Resources Committee	328
Feb. 24	Notice of hearing (3/11)	703

LEGISLATIVE BILL 733. By C. Peterson, Engel, Janssen, Kremer, D. Pederson, Preister, Schmitt, Vrtiska

Jan. 20	Read first time	264
Jan. 25	Referred to Transportation Committee	328
Feb. 9	Notice of hearing (3/2)	496

LEGISLATIVE BILL 734. By Kiel, Bourne, Hilgert, Preister, Suttle

Jan. 20	Read first time	264
Jan. 25	Referred to Judiciary Committee	328
Feb. 16	Notice of hearing (3/12)	587
Feb. 24	Notice of hearing (3/12) (canceled)	707
Feb. 24	Notice of hearing (3/19) (rescheduled)	708
Mar. 29	Placed on General File	1249
Apr. 1	Advanced for Review	1312
Apr. 13	Placed on Select File	1407
Apr. 15	Advanced for Engrossment	1495
Apr. 19	Correctly Engrossed	1533

LEGISLATIVE BILL 735. By Brown, Bruning

Jan. 20	Read first time	264
Jan. 22	Preister name added	324
Jan. 25	Referred to Health and Human Services Committee	328
Feb. 4	Notice of hearing (3/3)	465

LEGISLATIVE BILL 736. By Brown

Jan. 20	Read first time	264
Jan. 25	Referred to Health and Human Services Committee	328
Feb. 4	Notice of hearing (3/12)	466
Mar. 24	Placed on General File - Com AM822	1171

LEGISLATIVE BILL 737. By Kiel, Beutler, Bourne, Connealy, Hudkins, Preister, Schmitt

Jan. 20	Read first time	264
Jan. 25	Referred to Natural Resources Committee	328

Feb. 1	Notice of hearing (2/10)	407
Feb. 17	Indefinitely postponed	594

LEGISLATIVE BILL 738. By Urban Affairs Committee, Stuhr

Jan. 20	Read first time	264
Jan. 25	Referred to Urban Affairs Committee	328
Feb. 1	Notice of hearing (2/23)	404
Mar. 16	Placed on General File	1011
Apr. 1	Advanced for Review	1310
Apr. 9	Placed on Select File	1376
Apr. 15	Advanced for Engrossment	1494
Apr. 19	Correctly Engrossed	1533
Apr. 29	Final Reading 44-0-5	1772
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 739. By Urban Affairs Committee

Jan. 20	Read first time	265
Jan. 25	Referred to Urban Affairs Committee	328
Jan. 29	Notice of hearing (2/16)	397
Mar. 12	Urban Affairs Committee priority bill	954

LEGISLATIVE BILL 740. By Urban Affairs Committee

Jan. 20	Read first time	265
Jan. 25	Referred to Urban Affairs Committee	328
Feb. 1	Notice of hearing (2/23)	404
Mar. 12	Urban Affairs Committee priority bill	954
Mar. 22	Placed on General File - Com AM820	1140
Apr. 12	Com AM820 p. 1140 adopted. Advanced for Review	1401
Apr. 15	Placed on Select File	1486
Apr. 29	Advanced for Engrossment	1770
May 4	Correctly Engrossed	1836
May 6	Final Reading 37-1-11	1905
May 6	President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Approved by Governor (5/12)	2014

(Provisions/portions of LB 536 amended into LB 740 by Com AM820)

LEGISLATIVE BILL 741. By Urban Affairs Committee

Jan. 20	Read first time	266
Jan. 25	Referred to Urban Affairs Committee	328
Jan. 29	Notice of hearing (2/16)	397

LEGISLATIVE BILL 742. By Janssen, Dw. Pedersen

Jan. 20	Read first time	267
Jan. 25	Referred to Health and Human Services Committee	328
Jan. 27	Dw. Pedersen name withdrawn	378
Feb. 4	Notice of hearing (3/12)	466

LEGISLATIVE BILL 743. By Bruning

Jan. 20	Read first time	267
Jan. 25	Referred to Nebraska Retirement Systems Committee	328
Mar. 8	Notice of hearing (3/17)	857

LEGISLATIVE BILL 744. By Kiel, Price, Schrock, Suttle, Thompson

Jan. 20	Read first time	267
Jan. 25	Referred to Transportation Committee	328
Feb. 1	Notice of hearing (2/9)	407

LEGISLATIVE BILL 745. By Raikes, Brown, C. Peterson, at the request of the Governor

Jan. 20	Read first time	267
Jan. 25	Referred to Revenue Committee	328
Jan. 27	Notice of hearing (2/4)	366
Mar. 8	Indefinitely postponed	859

(Provisions/portions of LB 745 amended into LB 179 by Com FA53)

LEGISLATIVE BILL 746. By Beutler, Preister, Schmitt

Jan. 20	Read first time	267
Jan. 25	Referred to Natural Resources Committee	328
Feb. 16	Notice of hearing (2/24)	578
Apr. 15	Indefinitely postponed	1470

(Provisions/portions of LB 746 amended into LB 870 by Com AM1312)

LEGISLATIVE BILL 747. By Beutler

Jan. 20	Read first time	267
Jan. 25	Referred to Natural Resources Committee	328
Feb. 16	Notice of hearing (2/25)	578

LEGISLATIVE BILL 748. By Beutler

Jan. 20	Read first time	268
Jan. 25	Referred to Natural Resources Committee	328
Feb. 2	Notice of hearing (2/12)	423
Feb. 3	Notice of hearing (2/12) (canceled) Notice of hearing (2/26) (rescheduled)	433
Mar. 11	Indefinitely postponed	939

LEGISLATIVE BILL 749. By Beutler

Jan. 20	Read first time	268
Jan. 25	Referred to Natural Resources Committee	328
Jan. 26	Notice of hearing (2/3)	348
Mar. 11	Indefinitely postponed	939

LEGISLATIVE BILL 750. By Thompson, Dierks, Jensen, Preister, Price, Raikes, Redfield, Schimek, Suttle

Jan. 20	Read first time	268
Jan. 25	Referred to Health and Human Services Committee	328
Feb. 3	Notice of hearing (2/18)	434
Feb. 23	Placed on General File - Com AM424	677
Feb. 26	Thompson AM509 to Com AM424 printed	764

LEGISLATIVE BILL 751. By D. Pederson, Byars, C. Peterson, Robak, Tyson

Jan. 20	Read first time	268
Jan. 25	Referred to Judiciary Committee	328
Feb. 2	Notice of hearing (2/12)	426

LEGISLATIVE BILL 752. By Landis

Jan. 20	Read first time	268
Jan. 25	Referred to Urban Affairs Committee	328
Jan. 29	Notice of hearing (2/16)	397

LEGISLATIVE BILL 753. By Landis

Jan. 20	Read first time	268
Jan. 25	Referred to Business and Labor Committee	328
Feb. 11	Notice of hearing (2/22)	530
Feb. 25	Placed on General File - Com AM452	714
Apr. 1	Com AM452 p. 714 adopted. Advanced for Review	1307
Apr. 7	Placed on Select File - AM7099	1348
Apr. 15	AM7099 (E & R) p. 1348 adopted. Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1519
Apr. 29	Final Reading 46-0-3	1773
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 754. By Landis

Jan. 20	Read first time	268
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	328

Jan. 26	Preister name added	351
Feb. 17	Notice of hearing (3/17)	602
Mar. 29	Indefinitely postponed	1256

LEGISLATIVE BILL 755. By Landis

Jan. 20	Read first time	269
Jan. 25	Referred to Natural Resources Committee	328
Jan. 26	Preister name added	351
Feb. 24	Notice of hearing (3/3)	703
Mar. 23	Placed on General File - Com AM938	1168
Apr. 1	Com AM938 p. 1168 adopted. Advanced for Review	1311
Apr. 13	Placed on Select File	1405
Apr. 15	Advanced for Engrossment	1495
Apr. 19	Correctly Engrossed	1533
Apr. 29	Final Reading 45-0-4	1774
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 756. By Landis

Jan. 20	Read first time	269
Jan. 25	Referred to Transportation Committee	328
Feb. 9	Notice of hearing (3/8)	495

LEGISLATIVE BILL 757. By Landis

Jan. 20	Read first time	269
Jan. 25	Referred to Health and Human Services Committee	328
Feb. 3	Notice of hearing (2/24)	434
Mar. 12	Indefinitely postponed	947

(Provisions/portions of LB 757 amended into LB 594 by AM1589)

LEGISLATIVE BILL 758. By Landis

Jan. 20	Read first time	269
Jan. 25	Referred to Education Committee	328
Feb. 4	Notice of hearing (3/8)	443
Feb. 9	Schimek name added	503
Mar. 4	Landis AM670 printed	849
Apr. 27	Kiel name added	1740

LEGISLATIVE BILL 759. By Landis

Jan. 20	Read first time	269
Jan. 25	Referred to Judiciary Committee	329
Feb. 16	Notice of hearing (3/12)	587
Feb. 24	Notice of hearing (3/12) (canceled)	707
Feb. 24	Notice of hearing (3/19) (rescheduled)	708

Mar. 29	Placed on General File	1249
Apr. 1	Advanced for Review	1312
Apr. 13	Placed on Select File - AM7110	1406
Apr. 15	AM7110 (E & R) p. 1406 adopted. Advanced for Engrossment	1495
Apr. 19	Correctly Engrossed	1533
Apr. 29	Final Reading w/E 46-0-3	1775
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 760. By Coordsen

Jan. 20	Read first time	269
Jan. 25	Referred to Revenue Committee	329
Feb. 3	Notice of hearing (2/19)	435
Mar. 18	Indefinitely postponed	1075

LEGISLATIVE BILL 761. By Landis

Jan. 20	Read first time	269
Jan. 25	Referred to Transportation Committee	329
Feb. 4	Notice of hearing (2/16)	442

LEGISLATIVE BILL 762. By Landis

Jan. 20	Read first time	270
Jan. 25	Referred to Transportation Committee	329
Feb. 4	Notice of hearing (2/16)	442
Feb. 18	Indefinitely postponed	607

LEGISLATIVE BILL 763. By Landis

Jan. 20	Read first time	270
Jan. 25	Referred to Transportation Committee	329
Feb. 4	Notice of hearing (2/16)	442
Feb. 18	Indefinitely postponed	607

LEGISLATIVE BILL 764. By Landis

Jan. 20	Read first time	270
Jan. 25	Referred to Transportation Committee	329
Feb. 4	Notice of hearing (2/16)	442
Feb. 18	Indefinitely postponed	607

LEGISLATIVE BILL 765. By Landis

Jan. 20	Read first time	270
Jan. 25	Referred to Transportation Committee	329
Feb. 9	Notice of hearing (3/8)	495

LEGISLATIVE BILL 766. By Landis

Jan. 20	Read first time	270
Jan. 25	Referred to Revenue Committee	329
Jan. 27	Notice of hearing (2/4)	366
Mar. 8	Indefinitely postponed	859

LEGISLATIVE BILL 767. By Coordsen

Jan. 20	Read first time	270
Jan. 25	Referred to Transportation Committee	329
Feb. 9	Notice of hearing (3/15)	495
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 768. By C. Peterson, Coordsen, Cudaback

Jan. 20	Read first time	270
Jan. 25	Referred to Transportation Committee	329
Feb. 9	Notice of hearing (3/2)	496

LEGISLATIVE BILL 769. By Hartnett

Jan. 20	Read first time	271
Jan. 25	Referred to Education Committee	329
Feb. 4	Notice of hearing (3/8)	443
Mar. 12	Indefinitely postponed	951

LEGISLATIVE BILL 770. By Hartnett

Jan. 20	Read first time	271
Jan. 25	Referred to Revenue Committee	329
Feb. 10	Notice of hearing (3/10)	515
Mar. 12	Redfield priority bill	947
Mar. 24	Byars name added	1194
Apr. 21	Placed on General File - Com AM1376	1578
Apr. 28	Bromm AM1528 to Com AM1376 printed	1748
May 4	Com AM1376 p. 1578 pending. Bromm AM1528 p. 1748 withdrawn. Hartnett AM1612 to Com AM1376 adopted. Chambers FA179 to Com AM1376 lost	1823
May 4	Com AM1376 p. 1578 adopted as amended. Chambers motion to bracket bill prevailed	1826

LEGISLATIVE BILL 771. By Hartnett

Jan. 20	Read first time	271
Jan. 25	Referred to Urban Affairs Committee	329
Feb. 1	Notice of hearing (3/2)	404
Mar. 22	Placed on General File - Com AM821	1140

LEGISLATIVE BILL 772. By Hartnett

Jan. 20	Read first time	271
Jan. 25	Referred to Revenue Committee	329
Feb. 3	Notice of hearing (2/11)	434

LEGISLATIVE BILL 773. By Hartnett

Jan. 20	Read first time	271
Jan. 25	Referred to Nebraska Retirement Systems Committee	329
Mar. 1	Notice of hearing (3/9)	771

LEGISLATIVE BILL 774. By Hartnett

Jan. 20	Read first time	273
Jan. 25	Referred to Urban Affairs Committee	329
Jan. 26	Notice of hearing (2/2)	347
Feb. 8	Placed on General File - Com AM211	482
Feb. 17	Com AM211 p. 482 adopted. Advanced for Review	591
Feb. 19	Placed on Select File - AM7055	626
Feb. 23	AM7055 (E & R) p. 626 adopted. Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
Apr. 21	Hartnett AM1368 printed	1555
Apr. 23	Returned to Select File for Hartnett specific AM1368 p. 1555. Hartnett specific AM1368 p. 1555 adopted. Advanced for Reengrossment	1655
Apr. 26	Correctly Reengrossed	1707
May 20	Final Reading 48-0-1	2325
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 774A. By Hartnett

Feb. 18	Read first time. Placed on General File	615
Feb. 22	Advanced for Review	664
Feb. 25	Placed on Select File	724
Mar. 3	Advanced for Engrossment	820
Mar. 4	Correctly Engrossed	825
May 20	Final Reading 48-0-1	2326
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 775. By Hilgert

Jan. 20	Read first time	273

Jan. 25	Referred to Government, Military and Veterans Affairs Committee	329
Feb. 17	Notice of hearing (3/10)	602
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 776. By Dierks

Jan. 20	Read first time	273
Jan. 25	Referred to Agriculture Committee	329
Feb. 16	Notice of hearing (2/23)	578
Mar. 1	Placed on General File - Com AM497	789
Apr. 1	Com AM497 p. 789 adopted. Advanced for Review	1308
Apr. 9	Placed on Select File - AM7101	1365
Apr. 15	AM7101 (E & R) p. 1365 adopted. Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1533
Apr. 29	Final Reading 45-0-4	1775
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 777. By Dierks

Jan. 20	Read first time	273
Jan. 25	Referred to Revenue Committee	329
Feb. 3	Notice of hearing (2/26)	435
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 778. By Dierks

Jan. 20	Read first time	274
Jan. 25	Referred to Agriculture Committee	329
Feb. 23	Notice of hearing (3/9)	692
Mar. 17	Placed on General File - Com AM829	1047
Apr. 1	Com AM829 p. 1047 adopted. Advanced for Review	1311
Apr. 13	Placed on Select File - AM7116 (printed separate)	1405
Apr. 15	AM7116 (E & R) (printed separate) adopted. Advanced for Engrossment	1495
Apr. 19	Correctly Engrossed	1533
Apr. 19	ER9057 change	1534
Apr. 29	Dispensing of reading at large approved. Final Reading 45-0-4	1776
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 779. By Engel, Bromm, Coordsen, Raikes, Wehrbein

Jan. 20	Read first time	274
Jan. 25	Referred to Education Committee	329
Feb. 4	Notice of hearing (2/23)	443
Mar. 16	Speaker priority bill	1000
Mar. 18	Placed on General File	1063
May 18	Bromm AM1165 printed	2236
May 20	Bromm pending AM1165 p. 2236 adopted. Baker AM253 withdrawn. Advanced for Review	2278
May 20	Placed on Select File - AM7156	2339
May 24	AM7156 (E & R) p. 2339 adopted. Advanced for Engrossment	2365
May 24	Correctly Engrossed. ER9106 change	2367
May 27	Dispensing of reading at large approved. Final Reading 48-0-1	2426
May 27	President signed	2445
May 27	Presented to Governor (5/27)	2446
May 27	Approved by Governor (5/27)	2447

(Provisions/portions of LB 705 amended into LB 779 by AM1165)

LEGISLATIVE BILL 780. By Cudaback, C. Peterson, Quandahl, Schrock, Vrtiska

Jan. 20	Read first time	274
Jan. 25	Referred to Transportation Committee	329
Feb. 9	Notice of hearing (3/2)	496

LEGISLATIVE BILL 781. By Bromm

Jan. 20	Read first time	274
Jan. 25	Referred to Health and Human Services Committee	329
Feb. 4	Notice of hearing (3/10)	465
Mar. 12	Placed on General File	942
Mar. 31	Bromm AM1103 printed	1301
Apr. 1	Bromm pending AM1103 p. 1301 adopted. Advanced for Review	1310
Apr. 9	Placed on Select File - AM7104	1370
Apr. 15	AM7104 (E & R) p. 1370 adopted. Advanced for Engrossment	1492
Apr. 19	Correctly Engrossed	1533
Apr. 29	Final Reading 45-0-4	1777
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 782. By Kiel, Coordsen, Crosby, C. Peterson, Price, Schimek, Suttle

Jan. 20	Read first time	275
Jan. 25	Referred to Education Committee	329
Feb. 4	Notice of hearing (3/2)	443
Apr. 15	Placed on General File - Com AM1232	1479

LEGISLATIVE BILL 783. By Brown, Bruning, Raikes, Stuhr

Jan. 20	Read first time	275
Jan. 25	Referred to Health and Human Services Committee	329
Feb. 4	Notice of hearing (3/3)	465
Feb. 24	Brown motion to withdraw bill printed. Jensen motion to suspend rules to permit cancellation of hearing printed	710
Feb. 25	Correction	713
Feb. 26	Brown pending motion p. 710 to withdraw bill prevailed. Withdrawn. Jensen pending motion p. 710 to cancel hearing prevailed. Notice of hearing (3/3) (canceled)	731

LEGISLATIVE BILL 784. By Schrock

Jan. 20	Read first time	275
Jan. 25	Referred to Natural Resources Committee	329
Jan. 26	Notice of hearing (2/3)	348
Feb. 8	Placed on General File	483
Feb. 16	Schrock FA21 adopted. Advanced for Review	578
Feb. 19	Placed on Select File - AM7053	625
Feb. 23	AM7053 (E & R) p. 625 adopted. Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
Mar. 11	Dispensing of reading at large approved. Final Reading 41-0-8	927
Mar. 11	Speaker signed	932
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 785. By Schrock

Jan. 20	Read first time	275
Jan. 25	Referred to Natural Resources Committee	329
Feb. 24	Notice of hearing (3/3)	703

LEGISLATIVE BILL 786. By Schrock

Jan. 20	Read first time	275
Jan. 25	Referred to Natural Resources Committee	329

Feb. 16	Notice of hearing (2/24)	578
Apr. 15	Indefinitely postponed	1470

LEGISLATIVE BILL 787. By Schrock

Jan. 20	Read first time	275
Jan. 25	Referred to Judiciary Committee	329
Jan. 27	Schrock motion to withdraw bill printed	367
Jan. 29	Schrock pending motion p. 367 to withdraw bill prevailed. Withdrawn	394

LEGISLATIVE BILL 788. By Schrock

Jan. 20	Read first time	275
Jan. 25	Referred to Natural Resources Committee	329
Feb. 1	Notice of hearing (2/11)	407
Feb. 19	Placed on General File	643

LEGISLATIVE BILL 789. By Schrock

Jan. 20	Read first time	276
Jan. 25	Referred to Natural Resources Committee	329
Jan. 26	Notice of hearing (2/3)	348
Feb. 8	Placed on General File	483
Feb. 16	Advanced for Review	579
Feb. 19	Placed on Select File	625
Feb. 23	Advanced for Engrossment	690
Mar. 1	Correctly Engrossed	780
Mar. 11	Final Reading 35-0-14	928
Mar. 11	Speaker signed	932
Mar. 12	Presented to Governor (3/11)	947
Mar. 18	Approved by Governor (3/17)	1055

LEGISLATIVE BILL 790. By Schellpeper, Wickersham

Jan. 20	Read first time	276
Jan. 25	Referred to General Affairs Committee	329
Feb. 9	Notice of hearing (3/8)	501

LEGISLATIVE BILL 791. By Schellpeper

Jan. 20	Read first time	276
Jan. 25	Referred to General Affairs Committee	329
Jan. 29	Notice of hearing (2/8)	392
Mar. 12	Baker priority bill	955
Mar. 22	Placed on General File - Com AM754	1114
Apr. 6	Baker and Janssen names added	1337
Apr. 7	Chambers-Tyson-Jensen AM1134 printed separate	1344

Apr. 14	Com AM754 p. 1114 pending. Chambers FA99 to Com AM754 adopted	1456
Apr. 14	Com AM754 p. 1114 lost as amended	1465
Apr. 15	Bruning-Smith AM1284 printed	1488

LEGISLATIVE BILL 792. By Wickersham

Jan. 20	Read first time	276
Jan. 25	Referred to Transportation Committee	329
Feb. 10	Notice of hearing (3/1)	516
Mar. 3	Indefinitely postponed	823

LEGISLATIVE BILL 793. By Schrock

Jan. 20	Read first time	276
Jan. 25	Referred to Natural Resources Committee	329
Feb. 1	Notice of hearing (2/10)	407
Mar. 10	Placed on General File - Com AM726	890

(Provisions/portions of LB 793 amended into LB 176 by AM1855)

LEGISLATIVE BILL 794. By Wehrbein, Coordsen

Jan. 20	Read first time	277
Jan. 25	Referred to Transportation Committee	329
Feb. 4	Notice of hearing (2/22)	442
Apr. 14	Placed on General File	1435

LEGISLATIVE BILL 795. By Stuhr, Bromm, Wickersham

Jan. 20	Read first time	277
Jan. 25	Referred to Nebraska Retirement Systems Committee	329
Jan. 27	Notice of hearing (2/3)	353
Feb. 8	Placed on General File	475
Feb. 12	Advanced for Review	560
Feb. 17	Placed on Select File - AM7052	597
Feb. 19	AM7052 (E & R) p. 597 adopted. Advanced for Engrossment	643
Feb. 25	Correctly Engrossed	715
Mar. 3	Dispensing of reading at large approved	812
Mar. 3	Final Reading 48-0-1	813
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 796. By Hartnett, Wehrbein

Jan. 20	Read first time	277
Jan. 25	Referred to Transportation Committee	329
Feb. 9	Notice of hearing (3/16)	495

LEGISLATIVE BILL 797. By Dierks

Jan. 20	Read first time	277
Jan. 25	Referred to Health and Human Services Committee	329
Feb. 3	Notice of hearing (2/25)	434

(Provisions/portions of LB 797 amended into LB 594 by AM1603)

LEGISLATIVE BILL 798. By Jensen, Thompson

Jan. 20	Read first time	278
Jan. 25	Referred to Judiciary Committee	329
Feb. 2	Notice of hearing (2/10)	425

LEGISLATIVE BILL 799. By Jensen

Jan. 20	Read first time	278
Jan. 25	Referred to Health and Human Services Committee	329
Feb. 3	Notice of hearing (2/25)	434
Mar. 2	Placed on General File	794
Apr. 1	Advanced for Review	1309
Apr. 9	Placed on Select File	1367
Apr. 15	Advanced for Engrossment	1491
Apr. 19	Correctly Engrossed	1533
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 799 amended into LB 594)

LEGISLATIVE BILL 800. By Jensen

Jan. 20	Read first time	278
Jan. 25	Referred to Health and Human Services Committee	329
Feb. 3	Notice of hearing (2/26)	434
Mar. 15	Placed on General File - Com AM566	965
Apr. 1	Com AM566 p. 965 adopted. Advanced for Review	1310
Apr. 9	Placed on Select File - AM7107	1370
Apr. 15	AM7107 (E & R) p. 1370 adopted. Byars AM1301 to AM7101 adopted. Advanced for Engrossment	1492
Apr. 19	Correctly Engrossed	1533
Apr. 19	ER9053 change	1534
Apr. 29	Final Reading 46-0-3	1778
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 801. By Jensen

Jan. 20	Read first time	279
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	329
Feb. 17	Notice of hearing (3/10)	602
Mar. 12	Placed on General File - Com AM749	955

LEGISLATIVE BILL 802. By Government, Military and Veterans Affairs Committee

Jan. 20	Read first time	279
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	329
Feb. 3	Notice of hearing (2/10)	437
Feb. 12	Placed on General File - Com AM320	560
Feb. 18	Com AM320 p. 560 adopted. Advanced for Review	614
Feb. 23	Placed on Select File	675
Mar. 4	Advanced for Engrossment	838
Mar. 10	Correctly Engrossed	881
Mar. 19	Dispensing of reading at large approved. Final Reading 44-0-5	1097
Mar. 19	President signed	1101
Mar. 19	Presented to Governor (3/19)	1108
Mar. 24	Approved by Governor (3/24)	1186

LEGISLATIVE BILL 803. By Government, Military and Veterans Affairs Committee, Wickersham

Jan. 20	Read first time	279
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	329
Feb. 17	Notice of hearing (3/18)	602

LEGISLATIVE BILL 804. By Urban Affairs Committee

Jan. 20	Read first time	279
Jan. 25	Referred to Urban Affairs Committee	329
Feb. 1	Notice of hearing (2/23)	404

LEGISLATIVE BILL 805. By Urban Affairs Committee

Jan. 20	Read first time	279
Jan. 25	Referred to Appropriations Committee	330
Feb. 19	Notice of hearing (3/17)	645
Apr. 22	Placed on General File - Com AM1226	1629
Apr. 27	Com AM1226 p. 1629 adopted. Advanced for Review	1740
May 3	Placed on Select File - AM7133	1795

May 4	AM7133 (E & R) p. 1795 adopted. Advanced for Engrossment	1842
May 6	Correctly Engrossed	1913
May 12	Final Reading 46-0-3	2004
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor (5/18)	2190

LEGISLATIVE BILL 805A. By Appropriations Committee, Hartnett

Apr. 22	Read first time. Placed on General File	1623
Apr. 27	Advanced for Review	1740
May 3	Placed on Select File	1795
May 4	Advanced for Engrossment	1842
May 6	Returned to Select File for Kristensen-Wehrbein-Hartnett specific FA195. Kristensen et al. specific FA195 adopted. Advanced for Engrossment	1908
May 6	Correctly Engrossed	1913
May 12	Final Reading 45-0-4	2005
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor with line-item vetoes (5/18)	2193
May 18	Appropriations Committee Report	2230
May 19	Communication	2260

LEGISLATIVE BILL 806. By Urban Affairs Committee

Jan. 20	Read first time	280
Jan. 25	Referred to Urban Affairs Committee	330
Feb. 1	Notice of hearing (2/23)	404
Mar. 22	Placed on General File	1140
Apr. 1	Advanced for Review	1311
Apr. 13	Placed on Select File	1405
Apr. 15	Advanced for Engrossment	1495
Apr. 19	Correctly Engrossed	1533
Apr. 19	ER9058 change	1534
Apr. 29	Final Reading 44-0-5	1779
Apr. 29	President signed	1788
May 3	Presented to Governor (4/29)	1791
May 5	Approved by Governor (5/5)	1890

LEGISLATIVE BILL 807. By Hartnett, Engel

Jan. 20	Read first time	280
Jan. 25	Referred to Revenue Committee	330
Feb. 3	Notice of hearing (2/17)	435

LEGISLATIVE BILL 808. By Preister, Hartnett

Jan. 20	Read first time	280
Jan. 25	Referred to Natural Resources Committee	330
Feb. 10	Notice of hearing (2/19)	516

LEGISLATIVE BILL 809. By Bohlke

Jan. 20	Read first time	280
Jan. 25	Referred to Transportation Committee	330
Feb. 4	Notice of hearing (2/23)	442
Feb. 26	Placed on General File - Com AM456	757
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 809 amended into LB 704 by AM1147)

LEGISLATIVE BILL 810. By Bohlke

Jan. 20	Read first time	280
Jan. 25	Referred to Education Committee	330
Feb. 4	Notice of hearing (3/8)	443
Mar. 18	Placed on General File	1063
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 810 amended into LB 475 by AM873)

LEGISLATIVE BILL 811. By Bohlke

Jan. 20	Read first time	280
Jan. 25	Referred to Education Committee	330
Feb. 4	Notice of hearing (3/8)	443

LEGISLATIVE BILL 812. By Bohlke

Jan. 20	Read first time	280
Jan. 25	Referred to Education Committee	330
Feb. 2	Notice of hearing (2/9)	417
Mar. 19	Placed on General File - Com AM879	1107
May 12	Bohlke AM1760 to Com AM879 printed	2048

LEGISLATIVE BILL 813. By Bohlke

Jan. 20	Read first time	281
Jan. 25	Referred to Education Committee	330
Feb. 2	Notice of hearing (2/9)	417

Feb. 16	Placed on General File - Com AM262	575
Feb. 19	Com AM262 p. 575 adopted. Bohlke AM347 adopted. Bohlke AM188 adopted. Advanced for Review	649
Feb. 25	Placed on Select File - AM7074	722
Mar. 4	AM7074 (E & R) p. 722 adopted. Wickersham AM481 adopted. Advanced for Engrossment	839
Mar. 12	Correctly Engrossed	941
Mar. 12	ER9019 change	942
Apr. 7	Bohlke AM1143 printed	1345
Apr. 9	Returned to Select File for Bohlke specific AM1143 p. 1345. Bohlke specific AM1143 p. 1345 adopted. Advanced for Reengrossment. Returned to Select File for Bohlke specific AM1188. Bohlke specific AM1188 adopted. Advanced for Reengrossment	1359
Apr. 13	Correctly Reengrossed	1421
Apr. 13	ER9044 change	1422
May 4	Bohlke FA186 printed	1831
May 6	Bohlke motion to return to Select File for specific FA186 p. 1831 withdrawn	1898
May 6	Dispensing of reading at large approved. Final Reading w/E 44-0-5	1899
May 6	President signed	1912
May 6	Presented to Governor (5/6)	1914
May 12	Approved by Governor (5/12)	2014

(Provisions/portions of LB 144 amended into LB 813)
(Provisions/portions of LB 173 amended into LB 813 by AM481)

LEGISLATIVE BILL 814. By Bohlke

Jan. 20	Read first time	281
Jan. 25	Referred to Education Committee	330
Feb. 4	Notice of hearing (2/22)	443
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 815. By Bohlke

Jan. 20	Read first time	281
Jan. 25	Referred to Education Committee	330
Feb. 4	Notice of hearing (2/22)	443
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 816. By Bohlke

Jan. 20	Read first time	282
Jan. 25	Referred to Education Committee	330
Feb. 4	Notice of hearing (2/22)	443
Mar. 9	Education Committee priority bill	878

Apr. 7	Placed on General File - Com AM1115 (printed separate)	1347
May 3	Bohlke AM1317 to Com AM1115 printed	1807
May 5	Com AM1115 (printed separate) adopted as amended by Bohlke pending AM1317 p. 1807 and AM1655. Advanced for Review	1892
May 11	Placed on Select File - AM7141 (printed separate)	1937
May 19	AM7141 (E & R) (printed separate) adopted. Bohlke AM1888 to AM7141 adopted. Advanced for Engrossment	2271
May 20	Correctly Engrossed. ER9101 change	2340
May 24	Final Reading w/E 47-0-2	2373
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

(Provisions/portions of LB 542 amended into LB 816 by AM1317)
(Provisions/portions of LB 543 amended into LB 816 by AM1317)

LEGISLATIVE BILL 816A. By Bohlke

May 12	Read first time. Placed on General File	2013
May 14	Advanced for Review	2132
May 17	Placed on Select File	2159
May 19	Advanced for Engrossment	2271
May 20	Correctly Engrossed	2340
May 24	Final Reading w/E 46-0-3	2374
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 817. By Tyson

Jan. 20	Read first time	282
Jan. 25	Referred to Education Committee	330
Feb. 4	Notice of hearing (3/9)	443

LEGISLATIVE BILL 818. By Preister, Bohlke, Crosby, Hartnett, Kiel, Landis, C. Peterson, Redfield, Schmitt, Suttle, Thompson

Jan. 20	Read first time	282
Jan. 25	Referred to Health and Human Services Committee	330
Feb. 4	Notice of hearing (3/3)	465

LEGISLATIVE BILL 819. By Jensen

Jan. 20	Read first time	282
Jan. 25	Referred to Health and Human Services Committee	330
Feb. 4	Notice of hearing (3/11)	465

LEGISLATIVE BILL 820. By Bohlke

Jan. 20	Read first time	283
Jan. 25	Referred to Transportation Committee	330
Feb. 9	Notice of hearing (3/8)	495
Mar. 12	Placed on General File	950
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 820 amended into LB 594 by AM1277)

LEGISLATIVE BILL 820A. By Bohlke

Mar. 18	Read first time. Placed on General File	1074
May 25	Kristensen motion to suspend rules to indefinitely postpone bill printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone bill prevailed	2453

LEGISLATIVE BILL 821. By Bohlke

Jan. 20	Read first time	283
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	330
Feb. 17	Notice of hearing (3/4)	602
Mar. 12	Placed on General File - Com AM652	955
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 821 amended into LB 475 by AM813)

LEGISLATIVE BILL 822. By Natural Resources Committee

Jan. 20	Read first time	283
Jan. 25	Referred to Natural Resources Committee	330
Feb. 2	Tyson name added	426
Feb. 16	Notice of hearing (2/25)	578
Feb. 23	Bohlke priority bill	685
Mar. 22	Placed on General File - Com AM948	1138
Mar. 29	Com AM948 p. 1138 pending. Beutler AM1037 and AM1039 to Com AM948 adopted	1246
Mar. 29	Beutler AM1042 and AM1045 to Com AM948 lost	1248

Mar. 29	Beutler AM1046, AM1048, AM1047, AM1043, and AM1041 to Com AM948 printed	1250
Mar. 29	Beutler AM1044, AM1040, and AM1038 to Com AM948 printed	1251
Mar. 30	Com AM948 p. 1138 adopted as amended by Beutler AM1067. Beutler AM1046 p. 1250 withdrawn. Beutler pending AM1048 p. 1250 to Com AM948 lost. Beutler unanimous consent to replace pending AM1047 p. 1250 with substitute amendment. No objections. Beutler AM1047 p. 1250 withdrawn. Beutler substitute AM1068 to Com AM948 lost. Beutler AM1043 and AM1041 p. 1250 and AM1044, AM1040, AM1038 p. 1251 withdrawn. Advanced for Review	1257
Apr. 6	Placed on Select File - AM7093	1325
Apr. 9	Schimek-Raikes AM1171 to AM7093 printed	1386
Apr. 12	Schrock AM1202 to AM7093 printed	1402
Apr. 15	Schimek-Raikes AM1283 to AM1171 printed	1506
Apr. 19	Wickersham AM1276 to AM7093 printed	1530
Apr. 22	AM7093 (E & R) p. 1325 adopted. Schimek-Raikes pending AM1171 p. 1386 pending	1612
Apr. 22	Schimek-Raikes pending AM1171 p. 1386 pending. Schimek-Raikes pending AM1283 p. 1506 to AM1171 adopted. Kremer FA110 to AM1171 pending	1619
Apr. 22	Kremer pending FA110 to AM1171 p. 1619 adopted. Schimek-Raikes pending AM1171 p. 1386 adopted as amended. Schrock unanimous consent to replace pending AM1202 p. 1402 with substitute amendment. No objections. Schrock AM1202 p. 1402 withdrawn. Schrock substitute AM1423 to AM7093 adopted	1623
Apr. 22	Wickersham pending AM1276 p. 1530 adopted. Schrock AM1395 to AM7093 adopted. Beutler AM1425 to AM7093 lost. Schrock FA111 to AM1425 lost. Schrock FA112 adopted. Advanced for Engrossment	1630
Apr. 26	Correctly Engrossed. ER9062 change	1707
May 18	Final Reading w/E 42-0-7	2186
May 18	President signed	2188
May 18	Presented to Governor (5/18)	2196
May 25	Approved by Governor (5/24)	2384

(Provisions/portions of LB 712 amended into LB 822 by AM1171)

LEGISLATIVE BILL 823. By Natural Resources Committee, Connealy

Jan. 20	Read first time	283

Jan. 25	Referred to Natural Resources Committee	330
Feb. 8	Notice of hearing (2/18)	484
Feb. 26	Bruning AM541, AM542, AM543, AM544, AM545, and AM547 printed	751
Feb. 26	Bruning AM548, AM549, AM550, and AM551 printed	752

LEGISLATIVE BILL 824. By Beutler

Jan. 20	Read first time	283
Jan. 25	Referred to Judiciary Committee	330
Feb. 16	Notice of hearing (3/12)	587
Feb. 24	Notice of hearing (3/12) (canceled)	707
Feb. 24	Notice of hearing (3/19) (rescheduled)	708

LEGISLATIVE BILL 825. By Price, Bruning, Chambers, Crosby, Cudaback, Dierks, Hartnett, Hudkins, Janssen, Kiel, C. Peterson, Preister, Robak, Schimek, Schrock, Suttle, Thompson, Tyson, Wehrbein

Jan. 20	Read first time	284
Jan. 25	Referred to Agriculture Committee	330
Feb. 19	Notice of hearing (3/2)	660
Feb. 26	Dw. Pedersen name added	769

LEGISLATIVE BILL 826. By Bourne

Jan. 20	Read first time	284
Jan. 25	Referred to Revenue Committee	330
Jan. 27	Notice of hearing (2/3)	355
Mar. 8	Indefinitely postponed	859

LEGISLATIVE BILL 827. By Bromm

Jan. 20	Read first time	284
Jan. 25	Referred to Banking, Commerce and Insurance Committee	330
Feb. 1	Notice of hearing (2/16)	403
Mar. 3	Placed on General File	819
Mar. 11	Banking, Commerce and Insurance Committee priority bill	914
Mar. 23	Landis-Bromm AM870 printed separate	1166
May 25	Kristensen motion to suspend rules to indefinitely postpone printed	2406
May 27	Kristensen motion p. 2406 to suspend rules to indefinitely postpone withdrawn. Kristensen motion to suspend rules to indefinitely postpone prevailed	2453

(Provisions/portions of LB 827 amended into LB 550 by AM1452)

LEGISLATIVE BILL 828. By Jensen

Jan. 20	Read first time	284
Jan. 25	Referred to Health and Human Services Committee	330
Jan. 26	Notice of hearing (2/10)	348
Mar. 9	Placed on General File - Com AM673 (printed separate)	875
Mar. 12	Health and Human Services Committee priority bill	947
Mar. 22	Jensen-Byars-Dierks-Tyson-Price-Thompson-Suttle AM851 to Com AM673 printed	1132
May 11	Com AM673 (printed separate) adopted as amended by Jensen et al. pending AM851 p. 1132. Advanced for Review	1966
May 17	Placed on Select File - AM7150	2161
May 19	AM7150 (E & R) p. 2161 adopted. Jensen AM1893 (on file) adopted. Advanced for Engrossment	2271
May 24	Correctly Engrossed. ER9103 change	2359
May 27	Dispensing of reading at large approved. Final Reading 48-0-1	2427
May 27	President signed	2445
May 27	Presented to Governor (5/27)	2446
May 27	Approved by Governor (5/27)	2447

(Provisions/portions of LB 575 amended into LB 828 by AM1893)

LEGISLATIVE BILL 829. By Kiel, Beutler, Bromm, Brown, Landis, Preister, Raikes, Robak, Schimek, Suttle

Jan. 20	Read first time	285
Jan. 25	Referred to Transportation Committee	330
Feb. 9	Notice of hearing (3/15)	495
Feb. 18	Kiel priority bill	605
Apr. 14	Placed on General File - Com AM1240	1447
Apr. 20	Com AM1240 p. 1447 adopted. Advanced for Review	1544
Apr. 21	Placed on Select File - AM7127	1555
May 13	AM7127 (E & R) p. 1555 adopted. Advanced for Engrossment	2113
May 17	Correctly Engrossed	2145
May 17	ER9094 change	2152
May 20	Final Reading 45-1-3	2326
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 830. By Redfield, Baker, Bourne, Brashear, Bromm, Brown, Bruning, Byars, Coordsen, Cudaback, Dierks, Engel, Hartnett, Hilgert, Hudkins, Jones, Kremer, Kiel, Kristensen, Lynch, Dw. Pedersen, C. Peterson, Quandahl, Raikes, Schellpeper, Schmitt, Schrock, Smith, Stuhr, Suttle, Thompson, Tyson, Vrtiska

Jan. 20	Read first time	285
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	330
Feb. 17	Notice of hearing (3/18)	602
Mar. 29	Placed on General File	1255

LEGISLATIVE BILL 831. By Kiel, Schrock

Jan. 20	Read first time	285
Jan. 25	Referred to Nebraska Retirement Systems Committee	330
Mar. 8	Notice of hearing (3/17)	857

LEGISLATIVE BILL 832. By Agriculture Committee, Connealy, Jones, Schmitt

Jan. 20	Read first time	285
Jan. 25	Referred to Agriculture Committee	330
Jan. 26	Notice of hearing (2/2)	347
Jan. 28	Bromm name added	389
May 11	Indefinitely postponed	1967

(Provisions/portions of LB 832 amended into LB 835 by Com AM814

LEGISLATIVE BILL 833. By Agriculture Committee, Connealy, Jones, Schmitt

Jan. 20	Read first time	285
Jan. 25	Referred to Agriculture Committee	330
Jan. 26	Notice of hearing (2/2)	347
Jan. 28	Bromm name added	389

(Provisions/portions of LB 833 amended into LB 835 by Com AM814)

LEGISLATIVE BILL 834. By Agriculture Committee, Connealy, Jones, Schmitt

Jan. 20	Read first time	286
Jan. 25	Referred to Agriculture Committee	330
Jan. 26	Notice of hearing (2/2)	347
Jan. 28	Bromm name added	389

LEGISLATIVE BILL 835. By Agriculture Committee, Connealy, Jones, Schmitt

Jan. 20	Read first time	286
Jan. 25	Referred to Agriculture Committee	330

Jan. 26	Notice of hearing (2/2)	347
Jan. 28	Bromm name added	389
Feb. 24	Dierks priority bill	703
Mar. 18	Placed on General File - Com AM814	1068
Mar. 23	Com AM814 p. 1068 pending	1166
Mar. 24	Com AM814 p. 1068 adopted as amended by Beutler AM973. Advanced for Review	1178
Mar. 25	Placed on Select File - AM7092	1195
Apr. 9	Dierks AM1192 to AM7092 printed	1386
Apr. 15	AM7092 (E & R) p. 1195 adopted. Dierks AM1192 p. 1386 withdrawn. Dierks AM1298 to AM7092 adopted. Brashear AM1299 to AM7092 lost	1478
Apr. 15	Bromm FA101 to AM7092 adopted	1489
Apr. 15	Brashear AM1196 to AM7092 printed	1504
Apr. 22	Brashear AM1196 p. 1504 withdrawn. Wehrbein FA107 to AM7092 adopted as amended by Dierks FA108. Dierks FA109 to AM7092 adopted. Advanced for Engrossment	1603
Apr. 26	Correctly Engrossed	1683
Apr. 26	ER9059 change	1684
May 20	Motion to return to Select File for Dierks specific FA257 withdrawn. Final Reading w/E 48-0-1	2327
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 27	Approved by Governor (5/26)	2410

(Provisions/portions of LB 832 amended into LB 835 by Com AM814)
(Provisions/portions of LB 833 amended into LB 835 by Com AM814)

LEGISLATIVE BILL 835A. By Dierks

Apr. 9	Read first time. Placed on General File	1385
Apr. 13	Advanced for Review	1409
Apr. 14	Placed on Select File	1456
Apr. 22	Advanced for Engrossment	1610
Apr. 26	Correctly Engrossed	1683
Apr. 26	ER9060 change	1684
May 11	Dierks AM1674 printed	1950
May 14	Returned to Select File for Dierks specific AM1674 p. 1950. Dierks specific AM1674 p. 1950 adopted. Advanced for Reengrossment	2136
May 17	Correctly Reengrossed	2176
May 20	Final Reading w/E 47-0-2	2328
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 836. By Brashear

Jan. 20	Read first time	286
Jan. 25	Referred to Revenue Committee	330
Feb. 10	Notice of hearing (3/4)	515

LEGISLATIVE BILL 837. By Brashear

Jan. 20	Read first time	286
Jan. 22	Bruning name added	325
Jan. 25	Referred to Judiciary Committee	330
Feb. 16	Notice of hearing (3/3)	587
Mar. 4	Dw. Pedersen name added	850

LEGISLATIVE BILL 838. By Brashear

Jan. 20	Read first time	286
Jan. 22	Bruning name added	325
Jan. 25	Referred to Judiciary Committee	330
Feb. 2	Notice of hearing (2/10)	426

LEGISLATIVE BILL 839. By Brashear

Jan. 20	Read first time	287
Jan. 22	Notice of hearing (1/29)	323
Jan. 22	Chambers name added	325
Jan. 25	Referred to Judiciary Committee	330
Feb. 8	Placed on General File	475
Feb. 12	Beutler FA26 withdrawn. Advanced for Review	560
Feb. 12	Quandahl and Dw. Pedersen names added	570
Feb. 17	Placed on Select File	590
Mar. 3	Advanced for Engrossment	820
Mar. 4	Correctly Engrossed	825
May 20	Final Reading 47-0-2	2328
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 839A. By Brashear

Feb. 9	Read first time. Placed on General File	502
Feb. 12	Advanced for Review	560
Feb. 17	Placed on Select File	590
Mar. 3	Advanced for Engrossment	820
Mar. 4	Correctly Engrossed	825
May 20	Final Reading 46-0-3	2329
May 20	Speaker signed	2331
May 20	Presented to Governor (5/20)	2340
May 25	Approved by Governor (5/25)	2405

LEGISLATIVE BILL 840. By Brashear

Jan. 20	Read first time	287
Jan. 25	Referred to Judiciary Committee	330
Feb. 16	Notice of hearing (3/17)	587

LEGISLATIVE BILL 841. By Connealy, Bromm, Cudaback, Hudkins, Schimek, Vrtiska, Wehrbein

Jan. 20	Read first time	287
Jan. 25	Referred to Natural Resources Committee	330
Jan. 27	Notice of hearing (2/4)	366
Jan. 27	Bruning name added	378
Feb. 4	Byars name added	472
Feb. 18	Jones name added	617
Apr. 15	Indefinitely postponed	1470

LEGISLATIVE BILL 842. By Connealy, Coordsen, Dierks, Vrtiska

Jan. 20	Read first time	287
Jan. 25	Referred to Agriculture Committee	330
Feb. 2	Notice of hearing (2/9)	426

LEGISLATIVE BILL 843. By Lynch, Connealy, Robak

Jan. 20	Read first time	287
Jan. 25	Referred to Revenue Committee	330
Feb. 10	Notice of hearing (3/4)	515
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 844. By Beutler, Dierks, Schmitt

Jan. 20	Read first time	287
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	330
Feb. 3	Notice of hearing (2/11)	437
Mar. 17	Indefinitely postponed	1036

LEGISLATIVE BILL 845. By Suttle, Hudkins, Kiel, Price

Jan. 20	Read first time	288
Jan. 25	Referred to Banking, Commerce and Insurance Committee	330
Feb. 1	Notice of hearing (2/23)	403
Feb. 25	Indefinitely postponed	714
Feb. 25	Chambers motion to place on General File printed	725
Mar. 3	Chambers pending motion p. 725 to place on General File failed	822

LEGISLATIVE BILL 846. By Brown

Jan. 20	Read first time	288
Jan. 25	Referred to Appropriations Committee	330
Jan. 27	Notice of hearing (2/3)	366
Feb. 8	Placed on General File	476
Feb. 16	Advanced for Review	577
Feb. 17	Placed on Select File	598
Feb. 19	Advanced for Engrossment	643
Feb. 25	Correctly Engrossed	715
Mar. 3	Final Reading 48-0-1	813
Mar. 3	Speaker signed	820
Mar. 3	Presented to Governor (3/3)	821
Mar. 9	Approved by Governor (3/8)	869

LEGISLATIVE BILL 847. By Hartnett, Thompson

Jan. 20	Read first time	288
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	330
Jan. 25	Bruning name added	341
Feb. 17	Notice of hearing (3/11)	602

LEGISLATIVE BILL 848. By Hartnett, Bourne, Kiel, Lynch, Preister, Thompson

Jan. 20	Read first time	288
Jan. 25	Referred to Revenue Committee	330
Jan. 25	Bruning name added	341
Feb. 3	Notice of hearing (2/18)	435

LEGISLATIVE BILL 849. By Hartnett, Janssen

Jan. 20	Read first time	288
Jan. 25	Referred to Urban Affairs Committee	330
Feb. 1	Notice of hearing (3/2)	404
Mar. 12	Smith priority bill	947
Mar. 15	Smith name added	985
Mar. 16	Placed on General File - Com AM735 (printed separate)	1011
Mar. 18	Bruning name added	1075
Mar. 25	Byars name added	1225
Apr. 7	Com AM735 (printed separate) pending	1342
Apr. 7	Com AM735 (printed separate) adopted. Advanced for Review	1343
Apr. 7	Dw. Pedersen name added	1352
Apr. 12	Engel name added	1403

Apr. 13	Placed on Select File - AM7119	1420
May 11	Hartnett AM1740 printed separate	1991
May 13	AM7119 (E & R) p. 1420 adopted. Hartnett pending AM1740 (printed separate) adopted. Advanced for Engrossment	2090
May 17	Correctly Engrossed	2145
May 17	ER9089 change	2152
May 19	Smith AM1900 printed (on file)	2267
May 20	Smith AM1900 (on file) withdrawn. Returned to Select File for Smith for specific AM1915 (on file). Smith specific AM1915 (on file) adopted. Advanced for Reengrossment	2338
May 24	Correctly Reengrossed	2359
May 24	ER9105 change	2360
May 27	Motion to return to Select File for Stuhr specific AM1928 withdrawn	2428
May 27	Dispensing of reading at large approved	2428
May 27	Final Reading w/E 47-0-2	2429
May 27	President signed	2445
May 27	Presented to Governor (5/27)	2446
May 27	Approved by Governor (5/27)	2447

LEGISLATIVE BILL 849A. By Hartnett

Apr. 19	Read first time. Placed on General File	1523
Apr. 21	Advanced for Review	1566
Apr. 21	Placed on Select File	1568
May 13	Advanced for Engrossment	2090
May 17	Correctly Engrossed	2145
May 27	Final Reading w/E 46-0-3	2429
May 27	President signed	2445
May 27	Presented to Governor (5/27)	2446
May 27	Approved by Governor (5/27)	2447

LEGISLATIVE BILL 850. By Tyson

Jan. 20	Read first time	288
Jan. 25	Referred to Judiciary Committee	330
Feb. 2	Notice of hearing (2/11)	426

LEGISLATIVE BILL 851. By Preister, Bohlke, Bromm, Dierks, Kiel, Schimek, Schmitt, Thompson

Jan. 20	Read first time	288
Jan. 25	Referred to Natural Resources Committee	330
Feb. 16	Notice of hearing (2/24)	578
Apr. 15	Indefinitely postponed	1470

LEGISLATIVE BILL 852. By Kristensen

Jan. 20	Read first time	290
Jan. 25	Referred to Judiciary Committee	330
Feb. 2	Notice of hearing (2/11)	426

LEGISLATIVE BILL 853. By Jones, Baker, Coordsen, Kremer, Schellpeper, Schmitt, Stuhr

Jan. 20	Read first time	290
Jan. 25	Referred to Revenue Committee	330
Feb. 3	Notice of hearing (2/19)	435
Mar. 18	Indefinitely postponed	1075

LEGISLATIVE BILL 854. By Hartnett

Jan. 20	Read first time	290
Jan. 25	Referred to Revenue Committee	331
Feb. 3	Notice of hearing (2/12)	435
Mar. 24	Indefinitely postponed	1180

LEGISLATIVE BILL 855. By Wehrbein, Coordsen, Landis

Jan. 20	Read first time	290
Jan. 25	Referred to Transportation Committee	331
Feb. 4	Notice of hearing (2/22)	442
Feb. 16	Cudaback name added	588
Apr. 13	Indefinitely postponed	1421

LEGISLATIVE BILL 856. By Hartnett, Bohlke

Jan. 20	Read first time	290
Jan. 25	Referred to Health and Human Services Committee	331
Feb. 4	Notice of hearing (3/10)	465

LEGISLATIVE BILL 857. By Hartnett, Bohlke

Jan. 20	Read first time	290
Jan. 25	Referred to Education Committee	331
Feb. 4	Notice of hearing (3/2)	443

LEGISLATIVE BILL 858. By Crosby

Jan. 20	Read first time	291
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	331
Feb. 10	Notice of hearing (2/19)	515
Mar. 2	Indefinitely postponed	793

(Provisions/portions of LB 858 amended into LB 571 by Com AM555)

LEGISLATIVE BILL 859. By Hartnett

Jan. 20	Read first time	291
Jan. 25	Referred to Government, Military and Veterans Affairs Committee	331
Feb. 17	Notice of hearing (3/10)	602
Mar. 16	Indefinitely postponed	1011

LEGISLATIVE BILL 860. By Raikes, Engel, Schimek

Jan. 20	Read first time	291
Jan. 25	Referred to Appropriations Committee	331
Jan. 28	Notice of hearing (2/8)	387
Apr. 22	Placed on General File - Com AM1323	1629
Apr. 27	Com AM1323 p. 1629 adopted. Advanced for Review	1739
May 3	Placed on Select File - AM7131	1794
May 4	AM7131 (E & R) p. 1794 adopted. Advanced for Engrossment	1841
May 6	Correctly Engrossed	1913
May 12	Final Reading 48-0-1	2003
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor (5/18)	2190

LEGISLATIVE BILL 861. By Thompson

Jan. 20	Read first time	291
Jan. 22	Bruning name added	325
Jan. 25	Referred to Judiciary Committee	331
Feb. 16	Notice of hearing (3/3)	587

LEGISLATIVE BILL 862. By Brashear

Jan. 20	Read first time	291
Jan. 25	Referred to Banking, Commerce and Insurance Committee	331
Feb. 19	Notice of hearing (3/1)	644
Mar. 9	Indefinitely postponed	872

LEGISLATIVE BILL 863. By Natural Resources Committee, Chambers, Hilgert, Kiel

Jan. 20	Read first time	291
Jan. 25	Referred to Natural Resources Committee	331
Feb. 2	Notice of hearing (2/12)	423
Feb. 3	Notice of hearing (2/12) (canceled)	433
Feb. 3	Notice of hearing (2/26) (rescheduled)	434
Mar. 11	Natural Resources Committee priority bill	915

May 11	Placed on General File - Com AM1724 (printed separate)	1963
May 14	Com AM1724 (printed separate) adopted as amended by Schrock AM1799. Advanced for Review	2133
May 18	Placed on Select File - AM7152	2188
May 19	AM7152 (E & R) p. 2188 adopted. Schrock AM1865 to Com AM1724 adopted. Advanced for Engrossment	2272
May 20	Correctly Engrossed	2340
May 24	Motion to return to Select File for Preister specific FA259 withdrawn. Final Reading w/E 48-0-1	2375
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 864. By Dw. Pedersen

Jan. 20	Read first time	292
Jan. 25	Referred to Transportation Committee	331
Feb. 1	Notice of hearing (2/9)	407
Mar. 8	Placed on General File	861

LEGISLATIVE BILL 865. By Dw. Pedersen, Baker, Beutler, Bohlke, Bromm, Bruning, Connealy, Crosby, Dierks, Engel, Hartnett, Hilgert, Hudkins, Janssen, Jensen, Jones, Kiel, Kristensen, Lynch, D. Pederson, Preister, Quandahl, Raikes, Robak, Schellpeper, Schimek, Schmitt, Schrock, Smith, Suttle, Thompson, Tyson, Wickersham

Jan. 20	Read first time	292
Jan. 25	Referred to Judiciary Committee	331
Feb. 16	Notice of hearing (3/11)	587
Feb. 19	Dw. Pedersen priority bill	644
May 11	Placed on General File - Com AM1566	1939
May 11	Hilgert AM1692 to Com AM1566 printed	1953
May 12	Dw. Pedersen AM1588 printed	2013
May 14	Com AM1566 p. 1939 adopted as amended by Brashear AM1801. Hilgert AM1692 p. 1953 withdrawn. Advanced for Review	2134
May 17	Dw. Pedersen AM1815 to Com AM1566 printed	2174
May 18	Placed on Select File - AM7151	2189
May 19	AM7151 (E & R) p. 2189 adopted. Dw. Pedersen pending AM1588 p. 2013 adopted. Dw. Pedersen AM1815 p. 2174 withdrawn. Dw. Pedersen AM1897 to Com AM1566 adopted. Advanced for Engrossment	2264
May 20	Correctly Engrossed	2306
May 20	ER9100 change	2307

May 24	Final Reading w/E 46-0-3	2376
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

(Provisions/portions of LB 493 amended into LB 865 by AM1588)
(Provisions/portions of LB 638 amended into LB 865 by Com AM1566)

LEGISLATIVE BILL 865A. By Dw. Pedersen

May 17	Read first time. Placed on General File	2160
May 19	Advanced for Review	2250
May 19	Placed on Select File	2259
May 19	Dw. Pedersen AM1894 printed	2261
May 19	Dw. Pedersen pending AM1894 p. 2261 adopted. Advanced for Engrossment	2266
May 20	Correctly Engrossed	2306
May 24	Final Reading w/E 47-0-2	2377
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 866. By Dw. Pedersen, Tyson

Jan. 20	Read first time	292
Jan. 25	Referred to Judiciary Committee	331
Feb. 16	Notice of hearing (3/11)	587

LEGISLATIVE BILL 867. By Dw. Pedersen, Bromm, Hilgert, Hudkins, Jones, Lynch, Schmitt

Jan. 20	Read first time	292
Jan. 25	Referred to Judiciary Committee	331
Feb. 16	Notice of hearing (3/11)	587
Mar. 17	Placed on General File	1041

LEGISLATIVE BILL 868. By Jensen, Dierks, Tyson

Jan. 20	Read first time	293
Jan. 25	Referred to Health and Human Services Committee	331
Feb. 4	Notice of hearing (3/11)	466

LEGISLATIVE BILL 869. By Transportation Committee

Jan. 20	Read first time	293
Jan. 25	Referred to Transportation Committee	331
Feb. 9	Notice of hearing (3/15)	495

LEGISLATIVE BILL 870. By Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Hudkins, Janssen, Jones, Kremer, Raikes, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham

Jan. 20	Read first time	293
Jan. 25	Referred to Natural Resources Committee	331
Feb. 16	Notice of hearing (2/24)	578
Mar. 4	Kremer priority bill	826
Apr. 19	Placed on General File - Com AM1312 (printed separate)	1530
Apr. 28	Beutler AM1529 to Com AM1312 printed	1746
Apr. 28	Schrock AM1530 to Com AM1312 printed	1748
Apr. 28	Preister AM1551 to Com AM1312 printed	1755
May 3	Beutler AM1544, AM1535, AM1545, AM1543, AM1542, AM1541, and AM1548 to Com AM1312 printed	1798
May 3	Beutler AM1547, AM1539, and AM1549 to Com AM1312 printed	1799
May 3	Com AM1312 (printed separate) pending. Schrock pending AM1530 p. 1748 to Com AM1312 adopted. Preister pending AM1551 p. 1755 to Com AM1312 lost	1805
May 3	Beutler pending AM1544 p. 1798 to Com AM1312 pending	1812
May 4	Beutler-Schrock AM1645 to Com AM1312 printed	1847
May 4	Beutler AM1544 p. 1798 withdrawn. Beutler request for division of question on Com AM1312 (printed separate) pending	1822
May 4	Beutler AM1596 to Com AM1312 printed	1846
May 5	Beutler request p. 1822 for division of question on Com AM1312 withdrawn. Beutler unanimous consent to replace pending AM1535 p. 1798 with substitute amendment. No objections. Beutler AM1535 p. 1798 withdrawn. Beutler-Schrock substitute pending AM1645 p. 1847 to Com AM1312 adopted. Beutler AM1529 p. 1746, and AM1545, AM1543, AM1542, AM1541 and AM1548 p. 1798 withdrawn. Beutler AM1547, AM1539, and AM1549 p. 1799 and AM1596 p. 1846 withdrawn. Beutler AM1623 to Com AM1312 withdrawn. Com AM1312 (printed separate) adopted as amended. Advanced for Review	1852
May 11	Placed on Select File - AM7143 (printed separate)	1937
May 12	Dierks AM1730 to AM7143 printed	2059

May 17	AM7143 (E & R) (printed separate) adopted. Dierks pending AM1730 p. 2059 adopted as amended by Beutler FA233. Schrock AM1816 pending. Beutler FA234 to AM1816 pending	2177
May 17	Beutler FA235 to AM1816 printed	2181
May 17	Preister AM1845 and Bohlke AM1849 to AM7143 printed	2182
May 18	Beutler FA234 and Schrock AM1816 p. 2178 withdrawn. Beutler FA235 p. 2181 withdrawn. Preister pending AM1845 and Bohlke pending AM1849 p. 2182 lost	2221
May 18	Dierks FA237 to FA233 adopted. Beutler AM1866 to AM7143 adopted. Advanced for Engrossment	2225
May 19	Correctly Engrossed. ER9097 change	2268
May 24	Final Reading w/E 44-2-3	2378
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

(Provisions/portions of LB 328 amended into LB 870 by AM1730)
(Provisions/portions of LB 656 amended into LB 870 by Com AM1312)
(Provisions/portions of LB 746 amended into LB 870 by Com AM1312)

LEGISLATIVE BILL 870A. By Schrock

May 11	Read first time. Placed on General File	1947
May 13	Advanced for Review	2071
May 17	Placed on Select File	2159
May 18	Advanced for Engrossment	2226
May 19	Correctly Engrossed	2268
May 24	Final Reading w/E 45-2-2	2379
May 24	President signed	2379
May 25	Presented to Governor (5/24)	2383
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 871. By Tyson

Jan. 20	Read first time	293
Jan. 25	Referred to Health and Human Services Committee	331
Feb. 4	Notice of hearing (3/11)	466

LEGISLATIVE BILL 872. By Vrtiska, Hudkins, Raikes

Jan. 20	Read first time	293
Jan. 25	Referred to Judiciary Committee	331
Jan. 28	Notice of hearing (2/4)	381
Feb. 9	Indefinitely postponed	491

LEGISLATIVE BILL 873. By Speaker Kristensen, at the request of the Governor

Jan. 27	Read first time	370
Jan. 28	Referred to Appropriations Committee	387
Feb. 18	Notice of hearing (3/4)	608
Apr. 22	Placed on General File - Com AM1227	1624
Apr. 27	Com AM1227 p. 1624 adopted. Advanced for Review	1739
May 3	Placed on Select File - AM7130	1794
May 4	AM7130 (E & R) p. 1794 adopted. Advanced for Engrossment	1841
May 6	Correctly Engrossed	1913
May 12	Final Reading w/E 48-0-1	2000
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor (5/18)	2190

LEGISLATIVE BILL 874. By Speaker Kristensen, at the request of the Governor

Jan. 27	Read first time	370
Jan. 28	Referred to Nebraska Retirement Systems Committee	387
Feb. 24	Notice of hearing (3/3)	696
Mar. 11	Indefinitely postponed	938

LEGISLATIVE BILL 875. By Speaker Kristensen, at the request of the Governor

Jan. 27	Read first time	370
Jan. 28	Referred to Appropriations Committee	387
Feb. 19	Notice of hearing (3/17)	645

LEGISLATIVE BILL 876. By Speaker Kristensen, at the request of the Governor

Jan. 27	Read first time	370
Jan. 28	Referred to Appropriations Committee	387
Feb. 10	Notice of hearing (2/22)	506
Apr. 22	Placed on General File	1624
Apr. 27	Advanced for Review	1739
May 3	Placed on Select File	1794
May 4	Advanced for Engrossment	1841
May 6	Correctly Engrossed	1913
May 12	Final Reading w/E 47-0-2	2001
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor (5/18)	2190

LEGISLATIVE BILL 877. By Speaker Kristensen, at the request of the Governor

Jan. 27	Read first time	370
Jan. 28	Referred to Appropriations Committee	387
Feb. 10	Notice of hearing (2/22)	506
Apr. 22	Placed on General File - Com AM1158	1625
Apr. 27	Com AM1158 p. 1625 adopted. Advanced for Review	1739
May 3	Placed on Select File	1794
May 4	Wehrbein AM1614 to Com AM1158 adopted. Advanced for Engrossment	1841
May 6	Correctly Engrossed	1913
May 12	Final Reading w/E 47-0-2	2001
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor with line-item vetoes (5/18)	2194
May 18	Appropriations Committee Report	2230
May 19	Communication	2260

LEGISLATIVE BILL 878. By Speaker Kristensen, at the request of the Governor

Jan. 27	Read first time	370
Jan. 28	Referred to Appropriations Committee	387
Feb. 10	Notice of hearing (2/22)	506
Apr. 22	Placed on General File - Com AM1216 (printed separate)	1628
Apr. 27	Com AM1216 (printed separate) adopted as amended by Wehrbein AM1527 and Chambers FA129. Advanced for Review	1737
May 3	Placed on Select File - AM7136	1793
May 3	Wehrbein AM1600 printed	1813
May 4	AM7136 (E & R) p. 1793 adopted. Wehrbein pending AM1600 p. 1813 adopted. Dw. Pedersen AM1634 to Com AM1216 adopted. Advanced for Engrossment	1839
May 6	Correctly Engrossed	1913
May 6	ER9077 change	1914
May 12	Dispensing of reading at large approved. Final Reading w/E 48-1-0	1998
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor with line-item vetoes (5/18)	2195
May 18	Appropriations Committee Report	2230
May 18	Thompson motion to override line-item veto printed	2234

May 19	Thompson pending motion p. 2234 to override line-item veto withdrawn	2257
May 19	Communication	2260

LEGISLATIVE BILL 879. By Speaker Kristensen, at the request of the Governor

Jan. 27	Read first time	371
Jan. 28	Referred to Appropriations Committee	387
Feb. 10	Notice of hearing (2/22)	506
Apr. 22	Placed on General File - Com AM1203 (printed separate)	1628
Apr. 27	Com AM1203 (printed separate) adopted. Advanced for Review	1738
May 3	Placed on Select File - AM7135	1793
May 3	Wehrbein AM1599 printed	1813
May 4	AM7135 (E & R) p. 1793 adopted. Wehrbein pending AM1599 p. 1813 adopted. Wehrbein AM1615 to Com AM1203 adopted. Advanced for Engrossment	1840
May 6	Correctly Engrossed	1913
May 6	ER9076 change	1914
May 12	Dispensing of reading at large approved. Final Reading w/E 48-0-1	1999
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor (5/18)	2190

LEGISLATIVE BILL 880. By Speaker Kristensen, at the request of the Governor

Jan. 27	Read first time	371
Jan. 28	Referred to Appropriations Committee	387
Feb. 10	Notice of hearing (2/22)	506
Apr. 22	Placed on General File - Com AM1258 (printed separate)	1628
Apr. 26	Coordsen AM1482 and Schrock AM1438 to Com AM1258 printed	1709
Apr. 27	Com AM1258 (printed separate) adopted as amended by Coordsen AM1482 p. 1709, Wehrbein AM1461, and Dw. Pedersen FA124. Schrock AM1438 p. 1709 and Brown AM1501 to Com AM1258 withdrawn. Chambers motion to bracket withdrawn. Brown reoffered AM1501 pending	1722
Apr. 27	Brown AM1501 p. 1722 withdrawn. Chambers motion to bracket until 5/15/1999 failed. Chambers FA125 to Com AM1258 withdrawn. Advanced for Review	1735

May 3	Placed on Select File - AM7138	1792
May 3	Schimek AM1432 to Com AM1258 printed	1811
May 3	Raikes AM1598 to Com AM1258 printed	1812
May 3	Wehrbein AM1601 to Com AM1258 printed	1813
May 4	AM7138 (E & R) p. 1792 adopted. Schimek pending AM1432 p. 1811 lost. Raikes unanimous consent to replace pending AM1598 p. 1812 with substitute amendment. No objections. Raikes AM1598 p. 1812 withdrawn. Wickersham-Raikes substitute AM1609 to Com AM1258 lost. Wehrbein pending AM1601 p. 1813 adopted. Wehrbein AM1613 lost. Dw. Pedersen AM1565 to Com AM1258 pending. Bohlke motion to reconsider vote on Wehrbein AM1613 p. 1830 prevailed	1829
May 4	Wehrbein reconsidered AM1613 p. 1830 adopted. Dw. Pedersen AM1565 p. 1831 withdrawn. Bruning AM1638 to Com AM1258 lost. Advanced for Engrossment	1837
May 6	Correctly Engrossed	1913
May 12	Motion to return to Select File for Kristensen specific FA205 withdrawn. Chambers motion to bracket withdrawn. Dispensing of reading at large approved. Final Reading w/E 49-0-0	1997
May 12	President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor with line-item vetoes (5/18)	2190
May 18	Appropriations Committee Report	2230
May 19	Communication	2259

(Provisions/portions of LB 307 amended into LB 880 by Com AM1258)

LEGISLATIVE BILL 881. By Speaker Kristensen, Brashear, Brown, Engel, D. Pederson, C. Peterson, Redfield, Wehrbein, at the request of the Governor

Feb. 1	Read first time	409
Feb. 2	Referred to Revenue Committee	422
Feb. 2	Bruning, Baker, Quandahl, Jensen, and Crosby names added	426
Feb. 3	Notice of hearing (2/26)	435
Feb. 4	Smith name added	471
Mar. 11	Quandahl priority bill	937
Mar. 16	Dw. Pedersen name added	1026
May 12	Placed on General File - Com AM1744	2021
May 12	Wickersham AM1759 to Com AM1744 printed	2057
May 17	Kristensen AM1804 to Com AM1774 printed	2159

May 17	Wickersham-Schimek AM1850 to Com AM1744 printed	2183
May 18	Com AM1744 p. 2021 pending. Wickersham unanimous consent to replace pending AM1759 p. 2057 with substitute amendment. No objections. Wickersham AM1759 p. 2057 withdrawn. Wickersham-Schimek substitute pending AM1850 p. 2183 to Com AM1744 adopted. Kristensen AM1804 p. 2159 withdrawn.	2189
May 18	Chambers FA236 to Com AM1744 adopted	2198
May 18	Com AM1744 p. 2021 adopted as amended. Advanced for Review	2203
May 18	Jones and Hilgert names added	2239
May 19	Placed on Select File - AM7154	2241
May 21	AM7154 (E & R) p. 2241 adopted. Beutler AM1908 withdrawn. Beutler AM1916 to AM7154 lost. Wickersham-Kristensen AM1922 to AM7154 adopted. Advanced for Engrossment	2351
May 21	Correctly Engrossed	2353
May 25	Final Reading w/E 43-3-3	2396
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410
May 27	Jensen explanation of vote	2441

(Provisions/portions of LB 194 amended into LB 881 by AM1850)

LEGISLATIVE BILL 881A. By Kristensen

May 17	Read first time. Placed on General File	2184
May 18	Advanced for Review	2203
May 19	Placed on Select File	2247
May 21	Advanced for Engrossment. Correctly Engrossed	2353
May 25	Final Reading w/E 42-3-4	2397
May 25	President signed	2398
May 25	Presented to Governor (5/25)	2406
May 27	Approved by Governor (5/26)	2410

LEGISLATIVE BILL 882. By Business and Labor Committee

Mar. 2	Vrtiska motion to permit introduction of bill printed	794
Mar. 8	Correction	851
Mar. 8	Vrtiska pending motion p. 794 to permit introduction of bill prevailed. Read first time	854
Mar. 8	Referred to Business and Labor Committee Notice of hearing (3/15)	858
Apr. 9	Placed on General File - Com AM1144	1364

Apr. 22	Vrtiska-Kristensen AM1412 printed	1616
Apr. 27	Kiel AM1498 printed	1740
Apr. 28	Chair sustained request for division of question on Com AM1144 p. 1364. Com FA130 (1st) adopted. Com FA131 (2nd) lost. Bromm-Raikes motion to reconsider FA130 (1st) prevailed. Com FA130 (1st) lost	1743
Apr. 28	Chair sustained request for division of question on Vrtiska-Kristensen pending AM1412 p. 1616. Vrtiska-Kristensen FA139 (1st) adopted. Chambers FA141 to FA139 (1st) withdrawn. Vrtiska-Kristensen FA140 (2nd) adopted	1753
Apr. 28	Kiel AM1498 p. 1740 withdrawn. Kiel AM1534 lost. Advanced for Review	1755
May 3	Placed on Select File	1795
May 4	Advanced for Engrossment	1842
May 6	Correctly Engrossed	1913
May 12	Final Reading w/E 49-0-0. President signed	2006
May 12	Presented to Governor (5/12)	2016
May 18	Approved by Governor (5/18)	2190

LEGISLATIVE BILL 883. By Business and Labor Committee

Mar. 2	Vrtiska motion to permit introduction of bill printed	794
Mar. 8	Correction	851
Mar. 8	Vrtiska pending motion p. 794 to permit introduction of bill prevailed	854
Mar. 8	Read first time	855
Mar. 8	Referred to Business and Labor Committee Notice of hearing (3/15)	858
Apr. 9	Indefinitely postponed	1364

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

NINETY-SIXTH LEGISLATURE
FIRST SESSION
1999

LEGISLATIVE RESOLUTION 1CA. By Coordsen

Jan. 8	Read first time. Referred to Reference Committee	85
Jan. 13	Referred to Appropriations Committee	163
Jan. 28	Notice of hearing (2/8)	381

LEGISLATIVE RESOLUTION 2CA. By Landis

Jan. 8	Read first time. Referred to Reference Committee	86
Jan. 13	Referred to Executive Board	163
Feb. 10	Notice of hearing (2/25)	515

LEGISLATIVE RESOLUTION 3. By Brown, Jensen

Jan. 8	Read first time. Laid over	86
Jan. 11	Correction	99
Jan. 11	Referred to Reference Committee pursuant to rule	101
Jan. 13	Referred to Appropriations Committee	163
Jan. 28	Notice of hearing (2/8)	381
Feb. 19	Reported to Legislature with Com AM429 for further consideration	659
Feb. 22	Correction	663
Mar. 1	Coordsen AM567 printed	775
Mar. 2	Schimek FA41 to Com AM429 withdrawn. Com AM429 p. 659 adopted. Coordsen AM567 p. 775 withdrawn. Wehrbein motion to bracket until 3/17/1999 withdrawn	796

LEGISLATIVE RESOLUTION 4CA. By Kristensen, Coordsen

Jan. 8	Read first time. Referred to Reference Committee	87
Jan. 13	Referred to Executive Board	164
Feb. 10	Notice of hearing (2/25)	515
Mar. 12	Executive Board priority resolution	948
Mar. 24	Placed on General File	1194
May 6	Advanced for Review	1912
May 12	Placed on Select File	2009
May 25	Kristensen AM1927 adopted. Advanced for Engrossment	2385
May 25	Correctly Engrossed	2399

LEGISLATIVE RESOLUTION 5CA. By Kristensen, Coordsen

Jan. 8	Read first time. Referred to Reference Committee	88
Jan. 13	Referred to Executive Board	164
Feb. 10	Notice of hearing (2/25)	515
Mar. 12	Executive Board priority resolution	948
Mar. 24	Placed on General File - Com AM908	1194
May 5	Kristensen AM500 printed	1881
May 6	Com AM908 p. 1194 adopted. Kristensen AM500 p. 1881 withdrawn. Advanced for Review	1913
May 12	Placed on Select File	2009
May 25	Kristensen AM1926 adopted. Jones AM1929 to AM1926 withdrawn. Advanced for Engrossment	2386
May 25	Correctly Engrossed	2399

LEGISLATIVE RESOLUTION 6CA. By Kristensen, Beutler, Brown, Coordsen, Hudkins, Thompson

Jan. 8	Read first time. Referred to Reference Committee	96
Jan. 13	Referred to Executive Board	164
Feb. 10	Notice of hearing (2/19)	515
Feb. 24	Placed on General File	696

LEGISLATIVE RESOLUTION 7CA. By Schmitt

Jan. 11	Read first time. Referred to Reference Committee	132
Jan. 13	Referred to Judiciary Committee	164
Jan. 22	Notice of hearing (1/29)	323
Feb. 8	Indefinitely postponed	475

LEGISLATIVE RESOLUTION 8CA. By Beutler

Jan. 12	Read first time. Referred to Reference Committee	148
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	181
Feb. 10	Notice of hearing (2/18)	515

LEGISLATIVE RESOLUTION 9CA. By Beutler

Jan. 12	Read first time. Referred to Reference Committee	151
Jan. 14	Referred to Executive Board	181
Feb. 10	Notice of hearing (2/25)	515

LEGISLATIVE RESOLUTION 10. By Schimek, Bruning, Matzke, D. Pederson, Beutler, Coordsen

Jan. 12	Read first time. Referred to Reference Committee	153
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	181
Jan. 20	Notice of hearing (1/27)	272

Jan. 28	Placed on General File	385
Jan. 29	Advanced for Review	395
Feb. 2	Placed on Select File	416
Feb. 10	Advanced for Engrossment	510
Feb. 11	Correctly Engrossed	530
Feb. 12	Wehrbein AM293 printed	568
Mar. 3	Motion to return to Select File for Wehrbein specific AM293 p. 568 withdrawn. Final Reading 28-16-5	814
Mar. 3	Speaker signed	820
Mar. 4	Communication	842
Mar. 8	Communication	852

LEGISLATIVE RESOLUTION 11CA. By Kristensen, Bohlke, C. Peterson, Schimek

Jan. 12	Read first time. Referred to Reference Committee	153
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	181
Jan. 20	Notice of hearing (1/27)	272
Jan. 28	Placed on General File	385
Jan. 29	Advanced for Review	395
Feb. 2	Placed on Select File	416
Feb. 8	Chambers name added	487
Feb. 23	Kristensen AM125 printed	676
Mar. 10	Kristensen pending AM125 p. 676 adopted. Advanced for Engrossment	894
Mar. 15	Correctly Engrossed	963
May 20	Final Reading 44-4-1	2330
May 20	Speaker signed	2331
May 20	Presented to Secretary of State (5/20)	2340

LEGISLATIVE RESOLUTION 12CA. By Kristensen

Jan. 12	Read first time. Referred to Reference Committee	154
Jan. 14	Referred to Executive Board	181
Feb. 10	Notice of hearing (2/19)	515
Feb. 24	Indefinitely postponed	696

LEGISLATIVE RESOLUTION 13CA. By Kristensen

Jan. 12	Read first time. Referred to Reference Committee	154
Jan. 14	Referred to Government, Military and Veterans Affairs Committee	181
Jan. 20	Notice of hearing (1/27)	272
Apr. 1	Placed on General File	1313

LEGISLATIVE RESOLUTION 14CA. By Schrock, Beutler, Brashear, Bruning, Cudaback, Hilgert, Kristensen, Lynch, D. Pederson

Jan. 12	Read first time. Referred to Reference Committee	156
Jan. 15	Referred to Government, Military and Veterans Affairs Committee	199
Jan. 20	Notice of hearing (1/27)	272
Feb. 9	Placed on General File - Com AM197	499
Feb. 17	Com AM197 p. 499 adopted. Chambers FA23 adopted. Advanced for Review	596
Feb. 19	Placed on Select File	627
Mar. 4	Schimek motion to indefinitely postpone withdrawn. Bromm motion to bracket until 1/15/2000 failed	827
Mar. 4	D. Pederson FA43 adopted. Advanced for Engrossment	836
Mar. 10	Correctly Engrossed	881
Mar. 19	Final Reading 35-8-6	1097
Mar. 19	President signed	1101
Mar. 19	Presented to Secretary of State (3/19)	1108

LEGISLATIVE RESOLUTION 15CA. By Stuhr, Coordsen, Janssen, Jensen, Jones, Schmitt, Smith, Tyson, Vrtiska

Jan. 12	Read first time. Referred to Reference Committee	158
Jan. 15	Referred to Executive Board	199
Feb. 10	Notice of hearing (2/18)	515
Feb. 24	Indefinitely postponed	696

LEGISLATIVE RESOLUTION 18CA. By Kristensen, Raikes

Jan. 15	Read first time. Referred to Reference Committee	208
Jan. 20	Referred to Government, Military and Veterans Affairs Committee	250
Feb. 10	Notice of hearing (2/18)	515
Feb. 19	Placed on General File	654
Mar. 16	Speaker priority resolution	1000
May 5	Advanced for Review	1894
May 12	Placed on Select File	2009
May 20	Kristensen AM1910 printed	2332
May 24	Kristensen pending AM1910 p. 2332 adopted. Beutler-Kristensen FA258 adopted. Advanced for Engrossment	2363
May 24	Correctly Engrossed	2367
May 27	Failed on Final Reading for primary election 33-15-1 Final Reading for general election 33-15-1	2430
May 27	Correctly Enrolled	2437
May 27	President signed	2445
May 27	Presented to Secretary of State (5/27)	2447

LEGISLATIVE RESOLUTION 19CA. By Brown

Jan. 15	Read first time. Referred to Reference Committee	213
Jan. 20	Referred to Education Committee	250
Jan. 28	Notice of hearing (2/8)	387
Feb. 26	Indefinitely postponed	765

LEGISLATIVE RESOLUTION 20CA. By Stuhr

Jan. 19	Read first time. Referred to Reference Committee	242
Jan. 22	Referred to Education Committee	306
Feb. 4	Notice of hearing (3/9)	443
Mar. 12	Placed on General File	951
Mar. 16	Speaker priority resolution	1000

LEGISLATIVE RESOLUTION 21CA. By Hartnett

Jan. 19	Read first time. Referred to Reference Committee	242
Jan. 22	Referred to Urban Affairs Committee	306
Jan. 26	Notice of hearing (2/2)	347
Feb. 8	Placed on General File - Com AM210	483
Feb. 17	Com AM210 p. 483 adopted. Coordsen motion to indefinitely postpone laid over	591

LEGISLATIVE RESOLUTION 22. By Coordsen, Schellpeper, Dierks

Jan. 19	Read first time. Laid over	244
Jan. 19	Referred to Reference Committee pursuant to rule	247
Jan. 22	Referred to Natural Resources Committee	306
Feb. 24	Notice of hearing (3/3)	703
Mar. 23	Reported to Legislature with Com AM939 for further consideration	1169
Apr. 26	Com AM939 p. 1169 adopted	1684
Apr. 26	Adopted 36-0-12	1685
Apr. 26	Correctly Enrolled	1710
Apr. 27	Speaker signed	1713

LEGISLATIVE RESOLUTION 23CA. By Kristensen, Chambers

Jan. 19	Read first time. Referred to Reference Committee	245
Jan. 22	Referred to Education Committee	306
Jan. 28	Notice of hearing (2/8)	387

LEGISLATIVE RESOLUTION 27. By C. Peterson, Bohlke, Kristensen, Schrock, Jones, Schmitt, Kremer

Feb. 9	Read first time. Laid over. Referred to Reference Committee pursuant to rule	492

Mar. 9	Referred to Natural Resources Committee	497
Mar. 9	Notice of hearing (3/16)	871
Mar. 18	Reported to Legislature for further consideration	1063
Apr. 13	Adopted 29-0-19	1407
Apr. 14	Speaker signed	1430

LEGISLATIVE RESOLUTION 29. By Jensen, Wickersham, Wehrbein

Feb. 9	Read first time. Laid over	501
Feb. 10	Referred to Reference Committee pursuant to rule	506
Feb. 10	Referred to Health and Human Services Committee	517
Feb. 11	Notice of hearing (2/19)	529
Feb. 23	Reported to Legislature with Com AM420 for further consideration	678
Mar. 4	Com AM420 p. 678 adopted. Chambers motion to indefinitely postpone withdrawn. Passed over	841
Mar. 17	Jensen-Chambers AM823 printed	1039
Mar. 22	Jensen-Chambers pending AM823 p. 1039 adopted. Adopted 36-0-13	1112
Mar. 23	Correctly Enrolled	1156
Mar. 23	Speaker signed	1157

LEGISLATIVE RESOLUTION 31. By Raikes

Feb. 18	Read first time. Laid over	610
Feb. 22	Referred to Reference Committee pursuant to rule Referred to Natural Resources Committee	663
Mar. 2	Notice of hearing (3/12)	796
Mar. 15	Reported to Legislature for further consideration	974
Apr. 13	Adopted 33-0-15	1407
Apr. 14	Speaker signed	1430

LEGISLATIVE RESOLUTION 43. By Dierks

Mar. 11	Read first time. Laid over	933
Mar. 11	Referred to Reference Committee pursuant to rule Referred to Agriculture Committee	935
Apr. 6	Notice of hearing (4/13)	1336
May 12	Reported to Legislature for further consideration	2052
May 14	Adopted 29-1-19	2131
May 17	President signed	2165

LEGISLATIVE RESOLUTION 58. By Schrock

Mar. 24	Read first time. Laid over	1180
Mar. 24	Referred to Reference Committee pursuant to rule	1194
Mar. 25	Referred to Natural Resources Committee	1222

Mar. 30	Notice of hearing (4/6)	1286
Apr. 7	Reported to Legislature for further consideration	1343
Apr. 13	Adopted 34-0-14	1407
Apr. 14	Speaker signed	1430

LEGISLATIVE RESOLUTION 69. By Urban Affairs Committee, Bruning

Apr. 15	Read first time. Laid over	1476
Apr. 15	Referred to Reference Committee pursuant to rule Referred to Urban Affairs Committee	1478
Apr. 15	Notice of hearing (4/22)	1486
Apr. 26	Reported to Legislature for further consideration	1688
Apr. 27	Adopted 25-0-23	1713
Apr. 28	President signed	1743

2708

INTRODUCERS OF BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

NINETY-SIXTH LEGISLATURE
FIRST SESSION
1999

TOM BAKER

LB	
109*	Exempt certain agricultural machinery and equipment from property tax.
150*	Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
183*	Adopt the Liquified Petroleum Gas Tax Act.
184*	Eliminate certain taxes on charitable gaming.
198*	Change provisions relating to soil and plant analysis laboratories.
273*	Eliminate a registration fee relating to water wells.
274*	Change provisions relating to the organization of agricultural business entities.
293*	Provide duties for the Nebraska Oil and Gas Conservation Commission relating to inactive wells.
293A*	Appropriation Bill.
341*	Change negligence provisions regarding motor vehicular collisions with livestock.
348*	Create the offense of introduction of contraband for escape.
410*	Change provisions relating to child passenger restraints.
418*	Change provisions relating to valuation of agricultural and horticultural land.
419*	Change provisions relating to valuation of farmstead sites.
420*	Change provisions for valuation of agricultural or horticultural land.
423*	Provide immunity in actions relating to job references.
460*	Change provisions relating to provisional operators' permits.
481*	Transfer certain attorneys to the Department of Justice.
482***	Provide an income tax credit for adopted children.
495*	Adopt the Education and Career Preparation Act.
513*	Change marriage and recognition of marriage provisions.
612*	Change child support guideline provisions.
613	Change criminal history record information and criminal identification provisions.
621*	Change provisions for the sale of fireworks.
651*	Require the Supreme Court to pay security costs.
682*	Change trustee authorization provisions.
791*	Change fund use provisions under the State Lottery Act.
830*	Eliminate an art work requirement for public buildings.

853* Change provisions for valuation of agricultural and horticultural land.
865* Provide for a substance abuse treatment task force.
881*** Adopt the Relief to Property Taxpayers Act.

CHRIS BEUTLER

LB	
92A	Appropriation Bill.
182*	Adopt the Student Freedom of Expression Act.
231*	Change provisions relating to the commercial fertilizer fee.
232	Exempt certain purchases by natural resources districts from sales and use taxes.
233	Rename the Nebraska Educational Telecommunications Building.
261*	Restrict the practices of slamming and loading telecommunication services.
298*	Require reports of boards, commissions, and similar entities as prescribed.
305	Provide for transfer-on-death-deeds.
372	Eliminate provisions relating to hearing officers in schools.
373	Change provisions relating to hearing officers in schools.
389*	Provide oxygenated gasoline sale requirements.
414	Transition the office of clerk of the district court to a state reimbursed position.
426	Create the Nebraska High School Sports Hall of Fame.
427	Prohibit certain telephone solicitations.
427A	Appropriation Bill.
442	Change provisions relating to preferred providers and benefits for dental services.
459	Provide for a covenant not to sue under the Petroleum Products and Hazardous Substances Storage and Handling Act.
467*	Adopt the Habitual Sex Offender Act.
480*	Create the Women's Health Initiative of Nebraska.
592*	Change solid waste provisions and landfill disposal fees.
603*	Change powers and duties of public power districts and corporations.
607*	Adopt the Neighborhood Development Act.
614*	Change product liability provisions.
615	Create the Court-Ordered Settlement Trust Fund.
634*	Provide for physical restraint in public schools.
637*	Provide for a study and for compliance with federal requirements for child support collection and disbursement.
737*	Change park entry permit provisions.
746*	Change provisions of the Livestock Waste Management Act and provisions relating to dead animals.
747	Adopt the Nebraska Protected Rivers Act.
748	Require identification and ranking of certain public lands.

749 Provide standing to enforce environmental protection standards.
824 Change and eliminate provisions for appeals from county court and Small Claims Court.
829* Adopt the Nebraska Transit and Rail Advisory Council Act.
844* Provide for interim county zoning measures and powers.
865* Provide for a substance abuse treatment task force.

LR

6CA* Constitutional amendment to require the resignation of members of the Legislature elected to other state or local offices.
8CA Constitutional amendment to provide for legislative consideration of measures proposed by initiative petitions.
9CA Constitutional amendment to create the Compensation Review Commission and provide for adoption of a legislative code of ethics.
10* Memorialize Congress to propose an amendment to the U.S. Constitution to increase the length of terms of office for members of the House of Representatives.
14CA* Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.

ARDYCE BOHLKE

LB

98* Change provisions relating to grandparent visitation.
109* Exempt certain agricultural machinery and equipment from property tax.
137 Exclude certain job application materials from public record requirements.
144 Change appropriations to the State Department of Education.
176* Change provisions relating to game law, trails, and personal watercraft safety.
179* Change homestead exemption provisions.
182* Adopt the Student Freedom of Expression Act.
268* Change provisions relating to home schools.
270* Change the date for reimbursement for petroleum release remedial actions.
272* Eliminate the office of county superintendent of schools.
299* Change penalty provisions relating to amphetamines and methamphetamines.
314* Provide funding for school districts for unexpected occurrences as prescribed.
314A Appropriation Bill.
328 Change animal carcass disposition provisions.
329 Change school district duties relating to parental notice of abortion.

330	Change eligibility criteria for homestead exemptions.
338*	Create the Water Conservation and Banking Act of 1999.
351*	State intent relating to computer access by government employees.
355*	Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
361	Change provisions relating to revocation and suspension of operators' licenses.
385	Create the Educational Voucher Program.
386*	Change educational technology assistance to public schools and educational service units.
386A*	Appropriation Bill.
387	Provide for a facility factor in determining state aid to schools.
388	Change provisions relating to option students and the transfer of land between school districts.
415	Change school admission requirements.
418*	Change provisions relating to valuation of agricultural and horticultural land.
419*	Change provisions relating to valuation of farmstead sites.
420*	Change provisions for valuation of agricultural or horticultural land.
454*	Require insurance coverage for dental care which requires general anesthesia.
475	Provide for American Indian language teacher approval, funds for welfare reform programs, and tribal service areas.
490	Change powers and duties of notaries public.
491	Provide an income tax credit for the costs of driver safety courses.
492	Provide a homestead exemption for individuals with physical or mental impairments.
495*	Adopt the Education and Career Preparation Act.
539*	Provide for treatment of leased employees for certain tax benefits.
540	Change provisions for reserve increases and state aid to schools.
541	Change provisions relating to community colleges.
542	Change provisions relating to higher education out-of-state institutions and private colleges.
543	Change provisions for duties of the Coordinating Commission for Postsecondary Education.
544	Change provisions of the Special Education Act.
545	Change provisions of the School Employees Retirement Act.
546	Change provisions for size, weight, and load for farm trucks.
548*	Provide for funding for medicaid administrative activities.

564* Provide for transfer of land in cases of school district consolidation.
596 Change provisions relating to community college areas.
653* Adopt the Nebraska Youth Mentoring Act.
713* Provide for regression analyses for school finance.
715* Provide for an estimation grid under school financing provisions.
716* Change formula need and equalization aid under school financing provisions.
726* Provide for incentives for teachers and school administrators in shortage areas.
727* Create a task force to examine teacher and administrator issues.
809 Change motor vehicle operator's license provisions.
810 Provide native-language certification for teachers.
811 Change provisions of the school enrollment option program.
812 Create the School at the Center Program and change provisions of the Quality Education Accountability Act.
813 Change school regulation, finance, transportation, operation, and governance provisions.
814 Create the Higher Education Planning Team.
815 Create a task force to study public postsecondary educational institutions.
816 Change provisions relating to postsecondary education.
816A Appropriation Bill.
818* Provide criminal history record information checks on child and certain adult care providers.
820 Change motor carrier contract and reimbursement rate provisions.
820A Appropriation Bill.
821 Change governmental regulation provisions to include tribal service areas.
851* Change provisions for best management practices under the Livestock Waste Management Act.
856* Change foster care investigation provisions.
857* Change provisions for children in foster care and wards of the state.
865* Provide for a substance abuse treatment task force.

LR

11CA* Constitutional amendment to state that language in the Constitution shall be construed to be gender neutral.
27* Request that the United States Congress appropriate funds to complete the Wood River Flood Control Project.

PATRICK J. BOURNE

LB	
125*	Change the sales tax rate.
139*	Redefine "household income" for homestead exemption purposes.
147*	Create the Organ and Tissue Donor Awareness and Education Fund.
179*	Change homestead exemption provisions.
274*	Change provisions relating to the organization of agricultural business entities.
290	Change provisions relating to underinsured motorist coverage.
344*	Rename the Department of Roads.
350*	Provide an increase in the salaries for members of the Supreme Court.
351*	State intent relating to computer access by government employees.
352*	Adopt the Commission for the Blind and Visually Impaired Act.
382*	Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
512*	Change placement and transportation cost provisions for juveniles.
593*	Provide for a driver's safety training program as pretrial diversion.
607*	Adopt the Neighborhood Development Act.
633*	Create the offense of assault while on school property.
718*	Place a moratorium on certain personal service contracts where a state agency is a party.
719	Change provisions for maintenance of records for documentary proof of age for purchasing alcoholic liquor.
734*	Change public defender compensation provisions.
737*	Change park entry permit provisions.
826	Change a homestead exemption eligibility requirement.
830*	Eliminate an art work requirement for public buildings.
848*	Provide income tax adjustments for certain pension income.

KERMIT A. BRASHEAR

LB	
39*	Change provisions relating to theft.
40*	Change penalty provisions for being an accessory to a felony.
41	Change the penalty classification for certain offenses.
42	Change provisions relating to county court jurisdiction.
43	Change court appeal time limitation provisions and eliminate a duty for the Revisor of Statutes.

44*	Provide penalties for criminal attempt and require a report by law enforcement agencies.
45	Change provisions relating to preliminary hearings.
46	Require autopsies on minors in certain circumstances.
47	Authorize the use of telephone conferences by the Judicial Resources Commission.
48	Change provisions for real parties in interest relating to civil procedure.
49*	Create the offense of criminal child enticement.
50*	Establish the Child Support Commission.
51	Change provisions relating to bail and miscellaneous fees.
52*	Change the method of inflicting the death penalty.
53	Provide a sales and use tax exemption for certain governmental photocopying expenses.
54	Provide funding for interpreter services.
54A	Appropriation Bill.
55	Authorize commencement of a new action within six months after failure of an action relating to civil procedure.
56	Require disclosure of health care provider records to patients.
57	Change provisions relating to Nebraska Cornhusker Spirit Plates.
57A	Appropriation Bill.
160*	Limit governmental liability for damages relating to electronic computing devices.
299*	Change penalty provisions relating to amphetamines and methamphetamines.
315*	Create the Nebraska County Court Judges Association.
316	Adopt the Post-Mortem Examinations Act and eliminate the office of county coroner.
317	Change provisions for the crediting of interest by the city treasurer in metropolitan class cities.
318	Change exempt property allowances relating to decedents' estates.
319	Change provisions relating to service of process.
320	Provide for judicial notice regarding rules and regulations under the Administrative Procedure Act.
321	Establish the Office of Community Justice.
322	Change the hours during which election polls are open.
350*	Provide an increase in the salaries for members of the Supreme Court.
350A	Appropriation Bill.
355*	Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
382*	Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.

457* Provide for reimbursement from the state for certain election costs.
495* Adopt the Education and Career Preparation Act.
508* Adopt the Taxpayer Protection Spending Lid Act.
622 Change provisions relating to judgments.
623 Authorize use of audiovisual court appearances and written arraignments by a detainee or prisoner.
624 Provide for law enforcement training regarding persons with disabilities.
625 Limit access to certain inheritance tax court records and information.
626 Adopt the Trademark Registration Act.
627 Prohibit certain acts relating to real estate referral fees.
628 Require provision of copies of public records at actual cost.
830* Eliminate an art work requirement for public buildings.
836 Change provisions relating to income tax, sales tax, and homestead exemption.
837* Change provisions relating to the Child Pornography Prevention Act.
838* Change provisions relating to tobacco licenses and distribution of tobacco to minors.
839* Change county judge salary provisions.
839A Appropriation Bill.
840 Change the amount recoverable under the Nebraska Hospital-Medical Liability Act.
862 Change the Intergovernmental Risk Management Act with respect to law enforcement training costs.
881*** Adopt the Relief to Property Taxpayers Act.

LR

14CA* Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.

CURT BROMM

LB

29* Provide for issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies.
90* Change provisions relating to abandoned motor vehicles.
98* Change provisions relating to grandparent visitation.
101* Create the Biopower Steering Committee.
102* Change provisions for appraisers' fees in eminent domain proceedings.
103 Change provisions for approval of boundary changes for irrigation districts.
109* Exempt certain agricultural machinery and equipment from property tax.
115* Redefine "limited-service rural hospital."
116* State intent and define terms relating to electric utilities.

126* Change provisions relating to minors in possession of alcohol.
128* Increase the amount of fine a second class city or village may impose for violation of an ordinance.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
160* Limit governmental liability for damages relating to electronic computing devices.
179* Change homestead exemption provisions.
185*** Change provisions relating to actions brought by prisoners.
186*** Change provisions relating to postconviction proceedings.
188* Change provisions relating to revocation, suspension, impoundment, cancellation and reinstatement of driver's licenses, registration and operating privileges.
228 Provide for political subdivision and state liability for certain tort claims.
229* Change franchise provisions for motor vehicle manufacturers and distributors.
230 Change induction eligibility requirements for the Nebraska Hall of Fame.
235* Lower the required concentration of alcohol for DWI conviction.
240* Change provisions relating to foster care review.
241* Change provisions relating to the family practice residents program.
242* Change provisions relating to rural health education.
242A* Appropriation Bill.
270* Change the date for reimbursement for petroleum release remedial actions.
282* Change political subdivision and state immunity provisions relating to government computer systems.
288* Change eligibility provisions for incarceration work camps.
303* Clarify provisions relating to motor carrier regulations.
336* Exempt certain tangible personal property from taxation.
337* Change and eliminate provisions relating to the testing and sale of tractors.
342* Provide an exemption from certain standards for certain church elevators.
344* Rename the Department of Roads.
348* Create the offense of introduction of contraband for escape.
349 Change the boundary line between Butler County and Platte County.

380* Change provisions relating to implementation of the managed care system.
407* Establish the Child Support Commission.
418* Change provisions relating to valuation of agricultural and horticultural land.
423* Provide immunity in actions relating to job references.
446A Appropriation Bill.
457* Provide for reimbursement from the state for certain election costs.
495* Adopt the Education and Career Preparation Act.
503 Adopt the Public Funds Deposit and Investment Regulation Act.
514A Appropriation Bill.
515* Change redistricting procedures and create an advisory commission.
516* Change penalty provisions for possession of marijuana.
550* Change provisions relating to commercial transactions.
583 Eliminate enforcement of seat belt violations as secondary actions.
584 Provide for impoundment of operator's licenses, registration, and license plates for violations of financial responsibility requirements.
585 Prohibit possession of open alcoholic containers and consumption of alcohol in public places and change provisions relating to driving under the influence.
586 Change provisions relating to consumption of alcohol in a motor vehicle.
587 Change powers and duties of officers of the State Patrol and carrier enforcement officers.
588 Change commercial motor vehicle operation and driver's license provisions.
589 Change motor vehicle operator's license, accident report, and insurance provisions.
590* Change provisions relating to the Municipal Natural Gas Regulation Act.
591* Provide exceptions to governmental tort liability relating to traffic control devices.
641* Change provisions relating to historical vehicles.
651* Require the Supreme Court to pay security costs.
686* Change provisions relating to speed limits.
704A Appropriation Bill.
705 Change provisions for obtaining access to isolated land.
706 Provide an exemption from levy limits for financing arrangements by airport authorities.
707 Enumerate regulatory and enforcement powers and duties of the Public Service Commission.
779* Change provisions relating to educational lands and access to isolated land.

781 Change provisions relating to exposure to infectious diseases and diagnostic costs.
795* Change retirement plan reporting requirements.
827 Change lien registration provisions.
829* Adopt the Nebraska Transit and Rail Advisory Council Act.
830* Eliminate an art work requirement for public buildings.
832* Adopt the Livestock Contract Sale Act.
833* Adopt the Competitive Livestock Markets Act.
834* Prohibit mislabeled meat or poultry as prescribed.
835* Adopt the Competitive Livestock Markets Act.
841* Change scrap tire grants, cleanup, and fee provisions.
851* Change provisions for best management practices under the Livestock Waste Management Act.
865* Provide for a substance abuse treatment task force.
867* Provide duties for the Department of Correctional Services.
870* Change provisions relating to livestock waste and environmental issues.

PAM BROWN

LB
89* Provide requirements for advertising and promotion of the state lottery.
104* Authorize creation of home rule charter counties.
105* Adopt the Nebraska Housing Agency Act.
120* Change provisions relating to child custody determination in divorce proceedings.
126* Change provisions relating to minors in possession of alcohol.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
160* Limit governmental liability for damages relating to electronic computing devices.
191* Authorize the sale of insurance by banks, trust companies, and similar companies.
192* Adopt the Peace Officer Employer-Employee Relations Act.
261* Restrict the practices of slamming and loading telecommunication services.
298* Require reports of boards, commissions, and similar entities as prescribed.
312* Change provisions for disposition of seized property.
342* Provide an exemption from certain standards for certain church elevators.

343 Prohibit acts relating to stolen motor vehicles and major component parts.

348* Create the offense of introduction of contraband for escape.

355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.

382* Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.

466 Change provisions for operating a motor vehicle to avoid arrest.

508* Adopt the Taxpayer Protection Spending Lid Act.

561 Create the Higher Education Board of Regents and eliminate other higher education governing bodies.

562 Change school levy limitations and state aid certification provisions.

563* Eliminate the Rural Development Commission and transfer duties.

633* Create the offense of assault while on school property.

637* Provide for a study and for compliance with federal requirements for child support collection and disbursement.

637A Appropriation Bill.

650* Appropriate funds to Peru State College.

735* Provide child care training requirements.

736 Require certification for certain laboratories performing human genetic testing.

745*** Change homestead exemption amounts.

783* Create the Business Commission on Child Care Financing.

829* Adopt the Nebraska Transit and Rail Advisory Council Act.

830* Eliminate an art work requirement for public buildings.

846 Change provisions relating to the state employee buy-out program.

881*** Adopt the Relief to Property Taxpayers Act.

LR

3* Establish a limit on increases to general fund appropriations.

6CA* Constitutional amendment to require the resignation of members of the Legislature elected to other state or local offices.

19CA Constitutional amendment to create the Nebraska Higher Education Board of Regents.

JON BRUNING

LB

39* Change provisions relating to theft.

40* Change penalty provisions for being an accessory to a felony.

49*	Create the offense of criminal child enticement.
78	Restrict certain activities of metropolitan utilities districts and certain natural gas utilities.
79	Provide a penalty for the use of a computer to commit a felony or misdemeanor.
80*	Provide for five-year issuance of license plates.
92*	Change registration and fee provisions for water wells.
111*	Define "unborn child" and redefine "person" in homicide actions.
150*	Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
159	Change certain penalties for gang-related offenses.
237*	Change provisions relating to retail sales and payments by metropolitan utilities districts.
263*	Prohibit school-based health clinics from offering certain services.
270*	Change the date for reimbursement for petroleum release remedial actions.
274*	Change provisions relating to the organization of agricultural business entities.
333*	Provide restrictions on disposal of dispensed drugs and devices.
335*	Provide for premium deer and wild turkey hunting permits.
336*	Exempt certain tangible personal property from taxation.
338*	Create the Water Conservation and Banking Act of 1999.
340	Change provisions relating to motor vehicle auction dealers.
342*	Provide an exemption from certain standards for certain church elevators.
344*	Rename the Department of Roads.
348*	Create the offense of introduction of contraband for escape.
350*	Provide an increase in the salaries for members of the Supreme Court.
352*	Adopt the Commission for the Blind and Visually Impaired Act.
382*	Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
413	Change provisions for teacher certification.
423*	Provide immunity in actions relating to job references.
429	Change income levels for homestead exemptions.
435*	Provide commitment procedures for sexually violent offenders under the Nebraska Mental Health Commitment Act.
467*	Adopt the Habitual Sex Offender Act.

476* Adopt the Concealed Handgun License Act.
486* Change payment provisions for state wards' education.
487* Clarify school district residency provisions.
508* Adopt the Taxpayer Protection Spending Lid Act.
513* Change marriage and recognition of marriage provisions.
521* Provide for options to purchase lands leased from public power districts.
536 Change sanitary and improvement district voting provisions.
566* Change public bidding requirements.
592* Change solid waste provisions and landfill disposal fees.
607* Adopt the Neighborhood Development Act.
608* Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
619* Change vacation leave and pay provisions for unemployment compensation purposes.
620 Change retirement age and benefit provisions under the Judges Retirement Act.
621* Change provisions for the sale of fireworks.
633* Create the offense of assault while on school property.
634* Provide for physical restraint in public schools.
650* Appropriate funds to Peru State College.
653* Adopt the Nebraska Youth Mentoring Act.
674* Change provisions of the school retirement, state patrol retirement, and judges retirement.
694 Provide an exemption from budget limitations for financing instruments.
695* Change political party election, convention, delegate, and caucus provisions.
696* Require technology access clauses within state contracts.
735* Provide child care training requirements.
743 Change retirement provisions for police officers of first and second class cities and villages.
783* Create the Business Commission on Child Care Financing.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
830* Eliminate an art work requirement for public buildings.
837* Change provisions relating to the Child Pornography Prevention Act.
838* Change provisions relating to tobacco licenses and distribution of tobacco to minors.
841* Change scrap tire grants, cleanup, and fee provisions.
847* Change provisions of the Nebraska Visitors Development Act.
848* Provide income tax adjustments for certain pension income.
849* Adopt the Volunteer Emergency Responders Recruitment and Retention Act.

861* Change provisions of the Sex Offender Registration Act.
865* Provide for a substance abuse treatment task force.
870* Change provisions relating to livestock waste and environmental issues.
881*** Adopt the Relief to Property Taxpayers Act.

LR

10* Memorialize Congress to propose an amendment to the U.S. Constitution to increase the length of terms of office for members of the House of Representatives.
14CA* Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.
69* Petition Congress to oppose enactment of legislation which would have the effect of waiving interest or penalties with regard to natural gas producer refunds of state ad valorem taxes.

DENNIS BYARS

LB

98* Change provisions relating to grandparent visitation.
109* Exempt certain agricultural machinery and equipment from property tax.
115* Redefine "limited-service rural hospital."
148* Establish the Nebraska Lifespan Respite Services Program.
148A Appropriation Bill.
242* Change provisions relating to rural health education.
263* Prohibit school-based health clinics from offering certain services.
274* Change provisions relating to the organization of agricultural business entities.
342* Provide an exemption from certain standards for certain church elevators.
346 Change provisions for examination eligibility and firm ownership relating to certified public accountants.
347* Appropriate funds for developmental disability services rate equity.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
356 Change occupant protection system enforcement and penalty provisions.
357 Provide a termination date for the inheritance tax.
380* Change provisions relating to implementation of the managed care system.
408* Provide for entry upon property by representatives of political subdivisions.
454* Require insurance coverage for dental care which requires general anesthesia.
513* Change marriage and recognition of marriage provisions.

515* Change redistricting procedures and create an advisory commission.
559* Adopt the Nebraska Telehealth Act.
593* Provide for a driver's safety training program as pretrial diversion.
621* Change provisions for the sale of fireworks.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
655 Redefine "law enforcement officer" under the Nebraska Law Enforcement Training Center provisions.
696* Require technology access clauses within state contracts.
751* Prohibit acts relating to retail sales receipts and Universal Price Codes.
770* Change the exempt amount for inheritance tax purposes.
830* Eliminate an art work requirement for public buildings.
841* Change scrap tire grants, cleanup, and fee provisions.
849* Adopt the Volunteer Emergency Responders Recruitment and Retention Act.

ERNIE CHAMBERS

LB

17* Require health care providers to furnish a patient's medical records to the patients.
44* Provide penalties for criminal attempt and require a report by law enforcement agencies.
69 Change provisions relating to employment discrimination based on sexual orientation.
70 Adopt the Voluntary Physician Aid-In-Dying Act.
71* Require health care providers and facilities to provide certain medical records without charge.
72* Change provisions relating to grand jury proceedings.
73 Change procedures relating to certain grand juries.
74 Redefine "traffic infraction."
75 Change provisions relating to the burden of proof for enhanced penalties for discrimination based offenses.
76* Provide a moratorium on the death sentence and require a report on certain criminal homicides.
76A Appropriation Bill.
125* Change the sales tax rate.
204* Prohibit ticket quota requirements for law enforcement.
217 Change provisions for the investment and keeping on deposit of state funds.
226* Provide for pain management treatment and limit certain disciplinary proceedings and criminal prosecutions accordingly.
235* Lower the required concentration of alcohol for DWI conviction.
266* Allow unaffiliated voters to select partisan ballots in primary elections.

306 Change conditions for banks to have state funds on deposit.
350* Provide an increase in the salaries for members of the Supreme Court.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
480* Create the Women's Health Initiative of Nebraska.
509 Redefine "murder in the first degree."
510 Provide for election of the Attorney General on a nonpartisan basis.
511 Create the offense of sexual abuse of an inmate or parolee.
519* Adopt the Community-Based Neurobehavioral Action Plan Act.
558* Combine and eliminate provisions relating to civil rights, employment, housing, and public accommodations.
597 Change provisions relating to aggravating and mitigating circumstances in criminal procedure.
598 Change the Nebraska Evidence Rules to require use of recorded confessions.
599 Provide a duty for the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice.
631* Eliminate the state college system and restructure governance of postsecondary education.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
839* Change county judge salary provisions.
863* Change provisions of the Environmental Lead Hazard Control Act.

LR

11CA* Constitutional amendment to state that language in the Constitution shall be construed to be gender neutral.
23CA* Constitutional amendment to change higher education structure, governance, and oversight.

MATT CONNEALY

LB

115* Redefine "limited-service rural hospital."
147* Create the Organ and Tissue Donor Awareness and Education Fund.
199* Redefine a term relating to nursing facility conversion.
223* Adopt the Court Appointed Special Advocate Act.
229* Change franchise provisions for motor vehicle manufacturers and distributors.
272* Eliminate the office of county superintendent of schools.
273* Eliminate a registration fee relating to water wells.
341* Change negligence provisions regarding motor vehicular collisions with livestock.

351* State intent relating to computer access by government employees.
418* Change provisions relating to valuation of agricultural and horticultural land.
420* Change provisions for valuation of agricultural or horticultural land.
495* Adopt the Education and Career Preparation Act.
504 Redefine "automobile liability policy."
568* Redefine "land" under the Game Law and change provisions relating to recreation liability.
607* Adopt the Neighborhood Development Act.
616* Provide a certificate of need exemption.
621* Change provisions for the sale of fireworks.
645* Provide an exception to budget and levy limits for educational service units.
651* Require the Supreme Court to pay security costs.
718* Place a moratorium on certain personal service contracts where a state agency is a party.
737* Change park entry permit provisions.
823* Change public power and irrigation district board of director powers and duties.
832* Adopt the Livestock Contract Sale Act.
833* Adopt the Competitive Livestock Markets Act.
834* Prohibit mislabeled meat or poultry as prescribed.
835* Adopt the Competitive Livestock Markets Act.
841* Change scrap tire grants, cleanup, and fee provisions.
842* Adopt the Agricultural Opportunity Fund Act.
843* Change ethanol production credit, funding, and excise tax provisions.
865* Provide for a substance abuse treatment task force.

GEORGE COORDSEN

LB
14 Prohibit live animals as prizes for any game of chance, lottery or gift enterprise.
15 Change inspection requirements for certain livestock operations under the Livestock Waste Management Act.
16 Change the fines for exceeding the speed limit on the interstate and highways.
17* Require health care providers to furnish a patient's medical records to the patients.
28 Provide for corrected state aid to schools and create the School Finance Correction Fund.
29* Provide for issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies.
38 Provide a limit on state appropriations.
96* Provide for certain county offices to be filled on a nonpartisan basis.

109* Exempt certain agricultural machinery and equipment from property tax.
115* Redefine "limited-service rural hospital."
146* Change provisions relating to motor vehicle registration and farm and ranch special permits.
160* Limit governmental liability for damages relating to electronic computing devices.
240* Change provisions relating to foster care review.
241* Change provisions relating to the family practice residents program.
242* Change provisions relating to rural health education.
242A* Appropriation Bill.
273* Eliminate a registration fee relating to water wells.
274* Change provisions relating to the organization of agricultural business entities.
282* Change political subdivision and state immunity provisions relating to government computer systems.
303* Clarify provisions relating to motor carrier regulations.
304 Change school district freeholder petition provisions.
342* Provide an exemption from certain standards for certain church elevators.
358 Change provisions relating to protective helmets.
364* Change the definition of redevelopment project under the Community Development Law.
365* Provide for distribution of local option sales tax collected in community redevelopment areas.
383* Change capital gains provisions.
384* Change capital gains provisions.
395* Change income tax rate schedules.
400* Change provisions relating to income tax calculations.
411 Change provisions relating to nursing home administration.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
420* Change provisions for valuation of agricultural or horticultural land.
421 Provide for certain county offices to be filled on a nonpartisan basis.
457* Provide for reimbursement from the state for certain election costs.
460* Change provisions relating to provisional operators' permits.
470* Redefine "low-income child" for purposes of state aid to schools.
471* Eliminate certain property tax exemptions.
495* Adopt the Education and Career Preparation Act.
508* Adopt the Taxpayer Protection Spending Lid Act.
513* Change marriage and recognition of marriage provisions.

521* Provide for options to purchase lands leased from public power districts.
547 Change provisional operator's permit application provisions.
595* Require notice of abandonment or discontinuation of railroad service.
612* Change child support guideline provisions.
621* Change provisions for the sale of fireworks.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
696* Require technology access clauses within state contracts.
704* Change provisions on motor vehicle registration, operator's licenses, proof of financial responsibility, overdimensional vehicles, and motor carrier regulations.
760 Change tax provisions for commercial and on-farm grain storage facilities.
767 Exempt trailer dealers from insurance provisions.
768* Provide for operator's license, motor vehicle registration, and license plate revocation and seizure.
779* Change provisions relating to educational lands and access to isolated land.
782* Provide for licensure of interpreters and provide duties for the Commission for the Deaf and Hard of Hearing.
794* Establish procedures for possible discontinued or abandoned rail service.
830* Eliminate an art work requirement for public buildings.
842* Adopt the Agricultural Opportunity Fund Act.
853* Change provisions for valuation of agricultural and horticultural land.
855* Provide for railroad carrier and user arbitration agreements.
870* Change provisions relating to livestock waste and environmental issues.

LR

1CA Constitutional amendment to require the Legislature to appropriate funds to political subdivisions for certain mandated programs.
4CA* Constitutional amendment to provide for a Commission on Legislative Compensation.
5CA* Constitutional amendment to change the salary for members of the Legislature.
6CA* Constitutional amendment to require the resignation of members of the Legislature elected to other state or local offices.
10* Memorialize Congress to propose an amendment to the U.S. Constitution to increase the length of terms of office for members of the House of Representatives.
15CA* Constitutional amendment to change the length and commencement of legislative sessions.

22* Require a study of environmental damage caused by petroleum-based oils from irrigation wells.

LaVon CROSBY

LB

76* Provide a moratorium on the death sentence and require a report on certain criminal homicides.

98* Change provisions relating to grandparent visitation.

111* Define "unborn child" and redefine "person" in homicide actions.

112* Provide for the responsibility for payment of costs of medical services for individuals who are arrested, detained, or taken into custody.

117* Change provisions relating to vacancies on a ballot for certain offices.

119 Change provisions relating to personal needs allowance for certain recipients of public assistance.

119A Appropriation Bill.

120* Change provisions relating to child custody determination in divorce proceedings.

121 Change provisions relating to surety bonds and sanitation inspections under the Barber Act.

122 Define "indigent" and provide for copayments for health care services for persons committed to the Department of Correctional Services.

134* Provide commensurate child-care leave for adoptive parents.

218 Adopt the Alcoholic Liquor to Minors Responsibility Act.

223* Adopt the Court Appointed Special Advocate Act.

235* Lower the required concentration of alcohol for DWI conviction.

255* Prohibit tattooing and body piercing on minors.

263* Prohibit school-based health clinics from offering certain services.

297* Change provisions relating to the Nebraska Capitol Commission and the Nebraska State Capitol Environs Commission.

298* Require reports of boards, commissions, and similar entities as prescribed.

299* Change penalty provisions relating to amphetamines and methamphetamines.

347* Appropriate funds for developmental disability services rate equity.

352* Adopt the Commission for the Blind and Visually Impaired Act.

355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.

406 Change landlord and tenant duty provisions.

407* Establish the Child Support Commission.
407A Appropriation Bill.
445* Change motor vehicle operation provisions.
454* Require insurance coverage for dental care which requires general anesthesia.
468 Change provisions for the sale and disposal of unclaimed property.
469* Adopt the Telemarketing and Prize Promotions Act.
484* Provide an income tax credit for certain educational expenses.
507* Appropriate funds to the Coordinating Commission for Postsecondary Education.
569* Change provisions for admission of persons to state hospitals.
607* Adopt the Neighborhood Development Act.
621* Change provisions for the sale of fireworks.
629 Provide for the Donated Dental Services program.
629A Appropriation Bill.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
653* Adopt the Nebraska Youth Mentoring Act.
720 Adopt the Interior Designer Certification Act.
721 Appropriate funds to the Department of Health and Human Services for domestic violence programs.
722 Change provisions for criminal history record information checks for providers of developmental disability services.
782* Provide for licensure of interpreters and provide duties for the Commission for the Deaf and Hard of Hearing.
818* Provide criminal history record information checks on child and certain adult care providers.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
858 Change provisions relating to write-in votes.
865* Provide for a substance abuse treatment task force.
881*** Adopt the Relief to Property Taxpayers Act.

JIM D. CUDABACK

LB
80* Provide for five-year issuance of license plates.
90* Change provisions relating to abandoned motor vehicles.
90A Appropriation Bill.
91* Change provisions relating to the State Electrical Board.
92* Change registration and fee provisions for water wells.
96* Provide for certain county offices to be filled on a nonpartisan basis.
109* Exempt certain agricultural machinery and equipment from property tax.
113 Create purchasing card programs and change employee benefit provisions.

113A Appropriation Bill.
114* Change a provision relating to access to public records by modem.
115* Redefine "limited-service rural hospital."
126* Change provisions relating to minors in possession of alcohol.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
173* Change provisions relating to Class I school district levies and budgets.
183* Adopt the Liquified Petroleum Gas Tax Act.
187* Change provisions relating to distribution of lottery proceeds.
243* Change tuition reimbursement provisions for members of the National Guard.
252* Prohibit the obstruction of highways in first and second class cities and villages and certain county roads.
253* Change dollar limitations for public improvement project requirements.
264 Provide for the surrender of license plate for certain violations.
269 Change provisions relating to the local option sales tax.
280* Provide sales tax exemption for mobility enhancing equipment.
289* Provide central filing for county zoning regulations.
296 Change the dollar limitations for public improvement project requirements.
299* Change penalty provisions relating to amphetamines and methamphetamines.
314* Provide funding for school districts for unexpected occurrences as prescribed.
336* Exempt certain tangible personal property from taxation.
337* Change and eliminate provisions relating to the testing and sale of tractors.
338* Create the Water Conservation and Banking Act of 1999.
341* Change negligence provisions regarding motor vehicular collisions with livestock.
345 Change provisions relating to anatomical gifts and fees.
348* Create the offense of introduction of contraband for escape.
351* State intent relating to computer access by government employees.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
369* Provide duties relating to real property, structures, or improvements which may be given to state entities.
398 Change provisions relating to the notation of liens on certified copies of certificates of title for motor vehicles.

398A Appropriation Bill.
399 Change provisions relating to marriage licenses.
408* Provide for entry upon property by representatives of political subdivisions.
409* Change provisions relating to elections, ordinances, and officers in political subdivisions.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
420* Change provisions for valuation of agricultural or horticultural land.
457* Provide for reimbursement from the state for certain election costs.
458 Permit peace officers to accept outside law enforcement employment.
461* Authorize telephone conference calls for certain public meetings.
472* Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
513* Change marriage and recognition of marriage provisions.
521* Provide for options to purchase lands leased from public power districts.
593* Provide for a driver's safety training program as pretrial diversion.
595* Require notice of abandonment or discontinuation of railroad service.
621* Change provisions for the sale of fireworks.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
768* Provide for operator's license, motor vehicle registration, and license plate revocation and seizure.
780* Provide for operator's license, motor vehicle registration, and license plate revocation and seizure.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
830* Eliminate an art work requirement for public buildings.
841* Change scrap tire grants, cleanup, and fee provisions.
855* Provide for railroad carrier and user arbitration agreements.
870* Change provisions relating to livestock waste and environmental issues.

LR

14CA* Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.

BOB DICKEY
(Term began April 27, 1999)

MERTON L. DIERKS

LB	
98*	Change provisions relating to grandparent visitation.
99*	Require insurance coverage for diabetes-related equipment, supplies, medication, and education.
109*	Exempt certain agricultural machinery and equipment from property tax.
111*	Define "unborn child" and redefine "person" in homicide actions.
115*	Redefine "limited-service rural hospital."
116*	State intent and define terms relating to electric utilities.
147*	Create the Organ and Tissue Donor Awareness and Education Fund.
173*	Change provisions relating to Class I school district levies and budgets.
193*	Exempt the Nebraska veterans homes from administration by the state building division.
198*	Change provisions relating to soil and plant analysis laboratories.
199*	Redefine a term relating to nursing facility conversion.
209*	Define terms relating to alternative medical treatment under the Uniform Licensing Law and authorize certain medical care.
235*	Lower the required concentration of alcohol for DWI conviction.
263*	Prohibit school-based health clinics from offering certain services.
273*	Eliminate a registration fee relating to water wells.
292*	Change provisions relating to proof of financial responsibility for motor vehicles.
300*	Change provisions relating to motor vehicle registration and the ten-day grace period.
302*	Create the Nebraska Commission on Motor Vehicle Laws.
341*	Change negligence provisions regarding motor vehicular collisions with livestock.
347*	Appropriate funds for developmental disability services rate equity.
355*	Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
378*	Change textbook loan program provisions.
379	Change provisions for physician assistants relating to prescribing medications.
401	Change provisions relating to county zoning regulations.
402*	Adopt an agricultural stewardship demonstration award program.
403	Change references to the names of agricultural federal services to reflect their new names.
404	Adopt the Domesticated Cervine Animal Act.

404A	Appropriation Bill.
405	Change provisions relating to the Nebraska Aquaculture Board.
418*	Change provisions relating to valuation of agricultural and horticultural land.
419*	Change provisions relating to valuation of farmstead sites.
420*	Change provisions for valuation of agricultural or horticultural land.
457*	Provide for reimbursement from the state for certain election costs.
463*	Adopt the Organic Agriculture Act.
480*	Create the Women's Health Initiative of Nebraska.
483*	Adopt the Parent Education Equitable Reimbursement (PEER) System Act.
484*	Provide an income tax credit for certain educational expenses.
495*	Adopt the Education and Career Preparation Act.
513*	Change marriage and recognition of marriage provisions.
530	Withdraw from the Central Interstate Low-Level Radioactive Waste Compact.
531	Repeal herd laws and provisions relating to wells and pitfalls.
532	Eliminate provisions relating to stockyards.
533	Eliminate provisions relating to grazing cattle of another state.
593*	Provide for a driver's safety training program as pretrial diversion.
604	Change provisions for veterans relating to service in the United States Armed Forces.
608*	Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
616*	Provide a certificate of need exemption.
621*	Change provisions for the sale of fireworks.
630*	Adopt the Beginning Farmer Tax Credit Act.
650*	Appropriate funds to Peru State College.
750*	Change provisions of the Clean Indoor Air Act.
776	Change provisions relating to fence viewers and lawful fences.
777	Adopt the Agricultural Property Tax Credit Act.
778	Adopt the Livestock Brand Act in new format.
797	Change pharmacy practice and regulation provisions.
825*	Adopt the Commercial Dog and Cat Operator Inspection Act.
830*	Eliminate an art work requirement for public buildings.
835A	Appropriation Bill.
842*	Adopt the Agricultural Opportunity Fund Act.
844*	Provide for interim county zoning measures and powers.

851* Change provisions for best management practices under the Livestock Waste Management Act.
865* Provide for a substance abuse treatment task force.
868* Change health and human services partnership intent, accountability, and report provisions.

LR

22* Require a study of environmental damage caused by petroleum-based oils from irrigation wells.
43 Provide the U.S. Congress direct the federal EPA to curtail implementation of new restrictions on phosphide gas.

PAT ENGEL

LB

77 Authorize local reciprocal exemption agreements under the International Fuel Tax Agreement Act.
94 Provide for reciprocal interstate law enforcement agreements under the Interlocal Cooperation Act.
100* Provide for and change provisions relating to transfer of real and personal property under the Nebraska Probate Code.
111* Define "unborn child" and redefine "person" in homicide actions.
185*** Change provisions relating to actions brought by prisoners.
186*** Change provisions relating to postconviction proceedings.
229* Change franchise provisions for motor vehicle manufacturers and distributors.
240* Change provisions relating to foster care review.
241* Change provisions relating to the family practice residents program.
242* Change provisions relating to rural health education.
242A* Appropriation Bill.
263* Prohibit school-based health clinics from offering certain services.
266* Allow unaffiliated voters to select partisan ballots in primary elections.
288* Change eligibility provisions for incarceration work camps.
298* Require reports of boards, commissions, and similar entities as prescribed.
299* Change penalty provisions relating to amphetamines and methamphetamines.
342* Provide an exemption from certain standards for certain church elevators.
347* Appropriate funds for developmental disability services rate equity.
445* Change motor vehicle operation provisions.

457* Provide for reimbursement from the state for certain election costs.
476* Adopt the Concealed Handgun License Act.
482*** Provide an income tax credit for adopted children.
495* Adopt the Education and Career Preparation Act.
507* Appropriate funds to the Coordinating Commission for Postsecondary Education.
513* Change marriage and recognition of marriage provisions.
570* Authorize a service surcharge on wireless telecommunications service.
616* Provide a certificate of need exemption.
648* Change sales and use tax provisions and define "packaged computer software."
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
712* Provide for temporary county zoning provisions.
733* Change provisions relating to unregistered vehicles and vehicles without license plates.
779* Change provisions relating to educational lands and access to isolated land.
807* Change eligibility requirements under the Employment and Investment Growth Act.
830* Eliminate an art work requirement for public buildings.
849* Adopt the Volunteer Emergency Responders Recruitment and Retention Act.
860* Change Nebraska Educational Telecommunications Commission lease provisions.
865* Provide for a substance abuse treatment task force.
881*** Adopt the Relief to Property Taxpayers Act.

D. PAUL HARTNETT

LB

105* Adopt the Nebraska Housing Agency Act.
187* Change provisions relating to distribution of lottery proceeds.
272* Eliminate the office of county superintendent of schools.
291* Change provisions relating to registration of fleet vehicles.
292* Change provisions relating to proof of financial responsibility for motor vehicles.
294 Change provisions for property tax levy limits.
298* Require reports of boards, commissions, and similar entities as prescribed.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
362 Change provisions relating to library boards, tax levies, funds, services, and report requirements.
363* Require educational service units to provide a core services proposal.

364*	Change the definition of redevelopment project under the Community Development Law.
365*	Provide for distribution of local option sales tax collected in community redevelopment areas.
378*	Change textbook loan program provisions.
382*	Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
386*	Change educational technology assistance to public schools and educational service units.
408*	Provide for entry upon property by representatives of political subdivisions.
484*	Provide an income tax credit for certain educational expenses.
486*	Change payment provisions for state wards' education.
487*	Clarify school district residency provisions.
495*	Adopt the Education and Career Preparation Act.
502	Change assessment procedures for certain mobile homes.
507*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
508*	Adopt the Taxpayer Protection Spending Lid Act.
520	Change collection fees for certain school taxes.
549	Redefine "project" for purposes of industrial development.
568*	Redefine "land" under the Game Law and change provisions relating to recreation liability.
607*	Adopt the Neighborhood Development Act.
621*	Change provisions for the sale of fireworks.
645*	Provide an exception to budget and levy limits for educational service units.
650*	Appropriate funds to Peru State College.
651*	Require the Supreme Court to pay security costs.
769	Change provisions relating to truancy.
770*	Change the exempt amount for inheritance tax purposes.
771	Change electrical energy rate and other provisions relating to wind energy resources.
772	Exempt certain transfers of cellular telephones from sales and use tax provisions.
773	Change the minimum accrual rate under the State Patrol Retirement Act.
774	Change community development cost-benefit analysis and report provisions.
774A	Appropriation Bill.
796*	Change provisions of the Nebraska Highway Bond Act.
805A*	Appropriation Bill.
807*	Change eligibility requirements under the Employment and Investment Growth Act.
808*	Require certain information on electric utility bills.

818* Provide criminal history record information checks on child and certain adult care providers.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
830* Eliminate an art work requirement for public buildings.
847* Change provisions of the Nebraska Visitors Development Act.
848* Provide income tax adjustments for certain pension income.
849* Adopt the Volunteer Emergency Responders Recruitment and Retention Act.
849A Appropriation Bill.
854 Change calculations for income tax.
856* Change foster care investigation provisions.
857* Change provisions for children in foster care and wards of the state.
859 Provide standing for political subdivisions under the Administrative Procedure Act.
865* Provide for a substance abuse treatment task force.

LR
21CA Constitutional amendment to authorize use of revenue bonds to develop property for use by nonprofit enterprises.

JOHN HILGERT

LB
64 Provide for a learned treatise exception to the rule against hearsay.
65* Change provisions relating to boiler inspections.
66* Change provisions relating to boiler inspectors, codes, and exemptions.
66A Appropriation Bill.
98* Change provisions relating to grandparent visitation.
125* Change the sales tax rate.
129* Change the dollar value required of an abandoned vehicle in order for title to vest in the local authority.
131* Change provisions relating to explosives.
135* Redefine "occupational disease" for purposes of workers' compensation.
139* Redefine "household income" for homestead exemption purposes.
145* Change provisions relating to homestead exemption.
163 Prohibit the use of liquefied petroleum gas as a refrigerant.
163A Appropriation Bill.
164 Change provisions relating to use of certain employment security funds.
165 Provide for default liens under the Uniform State Tax Lien Registration and Enforcement Act.
167 Provide strict liability for damages caused by bison.

168	Redefine terms relating to employment security law.
174	Adopt the One Day Rest in Seven Act.
174A	Appropriation Bill.
175	Change provisions relating to disposition of personal property, security deposits, and actions for possession.
176*	Change provisions relating to game law, trails, and personal watercraft safety.
176A	Appropriation Bill.
177*	Change provisions relating to tax exempt motor vehicles.
179*	Change homestead exemption provisions.
180*	Authorize a county homestead exemption program.
181*	Prohibit actions based upon credit history relating to automobile liability policies.
184*	Eliminate certain taxes on charitable gaming.
191*	Authorize the sale of insurance by banks, trust companies, and similar companies.
192*	Adopt the Peace Officer Employer-Employee Relations Act.
215*	Change provisions for dispute resolution, compensation, rehabilitation. and annual reports relating to workers' compensation.
216*	Change provisions relating to workers' compensation.
224	Adopt the Music Licensing Fees Act.
225	Change provisions relating to operating a motor vehicle to avoid arrest.
226*	Provide for pain management treatment and limit certain disciplinary proceedings and criminal prosecutions accordingly.
227	Change eligibility provisions for veterans relief and for waiver of tuition.
263*	Prohibit school-based health clinics from offering certain services.
312*	Change provisions for disposition of seized property.
337*	Change and eliminate provisions relating to the testing and sale of tractors.
344*	Rename the Department of Roads.
350*	Provide an increase in the salaries for members of the Supreme Court.
382*	Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
412	Change limitation of action provisions for product liability.
451*	Change payment amounts under the Relocation Assistance Act.
467*	Adopt the Habitual Sex Offender Act.
472*	Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.

478* Change provisions relating to rating systems for automobile liability policies.
501 Extend closing hours for certain liquor retail licenses.
508* Adopt the Taxpayer Protection Spending Lid Act.
512* Change placement and transportation cost provisions for juveniles.
524 Adopt the Athlete Agent Registration and Accountability Act.
525 Change provisions relating to salvaged vehicles.
526 Change emergency medical services contract provisions.
527 Adopt the Attorney-Client Conference Act.
528 Require schools to teach how to handle infants properly.
529 Change provisions for membership on the Nebraska Liquor Control Commission.
607* Adopt the Neighborhood Development Act.
608* Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
614* Change product liability provisions.
650* Appropriate funds to Peru State College.
679 Adopt the Bison Act.
680 Establish the Nebraska Family Assets and Savings Development Task Force.
681 Change provisions of the Microenterprise Development Act.
718* Place a moratorium on certain personal service contracts where a state agency is a party.
734* Change public defender compensation provisions.
775 Change provisions for the minimum salary for county sheriffs.
830* Eliminate an art work requirement for public buildings.
863* Change provisions of the Environmental Lead Hazard Control Act.
865* Provide for a substance abuse treatment task force.
867* Provide duties for the Department of Correctional Services.
881*** Adopt the Relief to Property Taxpayers Act.

LR

14CA* Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.

CAROL HUDKINS

LB

98* Change provisions relating to grandparent visitation.
109* Exempt certain agricultural machinery and equipment from property tax.
150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.

173*	Change provisions relating to Class I school district levies and budgets.
197	Change provisions relating to the child protection case central register.
235*	Lower the required concentration of alcohol for DWI conviction.
243*	Change tuition reimbursement provisions for members of the National Guard.
255*	Prohibit tattooing and body piercing on minors.
270*	Change the date for reimbursement for petroleum release remedial actions.
272*	Eliminate the office of county superintendent of schools.
274*	Change provisions relating to the organization of agricultural business entities.
278	Allow state chartered credit unions equal powers as federal credit unions.
295	Allow city attorneys to request approval for pretrial diversion programs.
299*	Change penalty provisions relating to amphetamines and methamphetamines.
300*	Change provisions relating to motor vehicle registration and the ten-day grace period.
302*	Create the Nebraska Commission on Motor Vehicle Laws.
309	Create the offense of disarming an officer.
310*	Prohibit driving in certain areas temporarily closed to traffic.
341*	Change negligence provisions regarding motor vehicular collisions with livestock.
342*	Provide an exemption from certain standards for certain church elevators.
347*	Appropriate funds for developmental disability services rate equity.
410*	Change provisions relating to child passenger restraints.
418*	Change provisions relating to valuation of agricultural and horticultural land.
419*	Change provisions relating to valuation of farmstead sites.
420*	Change provisions for valuation of agricultural or horticultural land.
423*	Provide immunity in actions relating to job references.
435*	Provide commitment procedures for sexually violent offenders under the Nebraska Mental Health Commitment Act.
457*	Provide for reimbursement from the state for certain election costs.
467*	Adopt the Habitual Sex Offender Act.
469*	Adopt the Telemarketing and Prize Promotions Act.
476*	Adopt the Concealed Handgun License Act.
477*	Create the Nebraska Grape and Winery Board.

480* Create the Women's Health Initiative of Nebraska.
495* Adopt the Education and Career Preparation Act.
499 Change provisions relating to membership on the county visitors committee.
500 Change procedures and penalties relating to accident reporting.
512* Change placement and transportation cost provisions for juveniles.
513* Change marriage and recognition of marriage provisions.
569* Change provisions for admission of persons to state hospitals.
607* Adopt the Neighborhood Development Act.
621* Change provisions for the sale of fireworks.
633* Create the offense of assault while on school property.
634* Provide for physical restraint in public schools.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
677 Authorize the resumption of property tax assessment duties in certain counties.
682* Change trustee authorization provisions.
697* Provide for firefighter license plates.
708 Change provisions for admission of persons to state hospitals and use of other facilities.
709 Change provisions relating to real estate appraisers.
737* Change park entry permit provisions.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
830* Eliminate an art work requirement for public buildings.
841* Change scrap tire grants, cleanup, and fee provisions.
845* Adopt the Equity in Prescription Insurance and Contraceptive Coverage Act.
865* Provide for a substance abuse treatment task force.
867* Provide duties for the Department of Correctional Services.
870* Change provisions relating to livestock waste and environmental issues.
872* Change in forma pauperis payment provisions.

LR
6CA* Constitutional amendment to require the resignation of members of the Legislature elected to other state or local offices.

RAY JANSSEN

LB
99* Require insurance coverage for diabetes-related equipment, supplies, medication, and education.
127* Change provisions relating to horseracing and race meet taxes.
138* Create the Nebraska Volunteer Service Commission.

150*	Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
196*	Provide for license sanctions for actions on licensed premises under the Liquor Control Act.
229*	Change franchise provisions for motor vehicle manufacturers and distributors.
243*	Change tuition reimbursement provisions for members of the National Guard.
243A	Appropriation Bill.
244	Change provisions relating to sales tax collection for floral products.
245*	Exempt certain United States Postal Service delivery charges from sales and use tax.
246*	Change membership provisions for the Nebraska Investment Council.
247	Change provisions relating to acquisitions by condemnation by cemetery associations.
265*	Create a class of peace officer known as constable and provide powers and duties.
292*	Change provisions relating to proof of financial responsibility for motor vehicles.
299*	Change penalty provisions relating to amphetamines and methamphetamines.
341*	Change negligence provisions regarding motor vehicular collisions with livestock.
342*	Provide an exemption from certain standards for certain church elevators.
344*	Rename the Department of Roads.
351*	State intent relating to computer access by government employees.
355*	Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
369*	Provide duties relating to real property, structures, or improvements which may be given to state entities.
408*	Provide for entry upon property by representatives of political subdivisions.
416	Change candidate committee, campaign statement, contribution, expenditure, and loan provisions.
417	Change political accountability and disclosure filing requirements.
418*	Change provisions relating to valuation of agricultural and horticultural land.
431	Change provisions relating to membership of the Nebraska Liquor Control Commission.
432	Change powers and duties of the Department of Administrative Services.
432A	Appropriation Bill.

433 Change provisions for verification of signatures and other information on initiative and referendum petitions.
433A Appropriation Bill.
434 Change provisions relating to write-in campaigns.
457* Provide for reimbursement from the state for certain election costs.
461* Authorize telephone conference calls for certain public meetings.
469* Adopt the Telemarketing and Prize Promotions Act.
472* Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
476* Adopt the Concealed Handgun License Act.
568* Redefine "land" under the Game Law and change provisions relating to recreation liability.
576* Eliminate a restriction on the sale of lottery tickets.
577* Change provisions for sales of tobacco and alcoholic liquor.
578* Change provisions of the Nebraska Political Accountability and Disclosure Act and the Campaign Finance Limitation Act.
579* Change provisions relating to recall procedures.
580* Exclude certain measures relating to personnel issues from being subject to referendum powers.
581* Change political accountability campaign statement and document provisions.
582* Exclude certain zoning measures from being subject to referendum powers.
633* Create the offense of assault while on school property.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
678 Change license suspension provisions under the Liquor Control Act.
697* Provide for firefighter license plates.
733* Change provisions relating to unregistered vehicles and vehicles without license plates.
742 Change drug paraphernalia provisions to exclude certain hypodermic syringes and needles.
791* Change fund use provisions under the State Lottery Act.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
849* Adopt the Volunteer Emergency Responders Recruitment and Retention Act.
865* Provide for a substance abuse treatment task force.
870* Change provisions relating to livestock waste and environmental issues.

LR
15CA* Constitutional amendment to change the length and commencement of legislative sessions.

JIM JENSEN

LB	
17*	Require health care providers to furnish a patient's medical records to the patients.
65*	Change provisions relating to boiler inspections.
66*	Change provisions relating to boiler inspectors, codes, and exemptions.
89*	Provide requirements for advertising and promotion of the state lottery.
126*	Change provisions relating to minors in possession of alcohol.
147*	Create the Organ and Tissue Donor Awareness and Education Fund.
177*	Change provisions relating to tax exempt motor vehicles.
178*	Change and eliminate provisions relating to athletic trainers.
185***	Change provisions relating to actions brought by prisoners.
186***	Change provisions relating to postconviction proceedings.
191*	Authorize the sale of insurance by banks, trust companies, and similar companies.
226*	Provide for pain management treatment and limit certain disciplinary proceedings and criminal prosecutions accordingly.
235*	Lower the required concentration of alcohol for DWI conviction.
236	Redefine "governmental unit" for purposes of energy financing contracts.
237*	Change provisions relating to retail sales and payments by metropolitan utilities districts.
255*	Prohibit tattooing and body piercing on minors.
263*	Prohibit school-based health clinics from offering certain services.
274*	Change provisions relating to the organization of agricultural business entities.
299*	Change penalty provisions relating to amphetamines and methamphetamines.
312*	Change provisions for disposition of seized property.
323	Provide provisions relating to incontestability and nonforfeiture under the Long-Term Care Insurance Act.
324	Change the Nebraska Health Care Trust Fund Act and create the Tobacco Enforcement Fund.
325	Provide an income tax credit for long-term care insurance premiums.
333*	Provide restrictions on disposal of dispensed drugs and devices.
333A	Appropriation Bill.

342* Provide an exemption from certain standards for certain church elevators.
382* Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
423* Provide immunity in actions relating to job references.
440A Appropriation Bill.
467* Adopt the Habitual Sex Offender Act.
472* Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
482*** Provide an income tax credit for adopted children.
498* Provide for use of automated external defibrillators.
508* Adopt the Taxpayer Protection Spending Lid Act.
513* Change marriage and recognition of marriage provisions.
559* Adopt the Nebraska Telehealth Act.
563* Eliminate the Rural Development Commission and transfer duties.
574 Provide duties for certain tobacco product manufacturers.
575 Change provisions for liability, complaints, and providing information regarding professional and occupational licenses.
594A Appropriation Bill.
600* Change the income tax rate schedules and standard deduction amount.
601* Change the standard deduction amount for income tax purposes.
607* Adopt the Neighborhood Development Act.
633* Create the offense of assault while on school property.
634* Provide for physical restraint in public schools.
637* Provide for a study and for compliance with federal requirements for child support collection and disbursement.
641* Change provisions relating to historical vehicles.
750* Change provisions of the Clean Indoor Air Act.
798* Change provisions relating to tobacco licenses and fees.
799 Change provisions for supportive pharmacy personnel.
800 Change provisions relating to dental hygienists and dental auxiliaries.
801 Change provisions relating to bids and bidding.
819 Adopt the Uniform Facility Licensing Act.
828 Change provisions relating to health and human services.
865* Provide for a substance abuse treatment task force.
868* Change health and human services partnership intent, accountability, and report provisions.
881*** Adopt the Relief to Property Taxpayers Act.

LR

3* Establish a limit on increases to general fund appropriations.

15CA*	Constitutional amendment to change the length and commencement of legislative sessions.
29*	Petition the United States Congress to prohibit federal recoupment of state tobacco settlement recoveries.

JIM JONES

LB	
92*	Change registration and fee provisions for water wells.
98*	Change provisions relating to grandparent visitation.
105*	Adopt the Nebraska Housing Agency Act.
109*	Exempt certain agricultural machinery and equipment from property tax.
111*	Define "unborn child" and redefine "person" in homicide actions.
115*	Redefine "limited-service rural hospital."
126*	Change provisions relating to minors in possession of alcohol.
146*	Change provisions relating to motor vehicle registration and farm and ranch special permits.
150*	Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
173*	Change provisions relating to Class I school district levies and budgets.
185***	Change provisions relating to actions brought by prisoners.
186***	Change provisions relating to postconviction proceedings.
235*	Lower the required concentration of alcohol for DWI conviction.
255*	Prohibit tattooing and body piercing on minors.
263*	Prohibit school-based health clinics from offering certain services.
265*	Create a class of peace officer known as constable and provide powers and duties.
270*	Change the date for reimbursement for petroleum release remedial actions.
273*	Eliminate a registration fee relating to water wells.
274*	Change provisions relating to the organization of agricultural business entities.
275	Change certain license plate fees.
276	Change provisions relating to rentals of county machinery.
283	Eliminate the fee for limited permits to hunt deer.
284	Change provisions relating to explosives.
285	Adopt the Property Tax Relief Act.
286	Change eminent domain provisions for natural resources districts.
299*	Change penalty provisions relating to amphetamines and methamphetamines.

301* Change and eliminate a limitation relating to homestead exemption provisions.
338* Create the Water Conservation and Banking Act of 1999.
341* Change negligence provisions regarding motor vehicular collisions with livestock.
342* Provide an exemption from certain standards for certain church elevators.
347* Appropriate funds for developmental disability services rate equity.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
420* Change provisions for valuation of agricultural or horticultural land.
443 Change membership on boards of education.
457* Provide for reimbursement from the state for certain election costs.
467* Adopt the Habitual Sex Offender Act.
469* Adopt the Telemarketing and Prize Promotions Act.
472* Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
495* Adopt the Education and Career Preparation Act.
513* Change marriage and recognition of marriage provisions.
515* Change redistricting procedures and create an advisory commission.
557 Exempt purchases by city, county, or joint airport authorities from sales and use taxes.
559* Adopt the Nebraska Telehealth Act.
568* Redefine "land" under the Game Law and change provisions relating to recreation liability.
630* Adopt the Beginning Farmer Tax Credit Act.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
682* Change trustee authorization provisions.
830* Eliminate an art work requirement for public buildings.
832* Adopt the Livestock Contract Sale Act.
833* Adopt the Competitive Livestock Markets Act.
834* Prohibit mislabeled meat or poultry as prescribed.
835* Adopt the Competitive Livestock Markets Act.
841* Change scrap tire grants, cleanup, and fee provisions.
853* Change provisions for valuation of agricultural and horticultural land.
865* Provide for a substance abuse treatment task force.
867* Provide duties for the Department of Correctional Services.
870* Change provisions relating to livestock waste and environmental issues.
881*** Adopt the Relief to Property Taxpayers Act.

LR

15CA* Constitutional amendment to change the length and commencement of legislative sessions.

27* Request that the United States Congress appropriate funds to complete the Wood River Flood Control Project.

SHELLEY KIEL

LB

117* Change provisions relating to vacancies on a ballot for certain offices.

125* Change the sales tax rate.

139* Redefine "household income" for homestead exemption purposes.

166* Change provisions relating to the special privilege tax on cigarettes.

179* Change homestead exemption provisions.

223* Adopt the Court Appointed Special Advocate Act.

255* Prohibit tattooing and body piercing on minors.

256 Define terms and provide immunity from liability for volunteers.

257 Prohibit certain actions by employers based on use of lawful products.

298* Require reports of boards, commissions, and similar entities as prescribed.

299* Change penalty provisions relating to amphetamines and methamphetamines.

312* Change provisions for disposition of seized property.

339* State intent relating to renewable energy resources and provide requirements for utility companies.

342* Provide an exemption from certain standards for certain church elevators.

344* Rename the Department of Roads.

351* State intent relating to computer access by government employees.

355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.

382* Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.

507* Appropriate funds to the Coordinating Commission for Postsecondary Education.

512* Change placement and transportation cost provisions for juveniles.

592* Change solid waste provisions and landfill disposal fees.

607* Adopt the Neighborhood Development Act.

621* Change provisions for the sale of fireworks.

633* Create the offense of assault while on school property.

634* Provide for physical restraint in public schools.

636* Provide an income tax credit for earned income.
642 State appropriations intent relating to Joslyn Castle.
643 Change provisions relating to motor vehicle repossession plates.
644 State intent relating to appropriations for the AIDS Pharmaceutical Assistance Project.
649 Change guardian ad litem appointment provisions under the juvenile code.
734* Change public defender compensation provisions.
737* Change park entry permit provisions.
744* Redefine the offense of reckless driving.
758* Rename and change provisions of the Student Discipline Act.
782* Provide for licensure of interpreters and provide duties for the Commission for the Deaf and Hard of Hearing.
818* Provide criminal history record information checks on child and certain adult care providers.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
829* Adopt the Nebraska Transit and Rail Advisory Council Act.
830* Eliminate an art work requirement for public buildings.
831* Change provisions for employee benefit plans for certain political subdivisions.
845* Adopt the Equity in Prescription Insurance and Contraceptive Coverage Act.
848* Provide income tax adjustments for certain pension income.
851* Change provisions for best management practices under the Livestock Waste Management Act.
863* Change provisions of the Environmental Lead Hazard Control Act.
865* Provide for a substance abuse treatment task force.

ROBERT "BOB" KREMER

LB
92* Change registration and fee provisions for water wells.
109* Exempt certain agricultural machinery and equipment from property tax.
115* Redefine "limited-service rural hospital."
193* Exempt the Nebraska veterans homes from administration by the state building division.
272* Eliminate the office of county superintendent of schools.
273* Eliminate a registration fee relating to water wells.
274* Change provisions relating to the organization of agricultural business entities.
291* Change provisions relating to registration of fleet vehicles.
292* Change provisions relating to proof of financial responsibility for motor vehicles.

299* Change penalty provisions relating to amphetamines and methamphetamines.
301* Change and eliminate a limitation relating to homestead exemption provisions.
338* Create the Water Conservation and Banking Act of 1999.
341* Change negligence provisions regarding motor vehicular collisions with livestock.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
420* Change provisions for valuation of agricultural or horticultural land.
457* Provide for reimbursement from the state for certain election costs.
461* Authorize telephone conference calls for certain public meetings.
495* Adopt the Education and Career Preparation Act.
513* Change marriage and recognition of marriage provisions.
621* Change provisions for the sale of fireworks.
650* Appropriate funds to Peru State College.
682* Change trustee authorization provisions.
733* Change provisions relating to unregistered vehicles and vehicles without license plates.
830* Eliminate an art work requirement for public buildings.
853* Change provisions for valuation of agricultural and horticultural land.
870* Change provisions relating to livestock waste and environmental issues.

LR

27* Request that the United States Congress appropriate funds to complete the Wood River Flood Control Project.

DOUG KRISTENSEN

LB

30 Change provisions for fees for issuance of license plates.
31 Redefine "law enforcement agency" and provide powers for the Director and employees of the Department of Correctional Services.
32 Provide reimbursement of certain expenses to the members of the Tax Equalization and Review Commission.
32A Appropriation Bill.
67 Change provisions for calculation of state aid to community colleges.
67A Appropriation Bill.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
154 Change the number of legislative districts.

171	Exempt machinery, equipment, and electricity used for broadcasting from sales and use taxation.
187*	Change provisions relating to distribution of lottery proceeds.
240*	Change provisions relating to foster care review.
241*	Change provisions relating to the family practice residents program.
242*	Change provisions relating to rural health education.
242A*	Appropriation Bill.
254	Change liability provisions relating to incorrect dates by a computer or information system.
338*	Create the Water Conservation and Banking Act of 1999.
394*	Create the Task Force on the State Scholarship Grant System.
418*	Change provisions relating to valuation of agricultural and horticultural land.
422	Change provisions for amendment of bylaws under the Nebraska Nonprofit Corporation Act.
423*	Provide immunity in actions relating to job references.
496	Change right-of-way for telecommunications lines and related facilities and eminent domain powers.
514*	Change provisions relating to the Public Service Commission.
517	Change highway rights-of-way and freeway provisions.
534	Change publication and distribution of the session laws and the journal of the Legislature.
535*	Adopt the Expenditure Limitation Act and limit tax rate changes.
556	Provide for alphanumeric license plates and change license plate fees.
556A	Appropriation Bill.
559*	Adopt the Nebraska Telehealth Act.
591*	Provide exceptions to governmental tort liability relating to traffic control devices.
608*	Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
617	Create state district attorney offices.
621*	Change provisions for the sale of fireworks.
631*	Eliminate the state college system and restructure governance of postsecondary education.
660	Adopt the College Savings Act.
661	Limit damages in actions relating to computer date failures.
662	Change railroad eminent domain provisions.
830*	Eliminate an art work requirement for public buildings.
852	Change provisions governing hearings and records in certain juvenile court proceedings.
865*	Provide for a substance abuse treatment task force.

873** Change provisions relating to state funds and fund transfers and authorize a central warehouse system as specified.
874** Eliminate provisions for state contributions to State and Omaha schools retirement plans.
875** Eliminate a transfer from the Cash Reserve Fund.
876** Appropriate funds for payments of salaries of members of the Legislature.
877** Appropriate funds for payment of salaries for certain state officers.
878** Appropriate funds for capital construction and property acquisition.
879** Provide deficit appropriations for state government expenses.
880** Appropriate funds for state government expenses.
881*** Adopt the Relief to Property Taxpayers Act.
881A Appropriation Bill.

LR

4CA* Constitutional amendment to provide for a Commission on Legislative Compensation.
5CA* Constitutional amendment to change the salary for members of the Legislature.
6CA* Constitutional amendment to require the resignation of members of the Legislature elected to other state or local offices.
11CA* Constitutional amendment to state that language in the Constitution shall be construed to be gender neutral.
12CA Constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.
13CA Constitutional amendment to prohibit special legislation and eliminate references to certain categories of special legislation.
14CA* Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.
18CA* Constitutional amendment to change amendment, initiative, and referendum provisions and remove obsolete provisions.
23CA* Constitutional amendment to change higher education structure, governance, and oversight.
27* Request that the United States Congress appropriate funds to complete the Wood River Flood Control Project.

DAVID M. LANDIS

LB

18 Adopt the Uniform Testamentary Additions to Trusts Act (1991).
19 Change provisions relating to court fees.

20*	Provide for the issuance of motorcycle license plates to handicapped or disabled persons.
20A	Appropriation Bill.
21	Change provisions relating to court appointments for indigent defendants.
22	Change provisions for failure to appear in cases of misdemeanors or ordinance violations.
23	Change an exemption in certain bankruptcy and collection proceedings.
24	Provide for an appointment of counsel in certain divorce proceedings.
61	Change provisions relating to remittance of public funds to the state treasury.
62	Change provisions relating to the Nebraska Uniform Custodial Trust Act.
63	Adopt the Uniform Principal and Income Act of 1997.
81	Change provisions regarding the investment of funds by natural resources districts.
82	Change provisions relating to repayment of withdrawn contributions under the School Employees Retirement Act.
101*	Create the Biopower Steering Committee.
126*	Change provisions relating to minors in possession of alcohol.
150*	Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
162	Change provisions for awarding attorney's fees and expenses in actions upon an insurance policy.
170	Change provisions relating to installment loan lending limits.
179*	Change homestead exemption provisions.
214	Provide for taxation of prepaid telephone calling cards or authorization numbers.
258	Change provisions relating to the Insurers Risk-Based Capital Act.
259	Change insurance related filing, agent, payment, examinations, and name provisions.
260	Change insurance agent, broker, and agency licensing provisions.
261*	Restrict the practices of slamming and loading telecommunication services.
274*	Change provisions relating to the organization of agricultural business entities.
326	Change insurance filing, cancellation, demutualization provisions and motor vehicle license plate provisions.
331*	Prohibit certain practices relating to workers' compensation self-insurers.
332*	Change adoption procedures and provide for certain adult child adoptions.

383*	Change capital gains provisions.
391	Provide for resentencing upon a finding of racial injustice in capital cases.
392	Authorize local governments to levy payments in lieu of taxes for certain tax exempt real property.
393	Change provisions for the movement of cranes.
395*	Change income tax rate schedules.
396	Change powers and duties of financial institutions and the Department of Banking and Finance.
397	Change provisions relating to insurances rates and forms.
400*	Change provisions relating to income tax calculations.
451*	Change payment amounts under the Relocation Assistance Act.
452*	Provide procedures for delinquent school bond payments.
453	Authorize payment of property taxes in installments.
482***	Provide an income tax credit for adopted children.
505*	Change the cigarette and tobacco tax rates and distribution.
514*	Change provisions relating to the Public Service Commission.
519*	Adopt the Community-Based Neurobehavioral Action Plan Act.
550*	Change provisions relating to commercial transactions.
551	Adopt the Interstate Compact Uniform Receivership Act and the Nebraska Insurers Supervision Act.
552	Change debtors' signature requirements for recordings and filings.
553	Change and eliminate provisions of the Public Funds Deposit Security Act.
554	Change provisions of the Public Funds Deposit Security Act.
555	Change insurance provisions relating to managed care entities.
558*	Combine and eliminate provisions relating to civil rights, employment, housing, and public accommodations.
567	Change eminent domain provisions relating to public utilities.
573	Adopt the Controlled Substances Animal Welfare Act.
752	Change provisions for handicapped persons and design and construction standards for housing.
753	Redefine "employer" under the Nebraska Wage Payment and Collection Act.
754*	Provide for renewable energy use and conservation technologies and practices by state agencies.
755*	Require public buildings to comply with a building code.
756	Provide restrictions on the sale of motor vehicle operator's records.

757	Require consent for health maintenance activities provided for a child.
758*	Rename and change provisions of the Student Discipline Act.
759	Change legal aid service grant provisions.
761	Change telecommunications provisions relating to rate rebalancing.
762	Provide for powers of the Public Service Commission relating to telecommunications.
763	Change telecommunications provisions relating to local competition.
764	Change telecommunications provisions relating to cost recovery.
765	Change motor vehicle certificates of convenience and necessity.
766	Change homestead exemption amounts.
818*	Provide criminal history record information checks on child and certain adult care providers.
829*	Adopt the Nebraska Transit and Rail Advisory Council Act.
855*	Provide for railroad carrier and user arbitration agreements.

LR

2CA	Constitutional amendment to authorize members of the Legislature to participate in certain employee benefit programs.

DANIEL C. LYNCH

LB

25	Change provisions relating to license plates issued to handicapped or disabled persons.
26	Provide for reimbursement for public school meal programs.
27	Require certain employees to pay for collective bargaining and contract enforcement.
65*	Change provisions relating to boiler inspections.
66*	Change provisions relating to boiler inspectors, codes, and exemptions.
138*	Create the Nebraska Volunteer Service Commission.
155	Change provisions of the Class V School Employees Retirement Act.
179*	Change homestead exemption provisions.
180*	Authorize a county homestead exemption program.
184*	Eliminate certain taxes on charitable gaming.
187*	Change provisions relating to distribution of lottery proceeds.
219*	Change the number of juvenile court judges in certain counties.

280* Provide sales tax exemption for mobility enhancing equipment.
298* Require reports of boards, commissions, and similar entities as prescribed.
312* Change provisions for disposition of seized property.
342* Provide an exemption from certain standards for certain church elevators.
347* Appropriate funds for developmental disability services rate equity.
352* Adopt the Commission for the Blind and Visually Impaired Act.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
369* Provide duties relating to real property, structures, or improvements which may be given to state entities.
370 Authorize the designation of access aisles for handicapped parking.
371 Provide for wheelchair parking cone use.
382* Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
424 Authorize limited licenses for sale of insurance related to rental vehicles.
425 Change provisions relating to school-related Staff Development Assistance.
452* Provide procedures for delinquent school bond payments.
472* Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
485* Provide for an alphanumeric system of motor vehicle registration and change personalized message plate provisions.
507* Appropriate funds to the Coordinating Commission for Postsecondary Education.
508* Adopt the Taxpayer Protection Spending Lid Act.
512* Change placement and transportation cost provisions for juveniles.
518* Change eligibility provisions for medical assistance.
518A Appropriation Bill.
519* Adopt the Community-Based Neurobehavioral Action Plan Act.
519A Appropriation Bill.
633* Create the offense of assault while on school property.
652* Provide for a juvenile correctional facilities master plan and increase the cigarette tax.
658 Change pickle card requirements.
659 Authorize the use of electronic pickle card dispensing devices.

693* Change volunteer firefighter and ambulance personnel definitions for workers' compensation purposes.
696* Require technology access clauses within state contracts.
718* Place a moratorium on certain personal service contracts where a state agency is a party.
830* Eliminate an art work requirement for public buildings.
843* Change ethanol production credit, funding, and excise tax provisions.
848* Provide income tax adjustments for certain pension income.
865* Provide for a substance abuse treatment task force.
867* Provide duties for the Department of Correctional Services.

LR

14CA* Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.

GERALD E. MATZKE

LB

29* Provide for issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies.
96* Provide for certain county offices to be filled on a nonpartisan basis.
98* Change provisions relating to grandparent visitation.
99* Require insurance coverage for diabetes-related equipment, supplies, medication, and education.
100* Provide for and change provisions relating to transfer of real and personal property under the Nebraska Probate Code.
109* Exempt certain agricultural machinery and equipment from property tax.
146* Change provisions relating to motor vehicle registration and farm and ranch special permits.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
176* Change provisions relating to game law, trails, and personal watercraft safety.
199* Redefine a term relating to nursing facility conversion.
265* Create a class of peace officer known as constable and provide powers and duties.
273* Eliminate a registration fee relating to water wells.
288* Change eligibility provisions for incarceration work camps.
293* Provide duties for the Nebraska Oil and Gas Conservation Commission relating to inactive wells.

293A* Appropriation Bill.
298* Require reports of boards, commissions, and similar entities as prescribed.
299* Change penalty provisions relating to amphetamines and methamphetamines.
332* Change adoption procedures and provide for certain adult child adoptions.
350* Provide an increase in the salaries for members of the Supreme Court.
377 Change provisions relating to the number of county commissioners.
408* Provide for entry upon property by representatives of political subdivisions.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
420* Change provisions for valuation of agricultural or horticultural land.
440* Change exemptions under the Engineers and Architects Regulation Act.
457* Provide for reimbursement from the state for certain election costs.
482*** Provide an income tax credit for adopted children.
495* Adopt the Education and Career Preparation Act.
505* Change the cigarette and tobacco tax rates and distribution.
593* Provide for a driver's safety training program as pretrial diversion.
608* Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
621* Change provisions for the sale of fireworks.

LR

10* Memorialize Congress to propose an amendment to the U.S. Constitution to increase the length of terms of office for members of the House of Representatives.

DWITE PEDERSEN

LB

29* Provide for issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies.
50* Establish the Child Support Commission.
72* Change provisions relating to grand jury proceedings.
80* Provide for five-year issuance of license plates.
98* Change provisions relating to grandparent visitation.
104* Authorize creation of home rule charter counties.

106 Change provisions relating to authorized visitation or work release by a committed offender.

107* Allow state chartered credit unions equal powers as federal credit unions.

110 Provide requirements for issuance of permits for vehicles exceeding size and weight limitations.

111* Define "unborn child" and redefine "person" in homicide actions.

120* Change provisions relating to child custody determination in divorce proceedings.

126* Change provisions relating to minors in possession of alcohol.

134* Provide commensurate child-care leave for adoptive parents.

139* Redefine "household income" for homestead exemption purposes.

147* Create the Organ and Tissue Donor Awareness and Education Fund.

150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.

179* Change homestead exemption provisions.

180* Authorize a county homestead exemption program.

184* Eliminate certain taxes on charitable gaming.

188* Change provisions relating to revocation, suspension, impoundment, cancellation and reinstatement of driver's licenses, registration and operating privileges.

190 Create the offense of unlawful introduction of alcoholic liquor or a controlled substance within a detention facility.

191* Authorize the sale of insurance by banks, trust companies, and similar companies.

192* Adopt the Peace Officer Employer-Employee Relations Act.

193* Exempt the Nebraska veterans homes from administration by the state building division.

200 Change provisions relating to the terms of members of the Board of Parole.

201 Provide for academic certification courses outside the Nebraska Law Enforcement Training Center.

223* Adopt the Court Appointed Special Advocate Act.

226* Provide for pain management treatment and limit certain disciplinary proceedings and criminal prosecutions accordingly.

229* Change franchise provisions for motor vehicle manufacturers and distributors.

263* Prohibit school-based health clinics from offering certain services.

288* Change eligibility provisions for incarceration work camps.

291* Change provisions relating to registration of fleet vehicles.
292* Change provisions relating to proof of financial responsibility for motor vehicles.
310* Prohibit driving in certain areas temporarily closed to traffic.
312* Change provisions for disposition of seized property.
350* Provide an increase in the salaries for members of the Supreme Court.
352* Adopt the Commission for the Blind and Visually Impaired Act.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
359* Change provisions relating to interpreter services and specialized telecommunications equipment.
359A Appropriation Bill.
360 Prohibit mental health regions from being direct service providers.
382* Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
407* Establish the Child Support Commission.
408* Provide for entry upon property by representatives of political subdivisions.
423* Provide immunity in actions relating to job references.
430 Change provisions governing Nebraska veterans homes.
440* Change exemptions under the Engineers and Architects Regulation Act.
448* Change court fees and create the Juvenile Community Service Cash Fund.
457* Provide for reimbursement from the state for certain election costs.
467* Adopt the Habitual Sex Offender Act.
469* Adopt the Telemarketing and Prize Promotions Act.
472* Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
476* Adopt the Concealed Handgun License Act.
493 Change disciplinary measure provisions for correctional institutions.
508* Adopt the Taxpayer Protection Spending Lid Act.
512* Change placement and transportation cost provisions for juveniles.
513* Change marriage and recognition of marriage provisions.
516* Change penalty provisions for possession of marijuana.
535* Adopt the Expenditure Limitation Act and limit tax rate changes.
569* Change provisions for admission of persons to state hospitals.

578*	Change provisions of the Nebraska Political Accountability and Disclosure Act and the Campaign Finance Limitation Act.
601*	Change the standard deduction amount for income tax purposes.
621*	Change provisions for the sale of fireworks.
632	Change motor vehicle industry licensing provisions.
633*	Create the offense of assault while on school property.
634*	Provide for physical restraint in public schools.
638*	Create a task force to study substance abuse services in the criminal justice system.
653*	Adopt the Nebraska Youth Mentoring Act.
697*	Provide for firefighter license plates.
825*	Adopt the Commercial Dog and Cat Operator Inspection Act.
830*	Eliminate an art work requirement for public buildings.
837*	Change provisions relating to the Child Pornography Prevention Act.
839*	Change county judge salary provisions.
849*	Adopt the Volunteer Emergency Responders Recruitment and Retention Act.
864	Change provisions relating to driving under the influence.
865*	Provide for a substance abuse treatment task force.
865A	Appropriation Bill.
866*	Create a Legislative Advisory Committee for Corrections, and change provisions for inmate treatment, rights, and classification.
867*	Provide duties for the Department of Correctional Services.
881***	Adopt the Relief to Property Taxpayers Act.

DON PEDERSON

LB	
100*	Provide for and change provisions relating to transfer of real and personal property under the Nebraska Probate Code.
150*	Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
261*	Restrict the practices of slamming and loading telecommunication services.
277	Provide limits on certain future advances under the Nebraska Trust Deeds Act.
288*	Change eligibility provisions for incarceration work camps.
293*	Provide duties for the Nebraska Oil and Gas Conservation Commission relating to inactive wells.
298*	Require reports of boards, commissions, and similar entities as prescribed.

299* Change penalty provisions relating to amphetamines and methamphetamines.
350* Provide an increase in the salaries for members of the Supreme Court.
386* Change educational technology assistance to public schools and educational service units.
408* Provide for entry upon property by representatives of political subdivisions.
440* Change exemptions under the Engineers and Architects Regulation Act.
495* Adopt the Education and Career Preparation Act.
513* Change marriage and recognition of marriage provisions.
548* Provide for funding for medicaid administrative activities.
548A Appropriation Bill.
563* Eliminate the Rural Development Commission and transfer duties.
593* Provide for a driver's safety training program as pretrial diversion.
601* Change the standard deduction amount for income tax purposes.
605* Change provisions of the Ethanol Development Act.
608* Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
621* Change provisions for the sale of fireworks.
714* Create the Southeast Nebraska Higher Education Task Force.
733* Change provisions relating to unregistered vehicles and vehicles without license plates.
751* Prohibit acts relating to retail sales receipts and Universal Price Codes.
865* Provide for a substance abuse treatment task force.
881*** Adopt the Relief to Property Taxpayers Act.

LR

10* Memorialize Congress to propose an amendment to the U.S. Constitution to increase the length of terms of office for members of the House of Representatives.
14CA* Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.

CHRIS PETERSON

LB

29* Provide for issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies.
84* Authorize creation of a state veteran cemetery system and create a fund.
92* Change registration and fee provisions for water wells.

112*	Provide for the responsibility for payment of costs of medical services for individuals who are arrested, detained, or taken into custody.
147*	Create the Organ and Tissue Donor Awareness and Education Fund.
150*	Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
179*	Change homestead exemption provisions.
186***	Change provisions relating to postconviction proceedings.
188*	Change provisions relating to revocation, suspension, impoundment, cancellation and reinstatement of driver's licenses, registration and operating privileges.
193*	Exempt the Nebraska veterans homes from administration by the state building division.
223*	Adopt the Court Appointed Special Advocate Act.
255*	Prohibit tattooing and body piercing on minors.
274*	Change provisions relating to the organization of agricultural business entities.
291*	Change provisions relating to registration of fleet vehicles.
291A	Appropriation Bill.
292*	Change provisions relating to proof of financial responsibility for motor vehicles.
299*	Change penalty provisions relating to amphetamines and methamphetamines.
300*	Change provisions relating to motor vehicle registration and the ten-day grace period.
301*	Change and eliminate a limitation relating to homestead exemption provisions.
302*	Create the Nebraska Commission on Motor Vehicle Laws.
302A	Appropriation Bill.
338*	Create the Water Conservation and Banking Act of 1999.
344*	Rename the Department of Roads.
383*	Change capital gains provisions.
394*	Create the Task Force on the State Scholarship Grant System.
469*	Adopt the Telemarketing and Prize Promotions Act.
472*	Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
495*	Adopt the Education and Career Preparation Act.
505*	Change the cigarette and tobacco tax rates and distribution.
513*	Change marriage and recognition of marriage provisions.
633*	Create the offense of assault while on school property.
650*	Appropriate funds to Peru State College.
682*	Change trustee authorization provisions.
733*	Change provisions relating to unregistered vehicles and vehicles without license plates.

745*** Change homestead exemption amounts.
751* Prohibit acts relating to retail sales receipts and Universal Price Codes.
768* Provide for operator's license, motor vehicle registration, and license plate revocation and seizure.
780* Provide for operator's license, motor vehicle registration, and license plate revocation and seizure.
782* Provide for licensure of interpreters and provide duties for the Commission for the Deaf and Hard of Hearing.
818* Provide criminal history record information checks on child and certain adult care providers.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
830* Eliminate an art work requirement for public buildings.
881*** Adopt the Relief to Property Taxpayers Act.

LR

11CA* Constitutional amendment to state that language in the Constitution shall be construed to be gender neutral.
27* Request that the United States Congress appropriate funds to complete the Wood River Flood Control Project.

DONALD G. PREISTER

LB

49* Create the offense of criminal child enticement.
83* Ratify the Emergency Management Assistance Compact.
98* Change provisions relating to grandparent visitation.
99* Require insurance coverage for diabetes-related equipment, supplies, medication, and education.
101* Create the Biopower Steering Committee.
108* Provide for confidentiality of public records in certain circumstances.
116* State intent and define terms relating to electric utilities.
138* Create the Nebraska Volunteer Service Commission.
145* Change provisions relating to homestead exemption.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
179* Change homestead exemption provisions.
179A Appropriation Bill.
180* Authorize a county homestead exemption program.
181* Prohibit actions based upon credit history relating to automobile liability policies.
182* Adopt the Student Freedom of Expression Act.
192* Adopt the Peace Officer Employer-Employee Relations Act.
235* Lower the required concentration of alcohol for DWI conviction.
270* Change the date for reimbursement for petroleum release remedial actions.

312* Change provisions for disposition of seized property.
313* Change provisions for the sale, display, and storage of cigarettes.
339* State intent relating to renewable energy resources and provide requirements for utility companies.
344* Rename the Department of Roads.
351* State intent relating to computer access by government employees.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
469* Adopt the Telemarketing and Prize Promotions Act.
478* Change provisions relating to rating systems for automobile liability policies.
480* Create the Women's Health Initiative of Nebraska.
508* Adopt the Taxpayer Protection Spending Lid Act.
513* Change marriage and recognition of marriage provisions.
590* Change provisions relating to the Municipal Natural Gas Regulation Act.
592* Change solid waste provisions and landfill disposal fees.
607* Adopt the Neighborhood Development Act.
608* Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
633* Create the offense of assault while on school property.
717 Change provisions of the Nebraska Emergency Planning and Community Right to Know Act.
718* Place a moratorium on certain personal service contracts where a state agency is a party.
733* Change provisions relating to unregistered vehicles and vehicles without license plates.
734* Change public defender compensation provisions.
735* Provide child care training requirements.
737* Change park entry permit provisions.
746* Change provisions of the Livestock Waste Management Act and provisions relating to dead animals.
750* Change provisions of the Clean Indoor Air Act.
754* Provide for renewable energy use and conservation technologies and practices by state agencies.
755* Require public buildings to comply with a building code.
808* Require certain information on electric utility bills.
818* Provide criminal history record information checks on child and certain adult care providers.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
829* Adopt the Nebraska Transit and Rail Advisory Council Act.
848* Provide income tax adjustments for certain pension income.

851* Change provisions for best management practices under the Livestock Waste Management Act.
865* Provide for a substance abuse treatment task force.

MARIAN L. PRICE

LB
120* Change provisions relating to child custody determination in divorce proceedings.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
152* Change provisions relating to truancy.
255* Prohibit tattooing and body piercing on minors.
272* Eliminate the office of county superintendent of schools.
299* Change penalty provisions relating to amphetamines and methamphetamines.
344* Rename the Department of Roads.
351* State intent relating to computer access by government employees.
353 Authorize additional contracts for nonteaching services in school districts.
354 Authorize contracts for school head coaches.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
380* Change provisions relating to implementation of the managed care system.
386A* Appropriation Bill.
480* Create the Women's Health Initiative of Nebraska.
495* Adopt the Education and Career Preparation Act.
513* Change marriage and recognition of marriage provisions.
548* Provide for funding for medicaid administrative activities.
607* Adopt the Neighborhood Development Act.
621* Change provisions for the sale of fireworks.
633* Create the offense of assault while on school property.
636* Provide an income tax credit for earned income.
646* Change provisions for calculation of state aid to schools and provide for professional staff incentive aid.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
682* Change trustee authorization provisions.
696* Require technology access clauses within state contracts.
744* Redefine the offense of reckless driving.
750* Change provisions of the Clean Indoor Air Act.
782* Provide for licensure of interpreters and provide duties for the Commission for the Deaf and Hard of Hearing.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
845* Adopt the Equity in Prescription Insurance and Contraceptive Coverage Act.

MARK QUANDAHL

LB	
107*	Allow state chartered credit unions equal powers as federal credit unions.
111*	Define "unborn child" and redefine "person" in homicide actions.
191*	Authorize the sale of insurance by banks, trust companies, and similar companies.
263*	Prohibit school-based health clinics from offering certain services.
313*	Change provisions for the sale, display, and storage of cigarettes.
315*	Create the Nebraska County Court Judges Association.
348*	Create the offense of introduction of contraband for escape.
350*	Provide an increase in the salaries for members of the Supreme Court.
382*	Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
461*	Authorize telephone conference calls for certain public meetings.
476*	Adopt the Concealed Handgun License Act.
513*	Change marriage and recognition of marriage provisions.
608*	Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
621*	Change provisions for the sale of fireworks.
633*	Create the offense of assault while on school property.
682*	Change trustee authorization provisions.
695*	Change political party election, convention, delegate, and caucus provisions.
780*	Provide for operator's license, motor vehicle registration, and license plate revocation and seizure.
830*	Eliminate an art work requirement for public buildings.
839*	Change county judge salary provisions.
865*	Provide for a substance abuse treatment task force.
881***	Adopt the Relief to Property Taxpayers Act.

RON RAIKES

LB	
101*	Create the Biopower Steering Committee.
160*	Limit governmental liability for damages relating to electronic computing devices.
240*	Change provisions relating to foster care review.
241*	Change provisions relating to the family practice residents program.
242*	Change provisions relating to rural health education.

242A* Appropriation Bill.
272* Eliminate the office of county superintendent of schools.
282* Change political subdivision and state immunity provisions relating to government computer systems.
301* Change and eliminate a limitation relating to homestead exemption provisions.
303* Clarify provisions relating to motor carrier regulations.
338* Create the Water Conservation and Banking Act of 1999.
408* Provide for entry upon property by representatives of political subdivisions.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
420* Change provisions for valuation of agricultural or horticultural land.
495* Adopt the Education and Career Preparation Act.
568* Redefine "land" under the Game Law and change provisions relating to recreation liability.
600* Change the income tax rate schedules and standard deduction amount.
601* Change the standard deduction amount for income tax purposes.
602 Provide for collective bargaining deadlines for school districts.
634* Provide for physical restraint in public schools.
636* Provide an income tax credit for earned income.
645* Provide an exception to budget and levy limits for educational service units.
646* Change provisions for calculation of state aid to schools and provide for professional staff incentive aid.
648* Change sales and use tax provisions and define "packaged computer software."
651* Require the Supreme Court to pay security costs.
710* Change income tax calculations.
711* Create the Agricultural Commodity Pricing and Structure Task Force.
712* Provide for temporary county zoning provisions.
713* Provide for regression analyses for school finance.
714* Create the Southeast Nebraska Higher Education Task Force.
715* Provide for an estimation grid under school financing provisions.
716* Change formula need and equalization aid under school financing provisions.
723* Require a public hearing prior to circulation of initiative petitions.
732 Change a reference to the Nebraska Power Review Board.
745*** Change homestead exemption amounts.

750* Change provisions of the Clean Indoor Air Act.
779* Change provisions relating to educational lands and access to isolated land.
783* Create the Business Commission on Child Care Financing.
829* Adopt the Nebraska Transit and Rail Advisory Council Act.
830* Eliminate an art work requirement for public buildings.
860* Change Nebraska Educational Telecommunications Commission lease provisions.
865* Provide for a substance abuse treatment task force.
870* Change provisions relating to livestock waste and environmental issues.
872* Change in forma pauperis payment provisions.

LR

18CA* Constitutional amendment to change amendment, initiative, and referendum provisions and remove obsolete provisions.
31 Approve gift of land from the Burlington Northern Railroad Company to the Game and Parks Commission.

PAMELA A. REDFIELD

LB

52* Change the method of inflicting the death penalty.
93 Provide deadlines for collective bargaining for schools.
104* Authorize creation of home rule charter counties.
111* Define "unborn child" and redefine "person" in homicide actions.
125* Change the sales tax rate.
150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
179* Change homestead exemption provisions.
235* Lower the required concentration of alcohol for DWI conviction.
261* Restrict the practices of slamming and loading telecommunication services.
268* Change provisions relating to home schools.
272* Eliminate the office of county superintendent of schools.
299* Change penalty provisions relating to amphetamines and methamphetamines.
313* Change provisions for the sale, display, and storage of cigarettes.
382* Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
508* Adopt the Taxpayer Protection Spending Lid Act.
513* Change marriage and recognition of marriage provisions.
568* Redefine "land" under the Game Law and change provisions relating to recreation liability.

608* Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
621* Change provisions for the sale of fireworks.
633* Create the offense of assault while on school property.
634* Provide for physical restraint in public schools.
682* Change trustee authorization provisions.
710* Change income tax calculations.
750* Change provisions of the Clean Indoor Air Act.
818* Provide criminal history record information checks on child and certain adult care providers.
830* Eliminate an art work requirement for public buildings.
881*** Adopt the Relief to Property Taxpayers Act.

JENNIE ROBAK

LB

102* Change provisions for appraisers' fees in eminent domain proceedings.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
203* Provide for remittance of fees generated from certain pretrial diversion programs.
262 Change provisions for sale of liquor to a minor and for retail license suspension.
337* Change and eliminate provisions relating to the testing and sale of tractors.
342* Provide an exemption from certain standards for certain church elevators.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
382* Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
394* Create the Task Force on the State Scholarship Grant System.
440* Change exemptions under the Engineers and Architects Regulation Act.
457* Provide for reimbursement from the state for certain election costs.
457A Appropriation Bill.
472* Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
476* Adopt the Concealed Handgun License Act.
480* Create the Women's Health Initiative of Nebraska.
483* Adopt the Parent Education Equitable Reimbursement (PEER) System Act.

484* Provide an income tax credit for certain educational expenses.
495* Adopt the Education and Career Preparation Act.
512* Change placement and transportation cost provisions for juveniles.
560 Change lottery ticket provisions under the Nebraska County and City Lottery Act.
565* Provide for a driver's safety training program as pretrial diversion.
577* Change provisions for sales of tobacco and alcoholic liquor.
593* Provide for a driver's safety training program as pretrial diversion.
607* Adopt the Neighborhood Development Act.
621* Change provisions for the sale of fireworks.
633* Create the offense of assault while on school property.
634* Provide for physical restraint in public schools.
639* Provide for a Department of Natural Resources by merging certain departments and a commission.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
653* Adopt the Nebraska Youth Mentoring Act.
688 Prohibit use of a fuel power booster delivery system on a motor vehicle.
689 Change and eliminate in forma pauperis provisions.
689A Appropriation Bill.
690 Change expungement of certain criminal history record information provisions.
751* Prohibit acts relating to retail sales receipts and Universal Price Codes.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
829* Adopt the Nebraska Transit and Rail Advisory Council Act.
843* Change ethanol production credit, funding, and excise tax provisions.
865* Provide for a substance abuse treatment task force.

STAN SCHELLPEPER

LB

91* Change provisions relating to the State Electrical Board.
95* Define and redefine terms under the Nebraska Amusement Ride Act.
96* Provide for certain county offices to be filled on a nonpartisan basis.
97 Change provisions relating to the Water Well Standards and Contractors' Licensing Act.
109* Exempt certain agricultural machinery and equipment from property tax.

115*	Redefine "limited-service rural hospital."
126*	Change provisions relating to minors in possession of alcohol.
127*	Change provisions relating to horseracing and race meet taxes.
173*	Change provisions relating to Class I school district levies and budgets.
242*	Change provisions relating to rural health education.
266*	Allow unaffiliated voters to select partisan ballots in primary elections.
274*	Change provisions relating to the organization of agricultural business entities.
281	Change provisions relating to the transportation of alcoholic liquor into the state for personal use.
289*	Provide central filing for county zoning regulations.
289A	Appropriation Bill.
291*	Change provisions relating to registration of fleet vehicles.
292*	Change provisions relating to proof of financial responsibility for motor vehicles.
299*	Change penalty provisions relating to amphetamines and methamphetamines.
337*	Change and eliminate provisions relating to the testing and sale of tractors.
341*	Change negligence provisions regarding motor vehicular collisions with livestock.
347*	Appropriate funds for developmental disability services rate equity.
351*	State intent relating to computer access by government employees.
364*	Change the definition of redevelopment project under the Community Development Law.
365*	Provide for distribution of local option sales tax collected in community redevelopment areas.
383*	Change capital gains provisions.
384*	Change capital gains provisions.
395*	Change income tax rate schedules.
400*	Change provisions relating to income tax calculations.
418*	Change provisions relating to valuation of agricultural and horticultural land.
419*	Change provisions relating to valuation of farmstead sites.
420*	Change provisions for valuation of agricultural or horticultural land.
428	Change provisions relating to parking permits for handicapped or disabled persons.
437*	Change provisions relating to county fair boards and county agricultural societies.
457*	Provide for reimbursement from the state for certain election costs.

476* Adopt the Concealed Handgun License Act.
477* Create the Nebraska Grape and Winery Board.
479 Change state lottery major procurement and agreement provisions.
495* Adopt the Education and Career Preparation Act.
513* Change marriage and recognition of marriage provisions.
515* Change redistricting procedures and create an advisory commission.
576* Eliminate a restriction on the sale of lottery tickets.
616* Provide a certificate of need exemption.
621* Change provisions for the sale of fireworks.
630* Adopt the Beginning Farmer Tax Credit Act.
647 Change bingo and other gambling provisions.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
711* Create the Agricultural Commodity Pricing and Structure Task Force.
790* Regulate the direct shipment of alcoholic liquor.
791* Change fund use provisions under the State Lottery Act.
830* Eliminate an art work requirement for public buildings.
853* Change provisions for valuation of agricultural and horticultural land.
865* Provide for a substance abuse treatment task force.
870* Change provisions relating to livestock waste and environmental issues.

LR
22* Require a study of environmental damage caused by petroleum-based oils from irrigation wells.

DiAnna R. SCHIMEK

LB
17* Require health care providers to furnish a patient's medical records to the patients.
58 Allow an income tax credit for political contributions.
59 Change provisions relating to a waste reduction and recycling fee.
60 Provide that the board of state canvassers' duty is ministerial in nature.
87* Adopt the Joint Public Agency Act.
98* Change provisions relating to grandparent visitation.
99* Require insurance coverage for diabetes-related equipment, supplies, medication, and education.
108* Provide for confidentiality of public records in certain circumstances.
116* State intent and define terms relating to electric utilities.
117* Change provisions relating to vacancies on a ballot for certain offices.
123 Provide an income tax adjustment for pension and retirement pay.

124* Prohibit railroads from obstructing highways in primary class cities.
126* Change provisions relating to minors in possession of alcohol.
134* Provide commensurate child-care leave for adoptive parents.
135* Redefine "occupational disease" for purposes of workers' compensation.
136 Provide for notice of delinquent real property taxes.
138* Create the Nebraska Volunteer Service Commission.
145* Change provisions relating to homestead exemption.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
148* Establish the Nebraska Lifespan Respite Services Program.
150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
157 Provide that Election Day is a holiday.
158 Create a task force to study the regulation of charitable solicitations.
179* Change homestead exemption provisions.
182* Adopt the Student Freedom of Expression Act.
234* Require backup files of electronic records and provide for electronic voter registration records.
243* Change tuition reimbursement provisions for members of the National Guard.
248 Redefine "good funds" relating to real estate closings.
261* Restrict the practices of slamming and loading telecommunication services.
297* Change provisions relating to the Nebraska Capitol Commission and the Nebraska State Capitol Environs Commission.
298* Require reports of boards, commissions, and similar entities as prescribed.
331* Prohibit certain practices relating to workers' compensation self-insurers.
351* State intent relating to computer access by government employees.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
367 Change the membership of the city council of a primary class city.
368 Change provisions relating to fines for speeding in maintenance, repair, or construction zones.
408* Provide for entry upon property by representatives of political subdivisions.
438 Change late contribution and expenditure provisions under the Political Accountability and Disclosure Act.

439*	Change fees for service of process.
455*	Modify political accountability and disclosure conflict of interest provisions.
467*	Adopt the Habitual Sex Offender Act.
480*	Create the Women's Health Initiative of Nebraska.
480A	Appropriation Bill.
482***	Provide an income tax credit for adopted children.
495*	Adopt the Education and Career Preparation Act.
505*	Change the cigarette and tobacco tax rates and distribution.
558*	Combine and eliminate provisions relating to civil rights, employment, housing, and public accommodations.
578*	Change provisions of the Nebraska Political Accountability and Disclosure Act and the Campaign Finance Limitation Act.
579*	Change provisions relating to recall procedures.
580*	Exclude certain measures relating to personnel issues from being subject to referendum powers.
581*	Change political accountability campaign statement and document provisions.
582*	Exclude certain zoning measures from being subject to referendum powers.
603*	Change powers and duties of public power districts and corporations.
607*	Adopt the Neighborhood Development Act.
618	Change and provide provisions for opinions and analysis of price relating to real estate.
621*	Change provisions for the sale of fireworks.
633*	Create the offense of assault while on school property.
634*	Provide for physical restraint in public schools.
636*	Provide an income tax credit for earned income.
650*	Appropriate funds to Peru State College.
654	Change provisions relating to the materiel division of the Department of Administrative Services.
654A	Appropriation Bill.
728	State intent relating to initiative and referendum measures.
729	Provide powers and duties for the Secretary of State regarding initiative and referendum measures.
750*	Change provisions of the Clean Indoor Air Act.
758*	Rename and change provisions of the Student Discipline Act.
782*	Provide for licensure of interpreters and provide duties for the Commission for the Deaf and Hard of Hearing.
825*	Adopt the Commercial Dog and Cat Operator Inspection Act.
829*	Adopt the Nebraska Transit and Rail Advisory Council Act.
841*	Change scrap tire grants, cleanup, and fee provisions.

851* Change provisions for best management practices under the Livestock Waste Management Act.
860* Change Nebraska Educational Telecommunications Commission lease provisions.
865* Provide for a substance abuse treatment task force.

LR

10* Memorialize Congress to propose an amendment to the U.S. Constitution to increase the length of terms of office for members of the House of Representatives.
11CA* Constitutional amendment to state that language in the Constitution shall be construed to be gender neutral.

JERRY SCHMITT

LB

90* Change provisions relating to abandoned motor vehicles.
92* Change registration and fee provisions for water wells.
109* Exempt certain agricultural machinery and equipment from property tax.
115* Redefine "limited-service rural hospital."
129* Change the dollar value required of an abandoned vehicle in order for title to vest in the local authority.
131* Change provisions relating to explosives.
173* Change provisions relating to Class I school district levies and budgets.
192* Adopt the Peace Officer Employer-Employee Relations Act.
193* Exempt the Nebraska veterans homes from administration by the state building division.
196* Provide for license sanctions for actions on licensed premises under the Liquor Control Act.
203* Provide for remittance of fees generated from certain pretrial diversion programs.
204* Prohibit ticket quota requirements for law enforcement.
205 Change provisions for handgun qualification and the Nebraska Law Enforcement Training Center.
206 Change provisions for the form of the retention ballot for judges.
207 Change provisions relating to motor vehicle registration and renewal fees for military license plates.
208 Adopt the Nebraska Archaeological Resources Preservation Act.
209* Define terms relating to alternative medical treatment under the Uniform Licensing Law and authorize certain medical care.
210 Change provisions relating to the appointment of the Superintendent of Law Enforcement and Public Safety.
211 Prohibit smoking in state vehicles and buildings.

212 Provide for a change in the number of members of a board of trustees of a county medical facility.
213 Change livestock brand provisions.
243* Change tuition reimbursement provisions for members of the National Guard.
291* Change provisions relating to registration of fleet vehicles.
292* Change provisions relating to proof of financial responsibility for motor vehicles.
299* Change penalty provisions relating to amphetamines and methamphetamines.
338* Create the Water Conservation and Banking Act of 1999.
342* Provide an exemption from certain standards for certain church elevators.
355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
369* Provide duties relating to real property, structures, or improvements which may be given to state entities.
410* Change provisions relating to child passenger restraints.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
457* Provide for reimbursement from the state for certain election costs.
461* Authorize telephone conference calls for certain public meetings.
472* Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
476* Adopt the Concealed Handgun License Act.
481* Transfer certain attorneys to the Department of Justice.
495* Adopt the Education and Career Preparation Act.
513* Change marriage and recognition of marriage provisions.
515* Change redistricting procedures and create an advisory commission.
564* Provide for transfer of land in cases of school district consolidation.
565* Provide for a driver's safety training program as pretrial diversion.
568* Redefine "land" under the Game Law and change provisions relating to recreation liability.
593* Provide for a driver's safety training program as pretrial diversion.
621* Change provisions for the sale of fireworks.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
682* Change trustee authorization provisions.
697* Provide for firefighter license plates.
733* Change provisions relating to unregistered vehicles and vehicles without license plates.

737* Change park entry permit provisions.
746* Change provisions of the Livestock Waste Management Act and provisions relating to dead animals.
818* Provide criminal history record information checks on child and certain adult care providers.
830* Eliminate an art work requirement for public buildings.
832* Adopt the Livestock Contract Sale Act.
833* Adopt the Competitive Livestock Markets Act.
834* Prohibit mislabeled meat or poultry as prescribed.
835* Adopt the Competitive Livestock Markets Act.
844* Provide for interim county zoning measures and powers.
851* Change provisions for best management practices under the Livestock Waste Management Act.
853* Change provisions for valuation of agricultural and horticultural land.
865* Provide for a substance abuse treatment task force.
867* Provide duties for the Department of Correctional Services.

LR

7CA Constitutional amendment to provide for the election of judges of the county and district courts.
15CA* Constitutional amendment to change the length and commencement of legislative sessions.
27* Request that the United States Congress appropriate funds to complete the Wood River Flood Control Project.

ED SCHROCK

LB

92* Change registration and fee provisions for water wells.
100* Provide for and change provisions relating to transfer of real and personal property under the Nebraska Probate Code.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
231* Change provisions relating to the commercial fertilizer fee.
235* Lower the required concentration of alcohol for DWI conviction.
270* Change the date for reimbursement for petroleum release remedial actions.
335* Provide for premium deer and wild turkey hunting permits.
336* Exempt certain tangible personal property from taxation.
337* Change and eliminate provisions relating to the testing and sale of tractors.
341* Change negligence provisions regarding motor vehicular collisions with livestock.
344* Rename the Department of Roads.

347* Appropriate funds for developmental disability services rate equity.
348* Create the offense of introduction of contraband for escape.
382* Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
389* Provide oxygenated gasoline sale requirements.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
420* Change provisions for valuation of agricultural or horticultural land.
457* Provide for reimbursement from the state for certain election costs.
460* Change provisions relating to provisional operators' permits.
488 Change provisions relating to flood control improvement corridors.
495* Adopt the Education and Career Preparation Act.
513* Change marriage and recognition of marriage provisions.
518* Change eligibility provisions for medical assistance.
566* Change public bidding requirements.
633* Create the offense of assault while on school property.
634* Provide for physical restraint in public schools.
641* Change provisions relating to historical vehicles.
657 Change aid provisions for natural resources districts.
691 Provide criteria for municipal employee labor relations disputes.
712* Provide for temporary county zoning provisions.
744* Redefine the offense of reckless driving.
780* Provide for operator's license, motor vehicle registration, and license plate revocation and seizure.
784 Change the powers of the Environmental Quality Council and the director.
785 Provide certain restrictions on irrigation wells.
786 Change application requirements for a permit under the Livestock Waste Management Act.
787 Provide and change penalties for disposal of dead animals.
788 Create the Game Law Investigation Cash Fund.
789 Change provisions for violator hearings and fines under the Environmental Protection Act.
793 Change provisions relating to game and parks.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
830* Eliminate an art work requirement for public buildings.
831* Change provisions for employee benefit plans for certain political subdivisions.
865* Provide for a substance abuse treatment task force.

870* Change provisions relating to livestock waste and environmental issues.
870A Appropriation Bill.

LR

14CA* Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.
27* Request that the United States Congress appropriate funds to complete the Wood River Flood Control Project.
58 Encourage the Nebraska Congressional delegation to support the federal Conservation and Reinvestment Act of 1999.

ADRIAN M. SMITH

LB

84* Authorize creation of a state veteran cemetery system and create a fund.
111* Define "unborn child" and redefine "person" in homicide actions.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
202* Extend the termination date for the Partnerships for Economic Development Act.
263* Prohibit school-based health clinics from offering certain services.
298* Require reports of boards, commissions, and similar entities as prescribed.
299* Change penalty provisions relating to amphetamines and methamphetamines.
313* Change provisions for the sale, display, and storage of cigarettes.
333* Provide restrictions on disposal of dispensed drugs and devices.
344* Rename the Department of Roads.
457* Provide for reimbursement from the state for certain election costs.
461* Authorize telephone conference calls for certain public meetings.
476* Adopt the Concealed Handgun License Act.
482*** Provide an income tax credit for adopted children.
506* Change provisions for employee benefits under the Political Subdivisions Self-Funding Benefits Act.
513* Change marriage and recognition of marriage provisions.
568* Redefine "land" under the Game Law and change provisions relating to recreation liability.

601* Change the standard deduction amount for income tax purposes.
607* Adopt the Neighborhood Development Act.
621* Change provisions for the sale of fireworks.
621A Appropriation Bill.
633* Create the offense of assault while on school property.
634* Provide for physical restraint in public schools.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
695* Change political party election, convention, delegate, and caucus provisions.
696* Require technology access clauses within state contracts.
700* Provide liability for cleanup costs due to a hazardous substance emergency.
830* Eliminate an art work requirement for public buildings.
849* Adopt the Volunteer Emergency Responders Recruitment and Retention Act.
865* Provide for a substance abuse treatment task force.
881*** Adopt the Relief to Property Taxpayers Act.

LR

15CA* Constitutional amendment to change the length and commencement of legislative sessions.

ELAINE STUHR

LB

98* Change provisions relating to grandparent visitation.
109* Exempt certain agricultural machinery and equipment from property tax.
115* Redefine "limited-service rural hospital."
173* Change provisions relating to Class I school district levies and budgets.
255* Prohibit tattooing and body piercing on minors.
270* Change the date for reimbursement for petroleum release remedial actions.
272* Eliminate the office of county superintendent of schools.
272A Appropriation Bill.
279 Change provisions relating to absentee ballots, registration forms, and mail-in ballots.
282* Change political subdivision and state immunity provisions relating to government computer systems.
292* Change provisions relating to proof of financial responsibility for motor vehicles.
299* Change penalty provisions relating to amphetamines and methamphetamines.
301* Change and eliminate a limitation relating to homestead exemption provisions.
327 Change the order of offices and issues on the statewide primary and general election ballots.

342* Provide an exemption from certain standards for certain church elevators.
344* Rename the Department of Roads.
347* Appropriate funds for developmental disability services rate equity.
363* Require educational service units to provide a core services proposal.
380* Change provisions relating to implementation of the managed care system.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
420* Change provisions for valuation of agricultural or horticultural land.
457* Provide for reimbursement from the state for certain election costs.
462 Change and eliminate solid waste collection service provisions.
463* Adopt the Organic Agriculture Act.
480* Create the Women's Health Initiative of Nebraska.
495* Adopt the Education and Career Preparation Act.
513* Change marriage and recognition of marriage provisions.
515* Change redistricting procedures and create an advisory commission.
605* Change provisions of the Ethanol Development Act.
606 Change payment provisions relating to the Community Improvements Cash Fund.
621* Change provisions for the sale of fireworks.
633* Create the offense of assault while on school property.
634* Provide for physical restraint in public schools.
635 Change provisions for adjusted valuation and state aid to schools.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
682* Change trustee authorization provisions.
686* Change provisions relating to speed limits.
687 Change employer account investment options in state and county retirement plans.
687A Appropriation Bill.
738* Change provisions relating to street improvements.
783* Create the Business Commission on Child Care Financing.
795* Change retirement plan reporting requirements.
830* Eliminate an art work requirement for public buildings.
853* Change provisions for valuation of agricultural and horticultural land.
870* Change provisions relating to livestock waste and environmental issues.

LR

15CA* Constitutional amendment to change the length and commencement of legislative sessions.

20CA Constitutional amendment to change English language requirements in non-public schools.

DEBORAH S. SUTTLE

LB

68 Provide for regulation of nail technology practitioners, establishments, and education.

68A Appropriation Bill.

88 Include mobile homes in the Disposition of Personal Property Landlord and Tenant Act.

99* Require insurance coverage for diabetes-related equipment, supplies, medication, and education.

108* Provide for confidentiality of public records in certain circumstances.

125* Change the sales tax rate.

126* Change provisions relating to minors in possession of alcohol.

130* Change penalty provisions for possession of marijuana.

134* Provide commensurate child-care leave for adoptive parents.

138* Create the Nebraska Volunteer Service Commission.

145* Change provisions relating to homestead exemption.

147* Create the Organ and Tissue Donor Awareness and Education Fund.

150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.

152* Change provisions relating to truancy.

179* Change homestead exemption provisions.

180* Authorize a county homestead exemption program.

182* Adopt the Student Freedom of Expression Act.

195 Provide for enrollment approval under the Student Discipline Act.

219* Change the number of juvenile court judges in certain counties.

220 Redefine terms relating to podiatry.

221 Provide a sales tax exemption for certain voluntary fire and rescue organizations.

222 Provide for an administrative fee to be imposed on persons convicted of traffic offenses.

223* Adopt the Court Appointed Special Advocate Act.

234* Require backup files of electronic records and provide for electronic voter registration records.

235* Lower the required concentration of alcohol for DWI conviction.

255* Prohibit tattooing and body piercing on minors.

272*	Eliminate the office of county superintendent of schools.
299*	Change penalty provisions relating to amphetamines and methamphetamines.
300*	Change provisions relating to motor vehicle registration and the ten-day grace period.
302*	Create the Nebraska Commission on Motor Vehicle Laws.
307*	Require application for and implementation of a federal medicaid option.
308	Change eligibility criteria for specialized telecommunications equipment.
312*	Change provisions for disposition of seized property.
313*	Change provisions for the sale, display, and storage of cigarettes.
334	Provide for teacher planning time.
344*	Rename the Department of Roads.
355*	Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.
359*	Change provisions relating to interpreter services and specialized telecommunications equipment.
366	Change provisions governing the practice of psychology.
382*	Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.
448*	Change court fees and create the Juvenile Community Service Cash Fund.
467*	Adopt the Habitual Sex Offender Act.
472*	Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.
480*	Create the Women's Health Initiative of Nebraska.
494	Redefine "licensed practical nurse-certified" under the Licensed Practical Nurse-Certified Act.
495*	Adopt the Education and Career Preparation Act.
505*	Change the cigarette and tobacco tax rates and distribution.
522	Change provisions relating to detainers for apprehension and detention of juveniles.
523	Adopt the Nurse Licensure Compact.
548*	Provide for funding for medicaid administrative activities.
593*	Provide for a driver's safety training program as pretrial diversion.
607*	Adopt the Neighborhood Development Act.
633*	Create the offense of assault while on school property.
634*	Provide for physical restraint in public schools.
696*	Require technology access clauses within state contracts.
698	Change nursing license and practice requirements.
734*	Change public defender compensation provisions.
744*	Redefine the offense of reckless driving.

750* Change provisions of the Clean Indoor Air Act.
782* Provide for licensure of interpreters and provide duties for the Commission for the Deaf and Hard of Hearing.
818* Provide criminal history record information checks on child and certain adult care providers.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
829* Adopt the Nebraska Transit and Rail Advisory Council Act.
830* Eliminate an art work requirement for public buildings.
845* Adopt the Equity in Prescription Insurance and Contraceptive Coverage Act.
865* Provide for a substance abuse treatment task force.

NANCY THOMPSON

LB

29* Provide for issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies.
71* Require health care providers and facilities to provide certain medical records without charge.
99* Require insurance coverage for diabetes-related equipment, supplies, medication, and education.
117* Change provisions relating to vacancies on a ballot for certain offices.
134* Provide commensurate child-care leave for adoptive parents.
138* Create the Nebraska Volunteer Service Commission.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
147A Appropriation Bill.
148* Establish the Nebraska Lifespan Respite Services Program.
150* Adopt the Telephone Consumer Slamming Prevention Act and change provisions relating to common and contract carriers.
151 Change provisions relating to DNA samples and fingerprints under the DNA Detention of Sexual and Violent Offenders Act.
152* Change provisions relating to truancy.
153 Create a task force to study the State Patrol.
153A Appropriation Bill.
166* Change provisions relating to the special privilege tax on cigarettes.
178* Change and eliminate provisions relating to athletic trainers.
188* Change provisions relating to revocation, suspension, impoundment, cancellation and reinstatement of driver's licenses, registration and operating privileges.

189 Provide for disclosure of certain information relating to child abuse.

192* Adopt the Peace Officer Employer-Employee Relations Act.

223* Adopt the Court Appointed Special Advocate Act.

300* Change provisions relating to motor vehicle registration and the ten-day grace period.

301* Change and eliminate a limitation relating to homestead exemption provisions.

302* Create the Nebraska Commission on Motor Vehicle Laws.

307* Require application for and implementation of a federal medicaid option.

313* Change provisions for the sale, display, and storage of cigarettes.

339* State intent relating to renewable energy resources and provide requirements for utility companies.

344* Rename the Department of Roads.

355* Provide requirements relating to insurance coverage of mental illness and change CHIP assessment provisions.

374 Provide jurisdiction over the parents of guardians and custodians of certain juveniles.

375 Provide guardianship and adoption filings be kept by the clerk of the county court.

376 Change cost reimbursement provisions for certain juveniles.

382* Adopt the Convention Center Facility Financing Assistance Act and adopt the Local Civic, Cultural, and Convention Center Financing Act.

447 Create a task force to study the state juvenile probation system.

448* Change court fees and create the Juvenile Community Service Cash Fund.

449 Change support services provisions under the Special Education Act.

450 Change reimbursement of indigent defense cost provisions.

469* Adopt the Telemarketing and Prize Promotions Act.

472* Transfer the secure youth confinement facility from the Department of Corrections to the Office of Juvenile Services.

480* Create the Women's Health Initiative of Nebraska.

485* Provide for an alphanumeric system of motor vehicle registration and change personalized message plate provisions.

495* Adopt the Education and Career Preparation Act.

505* Change the cigarette and tobacco tax rates and distribution.

508* Adopt the Taxpayer Protection Spending Lid Act.

559* Adopt the Nebraska Telehealth Act.

607* Adopt the Neighborhood Development Act.
609 Change provisions for costs of care, treatment, and transportation of juveniles.
610 Change provisions relating to costs of care and treatment of juveniles.
611 Create the Juvenile Justice System Coordination Team.
633* Create the offense of assault while on school property.
634* Provide for physical restraint in public schools.
638* Create a task force to study substance abuse services in the criminal justice system.
639* Provide for a Department of Natural Resources by merging certain departments and a commission.
640 Eliminate provisions for review of water supply or distribution projects for first class cities.
641* Change provisions relating to historical vehicles.
652* Provide for a juvenile correctional facilities master plan and increase the cigarette tax.
652A Appropriation Bill.
693* Change volunteer firefighter and ambulance personnel definitions for workers' compensation purposes.
723* Require a public hearing prior to circulation of initiative petitions.
724 Provide a penalty for violation of a no contact provision of a bond.
725 Change public utility, natural gas franchise, and fee provisions.
726* Provide for incentives for teachers and school administrators in shortage areas.
727* Create a task force to examine teacher and administrator issues.
744* Redefine the offense of reckless driving.
750* Change provisions of the Clean Indoor Air Act.
798* Change provisions relating to tobacco licenses and fees.
818* Provide criminal history record information checks on child and certain adult care providers.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
830* Eliminate an art work requirement for public buildings.
847* Change provisions of the Nebraska Visitors Development Act.
848* Provide income tax adjustments for certain pension income.
851* Change provisions for best management practices under the Livestock Waste Management Act.
861* Change provisions of the Sex Offender Registration Act.
865* Provide for a substance abuse treatment task force.

LR

6CA* Constitutional amendment to require the resignation of members of the Legislature elected to other state or local offices.

GENE TYSON

LB

20* Provide for the issuance of motorcycle license plates to handicapped or disabled persons.

99* Require insurance coverage for diabetes-related equipment, supplies, medication, and education.

115* Redefine "limited-service rural hospital."

125* Change the sales tax rate.

128* Increase the amount of fine a second class city or village may impose for violation of an ordinance.

129* Change the dollar value required of an abandoned vehicle in order for title to vest in the local authority.

130* Change penalty provisions for possession of marijuana.

131* Change provisions relating to explosives.

131A Appropriation Bill.

132 Change levy provisions relating to city airport authorities.

133 Provide for the classification of certain utility vehicles as farm trucks.

156 Prohibit certain lobbying activities by former state officers.

173* Change provisions relating to Class I school district levies and budgets.

185*** Change provisions relating to actions brought by prisoners.

186*** Change provisions relating to postconviction proceedings.

193* Exempt the Nebraska veterans homes from administration by the state building division.

243* Change tuition reimbursement provisions for members of the National Guard.

245* Exempt certain United States Postal Service delivery charges from sales and use tax.

246* Change membership provisions for the Nebraska Investment Council.

255* Prohibit tattooing and body piercing on minors.

263* Prohibit school-based health clinics from offering certain services.

273* Eliminate a registration fee relating to water wells.

274* Change provisions relating to the organization of agricultural business entities.

298* Require reports of boards, commissions, and similar entities as prescribed.

302* Create the Nebraska Commission on Motor Vehicle Laws.

342* Provide an exemption from certain standards for certain church elevators.

444 Adopt the Nebraska Municipal Comparability Act.

446* Adopt the Nebraska Public Safety Wireless Communication System Act.
476* Adopt the Concealed Handgun License Act.
481* Transfer certain attorneys to the Department of Justice.
483* Adopt the Parent Education Equitable Reimbursement (PEER) System Act.
484* Provide an income tax credit for certain educational expenses.
513* Change marriage and recognition of marriage provisions.
516* Change penalty provisions for possession of marijuana.
566* Change public bidding requirements.
621* Change provisions for the sale of fireworks.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
682* Change trustee authorization provisions.
699 Limit governmental liability for damages relating to electronic computing devices.
700* Provide liability for cleanup costs due to a hazardous substance emergency.
701 Change fence provisions relating to recreational trails.
702 Authorize combined utility billings.
751* Prohibit acts relating to retail sales receipts and Universal Price Codes.
817 Adopt the Charter Schools Act.
822* Provide for temporary zoning regulations and prohibit livestock waste control facilities in certain watersheds.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
830* Eliminate an art work requirement for public buildings.
850 Adopt the Juvenile Detention Regions Act.
865* Provide for a substance abuse treatment task force.
866* Create a Legislative Advisory Committee for Corrections, and change provisions for inmate treatment, rights, and classification.
868* Change health and human services partnership intent, accountability, and report provisions.
870* Change provisions relating to livestock waste and environmental issues.
871 Create the Behavior Health Redesign Review Task Force.

LR
15CA* Constitutional amendment to change the length and commencement of legislative sessions.

FLOYD VRTISKA

LB
95* Define and redefine terms under the Nebraska Amusement Ride Act.
96* Provide for certain county offices to be filled on a nonpartisan basis.

98* Change provisions relating to grandparent visitation.
109* Exempt certain agricultural machinery and equipment from property tax.
114* Change a provision relating to access to public records by modem.
115* Redefine "limited-service rural hospital."
118 Adopt the Economic Revitalization Act.
120* Change provisions relating to child custody determination in divorce proceedings.
126* Change provisions relating to minors in possession of alcohol.
149* Provide for recalculation and recertification of state aid to schools.
173* Change provisions relating to Class I school district levies and budgets.
202* Extend the termination date for the Partnerships for Economic Development Act.
202A Appropriation Bill.
215* Change provisions for dispute resolution, compensation, rehabilitation. and annual reports relating to workers' compensation.
216* Change provisions relating to workers' compensation.
235* Lower the required concentration of alcohol for DWI conviction.
243* Change tuition reimbursement provisions for members of the National Guard.
253* Change dollar limitations for public improvement project requirements.
263* Prohibit school-based health clinics from offering certain services.
265* Create a class of peace officer known as constable and provide powers and duties.
266* Allow unaffiliated voters to select partisan ballots in primary elections.
272* Eliminate the office of county superintendent of schools.
289* Provide central filing for county zoning regulations.
292* Change provisions relating to proof of financial responsibility for motor vehicles.
299* Change penalty provisions relating to amphetamines and methamphetamines.
341* Change negligence provisions regarding motor vehicular collisions with livestock.
342* Provide an exemption from certain standards for certain church elevators.
369* Provide duties relating to real property, structures, or improvements which may be given to state entities.
380* Change provisions relating to implementation of the managed care system.

402* Adopt an agricultural stewardship demonstration award program.
407* Establish the Child Support Commission.
408* Provide for entry upon property by representatives of political subdivisions.
409* Change provisions relating to elections, ordinances, and officers in political subdivisions.
418* Change provisions relating to valuation of agricultural and horticultural land.
419* Change provisions relating to valuation of farmstead sites.
420* Change provisions for valuation of agricultural or horticultural land.
437* Change provisions relating to county fair boards and county agricultural societies.
439* Change fees for service of process.
441 Allow state chartered savings and loan associations equal powers as federal associations.
457* Provide for reimbursement from the state for certain election costs.
461* Authorize telephone conference calls for certain public meetings.
477* Create the Nebraska Grape and Winery Board.
495* Adopt the Education and Career Preparation Act.
513* Change marriage and recognition of marriage provisions.
570* Authorize a service surcharge on wireless telecommunications service.
593* Provide for a driver's safety training program as pretrial diversion.
607* Adopt the Neighborhood Development Act.
608* Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
621* Change provisions for the sale of fireworks.
650* Appropriate funds to Peru State College.
651* Require the Supreme Court to pay security costs.
682* Change trustee authorization provisions.
692 Change and eliminate powers and duties of the Auditor of Public Accounts.
693* Change volunteer firefighter and ambulance personnel definitions for workers' compensation purposes.
696* Require technology access clauses within state contracts.
733* Change provisions relating to unregistered vehicles and vehicles without license plates.
780* Provide for operator's license, motor vehicle registration, and license plate revocation and seizure.
830* Eliminate an art work requirement for public buildings.
841* Change scrap tire grants, cleanup, and fee provisions.
842* Adopt the Agricultural Opportunity Fund Act.

870* Change provisions relating to livestock waste and environmental issues.
872* Change in forma pauperis payment provisions.

LR

15CA* Constitutional amendment to change the length and commencement of legislative sessions.

ROGER R. WEHRBEIN

LB

109* Exempt certain agricultural machinery and equipment from property tax.
124* Prohibit railroads from obstructing highways in primary class cities.
126* Change provisions relating to minors in possession of alcohol.
147* Create the Organ and Tissue Donor Awareness and Education Fund.
160* Limit governmental liability for damages relating to electronic computing devices.
187* Change provisions relating to distribution of lottery proceeds.
235* Lower the required concentration of alcohol for DWI conviction.
238 Change provisions for membership on the Intergovernmental Data Communications Advisory Council.
239 Eliminate a transfer from the Cash Reserve Fund.
240* Change provisions relating to foster care review.
241* Change provisions relating to the family practice residents program.
242* Change provisions relating to rural health education.
242A* Appropriation Bill.
249 Authorize counties to levy license and occupation taxes.
250 Change provisions relating to the nomination and election of council members in cities adopting the commission plan of city government.
251 Change provisions relating to the collection of certain debts as a result of certain court orders or judgments.
252* Prohibit the obstruction of highways in first and second class cities and villages and certain county roads.
253* Change dollar limitations for public improvement project requirements.
263* Prohibit school-based health clinics from offering certain services.
272* Eliminate the office of county superintendent of schools.
282* Change political subdivision and state immunity provisions relating to government computer systems.

298*	Require reports of boards, commissions, and similar entities as prescribed.
299*	Change penalty provisions relating to amphetamines and methamphetamines.
341*	Change negligence provisions regarding motor vehicular collisions with livestock.
342*	Provide an exemption from certain standards for certain church elevators.
369*	Provide duties relating to real property, structures, or improvements which may be given to state entities.
386*	Change educational technology assistance to public schools and educational service units.
386A*	Appropriation Bill.
394*	Create the Task Force on the State Scholarship Grant System.
418*	Change provisions relating to valuation of agricultural and horticultural land.
419*	Change provisions relating to valuation of farmstead sites.
420*	Change provisions for valuation of agricultural or horticultural land.
464	Establish a limit on certain appropriations and fund transfers.
465	Appropriate funds to the Department of Administrative Services.
477*	Create the Nebraska Grape and Winery Board.
506*	Change provisions for employee benefits under the Political Subdivisions Self-Funding Benefits Act.
513*	Change marriage and recognition of marriage provisions.
558*	Combine and eliminate provisions relating to civil rights, employment, housing, and public accommodations.
595*	Require notice of abandonment or discontinuation of railroad service.
608*	Change use of employment security funds and treatment of vacation leave for unemployment compensation purposes.
619*	Change vacation leave and pay provisions for unemployment compensation purposes.
630*	Adopt the Beginning Farmer Tax Credit Act.
630A	Appropriation Bill.
637*	Provide for a study and for compliance with federal requirements for child support collection and disbursement.
650*	Appropriate funds to Peru State College.
682*	Change trustee authorization provisions.
683	Change cigarette tax distribution.
684	Change payment of special education costs for wards.
685	Change ethanol production credit provisions.
711*	Create the Agricultural Commodity Pricing and Structure Task Force.

730 Create the Agricultural Structure Assessment Task force.
730A Appropriation Bill.
731 Adopt the Rural Technology Development Act.
779* Change provisions relating to educational lands and access to isolated land.
794* Establish procedures for possible discontinued or abandoned rail service.
796* Change provisions of the Nebraska Highway Bond Act.
825* Adopt the Commercial Dog and Cat Operator Inspection Act.
841* Change scrap tire grants, cleanup, and fee provisions.
855* Provide for railroad carrier and user arbitration agreements.
870* Change provisions relating to livestock waste and environmental issues.
881*** Adopt the Relief to Property Taxpayers Act.

LR

29* Petition the United States Congress to prohibit federal recoupment of state tobacco settlement recoveries.

WILLIAM R. WICKERSHAM

LB

33 Change provisions relating to references to the Internal Revenue Code.
34 Correct internal references relating to revenue and taxation.
35 Redefine "paid-up capital stock" relating to the occupation tax.
36 Change and eliminate provisions relating to the Property Tax Administrator and property tax division of the Department of Revenue.
37 Require county assessors to provide notices relating to certain personal property taxes.
83* Ratify the Emergency Management Assistance Compact.
84* Authorize creation of a state veteran cemetery system and create a fund.
84A Appropriation Bill.
85 Create the Intergovernmental Relations Commission.
86 Change and eliminate provisions relating to budgets and authorize development of funds transfer systems.
86A Appropriation Bill.
87* Adopt the Joint Public Agency Act.
87A Change application provisions under the Employment and Investment Growth Act.
101* Create the Biopower Steering Committee.
115* Redefine "limited-service rural hospital."
140A Appropriation Bill.
142A Appropriation Bill.

169	Change provisions relating to reduction in force for schools.
182*	Adopt the Student Freedom of Expression Act.
199*	Redefine a term relating to nursing facility conversion.
243*	Change tuition reimbursement provisions for members of the National Guard.
265*	Create a class of peace officer known as constable and provide powers and duties.
266*	Allow unaffiliated voters to select partisan ballots in primary elections.
273*	Eliminate a registration fee relating to water wells.
274*	Change provisions relating to the organization of agricultural business entities.
287	Change provisions for payments of tax proceeds to political subdivisions.
293*	Provide duties for the Nebraska Oil and Gas Conservation Commission relating to inactive wells.
301*	Change and eliminate a limitation relating to homestead exemption provisions.
311	Change and eliminate various reporting and publication requirements for financial information for political subdivisions.
350*	Provide an increase in the salaries for members of the Supreme Court.
351*	State intent relating to computer access by government employees.
364*	Change the definition of redevelopment project under the Community Development Law.
365*	Provide for distribution of local option sales tax collected in community redevelopment areas.
381	Change provisions of the Nebraska Budget Act and transfer duties to the Property Tax Administrator.
383*	Change capital gains provisions.
384*	Change capital gains provisions.
386*	Change educational technology assistance to public schools and educational service units.
395*	Change income tax rate schedules.
400*	Change provisions relating to income tax calculations.
437*	Change provisions relating to county fair boards and county agricultural societies.
440*	Change exemptions under the Engineers and Architects Regulation Act.
455*	Modify political accountability and disclosure conflict of interest provisions.
456	Change sales tax provisions relating to telecommunications and television programming.
460*	Change provisions relating to provisional operators' permits.

470*	Redefine "low-income child" for purposes of state aid to schools.
471*	Eliminate certain property tax exemptions.
476*	Adopt the Concealed Handgun License Act.
477*	Create the Nebraska Grape and Winery Board.
495*	Adopt the Education and Career Preparation Act.
497	Authorize county employees to participate in a deferred compensation plan.
498*	Provide for use of automated external defibrillators.
539*	Provide for treatment of leased employees for certain tax benefits.
663	Appropriate funds to the Nebraska State Historical Society to reconstruct a barracks building at Fort Robinson State Park.
664	Appropriate funds to the Game and Parks Commission to reconstruct the Buffalo Soldier Barracks building at Fort Robinson State Park.
665	Appropriate funds to the Game and Parks Commission for design of exhibits for the Prehistoric Prairies Discovery Center at Fort Robinson State Park.
666	Change State Tax Board membership and duties.
667	Change income tax calculations relating to partnerships.
668	Change provisions for average formula cost per student regarding state aid to schools.
669	Change calculations under the County Property Tax Relief Program.
669A	Appropriation Bill.
670	Change the income tax and sales and use tax rates.
671	Adopt the Water Rights Leasing Act.
672	Adopt the Water Rights Leasing Act.
673	Change provisions of the Nebraska State Patrol Retirement Act.
674*	Change provisions of the school retirement, state patrol retirement, and judges retirement.
674A	Appropriation Bill.
675	Change provisions of the Judges Retirement Act.
676	Change service annuity and disability provisions under the School Employees Retirement Act.
703A	Appropriation Bill.
790*	Regulate the direct shipment of alcoholic liquor.
792	Change message plates filing and fees provisions.
795*	Change retirement plan reporting requirements.
803*	Authorize creation of municipal counties.
865*	Provide for a substance abuse treatment task force.
870*	Change provisions relating to livestock waste and environmental issues.

LR

29* Petition the United States Congress to prohibit federal recoupment of state tobacco settlement recoveries.

* With others.
** At the request of the Governor.
*** With others and at the request of the Governor.

AGRICULTURE

LB	
172	Change inspection procedures for grain warehouses.
473	Change provisions relating to the Weights and Measures Act.
474	Change provisions of the Nebraska Pure Food Act.
832*	Adopt the Livestock Contract Sale Act.
833*	Adopt the Competitive Livestock Markets Act.
834*	Prohibit mislabeled meat or poultry as prescribed.
835*	Adopt the Competitive Livestock Markets Act.

APPROPRIATIONS

LB	
489	Provide for fees under the Private Postsecondary Career School Act.
805A*	Appropriation Bill.

BUSINESS AND LABOR

LB	
882	Appropriate funds for payment of certain claims against the state.
883	Disapprove certain claims against the state.

EDUCATION

LB	
149*	Provide for recalculation and recertification of state aid to schools.

EXECUTIVE BOARD

LB	
1	Revisor bill to eliminate provisions relating to a child support task force.
2	Revisor bill to eliminate a fee relating to workers' compensation and workplace safety.
3	Revisor bill to delete references to the Division of Employment of the Department of Labor.
4	Revisor bill to eliminate provisions relating to certain drainage district reports.
5	Revisor bill to eliminate a duty of the Department of Education.
6	Revisor bill to transfer a section to the Nebraska Criminal Code relating to dead animals.
7	Revisor bill to repeal an interim filing requirement for lobbyists.
8	Revisor bill to repeal a provision governing marriages and divorces prior to April 8, 1919.

9	Revisor bill relating to the Department of Social Services and transition of employees.
10	Revisor bill repealing provisions governing the Task Force on Electronic Access to State Government Information.
11	Revisor bill to repeal provisions governing the Task Force on Unfunded Mandates.
12	Revisor bill to repeal provisions relating to appropriations for prior fiscal years.
13	Revisor bill to repeal provisions governing money in certain funds on Jan. 1, 1997.

GENERAL AFFAIRS

LB	
267	Change provisions relating to liquor licenses and sales.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB	
571	Change ballot arrangement, candidate certification, absentee voting, and write-in campaign and voting provisions.
572	Provide procedures for election contests involving ballot issues in political subdivisions.
802	Change election official, election filing, and election procedure provisions.
803*	Authorize creation of municipal counties.

HEALTH AND HUMAN SERVICES

LB	
440*	Change exemptions under the Engineers and Architects Regulation Act.
594	Change provisions relating to health and human services.

NATURAL RESOURCES

LB	
390	Change provisions relating to joint exercise of powers and public power and irrigation districts.
436	Change provisions relating to natural resources.
656	Change provisions for water well permits.
822*	Provide for temporary zoning regulations and prohibit livestock waste control facilities in certain watersheds.
823*	Change public power and irrigation district board of director powers and duties.
863*	Change provisions of the Environmental Lead Hazard Control Act.

NEBRASKA RETIREMENT SYSTEMS

LB	
537	Change expense funds, deferred compensation, and expense provisions relating to retirement.

538 Change provisions of the School Employees Retirement Act.

703 Change deferred compensation and retirement plan provisions of state administered retirement systems.

REVENUE

LB

140 Change provisions for appeals to and from the Tax Equalization and Review Commission.

141 Change provisions relating to levy limits, fund distributions and taxation of motor vehicles.

142 Change the allocation of the motor vehicle tax.

143 Change provisions relating to the motor fuel tax.

194 Change provisions relating to property taxation.

271 Change provisions relating to rights of nonprofit corporations and property tax.

TRANSPORTATION

LB

161 Change provisions of the federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations.

445* Change motor vehicle operation provisions.

446* Adopt the Nebraska Public Safety Wireless Communication System Act.

514* Change provisions relating to the Public Service Commission.

704* Change provisions on motor vehicle registration, operator's licenses, proof of financial responsibility, overdimensional vehicles, and motor carrier regulations.

869 Adopt the Nebraska Telecommuting Act.

URBAN AFFAIRS

LB

738* Change provisions relating to street improvements.

739 Change provisions for handicapped or disabled parking permits.

740 Change provisions relating to sanitary and improvement district trustees.

741 Eliminate a fee relating to handicapped or disabled parking.

804 Adopt the Limited Purpose Sanitary and Improvement District Act.

805 Change provisions of the Municipal Natural Gas Regulation Revolving Loan Fund.

806 Change interest rates on payments for special assessments by sanitary and improvement districts.

LR

69* Petition Congress to oppose enactment of legislation which would have the effect of waiving interest or penalties with regard to natural gas producer refunds of state ad valorem taxes.

* With others.
** At the request of the Governor.
*** With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS HEARD BY COMMITTEE

NINETY-SIXTH LEGISLATURE
FIRST SESSION
1999

Agriculture

Chairperson - Merton L. Dierks

172	402	474	679	778	834
198	404	531	711	825	835
213	405	532	730	832	842
328	463	533	776	833	LR43
337	473	573			

Appropriations

Chairperson - Roger R. Wehrbein

38	489	664	805	875	879
239	507	665	846	876	880
347	508	683	860	877	LR1CA
464	650	685	873	878	LR3
465	663	721			

Banking, Commerce and Insurance

Chairperson - David M. Landis

18	191	290	422	551	680
62	202	306	424	552	681
63	217	323	441	553	682
99	258	326	442	554	709
107	259	346	454	555	827
162	260	355	478	618	845
170	274	396	503	626	862
181	278	397	550		

Business and Labor

Chairperson - Floyd Vrtiska

27	135	215	342	619	753
65	164	216	444	691	882
66	168	257	608	693	883
95	174	331			

Education

Chairperson - Ardyce Bohlke

26	304	388	528	653	782
28	314	394	540	660	810
67	329	413	541	668	811
93	334	415	542	684	812
144	353	425	543	713	813
149	354	443	544	714	814
152	363	449	561	715	815
169	372	452	564	716	816
173	373	470	596	726	817
182	378	483	602	727	857
195	385	486	631	758	LR19CA
268	386	487	634	769	LR20CA
272	387	495	646	779	LR23CA

Executive Board

Chairperson - George Coordsen

154	534	LR4CA	LR6CA	LR12CA
515	LR2CA	LR5CA	LR9CA	LR15CA

General Affairs

Chairperson - Stan Schellpeper
Chairperson - Ray Janssen

14	127	262	477	576	678
89	184	267	479	647	719
91	187	281	501	658	790
97	196	362	529	659	791
126	247	431	560		

Government, Military and Veterans Affairs

Chairperson - DiAnna R. Schimek

60	138	233	297	417	499
61	156	234	298	421	506
83	157	238	311	426	510
84	158	243	322	430	526
85	193	250	327	432	563
96	204	253	349	433	571
104	206	266	369	434	572
113	208	276	377	438	578
117	212	279	401	455	579
118	227	289	409	457	580
137	230	296	416	461	581

582	695	728	801	844	LR10
604	696	729	802	847	LR11CA
628	712	731	803	858	LR13CA
642	717	754	821	859	LR14CA
654	718	775	830	LR8CA	LR18CA
692	723				

Health and Human Services

Chairperson - Jim Jensen

17	211	360	519	644	797
56	220	366	522	698	799
68	226	379	523	708	800
71	240	380	548	735	818
115	241	411	559	736	819
119	242	440	569	742	828
121	307	475	574	750	856
148	308	480	575	757	868
178	324	494	594	781	871
199	333	498	616	783	LR29
209	352	518	629		

Judiciary

Chairperson - Kermit A. Brashear

19	69	159	248	332	466
21	70	160	251	341	467
22	72	163	254	343	468
23	73	167	255	348	472
24	75	175	256	350	476
31	76	185	263	374	481
39	79	186	265	375	490
40	88	189	277	376	493
41	94	190	282	391	500
42	98	192	284	399	509
43	100	197	288	406	511
44	102	200	295	407	512
45	106	201	299	408	513
46	108	203	305	412	516
47	111	205	309	414	524
48	112	210	312	423	527
49	120	218	313	435	558
50	122	219	315	439	565
51	130	222	316	447	567
52	131	223	318	448	577
54	134	224	319	450	591
55	151	225	320	451	593
64	153	228	321	458	597

598	615	633	689	759	850
599	617	637	690	787	852
609	621	638	699	798	861
610	622	649	700	824	865
611	623	651	722	837	866
612	624	652	724	838	867
613	625	655	734	839	872
614	627	661	751	840	LR7CA

Natural Resources

Chairperson - Ed Schrock

15	273	436	639	749	823
59	283	459	656	755	841
81	286	488	671	784	851
92	293	521	672	785	863
101	335	530	701	786	870
103	338	566	732	788	LR22
116	339	568	737	789	LR27
176	389	592	746	793	LR31
236	390	603	747	808	LR58
270	403	606	748	822	

Nebraska Retirement Systems

Chairperson - Elaine Stuhr

82	537	620	675	703	795
155	538	673	676	743	831
246	545	674	687	773	874
497					

Revenue

Chairperson - William R. Wickersham

32	132	194	301	419	535
33	136	214	325	420	539
34	139	221	330	429	557
35	140	231	336	437	562
36	141	232	357	453	600
37	142	244	365	456	601
53	143	245	381	471	605
58	145	249	382	482	630
77	165	269	383	484	635
86	166	271	384	491	636
87	171	280	392	492	645
109	179	285	395	502	648
123	180	287	400	505	657
125	183	294	418	520	666

667	694	760	777	836	853
669	706	766	807	843	854
670	710	770	826	848	881
677	745	772			

Transportation

Chairperson - Curt Bromm

16	161	344	485	589	762
20	177	345	496	595	763
25	188	351	504	632	764
29	207	356	514	641	765
30	229	358	517	643	767
57	235	359	525	662	768
74	252	361	546	686	780
80	261	368	547	688	792
90	264	393	556	697	794
110	275	398	570	704	796
114	291	410	583	705	809
124	292	427	584	707	820
129	300	445	585	733	829
133	302	446	586	744	855
146	303	460	587	756	864
147	310	469	588	761	869
150	340				

Urban Affairs

Chairperson - D. Paul Hartnett

78	364	462	640	740	804
105	367	536	702	741	806
128	370	549	725	752	849
237	371	590	738	771	LR21CA
317	428	607	739	774	LR69

SUMMARY OF LEGISLATION

NINETY-SIXTH LEGISLATURE
FIRST SESSION
1999

The following table shows the final disposition

Length 89 days

Total Number of Bills Introduced, 96th Legislature, 1st Session: 883
Total Number of "A" Bills Introduced, 96th Legislature, 1st Session: 77
Total Number of Resolutions Introduced, 96th Legislature (including CA), 1st Session: 282
Total Number of CA Resolutions Introduced, 96th Legislature, 1st Session: 18
Total Number of CA Resolutions Passed, 96th Legislature, 1st Session: 3
Total Number of Resolutions Passed, 96th Legislature, 1st Session: 1
Total Number of Bills to Become Law, 96th Legislature, 1st Session: 327

General File Chronological Order (108):

770	534	643	654A	715	457A
505	523	427	793	156	695
356	482	427A	701	867	230
652	410	182	204	52	830
652A	153	151	74	224	409
138	153A	509	302	476	572
126	288	55	302A	524	LR13CA
286	644	120	LR20CA	557	696
LR21CA	289	175	604	398	731
27	289A	504	801	398A	449
63	582	864	662	584	629
495	606	310	480	812	629A
788	658	705	480A	791	794
383	626	510	389	771	782
750	29	692	174	736	709
560	477	96	174A	433	527
647	367	438	659	433A	419
LR6CA	725	654	354	457	463

General File Numerical Order (108):

27	138	204	310	410	457A
29	151	224	354	419	463
52	153	230	356	427	476
55	153A	286	367	427A	477
63	156	288	383	433	480
74	174	289	389	433A	480A
96	174A	289A	398	438	482
120	175	302	398A	449	495
126	182	302A	409	457	504

505	572	644	692	736	801
509	582	647	695	750	812
510	584	652	696	770	830
523	604	652A	701	771	864
524	606	654	705	782	867
527	626	654A	709	788	LR6CA
534	629	658	715	791	LR13CA
557	629A	659	725	793	LR20CA
560	643	662	731	794	LR21CA

Enrollment & Review Initial (0).

Select File (4):

612	729	42	45

Enrollment & Review Final (0).

Final Reading (4):

44	734	LR4CA	LR5CA

Approved by Governor (313):

1	46	87A	141e	212	272A
2	47	90	142e	214	277
3	48	90A	142Ae	216e	278e
4	49	91e	143e	217	280
5	51	92	147	226	284
6	54	92A	147A	227e	287
7	57	99	148	228e	291
8	57A	100	150e	232	291Ae
9	59e	101	152	234	293
10	60	102	161e	236	295
11	61	103	163	238	297
12	62e	105	163A	240	298
13	64	106e	165e	241	299
17	66	107	168	242	314e
18	66A	112e	170	242A	314Ae
19	67	113e	172e	243e	315
20	67Ae	113A	176e	243Ae	317
20A	68	115e	176A	248	318
23	72e	119	178	250	319
24	77	119A	179	253	320
32	78	121	179A	258	323
32A	81e	127	191e	259	324e
33e	83	128	194e	260	326
34	84	131	195	267e	331
35	84A	134	198	268	333
36e	86e	137	199	270e	333A
40	86A	140e	205	271	340
43	87	140Ae	211	272	346e

350e	424e	522	621	704e	816e
355	432	530	621A	704Ae	816Ae
359e	436	532	623	722	822e
359A	437	533	630	730e	828
362	440	538e	630A	730Ae	829
363	446e	539	632	738	835e
366	446Ae	548	637e	740	835Ae
369	461e	550e	637Ae	753	839
375	465e	552e	640e	755	839A
379e	469	559	661e	759e	846
380	473	566	663	774	849e
382e	474	571	664	774A	849Ae
386	475	573	669e	776	860
386A	479	574e	669A	778	863e
396e	489e	578	674e	779	865e
403	496	581	674Ae	781	865Ae
404e	498e	585	681	784	870e
404Ae	499	592e	682	789	870Ae
405	506	594e	683e	795	873e
407e	511	594Ae	687e	800	876e
407Ae	514e	596	687Ae	802	879e
411	514Ae	605	689	805	881e
416	519e	608e	703	806	881Ae
417	519Ae	618	703A	813e	882e
422e					

Line-item Veto (10):

54A	131A	148A	805A	878e	880e
68A	144e	350Ae	877e		

Returned by Governor Without Approval (5):

76	202e	202Ae	440A	548A

Passed Notwithstanding Objections of Governor (4):

76A	149e	556	556A

Became Law Without Governor's Signature (0).

Failed on Final Reading (1):
293A

Resolution Delivered to Secretary of State (4):

LR10	LR11CA	LR14CA	LR18CA

Indefinitely Postponed (236):

14	28	50	65	85	97
15	31	53	71	88	104
21	37	56	73	89	109
22	41	58	82	95	117

118	266	381	494	646	767
122	269	384	497	649	769
123	273	392	501	656	775
125	276	393	512	666	777
132	279	394	517	673	786
135	285	395	518	675	792
136	290	401	518A	679	799
139	292	413	520	680	809
145	294	418	526	684	810
146	296	420	528	689A	814
157	301	421	531	691	815
158	303	426	537	693	820
162	306	429	542	694	820A
164	307	432A	543	697	821
166	308	434	547	698	826
180	311	439	561	706	827
181	322	441	562	711	832
184	325	442	563	712	841
192	327	443	568	713	843
196	328	444	575	716	844
200	329	447	580	719	845
203	330	448	588	723	851
208	332	454	589	726	853
215	334	456	600	737	854
218	336	458	603	745	855
221	342	460	610	746	858
229	345	470	611	748	859
231	348	471	616	749	862
244	351	472	619	754	872
246	357	478	620	757	874
247	360	485	622	760	883
251	368	490	635	762	LR7CA
255	372	491	636	763	LR12CA
257	373	492	642	764	LR15CA
261	377	493	645	766	LR19CA
262	378				

Withdrawn (10):

129	197	569	720	783	787
167	468	634	724		

Bills Held by Committees

Agriculture (7):

213	402	825	833	834	842
337					

Appropriations (12):
38 347 507 650 685 875
239 464 508 665 721 LR1CA

Banking, Commerce and Insurance (7):
274 503 551 553 554 555
397

Business and Labor (0).

Education (31):
26 385 452 541 653 758
93 387 483 544 660 811
169 388 486 564 668 817
173 415 487 602 714 857
304 425 540 631 727 LR23CA
353

Executive Board (4):
154 515 LR2CA LR9CA

General Affairs (7):
187 431 529 576 678 790
281

Government, Military and Veterans Affairs (14):
193 349 579 717 728 847
206 430 628 718 803 LR8CA
233 455

Health and Human Services (12):
209 352 735 797 819 868
220 708 742 818 856 871

Judiciary (87):
39 190 313 450 597 655
69 201 316 451 598 690
70 210 321 466 599 699
75 219 341 467 609 700
79 222 343 481 613 751
94 223 374 500 614 798
98 225 376 513 615 824
108 254 391 516 617 837
111 256 399 558 624 838
130 263 406 565 625 840
159 265 408 567 627 850
160 282 412 577 633 852
185 305 414 591 638 861
186 309 423 593 651 866
189 312 435

Legislative Program Evaluation (0).

Natural Resources (17):

116	338	459	639	732	808
283	339	488	671	747	823
335	390	521	672	785	

Nebraska Retirement Systems (6):

155	545	676	743	773	831

Revenue (21):

171	365	502	657	677	807
183	400	535	667	710	836
245	453	601	670	772	848
249	484	648			

Transportation (40):

16	133	275	546	686	761
25	177	300	570	688	765
30	188	344	583	707	768
80	207	358	586	733	780
110	235	361	587	744	796
114	252	445	595	756	869
124	264	525	641		

Urban Affairs (15):

237	371	536	607	739	752
364	428	549	702	741	804
370	462	590			

Resolutions Reported for Further Consideration (1):
LR3

Resolutions Adopted (70):

LR16	LR34	LR48	LR65	LR127	LR271
LR17	LR35	LR50	LR66	LR128	LR272
LR22	LR36	LR51	LR67	LR228	LR273
LR24	LR37	LR53	LR68	LR235	LR274
LR25	LR38	LR54	LR69	LR263	LR275
LR26	LR39	LR57	LR71	LR264	LR276
LR27	LR40	LR58	LR76	LR265	LR277
LR28	LR41	LR59	LR80	LR267	LR278
LR29	LR42	LR60	LR83	LR268	LR279
LR31	LR43	LR61	LR91	LR269	LR280
LR32	LR44	LR63	LR105	LR270	LR281
LR33	LR47	LR64	LR113		

Resolutions Failed (0).

(Totals in parentheses include bills, A bills, and resolutions of each section.)

*Line-item veto partially overridden
**All Line-item veto overridden

GENERAL INDEX

NINETY-SIXTH LEGISLATURE
FIRST SESSION
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Baumgartner, Shawn - Board of Emergency Medical Services 2198, 2199, 2225, 2416, 2420, 2421
Bernard, Janet - Environmental Quality Council 2197, 2199, 2280, 2415, 2418
Berry, Nolan L. - Nebraska Dry Bean Commission 28, 84, 728, 750, 1336, 1854, 1994
Beyer, Emil - Motor Carrier Advisory Council 730, 750, 861, 1058, 1086
Blobaum, Robert - Environmental Quality Council 2224, 2280, 2415, 2418, 2419
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Gajardo, Joel (Dr.) - Excellence in Healthcare
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Ibach, Greg - Climate Assessment Response
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1CA Constitutional amendment to require the Legislature to appropriate funds to political subdivisions for certain mandated programs.
(Coordsen) 85, 163, 381
2CA Constitutional amendment to authorize members of the Legislature to participate in certain employee benefit programs.
(Landis) 86, 163, 515
3 Establish a limit on increases to general fund appropriations.
(Brown, Jensen) 86, 99, 101, 163, 381, 659, 663, 775, 796, 797
4CA Constitutional amendment to provide for a Commission on Legislative Compensation.
(Kristensen, Coordsen) 87, 164, 515, 948, 1194, 1912, 2009, 2385, 2399
5CA Constitutional amendment to change the salary for members of the Legislature.
(Kristensen, Coordsen) 88, 164, 515 948, 1194, 1881, 1913, 2009, 2386, 2387, 2388, 2399
6CA Constitutional amendment to require the resignation of members of the Legislature elected to other state or local offices.
(Kristensen, Beutler, Brown, Coordsen, Hudkins, Thompson) 96, 164, 515, 696
7CA Constitutional amendment to provide for the election of judges of the county and district courts.
(Schmitt) 132, 164, 323, 475
8CA Constitutional amendment to provide for legislative consideration of measures proposed by initiative petitions.
(Beutler) 148, 181, 515
9CA Constitutional amendment to create the Compensation Review Commission and provide for adoption of a legislative code of ethics.

(Beutler) 151, 181, 515

10 Memorialize Congress to propose an amendment to the U.S. Constitution to increase the length of terms of office for members of the House of Representatives.
(Schimek, Bruning, Matzke, D. Pederson, Beutler, Coordsen) 153, 181, 272, 385, 395, 416, 510, 530, 568, 814, 820, 842, 852

11CA Constitutional amendment to state that language in the Constitution shall be construed to be gender neutral.
(Kristensen, Bohlke, C. Peterson, Schimek, Chambers) 153, 181, 272, 385, 395, 416, 676, 894, 963, 2330, 2331, 2340

12CA Constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.
(Kristensen) 154, 181, 515, 696

13CA Constitutional amendment to prohibit special legislation and eliminate references to certain categories of special legislation.
(Kristensen) 154, 181, 272, 1313

14CA Constitutional amendment to change the method of nominating and electing the Lieutenant Governor.
(Schrock, Beutler, Brashear, Bruning, Cudaback, Hilgert, Kristensen, Lynch, D. Pederson) 156, 199, 272, 499, 596, 627, 827, 836, 881, 1097, 1101, 1108

15CA Constitutional amendment to change the length and commencement of legislative sessions.
(Stuhr, Coordsen, Janssen, Jensen, Jones, Schmitt, Smith, Tyson, Vrtiska) 158, 199, 515, 696

16 Encourage all levels of government to implement procedures to allow use of the approaches of consensus building and conflict resolution on issues.
(Landis) 175, 258, 298

17 Extend sympathy to the family of James W. Kirkman.
(D. Pederson) 205, 344

18CA Constitutional amendment to change amendment, initiative, and referendum provisions and remove obsolete provisions.
(Kristensen, Raikes) 208, 250, 515, 654, 1000, 1894, 2009, 2332, 2363, 2364, 2365, 2367, 2430, 2435, 2437, 2445, 2447

19CA Constitutional amendment to create the Nebraska Higher Education Board of Regents.
(Brown) 213, 250, 387, 765

20CA Constitutional amendment to change English language requirements in non-public schools.
(Stuhr) 242, 306, 443, 951, 1000

21CA Constitutional amendment to authorize use of revenue bonds to develop property for use by nonprofit enterprises.

(Hartnett) 242, 306, 347, 483, 591
22 Require a study of environmental damage caused by petroleum-based oils from irrigation wells.
(Coordsen, Schellpeper, Dierks) 244, 247, 306, 703, 1169, 1684, 1685, 1710, 1713
23CA Constitutional amendment to change higher education structure, governance, and oversight.
(Kristensen, Chambers) 245, 306, 387
24 Extend sympathy to the family of Frederick William Carstens.
(Byars) 319, 417, 429
25 Recognize January 27, 1999, as Nebraska Volunteer Blood Donor Day.
(Suttle) 324, 354, 393
26 Congratulate Rose Marie Robinson Heiss on her eighty-third birthday.
(Price) 425, 506
27 Request that the United States Congress appropriate funds to complete the Wood River Flood Control Project.
(C. Peterson, Bohlke, Kristensen, Schrock, Jones, Schmitt, Kremer) 492, 497, 871, 1063, 1407, 1430
28 Declare the week of February 8-14, 1999, as Nebraska Country Elevator Week.
(Dierks, Jones, Schellpeper) 492, 592
29 Petition the United States Congress to prohibit federal recoupment of state tobacco settlement recoveries.
(Jensen, Wickersham, Wehrbein) 501, 506, 517, 529, 678, 841, 1039, 1112, 1156, 1157
30 Interim study to examine transferring grant committees responsible for distribution of juvenile justice funds to the Department of Health and Human Services.
(Thompson) 517, 2204
31 Approve gift of land from the Burlington Northern Railroad Company to the Game and Parks Commission.
(Raikes) 610, 663, 796, 974, 1407, 1430
32 Congratulate the recipients of the NEBRASKAlander Award, the Wagonmaster Award, the Trailblazer Award, and the Pioneer Award.
(Kristensen) 703, 732, 794, 1405
33 Congratulate John and Joan Baker on their fiftieth wedding anniversary.
(Price) 763, 854
34 Congratulate the Nebraska Academic Decathlon team from Nemaha Valley High School on their state championship.
(Vrtiska) 777, 870
35 Congratulate the Hebron High School wrestling team for their Class C state championship.

(Coordsen) 794, 870
36 Congratulate the Falls City Sacred Heart High School girls' basketball team for the Class D-1 state championship.
(Vrtiska) 867, 988, 989
37 Congratulate the Ogallala High School girls' basketball team for the Class B state championship.
(Matzke) 872, 988, 989
38 Congratulate the Creighton University men's basketball team for winning the Missouri Valley Conference championship.
(Kiel) 878, 949, 968
39 Congratulate the Davenport High School girls' basketball team for winning the Class D-2 state championship.
(Coordsen) 882, 1058
40 Congratulate the Omaha Westside High School girls' basketball team for winning the Class A state championship.
(Jensen, Brown) 896, 1058
41 Congratulate the North Bend High School girls' basketball team for winning the Class C-1 state championship.
(Janssen, Bromm) 914, 948, 1111
42 Congratulate the East Butler High School wrestling team for winning the Class D state championship.
(Bromm) 933, 1111
43 Provide the U.S. Congress direct the federal EPA to curtail implementation of new restrictions on phosphide gas.
(Dierks) 933, 935, 1336, 2052, 2131, 2165
44 Congratulate the Sandy Creek High School girls' basketball team for winning the Class C-2 state championship.
(Kremer) 948, 1111
45 Interim study to determine the appropriate administrative structure for oversight of the Nebraska veterans homes.
(C. Peterson, Schmitt, Hilgert, Tyson) 975, 2205
46 Interim study to encourage establishment of permanent endowment funds to benefit Nebraskans.
(C. Peterson) 997, 2205
47 Congratulate the Grand Island High School boys' basketball team for winning the Class A state championship.
(C. Peterson) 981, 1178
48 Congratulate Ms. Christin Brown for receiving the Prudential Spirit of Community Award.
(Connealy) 1028, 1178
49 Interim study to determine the feasibility of a Statewide Information and Referral System for health and human services programs.
(Jensen) 1037, 2205
50 Congratulate the Loomis High School boys' basketball team for winning the Class D-2 state championship.

(Schrock) 1038, 1178
51 Congratulate Gordon Mallory for his years of volunteer service with the Fort Calhoun Fire and Rescue Department.
(Connealy) 1048, 1178
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.
(C. Peterson, Jensen, Suttle, Thompson) 1105, 2205
53 Congratulate the Chadron High School boys' basketball team for winning the Class B state championship.
(Wickersham) 1112, 1294
54 Congratulate the Lincoln Christian Junior-Senior High School boys' basketball team for winning the Class C-1 state championship.
(Raikes) 1126, 1294
55 Interim study to examine transferring attorneys and legal counsels in the Department of Health and Human Services to the Department of Justice.
(Baker) 1167, 2205, 2449
56 Interim study to examine ways to compensate counties for expenses for providing care to post-commitment mental patients.
(Hudkins) 1167, 2205
57 Congratulate the Falls City Sacred Heart High School boys' basketball team for winning the Class D-1 state championship.
(Vrtiska) 1177, 1333
58 Encourage the Nebraska Congressional delegation to support the federal Conservation and Reinvestment Act of 1999.
(Schrock) 1180, 1194, 1222, 1286, 1343, 1407, 1430
59 Recognize April as Child Abuse Prevention Month.
(C. Peterson, Schmitt, Kremer) 1244, 1290, 1306
60 Recognize April 6, 1999, as STUDENT-Athlete Day in Nebraska.
(Kristensen) 1300, 1322, 1333
61 Extend sympathy to the family of Senator Stan Schellpeper.
(Coordsen) 1329, 1357, 1403
62 Interim study to examine recall procedures and changes proposed by LB 579, 1999.
(Janssen) 1333, 2205
63 Extend sympathy to the family of Senator Rex Haberman.
(Baker) 1379, 1407, 1430
64 Designate April 19, 1999, as Cancer Survivors Day at the State Capitol.
(Preister) 1408, 1554
65 Designate April 21, 1999, as Breast Cancer Awareness Day at the State Capitol.

(Schimek) 1408, 1554
66 Designate April 23, 1999, as Colorectal Cancer Awareness Day at the State Capitol.
(Bromm) 1409, 1554
67 Designate April 22, 1999, as Tobacco Awareness Day at the State Capitol.
(Jensen) 1422, 1554
68 Designate April 20, 1999, as Prostate Cancer Awareness Day at the State Capitol.
(Kristensen) 1425, 1554
69 Petition Congress to oppose enactment of legislation which would have the effect of waiving interest or penalties with regard to natural gas producer refunds of state ad valorem taxes.
(Urban Affairs Committee, Bruning) 1476, 1478, 1486, 1688, 1713, 1743
70 Interim study to review the Nebraska Health Care Trust Fund Act.
(Health and Human Services Committee) 1487, 2205
71 Recognize the achievement of the Minden Odyssey of the Mind Team and extend best wishes as the team competes in the world finals.
(Kristensen) 1521, 1713
72 Petition Congress to authorize and appropriate money to pay amounts owed by the United States to the United Nations.
(Byars) 1608
73 Interim study of the roles of court appointed special advocates and guardians ad litem in the juvenile justice system.
(Suttle) 1617, 2205
74 Interim study of the natural gas industry.
(Urban Affairs Committee) 1681, 2205
75 Interim study to review issues relating to LB 825, 1999, adopting the Commercial Dog and Cat Operator Inspection Act.
(Price, Dierks) 1688, 2205
76 Designate April 28, 1999, as Workers Memorial Day.
(Lynch) 1689, 1743, 1755
77 Interim study to examine the feasibility of enacting a district attorney system in Nebraska.
(Kristensen) 1717, 2205
78 Interim study to examine the feasibility of establishing a state- administered college savings program.
(Kristensen) 1718, 2206
79 Interim study to reorganize, streamline, and consolidate postsecondary educational and administrative services for state-supported postsecondary educational institutions.

(Kristensen) 1718, 2206
80 Recognize Lloyd Homes for his forty years of service as a volunteer firefighter for the community of Oakland, Nebraska.
(Connealy) 1759, 1933
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 Committee) 1771, 2206
82 Interim study to determine appropriate administrative structure for oversight and operation of the Nebraska veterans homes.
(Dw. Pedersen) 1788, 2206
83 Congratulate Judge Rouse for his election as President of the National Council of Juvenile and Family Court Judges.
(Dw. Pedersen, Thompson, Suttle) 1789, 1933
84 Interim study to examine solutions to the valuation problems generated from agricultural land used for nonagricultural purposes.
(Coordsen) 1806, 1849, 2206
85 Interim study of the use of nonpolluting motor vehicle fuel.
(Cudaback) 1807, 2206
86 Interim study to examine whether Nebraska should adopt in statute an insurance compliance self-evaluation privilege.
(Tyson) 1824, 2206
87 Interim study regarding the creation of juvenile detention regions.
(Tyson) 1825, 2206
88 Interim study to investigate inequities caused by lack of health insurance coverage for prescription contraceptives and nonexperimental infertility procedures.
(Suttle) 1827, 2206
89 Interim study to provide analysis of jamming and parole statistics for each classification in the Department of Correctional Services.
(Dw. Pedersen) 1831, 2206
90 Interim study to examine safety hazards in regard to oversize vehicles and loads traveling on Nebraska highways.
(Dw. Pedersen) 1832, 2206
91 Commend Quinn Chapel African Methodist Episcopal Church in Lincoln, Nebraska, for placement on the National Register of Historic Places.
(Landis, Beutler) 1832, 1993
92 Interim study to examine policy choices concerning changes in the method of allocating state lottery revenue.
(Janssen) 1833, 2206
93 Interim study to examine issues relating to the import of alcoholic liquor into the state for personal use.

(Janssen) 1834, 2207
94 Interim study to review the membership of the Nebraska Liquor Control Commission.
(Janssen) 1834, 2207
95 Interim study to consider methods of increasing lottery sales.
(Janssen) 1835, 2207
96 Interim study to examine issues relating to the shortage of nurses available for employment.
(Suttle, Byars) 1847, 2129, 2207
97 Interim study to examine the creation of a new school district within a metropolitan class city.
(Chambers) 1857, 2207
98 Interim study to examine the shortage of teachers and administrators in Nebraska's public and private schools.
(Thompson) 1857, 2207
99 Interim study to determine methods to increase awareness and participation in the Nebraska Lifeline Service Program.
(Chambers, Bromm) 1858, 2207
100 Interim study to determine whether registration taxes and fees are excessive for light-duty pickups used for personal use.
(Suttle) 1872, 2207
101 Interim study to examine the cash fund expenditures, appropriations, and authority given to the Game and Parks Commission.
(Suttle) 1872, 2207
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 Committee) 1882, 2207
103 Interim study to determine if Nebraska should consider revising the Property and Casualty Insurance Rate and Form Act.
(Landis) 1882, 2207
104 Interim study relating to issues regarding the Comprehensive Health Insurance Pool.
(Landis) 1882, 2207
105 Congratulate Kimberly Daake for receiving the Girl Scouts of America Gold Award.
(Stuhr) 1883, 2185
106 Interim study on the issue of designating certain streams or rivers as state protected rivers.
(Natural Resources Committee, Beutler) 1883, 2208
107 Interim study relating to the concept of water banking or water leasing.
(Natural Resources Committee, Wickersham,

C. Peterson) 1884, 2208
108 Interim study to examine merging several agencies into a single Department of Natural Resources.
(Natural Resources Committee, Thompson) 1886, 2208
109 Interim study to examine the various waste reduction and recycling funds.
(Schimek, Janssen, Schrock, Baker) 1922, 1991, 2208
110 Interim study to reauthorize the Select Committee on Gender and Minority Equity.
(Schimek, C. Peterson) 1923, 2208
111 Interim study of the feasibility of transferring credits of approved law enforcement training courses from colleges to the Nebraska Law Enforcement Training Center.
(Dw. Pedersen) 1942, 2208
112 Interim study to review laws relating to identity fraud.
(Thompson) 1943, 2208
113 Congratulate Library Media Services of Lincoln Public Schools on receiving the National School Library Media Program of the Year award.
(Price) 1943, 2247, 2248
114 Interim study to examine the high cost of automobile insurance and find alternatives to territorial rating.
(Preister, Hilgert) 1945, 2208
115 Interim study to review the use of credit data in underwriting and rating in property and casualty insurance.
(Preister, Hilgert) 1945, 2208
116 Interim study of laws regulating the deposit, investment of, and furnishing of security for public funds of the state and political subdivisions.
(Landis) 1945, 2208
117 Interim study to examine conversion to a central filing system with the Secretary of State for statutory liens and UCC security interests.
(Landis) 1946, 2208
118 Interim study to determine whether Nebraska should adopt the Uniform Principal and Income Act (1997).
(Landis) 1946, 2208
119 Interim study to examine the long-term funding of the five state- administered retirement systems.
(Stuhr) 1946, 2209
120 Interim study to evaluate the disability provisions for each individual state-administered retirement system.
(Stuhr) 1947, 2209
121 Interim study on charitable gaming.
(Janssen, Hartnett, Dickey) 1951, 2209
122 Interim study of issues relating to underage drinking.
(Janssen, Hartnett, Dickey) 1951, 2209
123 Interim study of the uses and purposes of Nebraska Environmental Trust Fund distributions.

(Kristensen) 1955, 2209, 2449

124 Interim study to review establishment of sentencing commissions.
(Thompson) 1963, 2209

125 Interim study to determine if there is an appropriate level of service which should be maintained on the Interstate Highway System.
(Kristensen) 1964, 2209

126 Interim study to examine state policies relating to recycling.
(Stuhr) 1965, 2209

127 Congratulate Pfizer Animal Health Lincoln Operations on their eightieth anniversary.
(Schimek) 1965, 2185

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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

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29-2533	A	52

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29-2815	A	316
29-2923	A	467
29-2925	A	467
29-2926	A	467
29-2928	A	467
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29-3001	A	186
29-3205	A	76
29-3506	A	690
29-3507	A	690
29-3511	A	613
29-3511	A	690
29-3516	A	690
29-3521	A	690
29-3523	A	690
29-3601	A	565
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29-3601	A	593
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29-3602	A	295
29-3703	A	819
29-3901	A	414
29-3908	A	450
29-3920	A	76
29-3928	A	76
29-3929	A	76
29-3930	A	76
29-4002	A	861
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29-4010	A	861
29-4105	A	736
29-4107	A	151
30-1601	A	824
30-2201	A	100
30-2201	A	305
30-2218	A	414
30-2323	A	318
30-2336	A	18
30-2352	A	305
30-2402	A	414
30-24,125	A	100
30-24,125	A	141
30-2608	A	375
30-2624	A	819
30-2627	A	819
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30-3508	A	62
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30-3519	A	62
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31-602	A	779
31-735	A	536
31-735	A	740
31-753	A	806
32-101	A	572
32-221	A	695
32-226	A	802
32-231	A	695
32-231	A	802
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32-235	A	802
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32-239	A	695
32-301	A	234
32-312	A	266
32-330	A	234
32-401	A	695
32-507	A	510
32-508	A	154
32-510	A	561
32-510	A	631
32-515	A	802
32-517	A	96
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32-517	A	421
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32-524	R	414
32-527	R	272
32-528	A	96
32-528	A	377
32-528	A	421
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32-529	A	96
32-534	A	409
32-535	A	367
32-539	A	250
32-542	A	443
32-543	A	443
32-554	A	409
32-555	A	377
32-557	A	96
32-567	A	803
32-570	A	272
32-603	A	695
32-606	A	802
32-607	A	695
32-608	A	272
32-608	A	802
32-609	A	96
32-609	A	272
32-609	A	421
32-609	A	510
32-613	R	695
32-614	R	695
32-620	A	695
32-622	A	802
32-625	A	117
32-628	A	579
32-630	A	579
32-701	R	695
32-703	A	695
32-704	R	695
32-705	R	695
32-707	A	695
32-708	R	695
32-709	A	695
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32-808	A	571
32-809	A	695
32-810	A	327
32-811	A	421
32-811	A	695

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32-815	A	858
32-816	A	695
32-908	A	322
32-912	A	266
32-912	A	695
32-916	A	802
32-938	A	571
32-941	A	279
32-943	A	279
32-944	A	819
32-946	A	279
32-947	A	571
32-947	A	802
32-950	A	279
32-954	A	279
32-1005	A	434
32-1007	A	434
32-1008	A	434
32-1022	A	802
32-1027	A	802
32-1029	A	279
32-1033	A	858
32-1037	A	60
32-1113	A	572
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32-1207	A	457
32-1302	A	579
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32-1405	A	723
32-1405	A	729
32-1408	A	729
32-1409	A	433
32-1412	A	729
32-1547	A	695
32-1549	A	265
33-104	A	779
33-106	A	824
33-106.02	A	414
33-107.02	A	19
33-110	A	399
33-114	A	520
33-117	A	265
33-117	A	439
33-119	A	265
33-120	A	265
33-135.01	A	265
33-139.01	R	185
34-106	A	776
34-107	A	776
34-115	A	776
35-105	A	550
35-508	A	849
35-513	A	849
35-514.02	A	526
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36-709	A	550
37-110	A	793
37-201	A	335
37-201	A	788
37-201	A	793
37-202	A	793
37-209	A	793
37-218	A	793
37-219	A	793
37-226	A	793
37-227	A	793
37-229	A	793
37-239	A	793
37-246	A	793
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37-303	A	701
37-303	A	793
37-314	A	793
37-323	A	793
37-327	A	793
37-404	A	793
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37-408	A	793
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37-415	A	793
37-416	A	793
37-422	A	793
37-426	A	793
37-427	A	793
37-429	A	793
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37-434	A	793
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37-438	A	737
37-438	A	793
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37-443	A	793
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37-452	A	793
37-455	A	283
37-457	A	793
37-458	A	793
37-462	A	793
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37-465	A	404
37-465	A	679
37-471	A	793
37-472	R	793
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37-475	A	793
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37-495	A	793
37-503	A	793
37-504	A	793
37-506	A	793
37-508	A	793
37-514	A	793
37-525	A	793
37-527	A	793
37-536	A	793
37-540	A	793
37-547	A	793
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37-556	A	793
37-560	A	793
37-601	A	793
37-602	A	793
37-604	A	793
37-607	A	793
37-613	A	793
37-614	A	793
37-617	A	793
37-619	A	793
37-622	A	793
37-706	A	793
37-724	A	793

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37-728	A	793
37-729	A	568
37-811	A	793
37-1001	A	793
37-1011	A	701
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37-1213	A	176
37-1214	A	793
37-1224	A	176
37-1225	A	176
37-1226	A	793
37-1228	A	176
37-1228	A	793
37-1231	A	176
37-1241	A	176
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37-1254.01	A	235
37-1254.01	A	797
37-1254.02	A	235
37-1254.02	A	793
37-1254.06	A	819
37-1254.07	A	797
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39-103	A	344
39-202	A	344
39-204	A	344
39-311	A	265
39-529	A	654
39-892	A	344
39-1101	A	344
39-1110	A	344
39-1302	A	344
39-1302	A	517
39-1333	A	517
39-1367	A	517
39-1713	A	705
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39-2215	A	183
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39-2215	A	344
39-2223	A	796
39-2602	A	344
42-101	A	513
42-102	A	399
42-104	A	399
42-107	A	399
42-108	A	414
42-113	A	399
42-117	A	513
42-347	A	637
42-357	A	637
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42-362	A	24
42-364	A	120
42-364.01	A	637
42-364.13	A	637
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42-371	A	594
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43-101	A	332
43-102	A	332
43-102	A	375
43-104	A	332
43-104.01	A	332
43-104.03	A	332
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43-104.05	A	332
43-104.11	A	332
43-104.12	A	332
43-104.22	A	332
43-107	A	332
43-109	A	332
43-111	A	98
43-112	A	824
43-129	A	366
43-146.03	A	366
43-245	A	819
43-246	A	374
43-247	A	374
43-247	A	852
43-248	A	852
43-250	A	852
43-251	A	852
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43-254	A	610
43-254.01	A	852
43-258	A	472
43-258	A	512
43-272	A	223
43-272	A	649
43-272.01	A	223
43-272.01	A	512
43-277.01	A	852
43-279	A	159
43-284	A	512
43-284	A	610
43-286	A	512
43-286	A	610
43-287.05	A	824
43-290	A	376
43-290	A	512
43-290	A	609
43-2,101	A	512
43-2,101	R	609
43-2,106.01	A	824
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43-2,110	A	850
43-2,113	A	120
43-2,119	A	219
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43-401	A	472
43-402	A	594
43-403	A	472
43-404	A	472

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43-405	A	472
43-407	A	472
43-408	A	472
43-411	A	522
43-416	A	472
43-507	R	819
43-512	A	637
43-512.07	A	637
43-1314.01	A	240
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43-1409	A	594
43-1414	A	736
43-1503	A	821
43-1701	A	637
43-1703	A	637
43-1718	A	637
43-1718.02	A	637
43-1723	A	637
43-1727	A	637
43-1729	A	637
43-1741	A	637
43-1802	A	98
43-2505	A	813
43-2606	A	594
43-2606	A	735
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44-219	A	258
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44-516	A	326
44-522	A	326
44-523	A	326
44-526	A	819
44-771	A	819
44-772	A	819
44-782	A	819
44-787	A	259
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44-1525	A	551
44-1989	A	551
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44-19,120	A	551
44-2148	A	551
44-2403	A	551
44-2406	A	551
44-2409	A	551
44-2627	A	260
44-2628	A	260
44-2710	A	551
44-2806	A	819
44-2825	A	840
44-2827.01	A	819
44-2829	A	840
44-2830	A	840
44-2906	A	259
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44-32,160	A	551
44-32,161	A	551
44-3323	A	551
44-3822	A	551
44-3902	A	260
44-3904	A	260
44-3905	A	260
44-4001	A	424
44-4005.01	A	260
44-4005.04	A	260
44-4010	A	260
44-4013	A	260
44-4015	A	260
44-4019	A	260
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44-4041	A	260
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44-4320	A	862
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44-7103	A	819
44-7202	A	555
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45-121	A	396
45-130	A	396
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45-336	A	396
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45-703	A	396
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46-122	A	672
46-154	A	823
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46-174	A	103
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46-229	A	672
46-561	A	103
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46-602	A	92
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46-1223	A	97
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48-145	A	216
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48-145.01	A	331
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48-151	A	135
48-151	A	215
48-151	A	216
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48-162.01	A	216
48-163	A	216
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48-233	A	372
48-302	A	272
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48-602	A	619
48-604	A	168
48-621	A	164
48-625	A	608
48-657	A	165
48-657	A	550
48-660.01	A	165
48-721	A	66
48-722	A	66
48-726	A	65
48-726	A	66
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48-818	A	444
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49-501.01	A	534
49-502	A	414
49-503	A	534
49-506	A	36
49-506	A	344
49-506	A	534
49-507	A	534
49-509	A	534
49-509.01	A	534
49-617	A	36
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49-801.01	A	33
49-805.01	A	508
49-805.01	A	836
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49-1401	A	581
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49-1499.01	A	455
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49-14,103.01	A	455
49-14,103.02	A	455
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52-203	A	550
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52-303	A	550
52-501	A	550
52-504	A	550
52-701	A	550
52-702	A	550
52-902	A	550
52-903	A	550
52-905	A	550
52-1001	A	827
52-1003	A	550
52-1003	A	827
52-1004	A	550
52-1004	A	827
52-1008	A	827
52-1102	A	550
52-1103	A	550
52-1104	A	550
52-1202	A	550
52-1203	A	550
52-1205	A	550
52-1307	A	552
52-1314	A	552
52-1407	A	550
52-1409	A	550
52-1504	A	265
52-1601	A	550
52-1801	A	550
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53-101	A	790
53-101.01	A	267
53-103	A	196
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53-105	A	529
53-106	A	431
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53-107	A	431
53-112	A	431
53-113	A	431
53-116	A	267
53-116.02	A	267
53-117	A	265
53-117	A	267
53-118	A	790
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53-125	A	265
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53-134	A	265
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53-180.07	A	577
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54-101.01	A	213
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54-126	R	778
54-129	A	265
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54-134	R	778
54-135	R	778
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54-138	R	778
54-140	R	778
54-141	R	778
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54-155	A	265
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54-157	A	778
54-158	A	778
54-201	A	550
54-208	A	550
54-209	A	550
54-301	R	531
to 54-315		
54-304	A	265
54-401	A	167
54-402	A	167
54-415	A	778
54-503	R	532
to 54-505		
54-701.03	A	404
54-701.03	A	679
54-725	A	6
54-725	A	746
54-744	A	328
54-744	A	787
54-1157	A	778
to 54-1160		
54-1163	A	778
54-1165	A	778
54-1168	A	778
54-1169	A	778
54-1171	A	778
to 54-1174		
54-1176	A	778
54-1182	A	778
54-1183	A	778
54-1185	A	778
54-1186	A	778

SECTION	REPEAL OR AMEND	BILL
54-1201	R	533
to 54-1203		
54-2001	A	778
54-2012	A	778
54-2014	A	778
54-2301	R	404
54-2401	A	746
to 54-2404		
54-2401	A	870
54-2402	A	870
54-2403	A	870
54-2404	A	822
54-2404	A	870
54-2406	A	15
54-2406	A	746
54-2406	A	870
54-2407	A	870
54-2408	A	746
54-2408	A	786
54-2408	A	870
54-2411	A	746
54-2411	A	870
54-2412	A	870
54-2413	A	746
54-2413	A	851
54-2413	A	870
55-480	A	76
57-812	A	550
58-202	A	87
58-212	A	819
58-219	A	87
58-239	A	87
58-503	A	87
60-104	A	88
60-106	A	88
60-110	A	398
60-110	A	550
60-111.01	A	88
60-112	A	398
60-117	A	641
60-119	A	265
60-122	A	265
60-125	A	265
60-129	A	525
60-130	A	525
60-301	A	133
60-301	A	188
60-301	A	504
60-302	A	292
60-302	A	300
60-302	A	733
60-302.03	A	733
60-304	A	29
60-304	A	326
60-305.03	A	291
60-305.15	A	36
60-305.16	A	291
60-309	A	485
60-311	A	30
60-311	A	80
60-311	A	291
60-311	A	485
60-311	A	556
60-311	A	654
60-311.01	A	485
60-311.02	A	485
60-311.03	A	207

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
60-311.03	A	275	60-4,108	A	445
60-311.04	A	207	60-4,109	A	188
60-311.04	A	275	60-4,113	A	704
60-311.08	A	207	60-4,114	A	589
60-311.08	A	275	60-4,114	A	704
60-311.09	A	207	60-4,115	A	345
60-311.09	A	275	60-4,115	A	704
60-311.11	A	485	60-4,116	R	704
60-311.12	A	792	60-4,117	A	188
60-311.14	A	20	60-4,118	A	265
60-311.14	A	25	60-4,118	A	809
60-311.20	A	641	60-4,119	A	704
60-311.22	A	57	60-4,120.01	A	460
60-311.23	A	57	60-4,120.01	A	547
60-315.01	A	57	60-4,120.01	A	809
60-320	A	643	60-4,120.02	A	188
60-321	A	584	60-4,120.02	A	809
60-321	A	768	60-4,122	A	704
60-321	A	780	60-4,122	A	809
60-325	A	265	60-4,125	A	188
60-328	A	3	60-4,127	A	704
60-330.02	A	133	60-4,130	A	265
60-331.04	A	146	60-4,130.03	A	188
60-334	A	133	60-4,141	A	588
60-335	A	87	60-4,141.01	A	188
60-462	A	188	60-4,144	A	147
60-463	A	188	60-4,144	A	589
60-476.02	A	188	60-4,144	A	704
60-479	A	188	60-4,146	A	589
60-480	A	809	60-4,146.01	A	704
60-480.01	A	29	60-4,148	A	345
60-483	A	756	60-4,148	A	704
60-484	A	147	60-4,149	A	588
60-484	A	361	60-4,149	A	704
60-484	A	589	60-4,149.01	A	704
60-484	A	704	60-4,153	A	588
60-486	A	361	60-4,158	A	588
60-486	A	589	60-4,164.01	A	819
60-487	A	704	60-4,170	A	265
60-488	A	3	60-4,171	A	188
60-489	A	265	60-4,171	A	704
60-490	A	809	60-4,178	A	589
60-491	A	188	60-4,181	A	147
60-491	A	704	60-4,181	A	704
60-492	A	41	60-4,182	A	235
60-493	A	345	60-4,182	A	356
60-493	A	704	60-4,182	A	445
60-494	A	345	60-4,184	A	265
60-494	A	704	60-4,185	A	188
60-495	A	147	60-502	A	768
60-496	A	188	60-502	A	780
60-497	A	188	60-503	A	264
60-497.01	A	188	60-503	A	768
60-497.03	A	188	60-503	A	780
60-497.03	A	589	60-504	A	768
60-499	A	188	60-504	A	780
60-499	A	704	60-505.02	A	188
60-4,100	A	188	60-505.02	A	264
60-4,100	A	265	60-507	A	589
60-4,100	A	361	60-511	A	768
60-4,101	R	589	60-511	A	780
60-4,102	A	188	60-512	A	768
60-4,103	A	188	60-512	A	780
60-4,105	A	589	60-513	A	768
60-4,105	A	704	60-513	A	780
60-4,106	A	188	60-514	A	768
60-4,108	A	188	60-514	A	780

SECTION	REPEAL OR AMEND	BILL
60-519	A	264
60-520	A	768
60-520	A	780
60-522	A	264
60-523	A	264
60-523	A	768
60-523	A	780
60-524	A	589
60-524	A	768
60-524	A	780
60-525	A	264
60-525	A	768
60-525	A	780
60-526	A	768
60-526	A	780
60-529	A	292
60-533	A	768
60-533	A	780
60-534	A	292
60-536	A	768
60-536	A	780
60-538	A	768
60-538	A	780
60-539	A	768
60-539	A	780
60-540	A	768
60-540	A	780
60-544	A	589
60-545	A	768
60-545	A	780
60-546	A	768
60-546	A	780
60-550	A	768
60-550	A	780
60-550.01	A	768
60-550.01	A	780
60-552	A	768
60-552	A	780
60-553	A	768
60-553	A	780
60-554	A	768
60-554	A	780
60-555	A	768
60-555	A	780
60-556	A	264
60-556	A	265
60-556	A	768
60-556	A	780
60-557	A	188
60-558	A	264
60-558	A	768
60-558	A	780
60-560	A	768
60-560	A	780
60-565	A	768
60-565	A	780
60-567	A	768
60-567	A	780
60-568	A	768
60-568	A	780
60-569	A	768
60-569	A	780
60-601	A	188
60-601	A	222
60-601	A	265
60-601	A	445
60-601	A	585
60-601	A	586
60-601	A	688
60-605	A	188
60-631	A	344
60-667	A	265
60-672	A	74
60-679	A	265
60-680	A	265
60-682.01	A	16
60-682.01	A	368
60-695	A	265
60-696	A	265
60-696	A	500
60-699	A	265
60-6,101	A	316
60-6,102	A	316
60-6,103	A	265
60-6,110	A	265
60-6,118	A	344
60-6,119	A	265
60-6,120	A	344
60-6,148	A	265
60-6,151	A	265
60-6,152	A	265
60-6,164	A	265
60-6,165	A	265
60-6,166	A	265
60-6,172	A	265
60-6,173	A	265
60-6,186	A	445
60-6,186	A	686
60-6,188	A	368
60-6,192	A	265
60-6,196	A	41
60-6,196	A	188
60-6,196	A	235
60-6,196	A	445
60-6,196	A	585
60-6,196	A	864
60-6,197	A	41
60-6,197	A	188
60-6,197	A	445
60-6,197	A	585
60-6,197	A	864
60-6,198	A	188
60-6,201	A	819
60-6,202	A	819
60-6,204	A	819
60-6,205	A	188
60-6,206	A	188
60-6,211.07	A	188
60-6,213	A	744
60-6,214	A	310
60-6,216 to 60-6,218	A	188
60-6,231	A	265
60-6,233	A	265
60-6,267	A	410
60-6,268	A	265
60-6,268	A	410
60-6,271	R	356
60-6,271	R	445
60-6,271	R	583
60-6,272	A	356
60-6,279	A	358
60-6,288	A	393
60-6,298	A	110

SECTION	REPEAL OR AMEND	BILL
60-6,298	A	546
60-6,308	A	265
60-1303	A	587
60-1306	A	587
60-1406	A	632
60-1407.01	A	632
60-1407.01	A	767
60-1411.01	A	632
60-1411.02	A	632
60-1413	A	632
60-1417.01	A	340
60-1417.02	A	340
60-1419	A	550
60-1419	A	632
60-1430	A	229
60-1436	A	229
60-1437	A	229
60-1901 to 60-1906	A	90
60-1902	A	129
60-1908 to 60-1911	A	90
60-2401.01	A	265
60-2608	A	343
60-3003	A	142
60-3004	A	141
60-3006	A	141
60-3006	A	177
60-3006	A	194
62-301	A	157
64-107	A	490
64-108	A	265
64-205	A	490
66-482	A	183
66-489	A	605
66-490 to 66-493	A	183
66-4,105	A	605
66-4,141	A	183
66-4,143	A	183
66-4,144	A	183
66-503	A	143
66-651	A	183
66-676	A	143
66-682	A	143
66-685	A	183
66-686	A	183
66-698	A	183
66-6,100	A	183
66-712	A	183
66-719.01	A	183
66-726	A	821
66-727	A	183
66-737	A	183
66-738	A	143
66-740	A	143
66-821	A	344
66-1062	A	236
66-1225	R	389
66-1344 to 66-1345.02	A	843
66-1345	A	231
66-1345 to 66-1345.02	A	685
66-1404	A	77
66-1516	A	459
66-1517	A	459
66-1519	A	270
66-1523	A	270
66-1525	A	270
66-1529.02	A	270
67-306	A	274
67-409	A	274
68-115	A	819
68-621	A	272
68-724	R	13
68-1002	A	819
68-1006.01	A	119
68-1006.01	A	819
68-1020	A	518
68-1036.02	A	819
68-1038	A	819
68-1057	A	380
68-1060	A	380
69-1331	A	468
69-2302 to 69-2304	A	88
69-2304	A	175
69-2308	A	88
69-2308	A	175
69-2311	A	88
69-2408	A	41
69-2420 to 69-2422	A	41
69-2507	A	819
70-609	A	823
70-617	R	823
70-624.02	A	823
70-624.03	A	823
70-628.03	A	390
70-637	A	566
70-655	A	771
70-1005	A	603
70-1007	A	603
70-1009 to 70-1011	A	603
70-1010	A	732
71-101	A	178
71-101	A	209
71-101	A	366
71-101	A	797
71-101	A	828
71-101.01	A	797
71-105	A	797
71-107	A	797
71-107	A	828
71-108	A	797
71-108	A	828
71-110	A	797
71-111	A	797
71-112	A	797
71-112	A	828
71-112.03	A	797
71-113	A	797
71-113	A	828
71-114	A	797
71-114	A	828
71-115.01	A	797
71-116	A	797
71-117 to 71-120	A	797
71-121	A	797
71-121.01	A	797
71-121.01	A	828

SECTION	REPEAL OR AMEND	BILL
71-122	A	797
to 71-124.01		
71-128	A	797
71-129	A	797
71-131	A	797
71-132	A	797
71-138	A	797
to 71-140		
71-139	A	828
71-141	A	797
71-143	A	797
71-144	A	797
71-147	A	209
71-147	A	366
71-147	A	797
71-148	A	797
71-148	A	828
71-150	A	797
71-151	A	797
71-153	A	797
71-155	A	209
71-155	A	797
71-155	A	828
71-155.01	A	797
71-156	A	797
71-161.02	A	797
to 71-161.04		
71-161.06	A	265
71-161.07	A	797
71-161.07	A	828
71-161.09	A	797
71-161.10	A	797
71-161.12	A	797
to 71-161.15		
71-161.17	A	797
71-161.19	A	575
71-161.19	A	797
71-161.20	A	797
71-162	A	797
71-168	A	797
71-168	A	828
71-168.01	A	575
71-168.01	A	797
71-168.02	A	797
71-168.02	A	819
71-170	A	797
71-171.01	A	797
71-171.02	A	797
71-171.02	A	828
71-173	A	220
71-183.01	A	800
71-183.02	A	800
71-185.01	A	819
71-193.13	A	800
to 71-193.17		
71-193.28	A	800
71-193.31	A	800
71-1,103	A	366
71-1,103	A	819
71-1,107.30	A	379
71-1,132.05	A	523
71-1,132.09	A	698
71-1,132.11	A	698
71-1,132.13	A	698
71-1,132.20	A	698
71-1,132.21	A	698
71-1,132.27	A	698
71-1,132.30	A	698
71-1,132.30	A	757
71-1,132.31	A	523
71-1,132.31	A	698
71-1,132.37	A	698
71-1,142	A	594
71-1,142	A	797
71-1,142	A	819
71-1,143	A	797
71-1,144.01	A	797
71-1,144.02	R	797
71-1,144.03	A	797
71-1,144.04	A	797
71-1,145	A	797
71-1,145.01	R	797
71-1,146	R	797
71-1,147	A	594
71-1,147	A	797
to 71-1,147.02		
71-1,147.03	A	797
71-1,147.04	R	797
71-1,147.05	R	797
71-1,147.06	A	797
71-1,147.07	A	797
71-1,147.08	A	797
71-1,147.08	A	819
71-1,147.09	A	594
71-1,147.09	A	797
to 71-1,147.11		
71-1,147.09	A	799
71-1,147.09	A	819
71-1,147.10	A	594
71-1,147.10	A	819
71-1,147.11	A	265
71-1,147.13	A	797
71-1,147.14	A	797
71-1,147.15	R	797
to 71-1,147.21		
71-1,147.15	A	819
71-1,147.22	A	797
to 71-1,147.26		
71-1,147.27	R	797
71-1,147.28	A	797
71-1,147.29	R	797
71-1,147.30	A	797
to 71-1,147.36		
71-1,147.33	A	594
71-1,147.33	A	799
71-1,147.34	A	594
71-1,147.35	A	819
71-1,147.37	R	594
71-1,147.37	R	797
71-1,147.37	R	799
71-1,147.38	R	594
71-1,147.38	R	797
71-1,147.38	R	799
71-1,147.39	A	797
71-1,147.40	A	797
71-1,147.41	R	797
to 71-1,147.46		
71-1,147.46	A	265
71-1,147.47	R	797
71-1,147.48	A	797
71-1,147.49	R	797
71-1,147.50	A	797
71-1,147.51	A	797
71-1,147.52	A	797

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71-1,147.53 to 71-1,147.57	A	797
71-1,147.58	R	797
71-1,147.59	A	797
71-1,147.60	R	797
71-1,147.61	R	797
71-1,199	A	575
71-1,200	A	575
71-1,200	A	819
71-1,201	A	575
71-1,206.01	A	366
71-1,206.13	A	366
71-1,206.14	A	366
71-1,206.25	A	366
71-1,206.27	A	366
71-1,206.28	A	366
71-1,206.29	A	366
71-1,238	A	178
71-1,239	R	178
71-1,240	A	178
71-1,278	A	828
71-208	A	272
71-208.04	A	121
71-212	A	272
71-223.01	A	121
71-340 to 71-343	A	68
71-347	A	68
71-351	A	68
71-352	A	68
71-356	A	68
71-361	R	68
71-362	A	68
71-364	A	68
71-371	A	68
71-374	A	68
71-375 to 71-377	A	68
71-381	A	68
71-382	A	68
71-386	A	68
71-3,106	A	68
71-3,106	A	819
71-3,169	A	68
71-3,170	A	68
71-3,174	A	68
71-3,177	A	68
71-3,179	A	68
71-501	A	272
71-507	A	781
71-507	A	819
71-511	A	819
71-516.03	A	819
71-533	A	819
71-605	A	46
71-605	A	316
71-605.04	A	316
71-1333.02	A	265
71-1339	A	46
71-1341	A	46
71-1501 to 71-1512	R	105
71-1518 to 71-1535	R	105
71-1536	R	105
71-1536	A	797
71-1537 to 71-1554	R	105
71-1612	A	316
71-1631.02	A	795
71-1637	A	819
71-1638	A	819
71-1774	A	494
71-1902	A	857
71-1903	A	856
71-1906	A	821
71-1906.01	A	821
71-1906.02	A	821
71-1909 to 71-1911	A	594
71-1913 to 71-1913.02	A	594
71-1915	A	594
71-2002	A	819
71-2017.01	A	115
71-2023	A	797
71-2024	A	797
71-2048.01	A	819
71-2049	A	819
71-2075	A	819
71-2076	A	819
71-2079	A	819
71-2084 to 71-2096	A	819
71-2097	A	819
71-20,103	A	819
71-20,112	A	819
71-2401 to 71-2403	R	797
71-2404	A	797
71-2405	A	797
71-2407	A	594
71-2407 to 71-2410	A	797
71-2407	A	799
71-2410	A	333
71-2411	A	819
71-2412 to 71-2417	A	797
71-2415	A	333
71-2501	A	797
71-2502 to 71-2505	R	797
71-2506	A	797
71-2507	R	797
71-2508	R	797
71-2509	A	797
71-2510 to 71-2512	R	797
71-2601	A	819
71-2618.01	R	13
71-2620	A	736
71-3401	A	819
71-3405	A	316
71-3408	A	316
71-3409	A	316
71-3410	A	316
71-3507	A	800
71-3521	R	530
71-3605	A	824
71-3608	A	819
71-3613	A	819
71-4720.01	A	782

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71-4727	A	782
71-4728	A	782
71-4732	A	782
71-4813	A	316
71-5003	A	360
71-5004	A	360
71-5009.01	A	821
71-5022	A	360
71-5027	A	360
71-5027	A	821
71-5033	A	819
71-5045	A	360
71-5178	A	498
71-5206	A	241
71-5206.01	A	241
71-5401	R	797
71-5401	A	797
71-5402	R	797
71-5403	A	797
71-5404	R	797
71-5405	R	797
to 71-5407		
71-5408	A	797
71-5671	R	242
to 71-5674		
71-5675	A	242
71-5676	R	242
71-5677	R	242
71-5678	R	242
71-5679	R	242
71-5704	A	750
71-5707	A	211
71-5707	A	750
71-5708	A	750
71-5710	A	750
71-5803.01	A	819
71-5803.02	A	819
71-5803.05	A	819
71-5803.06	A	819
71-5803.08	A	819
71-5803.10	A	819
71-5803.13	A	819
71-5830.01	A	616
71-5869	A	819
71-5901	R	819
71-5902	R	819
71-5903	R	819
71-5904	R	819
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71-6045	A	797
71-6053	A	411
71-6053	A	819
71-6054	A	411
71-6055	A	411
71-6056	A	411
71-6058	A	411
71-6060	A	411
71-6061	A	411
71-6063	A	411
71-6065	A	411
71-6067	A	411
71-6318	A	863
71-6319	R	863
71-6320	A	863
71-6321	A	863
71-6322	A	863
71-6323	A	863
71-6324	R	863
71-6325	R	863
71-6326	A	863
71-6327	A	863
71-6328	A	863
71-6329	A	863
71-6330	A	863
71-6331	A	863
71-6332	R	863
71-6333	R	863
71-6333	A	863
71-6601	A	819
71-6602	A	819
71-6603	A	819
71-6606	A	819
71-6609	A	819
71-6721	A	797
71-6721	A	819
71-6725	A	819
71-6735	A	819
71-6801	R	819
71-6802	R	819
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71-6810	A	736
71-6816	A	736
71-6816	R	819
71-6817	R	819
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71-6909	R	329
71-7102	A	819
71-7402	R	797
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71-7405	A	797
71-7409	R	797
71-7410	R	797
71-7411	R	797
71-7412	A	797
71-7413	R	797
71-7415	A	797
71-7416	A	797
71-7418	R	797
71-7419	A	797
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71-7424	A	797
71-7426	A	797
71-7605	A	324
71-7608	A	324
71-7611	A	505
71-7612	A	324
71-7613	A	199
71-7613	A	819
71-7702	A	819
71-7803	A	594
71-7901	A	819
71-8219	A	819
71-8228	A	594
71-8231	A	594
71-8236	A	594
71-8243	A	594
71-8251	A	594
72-201	A	779
72-202	A	779
72-204	A	779
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72-209	R	779
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72-222.02	A	779
72-229	A	779
72-231	A	779
72-232	A	779
72-232.01	R	779
72-233	A	779
72-234	A	779
72-235	A	779
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72-240.02	A	779
72-240.03	A	779
72-240.05	A	779
72-240.07	A	779
72-240.10	A	779
72-240.14	A	414
72-240.21	A	779
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72-240.24	R	779
72-241	A	779
72-246	A	779
72-253	A	779
72-255	A	779
72-302	A	779
72-303	A	779
72-304	A	779
72-305	A	779
72-308	A	779
72-417	A	692
72-728	A	230
72-801	A	813
72-816	A	873
72-907	A	779
72-1237	A	246
72-1239.01	A	246
72-1268	A	217
73-101	A	87
73-101	A	801
73-401	R	481
74-308	A	662
74-597	A	265
74-1305	A	803
74-1310	A	344
74-1405.02	A	344
75-109	A	762
75-130	A	265
75-156	A	427
75-156	A	595
75-302	A	820
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75-311	A	765
75-313	A	765
75-318	A	765
75-363	A	161
75-363	A	303
75-364	A	161
75-402	A	595
75-609	A	514
75-609.01	A	514
76-289	A	305
76-2,121	A	248
76-706	A	414
76-715	A	824
76-717	A	824
76-718	A	824
76-720	A	824
76-723	A	102
76-723	A	414
76-723	A	824
76-902	A	821
76-1002	A	277
76-1003	A	682
76-1102	A	550
76-1224	A	344
76-1228	A	451
76-1230	A	451
76-1231	A	451
76-1232	A	451
76-1233	A	451
76-1241	A	451
76-1304	A	819
76-1416	A	175
76-1419	A	406
76-1446	A	175
76-1446	A	265
76-1447	A	824
76-1483	A	175
76-14,109	A	88
76-1902	A	550
76-2201	A	618
76-2201	A	709
76-2203	A	618
76-2207	A	709
76-2217.01	A	709
76-2218	A	709
76-2220	A	709
76-2221	A	618
76-2221	A	709
76-2222	A	709
76-2223	A	709
76-2225	A	709
76-2227	A	709
76-2228	A	709
76-2229	A	709
76-2229.01	A	709
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76-2233	A	709
76-2233.01	A	709
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76-2234	R	709
76-2234.01	R	709
76-2235	R	709
76-2236	A	709
76-2237	A	709
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76-2245	A	709
76-2246	A	709
76-2249	A	709
76-2250	A	709
77-101	A	194
77-112	A	853
77-123	A	194
77-125	A	141
77-125	A	194
77-202	A	109
77-202	A	271
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77-202	A	392
77-202	A	471
77-202	A	630
77-202.03	A	194
77-365.01	R	36
77-366	A	36
77-369	A	36
77-370	A	36

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77-375	A	36
77-375.01	R	36
77-376	A	36
77-378	R	194
77-417	A	36
77-421	A	36
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77-425	R	194
77-501	A	666
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77-603.01	A	36
77-605	A	36
77-683	A	36
77-684	A	36
77-803	A	36
77-804	A	36
77-913	A	654
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77-1214	A	265
77-1233.04	A	194
77-1233.05	R	194
77-1233.06	A	194
77-1247	A	36
77-1250	A	36
77-1301	A	194
77-1303	A	194
77-1315	A	194
77-1315.01	A	194
77-1317	A	194
77-1318	A	194
77-1325	R	36
77-1327	A	36
77-1327	A	194
77-1327	A	853
77-1330	A	36
77-1330	A	194
77-1334	A	36
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77-1343	A	418
77-1344	A	418
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77-1359	A	853
77-1360.01	A	853
77-1362	A	853
77-1363	A	403
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77-1371	A	420
77-1371	A	853
77-1376	A	502
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77-1501	A	194
77-1503.01	A	194
77-1504	A	194
77-1504.01	A	140
77-1504.01	A	194
77-1507	A	194
77-1514	A	141
77-1514	A	194
77-1515	A	194
77-1705	A	453
77-1725.01	A	265
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77-1759	A	287
77-2004	A	770
77-2019	A	414
77-2023	A	824
77-2301	A	306
77-2386	A	503
77-2386	A	553
77-2386	A	554
77-2387	A	503
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77-2391	R	553
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77-2602	A	166
77-2602	A	505
77-2602	A	652
77-2602	A	683
77-2608	A	654
77-2701	A	53
77-2701	A	171
77-2701	A	221
77-2701	A	710
77-2701	A	760
77-2701	A	772
77-2701.01	A	666
77-2701.01	A	670
77-2701.02	A	125
77-2701.02	A	666
77-2701.02	A	670
77-2701.02	A	836
77-2702.07	A	214
77-2702.07	A	245
77-2702.07	A	456
77-2702.07	A	648
77-2702.07	A	836
77-2702.13	A	214
77-2702.13	A	836
77-2702.14	A	819
77-2702.14	A	836
77-2702.15	A	819
77-2702.17	A	245
77-2702.17	A	772
77-2702.17	A	836
77-2703	A	456
77-2703	A	666
77-2703	A	836
77-2704.03	R	836
77-2704.05	A	183
77-2704.05	A	836
77-2704.12	A	819
77-2704.15	A	87
77-2704.15	A	232
77-2704.15	A	557
77-2704.21	A	280
77-2704.24	A	836
77-2704.30	A	772
77-2704.31	A	34
77-2704.31	A	803
77-2704.36	R	109
77-2704.37	R	109
77-2711	A	803
77-2715	A	400
77-2715	A	710
77-2715.01	A	535

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77-2715.02	A	395
77-2715.02	A	600
77-2715.02	A	666
77-2715.02	A	710
77-2715.02	A	836
77-2715.02	A	854
77-2715.07	A	58
77-2715.07	A	325
77-2715.07	A	482
77-2715.07	A	484
77-2715.07	A	491
77-2715.07	A	630
77-2715.07	A	636
77-2715.07	A	710
77-2715.07	A	777
77-2715.07	A	817
77-2715.08	A	383
77-2715.08	R	384
77-2715.09	A	383
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77-2716	A	123
77-2716	A	383
77-2716	A	384
77-2716	A	667
77-2716	A	848
77-2716.01	A	600
77-2716.01	A	601
77-2716.01	R	710
77-2716.03	A	395
77-2716.03	R	710
77-2716.03	A	854
77-2727	A	667
77-2734.01	A	667
77-2734.02	A	666
77-2734.04	A	383
77-2734.04	A	384
77-2734.05	A	630
77-27,136	A	657
77-27,137	A	109
77-27,137	A	862
77-27,137.01	A	862
77-27,139.03	A	381
77-27,142	A	535
77-27,142.03	A	269
77-27,144	A	365
77-27,147	A	244
77-27,156	A	464
77-27,156	A	666
77-27,158	A	464
77-27,187.01	A	539
77-27,188	A	539
77-3001	A	576
77-3442	A	132
77-3442	A	294
77-3442	A	437
77-3442	A	562
77-3442	A	645
77-3442	A	706
77-3442	A	803
77-3443	A	132
77-3443	A	141
77-3443	A	437
77-3443	A	706
77-3443	A	803
77-3444	A	141
77-3444	A	173
77-3446	A	38
77-3501	A	836
77-3501.01	A	145
77-3501.01	A	745
77-3504	A	139
77-3504	A	301
77-3504	A	819
77-3505.02	A	145
77-3505.02	R	301
77-3505.02	A	745
77-3506.03	R	301
77-3507	A	145
77-3507 to 77-3509	A	179
77-3507 to 77-3509	A	301
77-3507 to 77-3509	A	745
77-3507 to 77-3509	A	766
77-3508	A	145
77-3508	A	330
77-3508	A	492
77-3508	A	826
77-3509	A	145
77-3509	A	429
77-3509.01 to 77-3509.03	A	836
77-3510	A	836
77-3511	A	836
77-3512 to 77-3514	A	836
77-3513	A	301
77-3513	A	492
77-3516	A	836
77-3521	A	836
77-3522	A	836
77-3523	A	520
77-3523	A	836
77-3529	A	836
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77-3618	A	669
77-3902	A	165
77-3902	A	827
77-3903	A	165
77-3903	A	550
77-3903	A	827
77-3904	A	165
77-3905	A	165
77-3906	A	36
77-3906	A	165
77-3907	A	165
77-3908	A	165
77-4008	A	505
77-4101	A	539
77-4103	A	539
77-4104	A	807
77-4105	A	471
77-4105	A	630
77-4105	A	803
77-4106	A	803
77-4107	A	471
77-4107	A	630
77-4112	A	471
77-4112	A	630
77-4301	A	797
77-4401	A	231

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77-4602	A	881
77-4603	A	881
77-5004	A	32
77-5007	A	140
77-5012	A	36
77-5015	A	140
77-5016	A	140
77-5019	A	140
77-5022	A	140
79-101	A	813
79-201	A	152
79-201	A	769
79-203	A	272
79-205	A	272
79-206	A	272
79-208	A	272
79-209	A	272
79-214	A	415
79-215	A	486
79-215	A	487
79-215	A	684
79-215	A	857
79-220	A	415
79-234	A	388
79-234	A	811
79-237	A	811
79-238	A	811
79-240	A	811
79-254	A	195
79-254	A	758
79-255	A	758
79-256	A	758
79-257	A	758
79-258	A	758
79-259	A	758
79-260	A	758
79-261	A	758
79-262	A	758
79-265	A	758
79-266	A	758
79-267	A	758
79-267	A	797
79-268	A	758
79-269	A	758
79-270	A	758
79-273	A	758
79-284	A	758
79-288	A	758
79-295	A	634
79-296	A	797
79-2,105	A	758
79-2,123	A	69
79-318	A	813
79-401	A	272
79-413	A	272
79-414	A	272
79-418	A	272
79-419	A	272
79-420	A	272
79-421	A	272
79-424	A	272
79-425	A	272
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79-431	A	272
79-433	A	272
79-435	A	272
79-437	R	272
79-438	R	272
79-438.01	R	272
79-439	A	272
79-440	R	272
79-441	A	272
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79-448	A	272
79-450	A	272
79-451	A	272
79-451	A	443
79-452	A	272
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79-458	A	272
79-458	A	304
79-458	A	388
79-458	A	821
79-460	R	272
79-461	R	272
79-462	R	272
79-463	R	272
79-464	R	272
79-465	R	272
79-466	R	272
79-467	A	272
79-470	A	272
79-472	A	813
79-472	A	821
79-478	A	272
79-479	A	272
79-479	A	813
79-480	A	272
79-481	R	272
79-482	R	272
79-483	R	272
79-484	R	272
79-485	A	272
79-487	A	272
79-490	A	272
79-492	A	813
79-495	A	272
79-497	A	272
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79-499	A	821
79-4,103	A	272
79-4,108	A	813
79-4,111	A	173
79-524	A	272
79-528	A	272
79-528	A	813
79-537	A	272
79-540	A	813
79-544	A	272
79-547	A	443
79-550	A	443
79-553	A	443
79-556	A	813
79-557	A	813
79-558	A	813
79-569	A	272
79-575	A	272
79-577	A	272
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79-588	A	272
79-598	A	272
79-602	A	813
79-605	A	272
79-611	A	272

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79-709	A	272
79-724	A	157
79-724	A	272
79-734	A	378
79-757	A	812
79-758	A	713
79-758	A	813
79-759	A	812
79-760	A	812
79-802	A	413
79-803	A	813
79-804	A	272
79-808	A	812
79-818	A	272
79-819	A	272
79-824	A	372
79-828	A	372
79-829	A	372
79-831	A	372
79-833	A	372
79-837	A	372
79-838	A	372
79-839	A	372
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79-846	A	169
79-846	A	372
79-847	A	372
79-850	A	272
79-851	A	372
79-856	A	425
79-8,107	A	334
79-902	A	272
79-902	A	538
79-902	A	545
79-902	A	674
79-916	A	874
79-921	A	82
79-921	A	703
79-933	A	676
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79-934	A	674
79-934	A	676
79-947.01	A	674
79-947.02	R	674
79-947.05	A	703
79-951	A	538
79-951	A	676
79-958	A	874
79-960	A	272
79-966	A	874
79-975	A	674
79-987	A	795
79-9,100	A	155
79-9,104	A	155
79-9,105	A	155
79-9,113	A	155
79-1001	A	28
79-1001	A	149
79-1001	A	387
79-1001	A	562
79-1001 to 79-1003	A	646
79-1001	A	713
79-1001	A	715
79-1001	A	716
79-1003	A	149
79-1003	A	173
79-1003	A	470
79-1003	A	495
79-1003	A	812
79-1003	A	813
79-1005.01	A	149
79-1007.01	A	668
79-1007.01	A	713
79-1007.02	A	149
79-1007.02	A	668
79-1007.02	A	713
79-1007.02	A	716
79-1007.02	A	813
79-1008.01	A	149
79-1008.01	A	562
79-1008.01	A	716
79-1009	A	713
79-1009	A	813
79-1010	A	149
79-1015.01	A	149
79-1016	A	28
79-1016	A	635
79-1016	A	813
79-1018.01	A	149
79-1018.01	A	495
79-1022	A	144
79-1022	A	149
79-1022	A	381
79-1022	A	562
79-1022	A	813
79-1024	A	272
79-1024	A	381
79-1024	A	813
79-1026	A	149
79-1026	A	713
79-1026	A	813
79-1027	A	149
79-1027	A	540
79-1027	A	813
79-1027.01	A	813
79-1028	A	87
79-1028	A	149
79-1029	A	813
79-1031	A	149
79-1031.01	A	149
79-1032	A	713
79-1033	A	272
79-1034	A	311
79-1035	A	272
79-1036	A	272
79-1037	A	272
79-1039	A	272
79-1044 to 79-1048	A	272
79-1051 to 79-1053	A	272
79-1063	A	813
79-1072.01	A	813
79-1076	A	272
79-1077	A	272
79-1078	A	272
79-1083	A	272
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79-1083.02	A	813
79-1083.03	A	149
79-1083.03	A	173
79-1083.03	A	813
79-1089	A	149
79-1089	A	272
79-1090	A	272
79-1090	A	813
79-1094	A	272
79-10,110	A	813
79-10,112	R	272
79-10,120	A	387
79-10,124	A	813
79-1110	A	544
79-1118.01	A	813
79-1128	A	813
79-1134	R	813
79-1135	A	813
79-1138	A	813
79-1140	A	813
79-1141	R	813
79-1142	A	449
79-1142	A	813
79-1144	A	813
79-1145	A	813
79-1148	A	813
79-1155	A	813
79-1155	A	857
79-1156	A	813
79-1157	A	813
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